

Where Have All The Rhino Gone?



UNSTEADY FOOTPRINT: Phila the black rhino has fully recovered after she was shot nine times by poachers. She is now ready to return to the wild.

PICTURE: PABALLO THEKISO

Drop in live sales has meant decrease in conservation funds

SIMON BLOCH AND IVOR POWELL

IT IS A typically dry and recondite graph, buried deep in a peer-reviewed academic treatise: fixed and dotted lines meandering, spiking and dipping without any obvious purpose as they navigate and plot their position on the X and Y axes; foot-noted explanatory keys confuse the reader more than they illuminate.

But what it says, boiled down, is nothing short of devastating:

- Within three years, by 2015, the South African rhino population in the Kruger National Park will enter a negative-growth phase; more rhinos will be killed off by poachers than are being bred.

- And unless that pattern is reversed, only five years later, by 2020, there will be no rhinos left in the Kruger Park at all.

In the doomsday scenario that emerges from the dry scientific prose of Dr Sam Ferreira, large mammal ecologist for SANParks at Kruger, and a group of co-researchers in the September 2012 edition of the scientific journal PLOS ONE, the world's premier rhino breeding programme will be no more.

At present South Africa accounts for no less than 73 percent of the global population of the threatened species, and while some breeding programmes might persist by 2020 in private reserves, these are equally under threat. According to official figures released in December, by December 19, increasingly organised poaching syndicates had accounted for 633 rhino deaths last year. By the end of the year that number was expected to have risen above 660. The official total lost to poaching last year is expected to be released by the Department of Environmental Affairs tomorrow.

But the department figures do not tell the whole story. The Sunday Independent has established that no reliable census of rhino populations was undertaken last year, as had been promised by Environmental Affairs Minister Edna Molewa.

Funded by international agencies, such annual census programmes involve systematic and scientifically controlled overflights co-ordinated with trackers and teams on the ground, and are considered vital to achieve accurate population counts. But late last year, at the height of the poaching crisis, the census which was supposed to have taken place during the dry season was called off early due to heavy rains, rapid canopy growth and a faulty helicopter.

But even without the detailed census, more than 420 rhinos were believed killed for their horn in the Kruger Park in 2012 – up from 252 in 2011 and 146 in 2010. This amounts to a dramatic increase of close to 48 percent over 2011 – one that could lead to an unsustainable/unstoppable exponential increase.

According to Dr Richard Emslie of the African Rhino Specialist Group, South Africa's legal internal trade in live rhinos is also being undermined. "Although private rhino owners in South Africa conserve more rhinos than there are in the

rest of Africa, the escalation in poaching has significantly increased security costs and risks to rhinos and staff. This has led to a decline in live rhino sale prices from 2008 to 2011, with an estimated decline of \$63 million in the value of the country's white rhino.

"In 2012, white rhino live sales are expected to have declined further with an increase in the number of private rhino owners in South Africa disinvesting in rhinos.

"There is concern that the move away from rhino ownership may ultimately threaten the biological management of white rhinos, as the private sector greatly contributed to the rapid increase in numbers.

"The escalating poaching threat combined with declining financial incentives threatens to curtail and may ultimately reverse the expansion of rhino range and numbers in South Africa. Reduced live sales may also seriously affect conservation budgets of both state agencies and private sector owners at the very time increased resources are needed to support rhino protection," said Emslie.

In 2011 the International Union for Conservation of Nature formally declared as extinct the Western Black Rhinoceros, a subspecies of the black rhino once plentiful in the sub-Saharan savannahs centred on Cameroon. In 2010 the last known specimen of the Asian rhinoceros was killed in Vietnam.

Meanwhile, at the end of 2012, amid allegations of official collusion in the progressive massacre of the reserve's once-thriving rhino population, there were concerns that the last rhino in Zimbabwe's Hwange National Park had been killed for its horn. Investigations by Independent Newspapers established that although this was not the case – there may be four surviving rhino from the hundreds that once roamed the reserve – their future was hanging by a thread.

Conservationists have directly linked the impending crisis in Zimbabwe to the granting of mining concessions to Chinese enterprises in recent years.

"If we don't put the measures in place now, the animals will be extinct in the next couple of years,"

said Johnny Rodrigues of The Zimbabwe Conservation Task Force.

"Mining licences are handed out without any controls, and this poses a serious threat to the environment. There is no order, there is no control. This is just about taking as much as they can, and getting rich quick while they can.

