

# Committee on Resources

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## Witness Testimony

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Testimony of  
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Before the Subcommittee on Fisheries,  
Wildlife, and Oceans  
20 June 1996

### **THE RHINOCEROS AND TIGER CONSERVATION ACT and THE AFRICAN ELEPHANT CONSERVATION ACT**

I would like to thank the members of the Subcommittee on Fisheries, Wildlife, and Oceans for the opportunity to participate in this oversight hearing on the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act. On behalf of the Wildlife Conservation Society, I would like to convey our strong support for these Acts and the funds they created to support conservation efforts for African elephants, rhinoceroses, and the tiger; comment briefly on priority activities these funds need to support; and discuss the need for a legislative change needed to address an oversight in existing law regarding products, such as Asian medicinals, that are being sold in this country labeled as containing tiger and rhino and/or other endangered species as ingredients.

I testified before the predecessor of this subcommittee in May, 1994, in support of the passage of the Rhinoceros and Tiger Conservation Act and the fund it would establish. In that testimony I discussed the conservation needs for all five species of rhinoceros and for the tiger and the urgent need for financial assistance. I will not repeat any of this information in this testimony and would refer members of the subcommittee to this prior testimony for background information on the status and threats to rhinos and the tiger.

The Wildlife Conservation Society (WCS) has been dedicated to better understanding and protecting wildlife and ecosystems since it was founded in 1895 as the New York Zoological Society. WCS scientists have greatly expanded our knowledge of species and habitats through pioneering, long-term field studies; have effectively promoted the cause of conservation through their direct role in establishing over 100 national parks and reserves; have trained innumerable conservationists and wildlife managers in developing countries; have helped to nurture the institutions in which the latter must work; and have contributed key ideas to the on-going debates over natural resource management and conservation.

WCS, headquartered at the world-renowned Bronx Zoo, is presently pursuing its mission through over 250 field projects in over 52 countries in Latin America, Africa, and Asia; environmental education programs reaching schools in 47 states and overseas; endangered species propagation in New York and Georgia; clinical and research programs in wildlife health sciences; and five public wildlife conservation centers in the Bronx, Brooklyn, Manhattan, and Queens, including the Aquarium for Wildlife Conservation.

For over 30 years, WCS has been working to conserve the African elephant. We supported some of the first systematic surveys of elephant populations in the early 1960s and launched the first large scale survey of elephants in African forests in the mid-1980s. WCS has dedicated significant resources and staff expertise to field research, protected area management, and training in-country professionals in African forest countries. This complements our years of work on the African savannas, studying the ecological role of elephants and integrating the needs of local communities in management efforts. WCS initiated the Ivory Trade Review Group that assessed the effect of the ivory trade. The group's conclusions led the IUCN African Elephant and Rhino Specialist Group, chaired at the time by former WCS staff, Dr. Western, who is now Director of the Kenya Wildlife Service, to recommend a moratorium on the ivory trade in May of 1989. As member of the African Elephant Conservation Coordinating Group, who has been a recipient of funds

from the African Elephant Conservation Fund established by the African Elephant Conservation Act, WCS has been working with African nations, especially in the forest zone to design and implement elephant conservation plans.

WCS has been working to protect rhinos in the wild since 1928 when it supported work by the Wild Life Protection Society of South Africa to create Kruger National Park. WCS efforts have involved purchases of vital rhino habitat for protected areas, ecological and behavioral studies, captive-breeding, genetic studies to address the validity of sub-species for conservation purposes, assessments of the range and status of rhinos, translocation of rhinos in Africa to re-establish populations, the establishment of protected sanctuaries in Kenya, and the funding of anti-poaching efforts in Africa.

Through the work of Dr. George Schaller, in the 1960s WCS completed the first extensive field studies of the tiger in the wild. Currently, we have undertaken a five-year Global Tiger Campaign which is a comprehensive plan to protect the tiger in viable populations throughout its remaining range. We are focusing on both establishing long-term conservation efforts for the tiger in the wild and reducing the illegal trade and demand for tiger products. WCS field scientists are involved in research, community development, and as technical advisors in every country containing tigers.

