

Worldwide Legalization of Rhino Horn Trade: The Political Considerations

Introduction

Rhinos inhabit parts of Southern Asia and Africa; however, their populations have been dwindling due to a steep increase in rhino poaching. Last year, 1,215 rhinos were poached solely in South Africa, whereas only 13 rhinos were poached in the nation in 2007.¹ This increase comes despite the conservation efforts of CITES, the Convention on International Trade in Endangered Species of Fauna and Flora, which placed all but two rhino species on Appendix I of the Convention. CITES does not allow the importation of Appendix I species for commercial purposes; import and export permits are required for their trade.² The issue at hand must be addressed at a global level in light of the fact that multiple regions are enmeshed in the rhino horn industry. There is high demand for rhino horns in Chinese and Vietnamese markets as they are used for medicinal purposes. There is also demand in the Yemeni market because rhino horns are used to make the handles of daggers.³ Furthermore, the international airports located in Johannesburg, Nairobi, Addis Ababa, Dubai, Doha, Abu Dhabi, Beijing, Hong Kong, Bangkok, and Singapore have been found to be involved in the transportation of rhino horns across the world.⁴ Seeing as the rates of rhino poaching are rising despite a worldwide moratorium on rhino horn trade, the question of legalizing the trade must be considered as an alternative solution.

¹ "A Dilemma of Horns," *The Economist*, last modified August 8, 2015, accessed December 30, 2015, <http://www.economist.com/news/middle-east-and-africa/21660541-growing-efforts-reduce-rhino-poaching-dilemma-horns>.

² *Vietnam's Illegal Rhino Horn Trade: Undermining the Effectiveness of CITES* (Environmental Investigation Agency, 2013), 2, accessed December 30, 2015, <http://www.eia-international.org/wp-content/uploads/Species-Rhino-CITES-COP-Red.pdf>.

³ Duan Biggs et al., "Legal Trade of Africa's Rhino Horns," *Science* 339 (March 1, 2013): accessed December 30, 2015, <http://max2.ese.u-psud.fr/epc/conservation/PDFs/Rhinos.pdf>.

⁴ Tom Milliken, *Illegal Trade in Ivory and Rhino Horn: An Assessment to Improve Law Enforcement under the Wildlife Traps Project* (Cambridge, UK: TRAFFIC International, 2014), 27, accessed December 30, 2015, <http://static1.1.sqspcdn.com/static/f/157301/25542141/1413203999027/W-TRAPS-Elephant-Rhino-report.pdf>.

Moreover, the rhino poaching crisis is especially pertinent at present because South Africa is likely to propose the legalization of rhino horn trade worldwide at the next CITES Conference of the Parties (CoP) in Johannesburg, South Africa, in 2016.

Government Perspective: South Africa

South Africa is arguably the nation with the most vested interests in the matter at hand. As stated by TRAFFIC, the Wildlife Trade Monitoring Network, South Africa alone was home to 83% of Africa's rhinos and almost 75% of the wild rhinos worldwide as of 2011.⁵ Thus, rhino conservation is a prevalent issue in the nation; the South African government recently took measures to legalize rhino trade within its borders. Before this legalization, South Africa enforced a strict ban on rhino poaching. However, it is evident that the ban was extremely ineffective in protecting the rhino population. In fact, as stated in the *Georgetown Journal of International Affairs*, three rhinos are being poached per day at present.⁶ The arrests that were made in South Africa in order to enforce the ban did not address the issue at its root cause. As described by Dr. Elizabeth Lunstrum of York University in the peer-reviewed *Annals of the Association of American Geographers*, the first level of the rhino horn trade criminal syndicate is comprised of the individuals and gangs who poach rhinos and are often motivated by poverty;

⁵ Tom Milliken and Jo Shaw, *The South Africa – Viet Nam Rhino Horn Trade Nexus*. TRAFFIC International, 2012, 106, accessed December 30, 2015, http://www.traffic.org/species-reports/traffic_species_mammals66.pdf.

⁶ David H. Barron, "How the Illegal Wildlife Trade Is Fueling Armed Conflict," *Georgetown Journal of International Affairs*, 2015, 218, accessed December 30, 2015, <https://books.google.ae/books?id=j2U3CwAAQBAJ&pg=PR8&lpg=PR8&dq=Georgetown+Journal+of+International+Affairs,+Summer/Fall+2015&source=bl&ots=E9p0H3uU6K&sig=M7vz6GmNoFIvqekCo5w4n2ZE2tI&hl=en&sa=X&ved=0ahUKEwizrIWYsoPKAhWHORoKHRP3AA4Q6AEIMjAE#v>

89% of arrests made in South Africa as a part of the anti-poaching campaign were made at this level. The fourth level of the syndicate is comprised of high level operatives responsible for the illegal transportation of horns out of Africa. They are linked to networks including corrupt officials in government and the private sector; only 4% of the arrests occurred at this level.⁷ The government's attempts to enforce a strict ban on rhino poaching were unsuccessful; due to the involvement of corrupt officials, few arrests were made in the higher echelons of the poaching industry. This weakened the enforcement of the ban, permitting poaching levels to rise at alarmingly high rates. Due to the evident failure of the ban, South Africa adopted a plan to legalize rhino horn trade as an alternative solution to conserve rhino populations; thus, the nation would also favor worldwide legalization of rhino horn trade.