"There are as many as 10 mineral and coal-mining concessions around Hwange, including a colliery inside the park. The foreign nationals have been paying indigenous locals to poach the rhinos for horns, which they then smuggle out of the country," said Rodrigues.

Several Chinese nationals connected to Zimbabwean government officials have been linked by international authorities in recent years to the smuggling of ivory tusks and rhino horn, along with the 2009 revelation of a poaching cartel known as The Crocodile Gang, led by Zimbabwe's Emmerson Mnangagwa. This group was accused of slaughtering rhinos and elephants to fulfil "requests" for horn and ivory by Chinese syndicates closely connected with that government. The Crocodile Gang was also said to be behind the "industrial-scale slaughter" of black rhinos. The "godfather" of the poaching cartel was revealed to be none other than Mnangagwa – now known by locals as "The Crocodile". Also referred to as "The Butcher of Matabeleland", he is the architect of Zimbabwe's terrifying state security apparatus, creator of Zimbabwe's Central Intelligence Office, and rumoured to be next in line for president after Robert Mugabe.

In contrast, across the border in Botswana, the picture is markedly different. Protection and the bolstering of the reintroduced rhino population make Botswana a conservation model. Because of the headline stance taken by the administration of Ian Khama, and with the army playing a key role in enforcing conservation laws, Botswana is driving the change for a new conservation model for 21st century Africa.

Khama recently announced hunting would be banned in Botswana from 2014, and that the country would pursue a strong ecotourism ethos and strategy.

Just last week Zambia followed suit and announced it would put an end to trophy hunting.

After Botswana declared the rhino extinct or near-extinct on two occasions since the 1980s, Khama, a patron of the country's rhino breeding programmes, set a goal of bolstering the population to more than 500 by 2020. At the most recent count there were just more than 100 rhinos in Botswana's sanctuaries.

But the impression that Botswana could guarantee sanctuary for rhinos could prove illusory in the long run. The regional conditions that have been exploited by traders in rhino horn in South Africa and in Zimbabwe could also be the undoing of conservation efforts in Botswana.

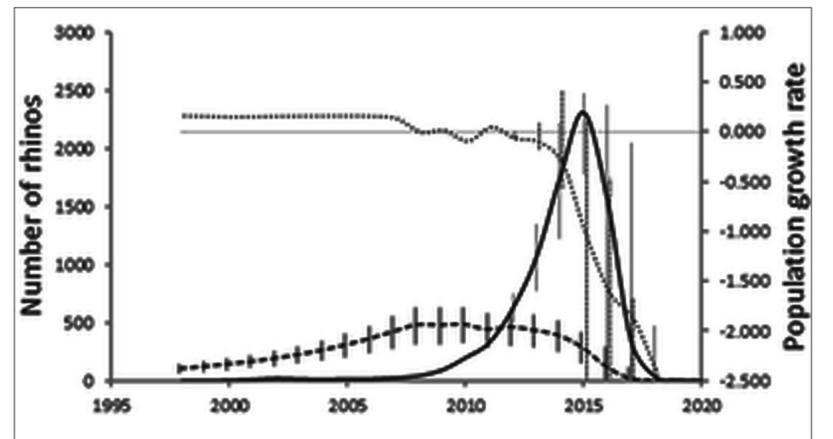
Late last year Al Jazeera broadcast a chilling documentary entitled *The Last Rhino*, where the film-makers crossed the South African border from the Kruger Park into neighbouring Mozambique. Here they found whole communities, still with access to weaponry from the country's civil wars, whose livelihood and economy depended entirely on poaching rhino in South Africa.

While African nations and their leaders look to the East for economic aid, trade opportunity and infrastructure creation, the continent's wildlife and its iconic creatures are looking to the West for their survival against extinction.

US Secretary of State Hillary Clinton warned of an expanding "new colonialism" sweeping across the African continent, being carried out by "foreign investors" and governments who seek only to exploit the continent's natural resources.

Anyone familiar with the rhino crisis might think she was speaking specifically about the poaching of rhinos or elephants, but in reality all of Africa's natural resources have become fair game for "foreign investors" and governments – something that happens to have been increasingly noticed in the growing Chinese footprint across Africa.

Clinton warns that African governments must ensure such foreign projects are, first, sustainable and second, benefitting all of their citizens, not just the elite.



