

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA



Sixty-fifth meeting of the Standing Committee
Geneva (Switzerland), 7-11 July 2014

Interpretation and implementation of the Convention

Species trade and conservation

Rhinoceroses

REPORT OF THE WORKING GROUP

1. This document has been prepared by the United Kingdom of Great Britain and Northern Ireland as Chair of the Standing Committee Working Group on Rhinoceroses¹.

Background

2. At its 16th meeting (Bangkok, 2013), the Conference of the Parties adopted the following Decisions on the Conservation of and trade in African and Asian rhinoceroses:

Directed to all Parties

16.84 *All Parties should:*

- a) *immediately bring every seizure of illegal rhinoceros specimens made within their territories to the attention of authorities in countries of origin, transit and destination, as applicable, and to the attention of the Secretariat. Information on the seizure should be accompanied by available associated information, to enable follow-up investigations to take place;*
- b) *notify the CITES Secretariat of seizures of rhinoceros horn for which the origin cannot be determined. Such a notification should include information describing the circumstances of the seizure;*
- c) *enact legislation or use existing legislation to:*
 - i) *facilitate the use of specialized investigation techniques such as controlled deliveries and covert investigations in the investigation of wildlife-crime-related offences, as appropriate, in support of conventional investigation techniques;*
 - ii) *maximize the impact of enforcement actions by using other tools and regulations, such as anti-money laundering and asset forfeiture legislation, in support of wildlife legislation; and*
 - iii) *prosecute members of organized crime groups implicated in rhinoceros related crimes under a combination of relevant legislation which carry appropriate penalties that will act as effective deterrents, whenever possible;*

¹ *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat or the United Nations Environment Programme concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

- d) *submit rhinoceros horn samples from specimens subject to criminal investigation, to designated accredited forensic laboratories as described in document CoP16 Doc. 54.2 (Rev. 1), for DNA analysis, in accordance with relevant legislation regulating the exchange of such specimens;*
 - e) *prior to issuing permits or certificates, including pre-Convention certificates, authorizing the movement of specimens of rhinoceroses, consult with the country of destination, so that the true nature of the trade may be confirmed and monitored;*
 - f) *introduce national measures, as appropriate, in support of CITES implementation, to regulate internal trade in specimens of rhinoceros, including any specimen that appears from an accompanying document, the packaging, a mark or label, or from any other circumstances, to be a rhinoceros part or derivative; and*
 - g) *consider introducing stricter domestic measures to regulate the re-export of rhinoceros horn products from any source.*
- 16.85 *All Parties implicated in the illegal trade of rhinoceros horn as a range or consumer State, where applicable, should:*
- a) *develop and implement long-term demand reduction strategies or programmes and immediate actions aimed at reducing the illegal movement and consumption of rhino horn products, taking into consideration the draft demand-reduction principles included in the Annex to document CoP16 Doc. 54.1 (Rev. 1), to achieve measurable change in consumer behaviour;*
 - b) *develop and implement strategies or programmes to enhance community awareness with regard to the economic, social and environmental impacts of illicit trafficking in wildlife crime, and to encourage the general public to report illegal activities related to wildlife trade to appropriate authorities for further investigation. Such strategies or programmes and immediate actions could include the involvement of local communities that live in the immediate vicinity of conservation areas, community policing projects or other strategies as may be appropriate; and*
 - c) *provide information on the effectiveness of strategies or programmes referred to in paragraph a) and b) of this Decision, to the Working Group on Rhinoceroses, by 31 January 2015, to assist the Working Group in identifying best practices and challenges experienced, with the aim of developing ideas to further enhance the effectiveness of demand-reduction strategies, and to report on its findings at the 66th meeting of the Standing Committee.*

Directed to Viet Nam

16.86 *Viet Nam should:*

- a) *make progress with the development and implementation of the South Africa – Viet Nam 2012-to-2017 Joint Action Plan, including strengthening management of imported rhino horn trophies, and to improve investigations and prosecutions of Vietnamese nationals suspected of illegally possessing or trading in rhino horn, as referenced in document CoP16 Inf. 24; and specifically to include:*
 - i) *development of legislation on the domestic management of imported rhino horn trophies addressing the issue of alteration and transfer of rhino horn trophies pursuant to the national laws and CITES Resolutions; and*
 - ii) *establishment of a secure registration database to track legal rhino horn trophies;*
- b) *conduct consumer behaviour research to develop and implement demand reduction strategies or programmes aimed at reducing the consumption of rhino horn products; and*
- c) *provide a comprehensive report on progress made to the Secretariat by 31 January 2014, with regard to steps taken to effectively implement the requirements of Resolution Conf. 9.14 (Rev. CoP15), and include:*

