

The Ivory Wars and their associated mindset are both ineffective and wasteful of scarce resources, they foment conflict and confrontation where there should be cooperation and mutual support, and they impose unacceptable collateral damage.

Africans are killing Africans; corruption becomes ever more deeply embedded; and countries which should be cooperating in conservation and resource management are pitched one against the other.

The only solution to the Ivory Wars is an Ivory Peace, and the first step must be to get producers and consumers to sit together at the highest national level and agree on common objectives to achieve peace rather than war.

No peace process is easy, witness South Africa and Northern Ireland, yet it should not be beyond the wit of mankind to do the same for elephant.

## The South African Rhino Crisis – A Situational Review

Gareth Morgan

**Editor's Note (GRD):** Mr. Gareth Morgan, who hails from Durban, matriculated from Westville Boys' High School in 1994 and went on to complete a B. Com. and a Honors degree in political science at the University of Natal. He won the prestigious Rhodes scholarship which took him to Oxford University where he read for a PPE degree and an M. Sc. in Environmental Change and Management. While in his first term in parliament he became a Fellow of the Emerging Leaders' Program run by the Southern Africa Centre for Leadership and Public Values. Mr. Morgan serves as member of the South African Parliament and belongs to the opposition Democratic Alliance as Shadow Minister of Water and Environmental Affairs. He is also a long-serving member of the Portfolio Committee on Environmental Affairs.

As we start the last month of 2012, already approximately 600 rhinos have been killed by poachers in South Africa, significantly up from the 448 killed in 2011. It is not yet clear whether the rate will continue to increase in 2013, but it is certainly difficult to see how the number of rhinos killed in absolute terms in 2013 will come down from 2012 figures.

Curbing poaching in South Africa is tremendously complex. It requires compliance and enforcement actions for rhinos living in three distinctly different types of reserves: national parks controlled by national government; provincial parks controlled by provincial government and private reserves owned by private citizens. About a quarter of rhinos are privately owned. The appropriations from the treasury work differently for national and provincial parks, while private owners are expected to fund their own efforts to protect their herds.

As I serve in national parliament I follow most closely the efforts at a national level, and have been involved in the appropriations to SANParks in particular. By the end of 2012 about 100 additional rangers will be in place in the Kruger Park, and by the end of March next year there should be a further 50

## African Indaba

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rangers in place on top of that. More teams of rangers on the ground are vitally important considering the high number of incursions into the park from Mozambique. In February 2012 I visited the border fence between Mozambique and Kruger and saw firsthand how easy it is to enter the Park. Keeping control of the Kruger boundary is exceptionally difficult. There is a small deployment of SANDF personnel along the border, which is welcome, but is not, in my opinion, making any meaningful difference to protecting the park. Parliament did make an additional appropriation to SANPark efforts two weeks ago which will be used to procure aerial surveillance technology, probably drones, in order to keep a more active eye on the Park's landscape.

Of course, improving compliance and enforcement in one area only results in the displacement of poaching to other areas. Provincial parks are beset by funding and capacity problems. The parks run by Ezemvelo in KZN are perhaps the most well capacitated to respond to poaching, and there is a lot of goodwill from local stakeholders to support these efforts, but parks in North West, Limpopo and Mpumalanga are less fortunate. It goes without saying that there needs to be a consistent improvement in compliance and enforcement across all state parks simultaneously.

For now compliance and enforcement is the only available option to curb poaching. As contentious as the possibility of legal trade is as a mechanism intended to theoretically meet demand for horn in a way other than poaching and to bring more money into the conservation system for compliance efforts, the option is not available for a few years as no application was submitted to CITES by the 4 October 2012 deadline. The truth is the application would probably have been dismissed by member countries anyway. But considering we have weak state capacity I personally would have least liked the option of trade to be available if needed.