Government Perspective: Vietnam

Vietnam is another nation with vested interests in the rhino horn trade; however, unlike South Africa, Vietnam has a domestic market and growing demand for rhino horns. In fact, 56% of the Asian nationals arrested for violating the ban on rhino horn trade in South Africa were Vietnamese. Furthermore, between 2009 and 2012, Vietnamese hunters accounted for 48% of the foreigners who poached rhinos in South Africa.⁸ Moreover, the Vietnamese government has done little to enforce the worldwide CITES moratorium on rhino poaching. As found by the Environmental Investigation Agency, between 2003 and 2010, 657 rhino horns were illegally transferred from South Africa to Vietnam; however, only 170 rhino horns were legally imported

⁷ Elizabeth Lunstrum, "Green Militarization: Anti-Poaching Efforts and the Spatial Contours of Kruger National Park," *Annals of the Association of American Geographers* 104, no. 4 (2014): accessed December 30, 2015, doi:10.1080/00045608.2014.912545.

⁸ Milliken and Shaw, *The South Africa - Viet*, 10.

as hunting trophies from South Africa to Vietnam during the same period. This leaves 487 rhino horns, 74% of the imported rhino horns, unaccounted for.⁹ As stated by Chatham House, the Royal Institute of International Affairs, the Vietnamese government has neither seized any illegally imported rhino horns nor prosecuted any traders since 2008.¹⁰ As Vietnam is not enforcing the CITES moratorium, it can be inferred that the nation would be in support of the legalization of the rhino horn trade as well, as it would satisfy the nation's domestic demand for rhino horns.

Animal Activism NGOs' Perspective

On the other hand, animal activism NGOs are strongly opposed to the prospect of legalizing the rhino horn trade. A statement released by the World Wildlife Fund For Nature (WWF) in response to South Africa's legalization of rhino trade announced, "WWF regrets today's decision by South Africa's High Court to lift the ban on the domestic trade in rhino horn."¹¹ Furthermore, other anti-poaching organizations are already taking action to reduce demand for rhino horns. The Rhino Rescue Project (RRP,) a South African organization, drills holes into a sedated rhino's horn and puts a mix of chemicals into the fibres that causes migraines, nausea, and even permanent nerve damage when powder of the horn is consumed. The organization does this in order to curb the growing demand for rhino horns and in turn,

⁹ *Vietnam's Illegal Rhino Horn*, 7.

¹⁰ Katherine Lawson and Alex Vines, *Global Impacts of the Illegal Wildlife Trade* Royal Institute of International Affairs, 2014, 23, accessed December 30, 2015, <https://www.chathamhouse.org/sites/files/chathamhouse/public/Research/Africa/0214Wildlife.pdf>.

¹¹ "South African Court Lifts Ban on Domestic Rhino Horn Trade," World Wide Fund for Nature, last modified November 26, 2015, accessed December 30, 2015, http://wwf.panda.org/what_we_do/endangered_species/rhinoceros/asian_rhinos/?257093/South-African-court-lifts-ban-on-domestic-rhino-horn-trade.

reduce the rate of rhino poaching. Given the fact that these environmental organizations are so vehemently opposed to South Africa's lifting of the ban on rhino horn trade and the rhino horn trade itself, it is evident that these organizations will oppose the prospect of legalization on an international scale even more; they are likely to attempt to heighten political tensions when the question of legalization is brought forth at the CITES CoP.

The Limitations of CITES

When considering worldwide legalization, the limitations of enforcing international legislation must be taken into account. Although CITES is one of the most widely ratified treaties regarding the protection of wildlife with 181 Parties in total, the treaty has relatively weak enforcement.¹² CITES legislation is not self-executing in that it "cannot be fully implemented until specific domestic measures have been adopted for that purpose."¹³ In short, its framework does not replace national laws as it must respect national sovereignty; countries must pass national legislation to fully implement the Convention. Nations such as South Africa and Vietnam have not been successful in enforcing the CITES moratorium on rhino poaching; however, this is simply because a moratorium does not serve their national interest. Therefore, nations like those are likely to be much more vigilant in regulating the rhino horn trade when it is legalized as they will reap far more benefits as well.