- i) *an update on arrests, seizures, prosecutions and penalties for offences related to illegal rhinoceros horn possession and trade in Viet Nam since CoP16;*
- ii) *the effectiveness of Decision 11², reported in document CoP16 Inf. 24, to prevent illegal rhino horn trade; and*
- iii) *any other on-going activities and measures implemented to combat illegal killing of rhinoceros and illegal rhinoceros horn trade.*

Directed to Mozambique

16.87 *Mozambique should:*

- a) *take steps to effectively implement the requirements of Resolution Conf. 9.14 (Rev. CoP15);*
- b) *give priority attention to the enactment and implementation of legislation with deterrent penalties to effectively combat wildlife crime, prevent illegal killing of rhinoceroses and illegal possession of and trade in rhinoceros horn, taking into consideration the content of Decision 16.84, paragraphs a)-g); and*
- c) *assist the Working Group on Rhinoceroses to implement its mandate by providing a comprehensive report on measures implemented, as specified in paragraph a) and b) of this Decision, and on any other activities conducted. This report should be submitted to the Secretariat by 31 January 2014.*

Directed to Mozambique and South Africa

16.88 *Mozambique and South Africa should further enhance bilateral cooperation with each other and with their neighbouring States, to enhance current efforts to combat illegal killing of rhinoceroses and illegal trade in rhinoceros horn, and should provide a comprehensive report to the Secretariat, by 31 January 2014, with regard to activities conducted in this regard.*

Directed to the Secretariat

16.89 *The Secretariat shall:*

- a) *subject to external funding, convene a CITES Rhinoceros Enforcement Task Force consisting of representatives from Parties affected by rhinoceros poaching and illegal trade in rhinoceros horn, the International Consortium on Combating Wildlife Crime partner organizations, EUROPOL and, as appropriate, other Parties and experts. The Task Force should develop strategies to improve international cooperation, taking into consideration ongoing initiatives [such as the Memorandum of Understanding (MoU) between South Africa and Viet Nam], and promote similar MoUs as appropriate;*
- b) *subject to external funding, develop, in conjunction with relevant institutions and experts, a manual containing guidelines on best practices, protocols and operational procedures, that will promote the use of wildlife forensic technology;*
- c) *examine the implementation of Resolution Conf. 9.14 (Rev. CoP15) in those range States where the illegal killing of rhinoceros poses a significant threat to the populations of these species, particularly South Africa and Zimbabwe, and share its findings with the Working Group on Rhinoceroses;*
- d) *examine progress with curtailing illegal trade in rhinoceros parts and derivatives by citizens of implicated States, particularly Viet Nam;*
- e) *seek external funding to undertake a technical mission to the Lao People's Democratic Republic to assess current enforcement activities relevant to illegal trade in wildlife, in*

² *Note from the Secretariat: In January 2013, the Prime Minister of Viet Nam issued Decision 11 on the "Prohibition of the export, import, selling and buying of specimens of some wild animals listed in the CITES Appendices". See document CoP16 Inf. 24 for further information.*

particular in rhinoceros parts and derivatives, and the implementation of Resolution Conf. 9.14 (Rev. CoP15);

- f) revise Resolution Conf. 9.14 (Rev. CoP15), taking into consideration the contents of Decisions 16.84 and 16.85 and submit this revised version for consideration at the 17th meeting of the Conference of the Parties; and*
- g) report at the 65th and 66th meetings of the Standing Committee on progress with regard to the implementation of paragraph a) to e) of this Decision.*

Directed to the Working Group on Rhinoceroses

16.90 *The Working Group on Rhinoceroses shall:*

- a) evaluate the reports submitted in compliance with Decisions 16.86, paragraph c), 16.87, paragraph c), 16.88, and the findings of the Secretariat as per Decision 16.89, paragraph c); and report its findings and recommendations at the 65th meeting of the Standing Committee; and*
- b) evaluate the report submitted in compliance with Decision 16.85, paragraph c), and report its findings and recommendations at the 66th meeting of the Standing Committee.*

Directed to the Standing Committee

16.91 *The Standing Committee shall:*

- a) at its 64th meeting, extend the mandate of the Working Group on Rhinoceroses established at its 61st meeting, to continue to work, primarily through electronic means; and*
- b) at its 65th and 66th meetings, consider the reports and recommendations of the Working Group on Rhinoceroses as required in Decision 16.90, and of the Secretariat, and determine further actions to be implemented by Parties to reduce illegal supply and demand, including any necessary measures pursuant to Resolution Conf. 14.3.*

