

Committee on Resources

Subcommittee on Fisheries Conservation, Wildlife & Oceans

Testimony

**The Rhinoceros and Tiger Product Labeling Act (H.R. 2807)
and The Reauthorization of the Rhinoceros and Tiger Conservation Act (H.R. 3113)**

Testimony Submitted to the
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John W. Grandy
Senior Vice President, Wildlife and Habitat Protection
Humane Society of the United States/Humane Society International

On behalf of The Humane Society of the United States/Humane Society International (HSUS/HSI), and our more than 5 million members and supporters, I write in support of H.R. 2807, the Rhinoceros and Tiger Product Labeling Act, and H.R. 3113, a bill to reauthorize the Rhinoceros and Tiger Conservation Act of 1994 through the year 2004. I commend Chairman Saxton and Representative Miller for their leadership in sponsoring the Rhinoceros and Tiger Product Labeling Act. If adopted, this legislation would greatly benefit the world's remaining rhinoceros and tiger populations by prohibiting in the U.S. the sale, import and export of products labeled as containing substances derived from rhinoceros or tiger.

Introduction

Tourists flock to the Ngorongoro Crater in Tanzania to view the critically endangered black rhino. Rhinos are a valuable national asset in this region--tourism is soon expected to surpass agriculture as Tanzania's biggest source of revenue. The anti-poaching operation in Ngorongoro is one of several located throughout Asia and Africa that is working to reverse the downward plunge of rhino numbers. Each anti-poaching operation is a desperate attempt to save small pocket of rhinos that are under continuous threat from poachers' bullets. Sometimes it is the park guards who are killed while trying to protect rhinos from well-armed, organized poachers.

The tiger is one of the world's most revered animals and an international symbol of power and grace. In the 60-year cycle of Chinese and Tibetan calendars, the tiger is one of 12 animals which denotes a year associated with each of the five elements of the earth. Though the tiger will always play a large role in the culture and religion of this region, its physical presence is all but gone. Across its historic range from the Russian Far East to the southern tip of Sumatra, tigers now face extinction in the wild. Three of the eight subspecies have gone extinct in the last 50 years and the remaining five subspecies are all listed as endangered. During this century, the tiger's habitat and numbers have been reduced by up to 95%. With only an estimated 5,000 individuals in the wild, the tiger is dangerously close to extinction.

Widespread demand for rhino horn and tiger bone for use in traditional East Asian medicines is the primary threat to these species. Asian rhino horn is selling for up to \$60,000 per kilogram and powdered tiger bone can sell for up to \$1,400 per pound. As poaching pushes rhinos and tigers closer to extinction, the prices of

their products increases, creating more incentive for poaching. As a result, many rhino and tiger populations are now so small that they verge on reproductive inviability. Conservationists predict that if poaching trends continue, rhinos and tigers could face extinction in the next five to seven years.

Though the value of traditional East Asian medicine in the world's health care systems is widely recognized, the need to utilize rhino and tiger, and other endangered species, in these medicines is not. Many practitioners claim that the consumption of endangered species in traditional East Asian medicines is completely unnecessary. According to Word-Fei Cheung, Assistant Manager of the Institute of Chinese Medicine, "there are many hundreds of ingredients in our Pharmacopoeia, and whatever beneficial effect may be achieved by using endangered species, there are equally beneficial effects by using alternatives."

Some researchers question the medicinal benefit of products containing rhino and tiger. There is no medical evidence documenting that tiger bone has unique medicinal properties. At best, it may have a mild anti-inflammatory effect, which is generally associated with calcium. Though rhino horn may have limited benefits, they are at best equivalent to those derived from aspirin, and are far outweighed by the health risks associated with the consumption of these medicines. Traditional Asian medicines often contain toxic metals and can actually be dangerous to human health.

Status of the World's Remaining Rhinos

In the early 1970s there were more than 70,000 rhinos living in Asia and Africa. Today, fewer than 11,000 wild rhinos remain--more than half of which are one subspecies--the southern white rhino. About 5,900 white rhinos remain in Africa, almost all located in South Africa. The black rhino population, also found in Africa, has dropped from 65,000 in 1970 to fewer than 2,000 animals today--a 95 percent decline. The three Asian rhino species--the Javan, Sumatran and Indian rhino--are in the most precarious situation. Decades of poaching for their horns and severe habitat destruction have left fewer than 2,000 Indian, 500 Sumatran and 100 Javan rhinos in the wild.

While widespread loss of habitat to agriculture and development, particularly in Asia, has contributed to the dramatic decline in rhino numbers, illegal international trade in rhino horn poses the greatest threat to the species. For centuries, the horn of the rhino--which is made of a densely packed hairlike substance--has been used by Asians in remedies to alleviate fevers, nose bleeds, measles and food poisoning. Roughly 60 percent of traditional medical practitioners in East Asia stock rhino horn. Horns are also imported into Yemen where they are carved into ceremonial dagger handles and worn as a status symbol by the men.

