

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



Fifty-eighth meeting of the Standing Committee
Geneva (Switzerland), 6-10 July 2009

Interpretation and implementation of the Convention

Species trade and conservation

RHINOCEROSES

1. This document has been prepared by the Secretariat.

Background

2. At its 14th meeting (The Hague, 2007), the Conference of the Parties adopted the following Decisions in relation to rhinoceroses.

Directed to Parties

- 14.88 *Range States of African and Asian rhinoceroses and Parties that have stocks of rhinoceros horns and derivatives thereof should declare the status of their stocks of rhinoceros horns and derivatives before the 15th meeting of the Conference of the Parties in accordance with a format to be circulated by the Secretariat.*

Directed to the Secretariat

- 14.89 *The Secretariat shall:*

- a) *develop, in collaboration with the African and Asian Rhino Specialist Groups of the IUCN Species Survival Commission and TRAFFIC, a format for the declarations referred to in Decision 14.88 and distribute it through a Notification to the Parties;*
- b) *invite TRAFFIC to review information on the accumulation of rhinoceros horn stocks in range States and the routes by which horns enter and flow to illegal markets, with priority countries for such review being those in which either there has been a recent significant increase in poaching levels, where discrepancies might exist in reported horn stockpiles, where volumes of horn stockpiles are unknown or where insufficient crossborder collaboration to combat illegal rhinoceros horn trade has been reported; and*
- c) *request IUCN – The World Conservation Union and TRAFFIC to include an analysis of the information provided by the Parties on stocks of rhinoceros horns and derivatives thereof, and of the review referred to in paragraph b) above in their reporting to the Secretariat pursuant to Resolution Conf. 9.14 (Rev. CoP14) and for consideration at the 15th meeting of the Conference of the Parties.*

14.90 *The Secretariat shall:*

- a) examine the implementation of Resolution Conf. 9.14 (Rev. CoP14) in the range States where illegal poaching of rhinoceroses appears to have increased and to pose a significant threat to populations of rhinoceroses, particularly in the Democratic Republic of the Congo, Nepal and Zimbabwe;
- b) collaborate with the World Heritage Convention in addressing rhinoceros poaching and illegal trade issues in World Heritage sites in the Democratic Republic of the Congo, inter alia to support greater coordination with neighbouring countries, facilitate the collation and distribution of intelligence information and provide capacity building for wildlife law enforcement personnel;
- c) Encourage relevant range States to link rhinoceros conservation actions where possible with the CITES site-based programme for Monitoring the Illegal Killing of Elephants; and
- d) report on the implementation of these Decisions at the 57th and 58th meetings of the Standing Committee and at the 15th meeting of the Conference of the Parties.

Related activities

3. In relation to Decision 14.89, paragraph a), the Secretariat welcomes the work by the IUCN/SSC African and Asian Rhino Specialist Groups and TRAFFIC to prepare a format for the declarations referred to. The Secretariat issued the format with Notification to the Parties No. 2009/011 on 20 March 2009. It has requested relevant Parties to submit completed declaration forms by 30 June 2009, to enable the information to be reviewed and a report prepared for the 15th meeting of the Conference of the Parties.
4. In relation to Decision 14.89, paragraphs b) and c), the Secretariat is aware that IUCN and TRAFFIC are willing to undertake such work, but it is also aware that funding is needed by both organizations and it encourages potential donors to support these activities.
5. In relation to Decision 14.90, paragraph b), the Secretariat has discussed with the General Secretariat of Interpol and the UN Office on Drugs and Crime the provision of capacity building to the Democratic Republic of the Congo and neighbouring countries. There appears to be scope for the three organizations to undertake work on this matter jointly. However, a date and place to engage in such training have yet to be determined. The Secretariat is also conscious that civil unrest and rebel activity in the north of the Democratic Republic of the Congo are not favourable to capacity building or for persons provided with capacity building to deploy the new skills they may acquire.
6. In relation to Decision 14.90, paragraph c), staff of the Monitoring of Illegal Killing of Elephants Central Coordinating Unit continue to encourage relevant range States do this.