### **The Funds of these Acts are Valuable and Deserve More Financial Support:**

WCS strongly supported the establishment of both the African Elephant and Rhinoceros and Tiger Conservation Funds. The African Elephant Conservation Fund (AECF) has been in operation since 1988 and is the model for the Rhinoceros and Tiger Conservation Fund (RTCF) which has just become operational this Spring and has not yet awarded any grants. There is no question that funds are scarce in many of the range states of these species. Thus, these funds offer financial resources that would otherwise simply not exist for specific efforts to conserve these species. However, the dollar value need to conserve these species throughout their ranges is many times greater than the combined \$15 million annually over five years that these funds could potentially provide. Thus, it is vital to use these funds to leverage other support and other conservation action. One way the AECF does this is by requiring a one-to-one match for successful grants. The AECF also requires that grants will only be awarded to projects that have the support of the host government. This requirement reflects the need to cooperate with and support the needs of the range states as part of a successful project.

WCS has been the recipient of funds from the AECF and has been pleased with the minimal bureaucracy and relatively quick response to proposals and subsequent flow of funds. We are confident that the Department of Interior's Fish and Wildlife Service can continue to manage both funds well if they were to be fully appropriated. In addition, almost all of these funds would go to vital projects, since the Acts limit the overhead charge by the agency to 3 percent.

We are pleased to hear that the House Appropriations Committee increased the allocations for the Rhinoceros and Tiger Conservation Fund from \$200,000 to \$400,000 and for the African Elephant Conservation Fund from \$600,000 to \$1,000,000 for the Department of Interior's budget for the next fiscal year. We are especially pleased to hear of the increases in these funds in light of the severe threats of a zero allocation to these funds during the debates of last year's budget. But, these allocations, especially for the RTCF, are a small percentage of what could be allocated. Of the seven species that these two funds support, strong arguments can be made that the Sumatran and black rhinos are the most endangered, yet the RTCF will only have \$400,000 to share among all five species of rhinoceros and the tiger. Recognizing that there are budget constraints, at the very least the RTCF should receive \$2 million, one-fifth of its possible \$10 million appropriation. This recommendation is based simply on the RTCF receiving the same proportion of its total allocation that the AECF would receive.

### **Recommendations for project support for the African Elephant Conservation Fund:**

Over the course of the AECF, emphasis has shifted from an original heavy focus on anti-poaching needs to addressing complex management questions and status reviews. This shift reflects the change in initial need from addressing the immediate threats from rampant ivory poaching in many areas to focusing on long-term conservation needs and building the capabilities of range states to manage elephant populations. WCS

has received support for several of our forest elephant research and conservation efforts from the AECF. The fund awarded \$34,094 for our training courses in elephant biology and monitoring techniques to Ghanaian wildlife officers, \$141,873 from 1994-1996 to support the largest on-going population study of forest elephants in forest clearings in Central African Republic, and \$197,750, also from 1994-1996, to support anti-poaching efforts that included equipment and protection of the high density elephant population in the northern Congo.

WCS has focused much of our attention on the African forest elephant for the past eight years and would like to make a few comments on some of the priority needs that the AECF should support in the forest zone. As mentioned in the introduction, WCS conducted the first and only large scale survey of the African forest elephant over several years in the late 1980s. From this, we provided estimates of the total population to inform the ivory trade debate at the CITES Conference of the Parties in Lausanne, Switzerland. Our preliminary information indicated that prior assumptions that elephants were prevalent and secure in the forest zone were invalid and factored into the decision to list the African elephant on Appendix I and close the international trade. In fact, although one-third of all African elephants were found to be living in the rain forests, they suffered from an almost total lack of parks and inadequate protection. Now we must build on that baseline information and conduct a new regional survey of the major forest elephant countries. Without such follow up in the form of monitoring there is no way to assess how resources that have gone into protected areas, new logging management regimes, controlled hunting, and other conservation initiatives are affecting elephants. The ground based surveys that are used for monitoring efforts can uncover new or continuing poaching pressure, illegal ivory trading activity, and other potential threats. They can also identify key areas for new protected areas. A top priority for the forest region must be to follow up on the region-wide baseline surveys, now done over five years ago, and provide the much needed monitoring effort for the African forest elephant.

### **Recommendations for project support for the Rhinoceros and Tiger Conservation Fund:**

In our prior testimony on the merits of establishing this fund, we discussed the general conservation needs for rhinos and the tiger. We would like to take this opportunity to refer to some recent efforts that would be valuable to the Fish and Wildlife Service in assessing meritorious projects to support.

- **Tigers:**

Despite the large amount of publicity that tigers have received in the past few years, there have been no coordinated efforts to fully address both the short and long term conservation needs of the tiger. The WCS' Global Tiger Campaign was launched in response to this lack of a comprehensive conservation effort for the tiger. An initial effort was to assess past conservation efforts, assess the current threats, and develop a conservation strategy. This is provided in *Saving the Tiger: A Conservation Strategy*, a WCS Policy Report, which was released in December of 1995. We have provided a copy to all of the members of the full committee.