Some stakeholders place the entire burden of the rhino response on the Minister of Water and Environmental Affairs. It is a position I am loathe to take because the government apparatus required to reduce poaching is broad, raising coordination issues and complex constitutional issues (which cannot be avoided) about the respective responsibilities of different spheres of government. Undoubtedly the Environment Minister is the lead Minister on the matter, and her response has lacked the urgency required and has been insufficient in terms of the cooperative governance encouraged by the Constitution. But having witnessed firsthand the slow demise of state capacity over the last several years I understand the harsh realities of state incapacity. The removal or retirement (sometimes forced) of experienced civil servants, the subsequent appointment of often unqualified civil servants, the politicization of key appointments in the justice cluster, the shortage of literally thousands of trained detectives in the police service, staggeringly low conviction rates for a broad variety of crimes, a monstrous court backlog, frequent cases of both under spending and overspending (reflecting project management incapacity and poor forecasting respectively), and pervasive corruption all contribute to the weak state we have. Naturally this analysis applies to differing degrees to different spheres of government and government departments. But the trends are evident.

And this is the context in which the fight against poaching occurs in South Africa. So while any group of stakeholders, including myself as a member of the portfolio committee of water and environmental affairs, can justifiably articulate a swathe of necessary compliance and enforcement measures required to significantly reduce poaching, and must continue doing so, we need to understand the nature of today's state. As I noted in the previous paragraph we have to do everything possible to make it work and we have to rely on the few competent and dedicated civil servants to successfully navigate the State's complexities and inefficiencies. My analysis is not a defense of the state. Those who run it, and have previously run it, should take responsibility for its failings. But my analysis does present the reality check of what those of us who care about rhinos are up against.

Then we get to the issue of finances. There has been a notable overall increase in financing for efforts to fight poaching in South Africa over the last year (with one or two provincial government exceptions), and looking at the medium term expenditure framework the appropriations will continue, and slightly increase. Throwing money at the issue does not in itself guarantee a positive outcome, as the factors above all affect outcomes. But another reality is that the Treasury has indicated that generally across government, appropriations for the immediate period going forward are going to be mostly frozen at existing levels as the State attempts to consolidate and improve its debt position. While calls for increased funding for efforts to curb poaching are justified, and I personally raise the issue often, the reality is that there is not much more money that will be made available. The obvious response is that corruption must end, and fruitless and wasteful expenditure must be curtailed in order to further augment service delivery and funding for various programs. And I agree wholeheartedly. My own party is strong on articulating these issues. But once again, this is not going to be realized overnight. With regards specifically to conservation, I have long advocated for increased appropriations to parks. We certainly undervalue conservation and the associated eco-

**Mr G R Morgan (DA) to the Minister of Water and Environmental Affairs:**

(a) In view of the current rate of poaching of (i) white and (ii) black rhino, when is it expected that there will be a net decline in the rhino population, (b) what is the (i) estimated number of (aa) white and (bb) black rhino in South Africa and (ii) total number of (aa) white and (bb) black rhinos in (aaa) State-run, protected areas and (bbb) on private ranches?

**Answer of the Minister of Water and Environmental Affairs:**

(a) (i) & (ii) At the current rate of poaching, the population will not decline. The white rhino populations' birthrate (5%) exceeds the poaching rate (approximately 2%) and therefore the population will not decline in the immediate future. The black rhino populations' birthrate is 4.8% and the poaching rate is 1% and therefore the population will not decline in the immediate future. If poaching continues to escalate in the manner it escalated from 2007 until 2011, the populations will decline. It is not possible to say if or when that will happen.  
 (b) (i) (aa) & (bb) Total population of approximately 20 000. (ii) Due to security reasons the detailed information cannot be made available.

Source: National Assembly, Ref 02/1/5/2/ Question No 2761

system goods and services provided by these areas. The underfunding of conservation in South Africa is in excess of R3bn. Like above, calls for increased funding of conservation are justifiable, and must continue. But where that money will come from (in meaningful amounts) is difficult to see, especially considering the competing needs in education, and infrastructure development and maintenance.

The above I provide to frame the debate around rhino poaching. It is a perspective that stakeholders in debate, no matter what their views are, seldom bring to the table. And it is the framework I bring when attempting to work out legislative and policy positions.

