

SAVE African Rhino Foundation

30 May 2018

**Submission to the Parliamentary Joint Committee (PJC) on Law Enforcement with regard the trade in elephant ivory and rhino horn trade**

Dear Sir/Madam,

We thank you for your invitation to make a submission to the PJC with regard the issue of trade in elephant ivory and rhino horn.

As background, SAVE African Rhino Foundation (SARF) was formed in 1987 in Perth and has operated for the last 31 years in the area of rhino conservation, primarily in Zimbabwe, for all this time. It is now the second oldest rhino dedicated charitable organisation in the world. I am the longest serving President of such an organisations having been President of SARF for 30 of its 31 years. Throughout these years I have made in excess of 90 self-funded trips to Zimbabwe.

Since 1987, SARF has contributed more than \$9 million to rhino conservation projects. Primarily through:

- Funding of anti-poaching programs in National Parks and more recently private conservancies
- Financial contribution to the building of anti-poaching bases
- Supply of vehicles, equipment, kit and logistics
- Support of intelligence gathering operations with regard to poaching crimes
- Financial contributions to trusted organisations working to improve the conviction rate and penalties for those charged with wildlife crimes

We are aware that a number of groups will make submissions to the committee covering a range of valid points including

- The incidence of importation to, and exportation from, Australia of elephant ivory and rhinoceros horn products.
- The adequacy of existing screening of imports and exports with regard ivory and rhino horn products
- The arrangements surrounding Australian auction houses and control of domestic trade
- The effectiveness of existing domestic legislation and the current monitoring and regulation in relation to the domestic trade of ivory and rhino horn

These issues are very relevant and we encourage the committee to consider the evidence surrounding these points that will be presented by those with firsthand knowledge of them. We will, however, limit ourselves to submitting additional information with which we have direct involvement and knowledge.

#### Rhino Numbers Zimbabwe

The rhinos of Zimbabwe and Africa have faced two significant poaching periods in the last 4 decades. After overcoming significant poaching activity of the 1970s and 1980s, driven by the oil boom in the Middle East, SARFs donations in the 1990s and early 2000s supported a period of relative stability that saw rhino numbers grow in key National Parks. After reaching a nadir in 1994 – numbers of rhino in National parks gradually grew up to 2004 - for example at this time Matusadona NP ( 180), Hwange NP (95).

Then in 2004 the current rhino poaching crisis was triggered, by growing prosperity in Asia, and by 2012 rhino numbers in these parks highlighted were down to single digits. In a matter of 8 years the gains of the previous 10 years had been lost. Since 2012 numbers in National Parks have remained relatively static while the private conservancies (where 90% of Zimbabwe's rhinos are held) have seen good growth as a result of a massive increase of investment in anti-poaching by these properties.

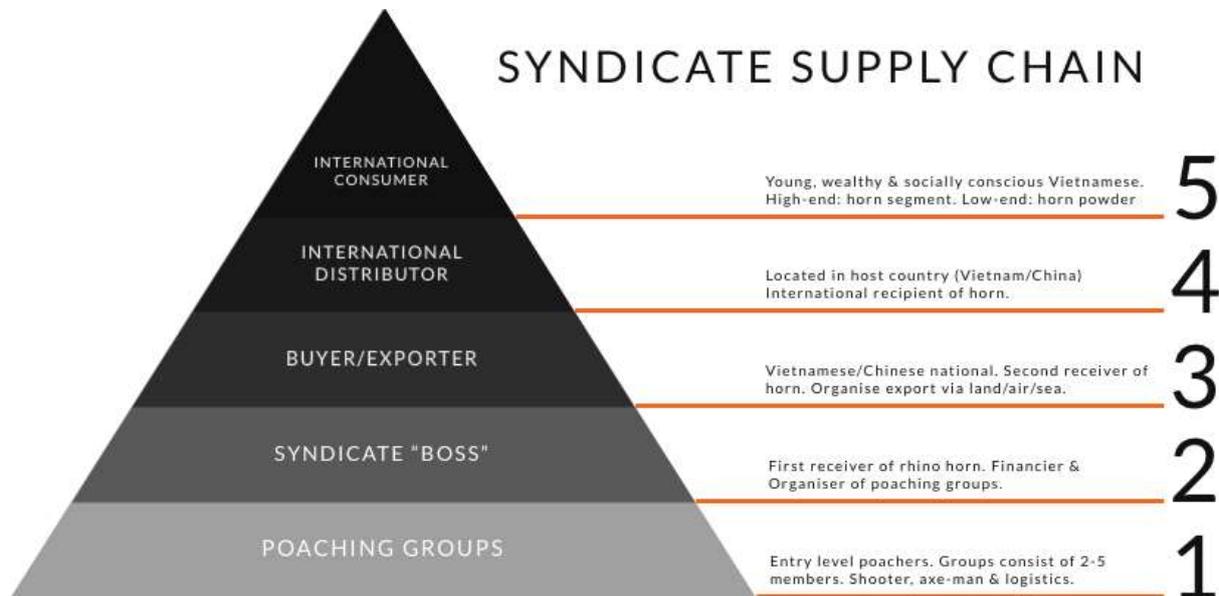
As I will explain below, the rate of loss has been significantly slowed, by making substantial investments in security and strengthening the chances of prosecution and sentencing. SARF has observed in recent years the positive deterrent that significant penalties can achieve in slowing down the rhino poaching crisis and we implore that Australia, as a wealthy country, makes a similar commitment to deterring local market activity, be it malicious or unknowingly, associated with trading in rhino horn and elephant ivory.