US experts help miners launch class action suit over lung disease

DIANNE HAWKER

WITH the backing of US class-action experts, 17 000 South African mineworkers are bracing themselves for a mammoth legal battle with 30 gold mining giants for damages over a debilitating lung disease, silicosis.

Momentum in the case has been building since the Constitutional Court ruled in the case of Thembeke Mankayi that compensation for mineworkers in terms of the Occupational Disease in Mines and Works Act was insufficient compared with other industries.

Thousands of miners from South Africa, Lesotho and Swaziland have died as a result of silicosis – a lung disease caused by the inhalation of dust from quartz rock where gold is mined – and tuberculosis. Many others are unable to work due to the damage done to their lungs, leaving their families poverty-stricken.

In November, the Supreme Court of Appeal further paved the way for what is likely to be the country's first major class action suit by ruling that the court has to certify the class action before it can be heard. And so the miners have approached the High Court in Johannesburg requesting permission to bring their case as a class action suit.

If the court agrees, the process outlined by lawyer Richard Spoor in court papers will be something South Africa has never seen.

Spoor's legal team want to place notices in various newspapers, including in neighbouring countries from which many mineworkers originate, notifying all who may have an interest in the case. They will also advertise on radio stations and open a call centre to field inquiries.

It's the kind of complex case preparation which Mike Elsner of South Carolina firm Motley Rice is used to seeing in class action lawsuits. The US firm has represented asbestos poisoning victims and spearheaded the case against tobacco giants that resulted in package warnings that cigarettes are harmful. More recently, Elsner has begun work on a case on behalf of victims of the September 11 Twin Towers attacks, in an effort to obtain compensation for family members of those who died and those who suffered injury from companies which funded al-Qaeda.

"We were quite interested in what was happening in South Africa, because we thought it would be a nice opportunity to use the experience that we've developed here and to consult with a firm which is embarking on representa-

tion of thousands and thousands of claims. Perhaps some of the lessons we've learnt here, successes and mistakes we've made, could be of benefit both to Spoor, the clients, and hopefully also the South African legal system, which in some ways is encountering quite a new type of case," Elsner told The Sunday Independent.

Television and radio announcements advertising class action lawsuits are commonplace in the US, and in general the country is considered far more litigious than South Africa. However, Elsner says the case will not be an attempt to import the US system into South African courts.

"Some recommendations have been made over time by various law commissions that have studied the issue of class actions and we've taken care to review class action procedures in other countries... so that, as the South African courts consider how to develop law and procedure around the issue of providing justice to a class, we are at least able to demonstrate to the court that we've examined other judicial systems that have handled cases of this magnitude," said Elsner.

Elsner pointed out that 17 000 individual claims would be "crippling" to the court system, and this could be one of the strongest moti-

vating factors for having the cases heard en masse.

"Absent a class, access to justice would be nearly impossible. And access to justice is a constitutional right that's very worthy of preservation," he said.

Both Elsner and Spoor feel their case is strengthened by the fact that evidence and information about the effects of noxious dust have been in circulation since the early 1900s.

"More important, each mining company medically screened the mineworkers before they began work. They knew that the miners who started work were healthy... because they themselves tested the employees," Elsner said.

That is one of the points made in affidavits submitted to court.

Spoor says in it that, had the gold mining industry complied with the provisions of legislation, "the epidemic of silicosis and silico-tuberculosis among South African gold mineworkers could and would have been prevented".

"The reasons for the industry's extensive non-compliance are multi-fold, but cost – and the search for profit – weigh heavily," he said.

AngloGold Ashanti, which was involved in the Mankayi case which set the ball rolling, is listed among the 30 gold mining companies in the case.



GASPING FOR JUSTICE: Former Lesotho gold miner Kalakune Marake registers with a legal clerk last January. Moves are afoot to launch a class action lawsuit against South Africa's giant gold mining houses.

PICTURE: REUTERS

AngloGold Ashanti spokesman Alan Fine said the company was aware of the suit and would "defend the case on its merits". In recent years, Fine said, the company had increased its efforts to limit dust underground.

"As a result of efforts to improve underground dust levels and to reduce exposure, dust levels and rates of silicosis at AngloGold Ashanti have shown a consistent and encouraging downward trend. The rate of silicosis at (our mines)

has nearly halved from 14 cases every 1 000 employees a year in 2007, to eight cases every 1 000 employees a year in the year ended March 2012," he said.

The gold mining companies have yet to respond to the case in court.