Trade in rhino horn has continued, despite an Appendix I listing on CITES in 1977 prohibiting international commercial trade in all five rhino species.⁽¹⁾ In the early 1990s, the poaching of rhinos accelerated, leading to a 14 percent loss in the total rhino population between 1990 and 1993, according to the World Wildlife Fund. Another 5 percent were estimated to have been lost in 1994-1995.

Status of the World's Remaining Tigers

Habitat loss and degradation have been major contributors to the decline of the tiger population in this century. The current range of the tiger extends through one of the most densely inhabited regions of the world. In India, human population has increased by over 50 percent in the last 20 years. In Vietnam, the population has doubled in the last thirty years. It is now considered one of the most densely populated countries. As a result, tiger populations are now isolated in fragments of remaining forest habitat, which are devoid of a suitable prey base. Each population consists of fewer than 100 individuals, less than half of

which constitute the breeding population. The loss of genetic variability due to inbreeding has resulted in lowered cub production and survival.

As with rhinos, poaching to supply the growing demand for tiger products is the primary threat to the world's remaining tigers. For thousands of years, tiger parts have been used in traditional East Asian medicine. According to traditional practitioners, practically every part of the tiger, from its whiskers to its tail, has a prescribed benefit. Each tiger dead is worth \$10,000 on the black market. Large manufacturing factories in China turn tiger bones into pills, skin patches and wine for a mass consumer markets primarily in Hong Kong, South Korea, China, Japan, and the United States.

Government trade statistics, which generally account for a small portion of the trade, and anecdotal information from the field suggest that trade has grown substantially over the last decade, as has the poaching of tigers to supply this trade. Though the reasons for this increase remain unclear, they may include increased purchasing power and demand associated with increasing affluence in East Asia, inadequate enforcement of trade laws, and a lack of political will to address the problem. Some attribute the increase in poaching to the exhaustion of tiger bone stockpiles in China--a country that has already decimated its own tiger population and now threatens to do the same to others.

All five tiger subspecies have been listed on Appendix I of CITES since 1987, however international trade continues. According to CITES data, China is the major supplier in this trade, exporting more than 78 tons of tiger bone from 1990-1994. That amount represents about 5,600 tigers--more than now remain in the wild. In the last six years, South Korea alone imported about 10,500 pounds of tiger bone. In 1991, one-third of the remaining Siberian tigers were killed to meet the demand for their bones and other parts. Today, fewer than 500 remain in the wild. The South China tiger, whose numbers have plummeted from 4,000 in 1949 to between 20 and 30 today, is already virtually extinct. As demand for tiger products pushes the species closer to extinction, the price of their products rises even higher, creating more of an incentive for poaching.

CITES Protection of Rhinos and Tigers

Parties to CITES have long recognized that the battle to save rhinos and tigers from extinction is an urgent matter requiring international cooperation, particularly among range states and consuming nations. As an international treaty, CITES does not have the capacity on its own to stop illegal trade, but instead is reliant upon the actions of its Parties to promote compliance. In-situ conservation efforts must be complemented by the strict implementation of national laws in consuming nations aimed at eliminating illegal trade and reducing demand, as repeatedly recommended by CITES Parties. Without this dual approach the efforts and sacrifices of the range states to protect rhinos and tigers are severely undermined.

Unfortunately, international cooperation to save these species from extinction has been lacking, as evidenced by continued international trade in rhino and tiger products, despite Appendix I listings on CITES. Demand for rhino and tiger products simply overwhelms existing enforcement infrastructures and illegal trade continues. Enforcement of rhino and tiger protections in consuming and range states have been undermined by a lack of government resolve and corruption at high levels. For nearly twenty years, Parties have failed to adequately implement CITES measures aimed at protecting rhinos and tigers. These measures include recommendations that Parties adopt complete prohibitions on all sales and trade in rhino and tiger parts and derivatives, improve law enforcement, increase penalties for illegal trade and initiate public education campaigns aimed at decreasing demand.

In April 1994, the destructive trade in rhinos and tigers did receive much-needed international attention when President Clinton, following the recommendation of the CITES Standing Committee, announced his decision to impose limited trade sanctions on Taiwan under the Fishermen's Protective Act of 1977 (22 U.S.C. 1978) as a result of the country's failure to crack down on the illegal trade in these species. It was a move widely supported in Congress and one that may have accomplished as much for rhinos and tigers as any other recent conservation initiative. In response to the sanctions, Taiwan implemented domestic legislation prohibiting the sale of products labeled as containing endangered species and stepped up enforcement initiatives. Sanctions against Taiwan helped build political will for saving the world's remaining tigers and rhinos.