16.92 *The Standing Committee shall review the definition of 'hunting trophy' provided in Resolution Conf. 12.3 (Rev. CoP16), in relation to rhinoceros horn hunting trophies, and consider whether any revision is needed in order to eliminate the possible abuse of the definition to facilitate illegal trade in rhinoceros horn.*

- 3. The Standing Committee, at its 64th meeting (SC64, Bangkok, March 2013), agreed that the intersessional working group established at SC61 would be continued, with the existing membership and with the United Kingdom as the Chair, in order to support the implementation of the CoP 16 Decisions.
- 4. In relation to SC65 the Working Group was tasked with evaluating the reports submitted in compliance with:
 - Decisions 16.86, paragraph c) from Viet Nam;
 - 16.87, paragraph c), from Mozambique;
 - 16.88, from South Africa and Mozambique; and
 - the findings of the Secretariat as per Decision 16.89, paragraph c)

and report on their findings and recommendations.

Discussion

- 5. Reports were received from Viet Nam and South Africa within the timeline set out in the relevant Decision, enabling these to be considered fully by the Working Group. Mozambique provided a report, in response to Decision 16.87 only, but some two months after the deadline for submission of the report, which limited consideration by the Working Group. The Secretariat also provided a report to the Group submitted by Zimbabwe on the implementation of Resolution Conf. 9.14 (Rev. CoP15) which it received as part of its activity to fulfil Decision 16.89 c).

6. The most detailed information considered by the Group was provided by Viet Nam. This included its report in response to Decision 16.86 c), but also subsequent information that became available on the Directive issued by the Prime Minister on 20th February 2014 *On strengthening the direction and implementation of measures for controlling and protecting endangered, rare and precious wild animals*, and responses to queries raised by the Group on these two documents.
7. The Group considered the range of activity reported by Viet Nam included a number of positive developments. The Prime Minister's Directive would appear to be significant, providing evidence of the necessary political commitment from the top of the Government to tackle the illegal wildlife trade. It also provides a clear mandate to a wide range of relevant Ministries, including Public Security, Industry and Trade, Finance, National Defence and Agriculture and Rural Development to work to eradicate the illegal wildlife trade. Notably it also mandates the Ministry of Justice to review and make recommendations for improving legal provisions, and the Supreme People's Procuracy and the Supreme People's Court to work with investigation bodies to improve prosecution. Most of these Ministries are represented on Viet Nam's National Inter-agency Committee on Combatting Illegal Trade in Wildlife, chaired by the Deputy Minister of Agriculture and Rural Development. Viet Nam reports that all named Ministries and the 63 provinces have developed action plans to implement the Directive. This multi-agency approach is clearly important and Viet Nam should be commended for providing such a clear statement of intent.
8. The timeline for Viet Nam to submit a report to the Group was prior to the issuance of the Prime Minister's Directive so the activity reported on pre-dates the Directive. The report includes updates on: seizures made; Decision 11 on the prohibition of the export, import, selling and buying of specimens of some wild animals listed under CITES as well as other revised laws and regulations; action taken to strengthen the capacity of law enforcement agencies; initiation of work on awareness raising; and strengthened international co-operation.
9. The information provided detailed nine seizures in 2013. In response to questions from the Group that the detail on the seizures indicated an imbalance of enforcement focus towards the border rather than also within Viet Nam, further information was provided. This noted that enforcement agencies are now also prioritising areas in which traditional medicines are traded, as well as holding workshops with community leaders in these areas to raise awareness. A further query was raised about the ability under Vietnamese legislation to potentially seek custodial sentences for trafficking in rhino horn, and evidence that successful prosecutions are being undertaken. Viet Nam acknowledges that achieving successful prosecutions with effective deterrent sentences is an area that has had limited success to date and needs improvement, and is working on guidance to prosecutors and judges specifically on handling cases involving the rhino and elephant products. Noting the recommendation made at the end of this document for Viet Nam to provide a further report to the Group ahead of SC66 more detailed information on enforcement activity within Viet Nam, including arrests, prosecutions and penalties issued will clearly be valuable in assessing the impact of Viet Nam's increased focus on this challenge.
10. Under Decision 11 domestic trade and import of products of *Ceratotherium simum* and *Diceros bicornis* (and also *Loxodonta africana*) is prohibited, except for particular circumstances. Viet Nam has indicated such exceptions include diplomacy, scientific research, conservation, display at zoos, other exhibitions and law enforcement. In response to questions on the scope and application of these exemptions Viet Nam confirmed that since the effective date of the Decision (24th January 2013) no import of rhino horn or ivory has been permitted for any purpose.
11. This Decision also applies to hunting trophies, and the import of such specimens has been suspended, and can only be permitted if cooperation agreements are signed between Viet Nam and the exporting country. Improved bilateral international co-operation is one area that is developing. Viet Nam reports that it considers one of the key achievements to date of the MoU signed with South Africa to be the increased awareness of Vietnamese citizens living/travelling in South Africa of the potential punishments for involvement in the illegal trade of rhino horn.
12. Raising awareness, and then tackling demand for rhino horn, is clearly a key activity. Through Decision 16.86 b) Viet Nam was tasked with *conducting consumer behaviour research to develop and implement demand reduction strategies or programmes*. In partnership with Humane Society International the CITES Management Authority for Viet Nam has initiated a three year programme in response. A survey to measure baseline public opinion has been conducted, and initial awareness raising activity undertaken, particularly targeting children, students and women's groups, with a range of further activity planned in 2014 and beyond. A further survey is planned for late 2015 to assess the impact of the programme on public opinion.