Surprisingly little is known about the overall status, distribution, and ecological needs of the tiger across its formerly vast range, due to a lack of scientific research on most populations. In addition, management, legislative, and enforcement efforts in both countries with tigers and in consumer nations have been inadequate to non-existent. In order to reverse the decline of the tiger and stabilize populations in the wild, the immediate threats to the tiger must be addressed. This involves scientifically-based research and monitoring of tiger populations, improving on-the-ground protection and management of tigers and their prey, halting the illegal trade in tiger parts, and building public support among both people who live near tigers and consumers of tiger products. The heart of this strategy is to focus efforts on securing the long-term future of high priority tiger populations.

The top priority tiger populations need to be managed to protect tigers. Poaching needs to be controlled and human presence minimized in these tiger areas. Core areas that are critical habitat for tigers must be inviolate, and the landscape surrounding them needs to be carefully managed to meet the needs of local people. In addition, there must be a strong effort to stop hunting and enforce protected-area laws, monitor tiger and prey populations, and build public support among local people for the conservation efforts in these top priority areas. Complementing this on-the-ground effort is the

need to halt the illegal trade. This requires prohibiting the trade, enforcing these laws, and reducing demand which is the driving force behind the trade. Saving the Tiger delineates the range of specific actions needed to accomplish this conservation strategy. This report has already been provided to the Fish and Wildlife Service and staff at the United States' Agency for International Development and the State Department. We offer it as a guide to the Fish and Wildlife Service in assessing project proposals to the RTCF.

WCS and WWF-US have just completed a preliminary assessment of a new ecologically-based approach to identifying the most important tiger conservation areas. The design of this priority setting framework and preliminary assessment was funded by the National Fish and Wildlife Foundation's Save the Tiger Fund, which was started by a \$5 million gift from the Exxon Corporation. The assessment identified key tiger areas in a total of eight major tiger habitat types within five different bioregions the Indian Subcontinent, Indochina, Sumatra, central and southern China, and the Russian Far East. The preliminary analysis, mostly based on satellite data on remaining habitat, identified 24 top priority conservation areas in all of the bioregions except central and southern China. Attached for the record is a copy of the executive summary of our the preliminary report to NFWF. We are now in the process of soliciting reviews and refining this document. We hope that this assessment will also help guide decisions on awards from the RTCF.

- **Rhinoceroses:**

WCS and the World Wide Fund for Nature have almost completed an assessment of the costs and effectiveness of various approaches to protecting rhinos in the wild. When it is ready we will distribute copies to the Fish and Wildlife Service. One of the challenges to this assessment as been the varying quality and amount of data in order to perform similar analyses for all five species of rhinoceros. As was stated in prior testimony, unlike the other species of rhinoceros, no reliable estimate exists on the location and size of viable populations of Sumatran rhinos and their level of protection. It is essential to support much needed surveys of the Sumatran rhinoceros in order to design a conservation strategy for this species. WCS conducted an initial survey of the Sumatran rhino in Sabah's Greater Danum Valley Conservation Area which was known to have rhinos. Not only were fewer rhinos found in this remote area than expected (maybe 15-25 in the 1000 km<sup>2</sup> area), but there were many signs of illegal hunting, including poachers' camps.

Though there is little information on the status of the Sumatran rhinoceros, this does not mean that little conservation attention and funding has not been dedicated to this species. Unfortunately, much of this attention has not been focused on the top priority needs of anti-poaching, surveys, and local education. Instead financial resources have been devoted to the much more politically palatable work of attempting to establish a captive breeding program which does not address any of the immediate threats to the species. For the record, I have provided a copy of a recent essay by Dr. Alan Rabinowitz in Conservation Biology, "Helping a Species Go Extinct: The Sumatran Rhino in Borneo." Dr. Rabinowitz, WCS Director for Asia, critiques the efforts to conserve the Sumatran rhino and offers what are the priority needs for this species that RTCF can support.

## **Controlling Illegal Trade: Oversight in U.S. Wildlife Law on Traditional Asian Medicines**

Complementing the need to protect tigers and rhinos in the wild is the need by consumer nations to control the illegal trade and reduce demand. One of the primary lessons to learn from the demise of the black rhino is that the valiant efforts by a range state to protect its rhinos or tigers against poaching is for naught if there is no equal effort by the importing countries to control the illegal trade.

