

March 24, 2015

Senate Committee On Judiciary Oregon

### **Support SB 913 – Prohibition on Sales of Ivory and Rhinoceros Horn**

Chair Prozanski and members of the Committee:

Good morning and thank you for the opportunity to testify today.

My name is Natasha Dolezal and I'm a resident of SW Portland and a constituent of Senator Burdick. I am here today, as an animal law attorney, in support of SB 913. First, I want to express my sincere gratitude to Senator Hass for his leadership and support. In my testimony, I want to briefly address issues that are raised out of concern or in direct opposition to this bill – Status of existing law, -1 amendment exemptions, and Oregon's role in this crisis.

**How can we help?** The slaughter of the elephant and rhino is a global crisis that demands solidarity in terms of tougher laws, consistent enforcement and education. This is the downside of globalization. It is impossible for just a few countries acting alone to stop the poaching and illegal trade of elephants and rhinos. The entire global community must act and do its part, however large or small. Currently, the legal regime that regulates the trade in ivory and endangered or threatened species in the United States is complex. There are international treaties, federal statutory laws (i.e. Endangered Species Act or African Elephant Conservation Act), and President Obama's executive-branch orders with roughly only 200 USFWS agents to enforce these laws across the United States (in comparison to 5,000 DEA agents). And, yet, current federal law does not regulate the sale within a state (although, federal agents could ask seller to demonstrate that the ivory was for sale legally). Senate Bill 913 is Oregon's much needed response to this loophole by shutting down this horrific and cruel market in our state and allowing the sales of only a selected minority of items (i.e. guns, knives and musical instruments) that contain minimal ivory (less than 20%) and proper documentation. This bill will help to bolster the federal government plans that include an increase in penalties for traffickers, the training of more federal agents, and the collaboration with international governments on intelligence exchange and education. And, this is the upside of globalization. – the world is watching. What happens in our state will have ripple effects, effects as far away as Kenya.

Today, I want to try to put this overwhelming issue into a specific context and setting – Kenya. I am very connected to Kenya. In my capacity as a director of the Kenya Legal Project at the Center for Animal Law Studies at Lewis & Clark Law School, I've been working with Kenyan individuals and organizations on the poaching crisis from a U.S. law enforcement and animal law legal education perspective. I first started studying wildlife conservation in Kenya in 2001 and through the Kenya Legal Project am now involved in teaching the only Animal Law course in Kenya (and Africa). Through the Project, I've been able to sit down with Kenyan prosecutors and judges to ask them how we in the U.S., in Oregon, can assist and support their efforts on the ground in Kenya. Their message to me was clear: **every jurisdiction around the world must implement a complete ban on the selling of ivory and rhino horns if we want to stop the bleeding now and save these animals.**

To give you an idea, in the 1800's Africa was home to 26 million elephants. In the early 1900's the population dropped to 10 million with the rise of safari hunts and the subsequent mass production in the U.S. market for ivory in piano keys, pool balls, combs, etc. **This was the period of time when there was a legal trade in ivory.** The appetite for ivory then grew in Asia and in 1979 roughly 1.3 million elephants remained. Ten years later, with a population of only 600,000, Dr. Richard Leakey of the Kenya Wildlife Service convinced the Kenyan president to send a message to the world by burning their ivory stockpile. It worked. In 1990, the international CITES ban saw demand drop and the population rebounded over the next 10 years. However, in 1999 and 2008, due to growing pressure from Asian countries CITES allowed two auctions of ivory stock piles thus sanctioning trade in illegal tusks. The results have been devastating by providing cover to illegal traders, driving the price 20 times higher in Africa, and creating the confusion over legality.

Today, elephants number around 500,000 (and roughly 38,000 in Kenya), with roughly 30,000 per year poached according to the UN Environment Program. Reported statistics differ, but there is definite consensus that last year we reached a tipping point – more **elephants are being killed than are being born.** (An elephant's gestation period is 2 years). Kenya has The outcome for the rhinos is worse.

There are only four Northern White Rhinos left in the world, two in zoos and three in Kenya's Ol Pejeta Conservancy. The rhinos in Africa were nearly poached to extinction decades ago (declared extinct in countries like Zambia) for their horns (to be used in dagger handles or recently to treat cancer). Ninety-seven percent of Kenya's rhinos (black and white) are gone and South Africa just experienced the largest record of rhinos killed last year at 1,215 (only 13 killed in 2007). The black market for rhino horn is lucrative (estimates at \$65,000 per 2.2lb) and in most countries the risk to poachers is low. With rhinos, the estimate is one is killed every eight hours.

In Kenya, I saw hope and a commitment to this crisis. They have a long, proud history of banning sport hunting since the 1970's and recognition of the economic importance of tourism to their economy (roughly 12% of their GDP). In 2013, they amended their laws to allow for **a poacher to receive a life sentence for poaching.** However, they are still trying to increase the numbers of rangers and prosecutors handling the poaching cases. From 2008-2013, only 4% of poachers went to jail with most opting to plead guilty and pay the small fine. With over 57% of wildlife living outside the national parks, the rangers can't do it all. (In 2014, Kenya Wildlife Service reported needing at least 1,000 more rangers). Kenya needs our help; Africa needs our help. Let's demonstrate that the lives of elephants and rhinos, the natural heritage and economies of other countries like Kenya, and global security are more valuable to the people of Oregon than these products. In closing, I'd like to read a statement from a friend and colleague in Zimbabwe

*"My name is Bryce Clemence, I'm a game ranger who is on the front lines of the war against poaching in Africa. I am responsible for the protection of a 740,000acre park that is home to the big five and many endangered species of wildlife. I have thirty game Rangers under my direct supervision. As wildlife custodians, we are daily putting our lives on the line against armed poachers in the defense of wildlife. The rate of poaching in Africa, particularly of rhino and elephant is not sustainable. As rangers it doesn't make sense to put our lives on the line everyday to protect the same wildlife that people legally are trading in their body parts. The law needs to reflect the intrinsic value of these creatures our risk and work seems futile."*

Bryce Clemence, Director ~ ATS, Anti~Poaching Manager, Save Valley Conservancy, Zimbabwe

Thank you again for considering my comments. I would be happy to answer any questions.