13. As part of the awareness raising activities Viet Nam intends to communicate more widely that it considers the majority of rhino horns being traded in Viet Nam are actually fake. It is worth recalling that Resolution Conf. 9.6 (Rev. CoP16) stipulates that the term 'readily recognizable part or derivative', as used in the Convention, shall be interpreted to include any specimen which appears from an accompanying document, the packaging or a mark or label, or from any other circumstances, to be a part or derivative of an animal or plant of a species included in the Appendices. However, currently Vietnamese legislation does not reflect this. The need to address the issue of fake specimens was recognised in the Prime Minister's Directive and the CITES Management Authority for Viet Nam is working with judiciary authorities on how to do this.
14. The report provided by Mozambique catalogues anti-poaching measures taken since 2012 in Limpopo National Park, including provision of new equipment to field rangers, the resettlement of villages close to the border with the Kruger National Park, the establishment of an "Intensive Protection Zone" along the length of the border with the Park, and increased cross border co-operation. It is difficult to draw conclusions about the scale and impact of this activity, given the limited information provided, though. Arrests increased from 14 in 2012 to 43 in 2013, and fines issued increased tenfold (to 10,912,250Mt). However, the report notes that less than 3% of these fines have been paid, and that improvement in the judicial system is thus required.
15. The report details some anticipated next steps that seem to hold potential. A proposed new Conservation Law, including stricter sentences, is highlighted in the report. Subsequent media reports indicated that this had passed final reading in the Mozambique Assembly of the Republic on 25th April, and would include both the potential for maximum prison sentences of up to 12 years and fines of up to \$90,000 for those convicted of being involved in poaching. It is to be hoped that this bill is enacted as soon as possible, to provide both clarity and certainty on significantly strengthened penalties to tackle the illegal wildlife trade in Mozambique. It is noted that a multi-agency Anti-Poaching Task Force was approved by the Government in February 2014 to implement the programme to 'combat illegal exploitation of natural resources in Mozambique'. On the basis of the limited information provided it is difficult for the Group to draw any meaningful conclusions on the steps taken by Mozambique to effectively implement Resolution Conf 9.14 (Rev. CoP15).
16. South Africa provided a report in accordance with Decision 16.88 on cross border co-operation with Mozambique. No equivalent report was provided by Mozambique, although cross-border co-operation was mentioned in their report in response to Decision 16.87, including the intention to sign a MoU with South Africa in April 2014. This MoU on biodiversity conservation and management was signed on 17th April and is clearly a very encouraging development³. A main theme of the MoU is greater co-operation in tackling the challenge of rhino poaching within the Great Limpopo Transfrontier Park.
17. It was encouraging to see the level of engagement between the countries outlined in report from South Africa, and subsequently confirmed through the signing of the MoU. It is disappointing that this was a unilateral report and there was no response from Mozambique. It is hoped that the draft agreements that are emerging from the ongoing engagement between the two countries, for example on extradition, mutual legal assistance, training of Mozambican judiciary and state law advisors, as well as the Co-operation Agreement on the Joint Protection and Management of the Rhino and Elephant Populations in the Great Limpopo Transfrontier Park are agreed and implemented rapidly.