¹² "List of Contracting Parties," Convention on International Trade in Endangered Species of Wild Flora and Fauna, accessed December 30, 2015, <https://cites.org/eng/disc/parties/chronolo.php>.

¹³ "National Laws for Implementing the Convention," Convention on International Trade in Endangered Species of Wild Fauna and Flora, accessed December 30, 2015, <https://cites.org/eng/legislation>.

The Recommendation

Although it is necessary that the economic, environmental, and social-cultural perspectives are considered as well, given the political factors involved, it is recommended that CITES be amended to legalize the rhino horn trade worldwide. Even though animal activism NGOs are against it, the governments of both producer and consumer nations involved in the trade such as South Africa and Vietnam are in favor of legalization; therefore, political consensus is to be expected on the matter among parties at the CITES CoP in 2016. In order to address the limitations of enforcing international legislation as well as the involvement of corrupt government officials in the higher echelons of rhino poaching syndicates, the aforementioned amendment must also establish a regulatory body comprised of neutral third party officials to oversee the trade, monitor the progress of the rhino populations, and ensure that every signatory is implementing the terms of the legalization appropriately.

Bibliography

Barron, David H. "How the Illegal Wildlife Trade Is Fueling Armed Conflict." *Georgetown Journal of International Affairs*, 2015, 217-27. Accessed December 30, 2015.

<https://books.google.ae/books?id=j2U3CwAAQBAJ&pg=PR8&lpg=PR8&dq=Georgetown+Journal+of+International+Affairs,+Summer/Fall+2015&source=bl&ots=E9p0H3uU6K&sig=M7vz6GmNoFivqekCo5w4n2ZE2tI&hl=en&sa=X&ved=0ahUKEwizrIWYsoPKAhWHORoKHRP3AA4Q6AEIMjAE#v=onepage&q=Georgetown%20Journal%20of%20International%20Affairs%2C%20Summer%2FFall%202015&f=false>.

Biggs, Duan, Franck Courchamp, Rowan Martin, and Hugh P. Possingham. "Legal Trade of Africa's Rhino Horns." *Science* 339 (March 1, 2013). Accessed December 30, 2015.

<http://max2.esse.u-psud.fr/epc/conservation/PDFs/Rhinos.pdf>.

CITES. "List of Contracting Parties." Convention on International Trade in Endangered Species of Wild Flora and Fauna. Accessed December 30, 2015.

<https://cites.org/eng/disc/parties/chronolo.php>.

CITES. "National Laws for Implementing the Convention." Convention on International Trade in Endangered Species of Wild Fauna and Flora. Accessed December 30, 2015.

<https://cites.org/eng/legislation>.

Economist Newspaper. “A Dilemma of Horns.” The Economist. Last modified August 8, 2015.

Accessed December 30, 2015.

<http://www.economist.com/news/middle-east-and-africa/21660541-growing-efforts-reduce-rhino-poaching-dilemma-horns>.

Lawson, Katherine, and Alex Vines. *Global Impacts of the Illegal Wildlife Trade*. Royal Institute of International Affairs, 2014. Accessed December 30, 2015.

<https://www.chathamhouse.org/sites/files/chathamhouse/public/Research/Africa/0214Wildlife.pdf>.

Lunstrum, Elizabeth. “Green Militarization: Anti-Poaching Efforts and the Spatial Contours of Kruger National Park.” *Annals of the Association of American Geographers* 104, no. 4 (2014): 816-32. Accessed December 30, 2015. doi:10.1080/00045608.2014.912545.

Milliken, Tom. *Illegal Trade in Ivory and Rhino Horn: An Assessment to Improve Law*

Enforcement under the Wildlife Traps Project. Cambridge, UK: TRAFFIC International, 2014. Accessed December 30, 2015.

<http://static1.1.sqspcdn.com/static/f/157301/25542141/1413203999027/W-TRAPS-Elephant-Rhino-report.pdf>.

Milliken, Tom, and Jo Shaw. *The South Africa - Viet Nam Rhino Horn Trade Nexus*. TRAFFIC International, 2012. Accessed December 30, 2015.

http://www.traffic.org/species-reports/traffic_species_mammals66.pdf.

Vietnam's Illegal Rhino Horn Trade: Undermining the Effectiveness of CITES. Environmental Investigation Agency, 2013. Accessed December 30, 2015.

<http://www.eia-international.org/wp-content/uploads/Species-Rhino-CITES-COP-Red.pdf>.

WWF. "South African Court Lifts Ban on Domestic Rhino Horn Trade." World Wide Fund for Nature. Last modified November 26, 2015. Accessed December 30, 2015.

http://wwf.panda.org/what_we_do/endangered_species/rhinoceros/asian_rhinos/?257093/South-African-court-lifts-ban-on-domestic-rhino-horn-trade.