Later that year at the Ninth Meeting of the Conference of the Parties (Fort Lauderdale, Florida; November 1994), CITES Parties reiterated previous commitments to stop the international trade in rhino horn and tiger bone and encouraged consumer nations to institute domestic legislation to eliminate this illegal trade. Resolution Conf. 9.3, Conservation of and Trade in Tigers, went a step further than in the past by urging:

"all Parties to treat any product claiming to contain tiger specimens as a readily recognizable tiger derivative and therefore subject to the provisions relating to Appendix-I species, as provided for in Resolution Conf. 9.6, Trade in Readily Recognizable Parts and Derivatives, and to enact legislation where it does not exist, to fully implement these provisions for such products;"

Parties attending the Tenth Meeting of the Conference of the Parties (Harare, Zimbabwe; June 1997) voted unanimously to reinforce Resolution Conf. 9.3, Conservation of and Trade in Tigers, with the addition of the following paragraphs urging:

"all Parties and non-Parties, especially tiger range and consumer States, to adopt comprehensive legislation and enforcement controls as a matter of urgency, with the aim of eliminating trade in tiger parts and derivatives, in order to demonstrably reduce illegal trade in tiger parts and derivatives by the 11th meeting of the Conference of the Parties;" and,

"all Parties consider introducing national measures to facilitate implementation of CITES, such as prohibiting internal trade in tigers and tiger parts and derivatives and products labeled as containing parts and derivatives of tiger;"

The 143 Parties to CITES clearly recognize the urgent need for all Parties and non-Parties to adopt strong domestic legislation, such the Rhino and Tiger Product Labeling Act, as one of many strategies aimed at eliminating illegal trade in rhino and tiger products.

The U.S. Market for Rhino and Tiger Products

Until recently, the use of traditional Asian medicines by people living outside Asia had been largely overlooked. However, investigations have revealed that major markets for medicines containing tiger bone and rhino horn exist in countries such as the United States. CITES data indicate that between 1970 and 1993, South Korea, Taiwan, Singapore, Japan and the U.S. imported at least 24 tons of tiger bone from China--derived from about 1,000 tigers. In 1994, the same year the U.S. imposed trade sanctions against Taiwan, the U.S. was identified as one of the major importers of tiger bone and tiger medicines.

The results of surveys of Asian medicine shops in North America confirm that the United States continues to be a significant consumer of rhino and tiger products. According to a 1997 survey conducted by the

Environmental Investigation Agency, more than 80 percent of the sites visited sold products claiming to contain tiger parts. In a recent survey by the World Wildlife Fund, more than 50 percent of shops surveyed continue to sell products labelled as containing tiger body parts. As long as these shops are selling rhino and tiger products, poaching will continue.

Consumer nations must implement and enforce strong trade control laws. In the U.S., the tiger and all rhino species, except the southern white rhino, are listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and therefore should be prohibited from import, export and sale. However, in order to prosecute for a suspected Endangered Species Act violation, U.S. law enforcement officers must first prove the product actually contains endangered species through forensic examination, a method that is expensive and impractical. Even laboratory analysis fails to conclusively reveal that the active ingredients in the medicine originated from a rhino or tiger. Because current U.S. law places the burden of proof that a product actually contains the prohibited wildlife ingredients upon the enforcement officials, some do not seize rhino and tiger products or attempt to prosecute for suspected violations.

The Rhino and Tiger Product Labeling Act would enable enforcement officials to prohibit the import, export and sale of any product labeled as containing, or claiming to contain, rhino or tiger parts. Enforcement officials could then make a legal presumption, without further test or analysis, that it violates our laws. Other countries, such as the United Kingdom, China and Taiwan, have already adopted comparable legislation. In the United Kingdom, 20,000 items have been removed from shelves in traditional medicine shops in London since the adoption of legislation similar to the Rhino and Tiger Product Labeling Act. The adoption of such legislation must be accompanied by an expansion of enforcement efforts at the points of sale for these products, as well as at the ports of entry, in order to ensure that it achieves its intended purpose. Additional resources should be allocated to the U.S. Fish and Wildlife Service's (USFWS) Division of Law Enforcement so that increased inspection of incoming shipments can occur and more covert investigations can be initiated.

Conclusion

The protection of heavily traded species must involve proactive conservation efforts in the field and the strengthening trade controls at the consuming end. The Rhinoceros and Tiger Conservation Act establishes a mechanism for directing valuable financial assistance to in-situ rhino and tiger conservation projects. Though many of these projects have contributed significantly to the stabilization and recovery of rhino and tiger populations, they are often undermined by demand for rhino and tiger products in consumer nations. For this reason, we urge Congress to adopt the Rhinoceros and Tiger Product Labeling Act (H.R. 2807) and the Rhinoceros and Tiger Conservation Reauthorization Act (H.R. 3113) as a matter of urgency and to ensure their effectiveness by devoting much-needed funds to enhance enforcement capabilities within the United States. We further recommend that Congress appropriate \$1 million for the Rhinoceros and Tiger Conservation Fund in FY 1999.

1. South Africa's southern white rhino population was transferred to Appendix II in 1994.