Summary

18. The range of activities being undertaken in the reports provided to the Working Group is clearly encouraging. We cannot ignore, though, that 2013 saw over 1,000 Rhinos poached, and 294 poached in South Africa in 2014 as 17th April. This is no time for half measures or warm words. So while there is activity we need to see meaningful progress being made, and rapidly. At this stage the reports from Viet Nam, Mozambique and South Africa only begin to touch on the impact of the measures taken so it is too early to assess whether they will have an appreciable effect on levels of poaching. The level of detail provided in the reports is mixed, and there is a common theme that demonstrable progress and outcomes resulting from the activity described were not always readily apparent.
19. Viet Nam is clearly demonstrating a greater level of commitment and activity than in the past and that is to be commended. Many critical issues though are still in the early stages of being addressed so there is need for continued progress by Viet Nam, and for continued timely reporting of this activity. However,

³ https://www.environment.gov.za/mediarelease/sa_mozambique_signmou

the late report from Mozambique, and the limited specific detail provided of activity taken at a national level, fails to provide confidence that there is a similar level of political commitment or meaningful action being taken. It is particularly disappointing that Mozambique chose only to report in relation to Decision 16.87, and not 16.88. The Working Group is reliant on the report from South Africa in relation to that Decision. Taking the parallel of the national ivory action plans approach agreed at SC64 may be an appropriate and constructive means of working with Mozambique to support them in taking the urgent action needed.

20. It should be acknowledged that the current poaching crisis will not be resolved by action in these three countries alone, critical as they are. Decision 16.84 requires action from all parties, and the full support of the wider international community is necessary to assist the most affected countries. In that regard two events since CoP 16 are worth noting. The London Conference on the Illegal Wildlife Trade, an independent initiative of the United Kingdom, successfully raised worldwide awareness of the need for urgent action to tackle wildlife trafficking. The CITES Rhino Enforcement Task Force met in Nairobi 28th-29th October 2013, bringing together representatives from 21 countries. They agreed a comprehensive set of strategies and proposed actions to combat the poaching of, and illegal trade in, rhinoceros, building on the existing CITES Decisions and Resolutions on rhinoceroses. CITES Parties must increase their efforts to effectively implement these agreed strategies and actions, to ensure a meaningful impact on reducing rhino poaching.

Recommendations

21. The Working Group recommends that the Standing Committee adopt the following recommendations
- a) The Standing Committee formally note that Mozambique provided a response to Decision 16.87 some two months after the date set down in the Decision, and failed to provide any response to Decision 16.88. Further note that this impedes the ability of the Working Group to fulfil its mandate.
 - b) Mozambique should develop a national rhino horn action plan, with timeframes and milestones, and submit this to the Secretariat by 8th August 2014. The Secretariat will share the plan received with the Standing Committee, and the Rhino Working Group.
 - c) Mozambique is requested to take urgent measures to implement the national rhino action plan between SC65 and SC66. Mozambique should keep the Secretariat and the Working Group updated via electronic means about progress made against timeframes and milestones, including, but not limited to the comprehensive report identified at e).
 - d) The Secretariat shall, upon request, advise Mozambique on the implementation of their respective plans. In the light of progress with the implementation, the Secretariat may undertake a mission, pending an invitation from Mozambique and the availability of external funding.
 - e) Mozambique is requested to submit a comprehensive report on progress in the implementation of its national rhino action plan, and on any other action taken to effectively implement Resolution Conf 9.14 (Rev. CoP15). This report should be submitted to the Secretariat by 31st January 2015.
 - f) Viet Nam is requested to provide a further comprehensive report on actions taken to effectively implement the requirements of Resolution Conf 9.14 (Rev. CoP15). This should build on the report provided in response to Decision 16.86 ahead of SC65, including, in particular, by providing an update on the implementation of the Prime Minister's Directive *On strengthening the direction and implementation of measures for controlling and protecting endangered, rare and precious wild animals*, and a detailed update on update on arrests, seizures, prosecutions and penalties for offences related to illegal rhinoceros horn possession and trade in Viet Nam. This report should be submitted to the Secretariat by 31st January 2015.
 - g) The Working Group should evaluate the reports submitted in compliance with recommendations e and f and report its findings and recommendations at the 66th meeting of the Standing Committee.
 - h) Noting the urgent need for effective implementation of actions against the trafficking of rhino horn the Working Group should be mandated to draw to the attention of the Standing Committee issues of compliance, as necessary, intersessionally. Such issues raised will be considered by postal procedure.

- i) The Standing Committee assist the provision of information requested under Decision 16.85 c) on the effectiveness of demand reduction programmes referred to in Decision 16.85 a) and the strategies and programmes to enhance community awareness referred to in Decision 16.85 b) by requesting the Secretariat convene an expert workshop on these topics, subject to external funding.
- j) The Standing Committee encourage all parties to make every effort to effectively implement Resolutions and Decisions made under CITES on the illegal trade in rhino horn, and the strategies and actions agreed at the CITES Rhino Enforcement Task Force in Nairobi, 28-29th October 2013.