In our previous testimony WCS commended the US government for focusing on the consumer nations for their role in the demise of the rhinos and tiger because of their lack of effort to control illegal trade. Until recently, there has been little attention placed on consumer nations. WCS supported the Secretary of Interior's certification of the People's Republic of China and President Clinton's import embargo on wildlife products from Taiwan under the Pelly Amendment to the Fisherman's Protective Act for continuing to trade in rhino and tiger parts and undermining the effectiveness of the CITES prohibition on international trade.

As a consequence of US and CITES attention to this issue, China, Taiwan, and South Korea have now prohibited the internal sale and use of rhino products, and China and Taiwan have done the same with tiger products. South Korea has finally joined CITES, though it imported two tons of tiger bone in 1993 from China in contravention of Chinese law banning exports. In China, most billboards and advertisements for tiger and rhino products have been taken down, and tiger bone wine and other products are no longer openly for sale in shops.

The illegal trade still poses a huge and immediate threat to the tiger and rhinoceroses. Undercover trade investigations have found that rhino horn and tiger products are still available in China, Taiwan, and South Korea. But, equally important is that market investigations have found that rhino and tiger products are widely and openly for sale throughout Europe and right here in the United States. WCS staff visited New York City's Manhattan based Chinatown twice this month and found every pharmacy we checked offering tiger products and many offering rhino products. Thus, it is time for the United States to focus on its role as a consumer nation.

Unfortunately, recent efforts over the past two years by the Fish and Wildlife Service to enforce the laws against the importation of endangered species products, such as Asian medicines with rhino horn and tiger bone as ingredients, have been hampered by the fact that not all of these cheap over-the-counter products appear to contain the animal ingredients as labeled. Currently, the Fish and Wildlife Service can confiscate these products on import under the presumption that they are made with tiger or rhino as ingredients, since they are labeled as such. However, when the Fish and Wildlife Service has been forced to prove that the seized products do in fact contain tiger bone, for example, the Fish and Wildlife Service Forensics Laboratory has not been able to find calcium, an indication of bone, in tested products. A further complication is that the manufacture of the tiger bone pills, plasters, and similar products dissolves the amino acids in the bone needed to identify the species origin of the bone. Since the agency can not prove that these products contain these prohibited ingredients, the agency has no authority to prosecute for the illegal importation of these products under the Endangered Species Act. Thus, the confiscated shipments are returned to the importer. These products do violate product labeling laws that are enforced by the Food and Drug Administration, but they do not violate the Endangered Species Act.

The problem of counterfeit products of endangered species or the difficult nature of proving the veracity of a product claiming to contain an endangered species was not foreseen when the Endangered Species Act was drafted. We strongly recommend that this committee support some simple language change to the Endangered Species Act that would expressly cover products labeled as containing species listed on the Act or on Appendix I of CITES. Such language would bring our laws on these products in line with the laws of Hong Kong, China, and Taiwan, the later two being countries that the United States has pressured to improve their laws on this very issue. This language change would eliminate the costly forensic lab tests and burden to prove that these products are real or fake. Instead, any product claiming to be made of an endangered species or CITES Appendix I-listed species is illegal.

As just mentioned, some of these products already violate product labeling laws; however, the Food and Drug Administration has shown little interest in the problems presented by Asian medicinals. An exception is the regional office of the Food and Drug Administration out in Los Angeles which is cooperating with the regional office of the Fish and Wildlife Service. Asian medicinal use is not only a wildlife conservation issue, but human health issue as well. The Forensic Lab has found levels of mercury, arsenic, and lead in some of these over-the-counter Asian medicines that are above levels allowed for products for human consumption. This and other issues related to the lack of oversight on those claiming to be trained traditional Chinese practitioners are all the realm of the Food and Drug Administration.

Certainly from the perspective of the role of the United States as a major importer and consumer of pre-made, or over-the-counter, traditional Asian medicines that claim to contain rhino, tiger, and other prohibited species as ingredients, it behooves us to adjust our wildlife laws to address this issue. Senator Jefford's office has drafted a short bill which they hope to introduce soon that will add the necessary language to the Endangered Species Act so that the prohibitions apply to products labeled as containing listed species. I urge the committee to introduce a companion bill in the House to the same and work to pass it in this current session of Congress. This simple legislative effort would be a valuable complement to a well funded Rhinoceros and Tiger Conservation Fund.

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