This brings me to the debate on whether South Africa should advocate at CITES for the legalization of trade in rhino horn. I understand both sides of this debate well. I am also conscious of the uncertainties, assumptions, purported theory, lack of available information, and research gaps in the debate. I am also well aware of the difficult position that private rhino owners find themselves in. They are, and never will be beneficiaries of state funds to protect their herds. Protecting rhinos in private hands is becoming increasingly expensive, and thus range, and by extension population expansion, is under threat. Further, if the state was able to protect rhino populations in state parks (which I contend it will never completely achieve), the incidents of poaching would wholeheartedly be displaced onto private owners who cannot adequately protect themselves. I carry no brief for private owners (nor do I carry a brief for any other group in these debates), but I am not blind to the invidious situation they find themselves in.

The deeply opposing views on the trade no doubt contributed to no resolution on the matter this year. My opinion on the trade issue this year has been that South Africa should have kept its options open. I held the view for much of this year that not submitting an application would close the door until 2016, and considering my deep skepticism of the state's ability to meaningfully reduce poaching and thus the possibility that poaching will increase year-on-year, I have held the view that we should not deny ourselves another tool in the fight against poaching, if required.

I accept and understand some of the logical responses one might give to the view that an application should have been submitted. As previously noted the key stakeholders in this debate had not completed their deliberations and more research needs to be done. Further, my arguments on weak state capacity and regulatory compliance, notably with CITES provisions, certainly suggest that South Africa does not have the capacity to conduct a safe, transparent and rigorous trading regime at the moment. But as a country we cannot control the timing of CITES conferences, and the associated deadlines that lead up to those conferences. In my mind, irrespective of the above, and noting in particular that the rate of poaching is growing, as a country we did not have the time to simply wait and see what happens.

As I noted above, my opinion on trade was not to deny South Africa the option. It is often said that there is no 'silver bullet' to stopping poaching. I am from that school of thought. It is on balance highly unlikely that CITES would have agreed in March 2013 to permit the legalization of trade even if an application had been submitted. Indeed it is my considered opinion that the South African government did not want to expose its problems with lack of enforcement of many regulations, including CITES requirements, to international scrutiny. Perhaps there was merit in that view if it was believed that no application would have been approved anyway. Nevertheless, my opinion is that an application should have been submitted, at the very least to test the waters and elevate the discussion to an international level.

In summary, my support for an application to trade, which in the end was not submitted by government, is not a position that trade must happen at all costs. Even if it was permitted, I would never advocate for its application if it was found that it could place our country's rhino population at even greater risk. And I accept one would have to set a high level of tests with regards to trade regime establishment

#### Mr G R Morgan (DA) to ask the Minister of Police:

- (1) Whether the National Joint Operational and Intelligence Structure (NATJOINTS) is assisting in efforts to curb rhino poaching; if not, why not; if so,
- (2) Whether the NATJOINTS are fully operational in each province; if not, what will be done to operationalize them in each province; if so, what are the relevant details;
- (3) What has been identified as (a) being the challenges faced by NATJOINTS in the fight against rhino poaching and (b) the major successes of NATJOINTS in curbing rhino poaching thus far?

#### Answer of the Minister of Police:

- (1) Yes.
- (2) Yes, the NATJOINTS is duplicated at provincial level, where a PROVJOINTS has been established in each Province
- (3) (a)(b) Rhino poaching, as with any particular category of crime, has several challenges, including the identification of syndicates, proper investigation, involvement of experts in both investigation and prosecution of suspects, the level of involvement of all JOINTS role players regarding the combating of poaching activities against Rhino and other animal populations within the country, trafficking routes and methodologies routes utilized by offenders, and the wide dispersal of Rhino across the country, both within SANPARKS and on private game farms.

The NATJOINTS has established Priority Committees at National and Provincial levels to address Rhino poaching in a holistic manner.

The inter-departmental approach in terms of Operation Rhino is successfully addressing this particular crime scourge, with several arrests and confiscations of weapons been made throughout the country, including 16 arrests and 10 firearms recovered during recent operations in the KNP. There were also several successful prosecutions of suspects in various provinces in terms of cases reported, with valuable assistance being rendered by the National Prosecuting Authority.

