

May 20, 2015

House Committee On Judiciary

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

Chair Barker and members of the Committee:

My name is Natasha Dolezal and I live in SW Portland. I am a former prosecutor and now the director at the Center for Animal Law Studies at Lewis & Clark Law School. In this capacity, I direct both the world's first and only advanced legal degree in animal law (LL.M.) and the Kenya Legal Project. I am here today on behalf of myself in support of SB 913A.

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, 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, judges, and wildlife officials 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 save these animals.**

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. The U.S. is one of the largest markets for ivory and other illegal wildlife products. Oregon is a part of the U.S. Currently, the legal regime that regulates the trade in ivory and endangered or threatened species in the United States is complex and was not designed to address the current crisis. The existing international treaties, federal statutory laws (i.e. Endangered Species Act or African Elephant Conservation Act), and President Obama's executive-branch orders do not address issues within states and they rely on only 200 USFWS agents to enforce these laws across the United States (in comparison to 5,000 DEA agents). In Oregon, there are only three agents to cover the whole state and enforce over 175 federal wildlife laws. Current federal law does not regulate the sale within a state.

Senate Bill 913A 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. certain 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. In Kenya, I see 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 convicted poacher to receive a life sentence**. 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. It is unjustifiable for Oregon to support and allow the commercialization of elephants and rhinos at a time when people around the world are risking their lives daily and dying in order to protect them, our world's natural heritage. In closing, I'd like to read a statement from a friend and colleague in Zimbabwe who risks his life to protect these animals.

"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 are legally trading in their body parts. We need the laws everywhere to reflect the intrinsic value of these creatures or our risk and work is futile."

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

Thank you,

Natasha Dolezal
Director, Animal Law LL.M. Program & Kenya Legal Project
Center for Animal Law Studies at Lewis & Clark Law School