#### Domestic Laws and Trade in Australia

We feel there are three key aspects for Australia to consider when reassessing our position with regard to domestic laws and this trade in wildlife parts. The links of wildlife crime with organised crime are well documented and we understand that in some instances proceeds are also used to fund terrorist groups. As such, while our interest is primarily with regard to wildlife protection, we also feel Australia's revised position should make a stance against organised crime and having a local, legal market provides an opportunity to launder horn and ivory from recently killed rhinos and elephants. As such we would highlight the following 3 key points -

1. Africa has little or no control over the top end of the poaching pyramid, as shown below, that threatens its native species. It requires countries such as Australia to set an example and eliminate the risk that we are used in the pathway of trafficking and the subsequent decimation of iconic animal species that will ultimately follow.
2. Local, legal commercial activity, in the form of auction houses, antique retailers and online sales, who are trading in rhino horn, elephant ivory and other wildlife products will always offer the possibility of laundering illegal items, whether it is done with malice or in ignorance, when there is no 'real' deterrent in place.
3. Written laws mean little without monitoring and enforcement. We encourage steps to be taken that ensure the laws that Australia has in place or may create are adequate and are overseen and enforced.

When considering the poaching crisis and how it relates to Australia and its own laws it is worth considering the following pyramid of poaching.



Experience shows us that countries such as Zimbabwe are only able to address the level 1 and 2 poachers. In recent years, despite the economic challenges faced in Zimbabwe, real steps have been taken to do their part in relation to tackling the poaching chain.

For example, in the projects with which SARF is involved, in 2017 funding of intelligence gathering by SARF directly contributed to the

- The arrest of a regional ringleader of rhino and elephant poaching
- The arrest and conviction relating to 14 offences with regard ivory possession and poaching
- The arrests and conviction relating to 4 offences with regard illegal firearm possession
- The arrests relating to 13 other poaching offences

Successful prosecution results include 9 years for possession of rhino horn or ivory, 3 years for the killing of an elephant and 30 days for possession of cyanide.

As another example it is worth considering cases involving the world's most trafficked mammal, the pangolin. Annually more than 100,000 pangolins are traded illegally around the world. In the case of Zimbabwe, with improved intelligence, education within law enforcement and overseeing of the judicial process - the following was achieved in 2016

- Approximately 70 arrests
- 49 trials
- 44 convictions of 9 years each

These efforts should not be underestimated in their significance, firstly in removing many poachers at level 1 and 2 in the poaching chain, but also for the fact that in a country where the rule of law is not straightforward it still sees it as important that its wildlife is protected. As such it is up to the Western World, Australia included, to ensure that it does all that it can to see that the top of the

pyramid does not have an easy time distributing the poached product. We need to ensure that markets are cut off at all possible levels.



While the pyramid above shows the key rhino horn consumers, more generally the relative power levels in the trafficking chain are shown in the image to the left.

Certainly, people bringing rhino horn and elephants ivory items into Australia or purchasing these items in the country could be seen as sitting in levels 4 and 5.

If this is being done unknowingly then, as a minimum they could face a financial penalty. When this is being done knowingly the item may be from an illegally killed animal, then charges, prosecutions and custodial sentences may be the only deterrent that will change this commercial activity and consumer behaviour.

#### In Conclusion

The lesson learnt from experience in Africa is that it is one thing to have written laws and yet it is another to ensure it is enforced. As the figures above indicate, Zimbabwe is making an effort to see that the letter of the law is upheld. It is our understanding that current processes and procedures in place in Australia to restrict illegal trade in ivory and rhino horn are inadequate and also inadequately policed. We welcome the PJC enquiry and encourage action to see this situation addressed.

We owe it to countries such as Zimbabwe and the efforts they are making to protect their own animals, but more importantly we owe it to our future generations to ensure we address wildlife issues as a global issue and not leave it to poor nations to fight their own battles unassisted. In this case, this does not necessarily mean financial assistance. Instead, just improved legislation and law enforcement in Australia will see a positive impact, set an example to the rest of the world and assist the countries fighting wildlife crime at the front line.

Once again I thank you for the opportunity to make this submission and look forward to hearing the findings,

Yours faithfully,

Nicholas Duncan  
President SAVE African Rhino Foundation