Source: National Assembly, Ref 36/1/4/1/201200040; Question No 384 (March 2012)

(which in itself requires the compliance of buying countries). But the situation South Africa finds itself in is a desperate one. I could not in good conscience support a position (no application) that cut off an option for several years, in case we needed the option.

The debate over legalization of trade is somewhat moot at this time. And for now efforts have to focus on improving compliance and enforcement. I pray those efforts yield the results we all want. I will continue to keep an open mind about the debates on the various options that can be deployed to protect our rhinos. And I will continue to hold the government to account on what it can and should viably be doing at this time.

Moving to pseudo hunting, there has been a decrease in applications from so-called pseudo hunters in 2012. National government is providing greater oversight over provincial permitting processes following a spike in applications from nationals from Asia in 2009, 2010 and 2011. At the moment there is a moratorium on applications from Vietnamese nationals. The recent sentencing of Thai national, Chumlong Lemthongthai to 40 years in jail for money laundering and illegal possession of rhino horn will send a strong signal to those who might seek to subvert the law. I was disappointed though that Lemthongthai's co-accused were not prosecuted. The emergence of a video of one legal hunt in which the co-accused were present does suggest there is a case to answer. I have submitted parliamentary questions to the Justice Minister to determine whether the NPA will reconsider its decision not to prosecute the co-accused, and I await the reply.

The rise in awarding of permits for pseudo hunts was only possible with the complicity of provincial government officials, notably in North West. For this reason I have requested the Public Protector to investigate the North West Department of Environment and Conservation to determine whether any officials should be criminally charged for offenses related to the awarding of permits for hunts that did not comply with law. I await the Public Protector's decision on this matter.

**A video catching rhino butchers on film at a North West Province game farm, filmed in January 2011, has called into question the decision to drop charges against an alleged rhino poaching syndicate.**

**Download the video at**

<http://mg.co.za/multimedia/2012-11-08-inside-a-legal-hunt>

**Download the story at**

<http://mg.co.za/article/2012-11-08-rhino-butchers-caught-on-film>

## Conference on Illegal and Unsustainable Use and Trade of Wild Meat in SADC

Ali Kaka

In October 2012, in recognition to increasing threats to wildlife populations, member states from the Southern Africa Development Community with support from the FAO Subregional office (SADC) met to discuss the extent and drivers of the illegal and unsustainable use and trade of wild game meat and consider possible interventions to prevent such use in the context of wild meat's potential to contribute to overall food security of the region, and to recognize the wider economics of wildlife as a form of land use with multiple benefits. The member states acknowledged that a unified approach was critical to addresses the increasing threat of this unsustainable use and trade to gain commitment of governments. Illegal, unsustainable use greatly underexploits the wild meat resource, and threatens the viability of key development projects centered around improving livelihoods through the legal use of wildlife (such as trophy hunting tourism, photographic tourism and supplies of natural products). It also threatens natural systems upon which human communities depend.

The overall objective of the meeting was to discuss aspects relating to control and reduction in all forms of illegal and unsustainable use and trade of wild meat in the SADC region, while maximizing the scope for use and trade to improve food security, economic development and natural ecosystem functioning for the benefit of the people of the region.

SADC member states have already committed to protecting natural resources including wildlife under the Wildlife Protection and Law Enforcement Protocol and member states present at the Johannesburg meeting urged all parties involved (government, community, private and individual) to work together to reduce this looming threat. Fifteen (15) guiding principles were drawn up at the Johannesburg meeting as a first step to the development of a comprehensive SADC strategy to address this issue.

- Principle 1. Governments hold the primary responsibility to ensure the conservation and sustainable use of wildlife, with the involvement of donors and corporate and community stakeholders at all levels**
- Principle 2: The real and complete values of wildlife to local and national economies and food security – both actual and potential - should be recognized and reflected in political commitment, decision making, policy and increased budget allocations**
- Principle 3: The food and livelihood needs of communities are major determinants of wild meat use, and effective and equitable responses to illegal use and trade of wild meat demand that these needs are effectively met effectively through innovative mechanisms and public and private sector partnerships**