



*"Embracing Innovation to Conserve the World's Animal Kingdom."*

The Director -General Department of  
Environmental Affairs  
Attention: Ms Magdel Boshoff  
Private Bag X447  
PRETORIA  
0001  
South Africa

16 February 2017

Dear Ms Magdel Boshoff,

**PROHIBITION OF THE POWDERING OR SHAVING OF RHINOCEROS HORN, THE DOMESTIC SELLING OR OTHERWISE TRADING IN, GIVING, DONATING, BUYING, RECEIVING, ACCEPTING AS A GIFT OR DONATION, OR IN ANY WAY DISPOSING OR ACQUIRING, OF POWDERED OR SHAVED RHINOCEROS HORN, AND THE EXPORT OF POWDERED OR SHAVED RHINOCEROS HORN**

Please find below *"written comments or inputs"* with regard to *"PROHIBITION OF THE POWDERING OR SHAVING OF RHINOCEROS HORN, THE DOMESTIC SELLING OR OTHERWISE TRADING IN, GIVING, DONATING, BUYING, RECEIVING, ACCEPTING AS A GIFT OR DONATION, OR IN ANY WAY DISPOSING OR ACQUIRING, OF POWDERED OR SHAVED RHINOCEROS HORN, AND THE EXPORT OF POWDERED OR SHAVED RHINOCEROS HORN"* (the *"Prohibition Notice 77"*) as notified in Government Gazette, Vol. 620, No. 40601, Notice 77, Department of Environmental Affairs (DEA), dated 8 February 2017.

Comments on the Prohibition Notice 77 should be read in conjunction with the *"written representations or objections"* raised from reading, *"Domestic Trade in Rhinoceros Horn, or Part, Product or Derivative of Rhinoceros Horn"* - (the *"draft Regulations"*), as notified in Government Gazette, Vol. 620, No. 40601, Notice 74, Department of Environmental Affairs (DEA), dated 8 February 2017.

The first point to raise from reviewing Prohibition Notice 77 is that there is clearly a risk with any planned domestic, or export trade with rhinoceros horn *"products or derivatives"* (*"powdered, slivers, chips, drill bits or similar derivatives"*) – how can any pile, or mixed pile of rhinoceros horn *"products or derivatives"* be categorically linked and verified by DNA

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sampling and matching as having been derived from any legitimately stockpiled (microchipped) rhinoceros horn?

The Prohibition Notice 77, (5) envisages a *"period of three years"* in which the prohibition will apply in an attempt to prevent *"a person"* creating rhinoceros horn *"products or derivatives."* Any *"person"* in possession of rhinoceros horn *"products or derivatives"* is encouraged by an exception at the Prohibition Notice 77, (3) to *"donate"* such *"products or derivatives"* to the State.

At the Prohibition Notice 77, (4) the State (or Forensic Laboratory of South African Police Service) are exempted from any restriction from rhinoceros horn *"products or derivatives"* being *"imported, or exported or re-exported from, the Republic of South Africa."* What assurance is there that the State will not in any way seek ways to 'legally' export rhinoceros horn *"products or derivatives"* so donated via Prohibition Notice 77, (3) that are stockpiled by the State?

The other clear risk is that the mechanism Prohibition Notice 77, (3) to *"donate"* such *"products or derivatives"* to the State it that it will be used to cleanse stockpiles of rhino horn of illicit content. The suspicion is that the current stockpiles within SA are not 100% validated - so any illicit or dubious stockpiled horns (private, or State) can now just be powdered up and subsequently donated to the State's powdered (*"products or derivatives"*) stockpile. Thereby, rhinoceros horn of dubious/illicit origin can thus be conveniently spirited away, conveniently leaving seemingly 'pristine' stockpile of horns (private and State), with the suspicion the *"products or derivatives"* held by the State will subsequently be traded and exported as *"specimens"* via draft Regulations, Notice 74 provisions (after all, the State (or Forensic Laboratory of South African Police Service) has exempted itself of restrictions to export at Prohibition Notice 77, (4)).

The question is how will the obvious problems with linking rhinoceros horn *"products and derivatives"* to the DEA's *"national database"* be realistically possible at any foreseeable point in the future, let alone within the three year window proposed, or otherwise? With that perspective in mind, how can rhinoceros horn *"products or derivatives"* ever be realistically included in the Notice 74, draft Regulation provisions as envisaged at regulation (3).(c) and exportation provisions of regulation 6.(1) and 6.(2) if there was not intent to somehow use such provisions within the three year window envisaged at Prohibition Notice 77, (5)?



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Regardless, due to the likelihood that any whole rhinoceros horn exported by a "person" via draft Regulation provisions 6.(1) and 6.(2) will be passed/traded on without too much "Management Authority" oversight within any recipient's "country of import or usual residence," then the attempted risk reduction methods within Prohibition Notice 77 to remove rhinoceros horn "products and derivatives" looks at best a token effort to discourage illicit behaviour. The whole rhinoceros horn(s) exported via the draft Regulations can soon be turned into "products or derivatives" such as "powdered, slivers, chips, drill bits or similar derivatives" within any given "person's" "country of import or usual residence."

If the DEA wanted to remove potential illicit behaviour with regard to rhinoceros horn, then it would not have proposed the draft Regulations (Notice 74) likely to encourage and facilitate potential illicit behaviour in the first place.

Yours sincerely,

Stephen Alan Wiggins

*Founder of International Wildlife Bond (IWB)*