CITES Rhinoceros Enforcement Task Force

7. At its 57th meeting (Geneva, July 2008), of the Standing Committee endorsed a proposal by the Secretariat that a task force be convened to examine increases in poaching of and illegal trade in rhinoceroses, as it was concerned that these were reaching serious levels.
8. On 18 and 19 November 2008, the CITES Secretariat convened a CITES Rhinoceros Enforcement Task Force meeting in Nairobi, Kenya. Representatives from mainland China, Hong Kong S.A.R., Kenya, India, Mozambique, Nepal, South Africa, Thailand, Viet Nam, Yemen and Zimbabwe attended. These included CITES, Customs and specialized wildlife law enforcement officials. The Lusaka Agreement Task Force and the General Secretariat of ICPO-Interpol also participated. Intelligence was submitted by the U.S. Fish and Wildlife Service, and the UN Office on Drugs and Crime sent an observer.
9. The Task Force studied recent criminal activity related to rhinoceroses and agreed upon a number of strategies to combat this. However, the Task Force also agreed that effective combating of such activity could not be undertaken by CITES and wildlife law enforcement officers alone, as many of

the crimes being committed are outside the jurisdiction and competency of such agencies. It was acknowledged that only international, multi-agency efforts could tackle what is occurring.

10. Consequently, the CITES Secretariat was asked to prepare a briefing document that could be supplied to relevant governments and law enforcement bodies to seek their engagement in efforts to combat the poaching of and illegal trade in rhinoceroses. It was intended that the document would be disseminated to Customs, financial investigation agencies, serious or organized crime squads, the police and tax authorities.
11. The Secretariat finalized the 12-page briefing document in early 2009 and it was distributed to over 40 permanent missions in Geneva representing rhinoceros range and consumer States. The Secretariat requested that it be sent to these nation's capitals for the attention of law enforcement bodies. A copy of the document was sent to the President of Interpol (the Commissioner of the Singapore Police) and it can be viewed via the CITES website Enforcement Authority Forum.
12. The Secretariat wishes to express its appreciation to the Permanent Mission of Indonesia in Geneva, which requested a meeting with the Secretariat to discuss how it might best make use of the briefing document and how agencies in Indonesia might respond to illegal trade in rhinoceroses. It is the only Mission to have responded to date.
13. The Task Force believed that it was important that more data be collected about poaching of and illegal trade in rhinoceroses and recommended that an Ecomessage be submitted when relevant incidents occurred or seizures of horn took place. The Secretariat issued Notification to the Parties No. 2008/ 069 on 16 December 2008, encouraging Parties to do so. Interpol has offered to assist in analysing any information received.
14. The Task Force noted the importance of trying to use forensic science support in responding to crimes related to rhinoceroses. The Secretariat subsequently discussed this with staff of the U.S. Fish and Wildlife Service Forensics Laboratory and a pilot project is currently being considered, which will hopefully be conducted in a range State that has suffered serious levels of poaching. It obviously is not appropriate to make either the nature or location of the project public.

Collection of intelligence

15. Both the Task Force and Secretariat noted that there are considerable gaps in knowledge as to the final use and destination of illegally-traded rhinoceros horns. To a significant extent, this is due to a failure by the law enforcement community to make full use of the opportunities that have occurred, such as the interception of couriers smuggling horns from Africa to Asia, to thoroughly question some of these individuals. The Task Force and Secretariat also believe that, where possible, greater use should be made of controlled deliveries.
16. In order to help guide officials in such circumstances, the Secretariat has sought the assistance of the Interpol Wildlife Crime Working Group to create a checklist of questions that can be put to persons who are discovered to be engaged in smuggling. A draft list should be ready for review by the CITES Enforcement Expert Group when it meets later in 2009. It is then intended that it will be published by CITES and Interpol. This initiative will, of course, be of benefit to general wildlife law enforcement and is not focused solely on illegal trade in specimens of rhinoceros.

South Africa

17. There is no doubt that unscrupulous individuals have exploited the legal hunting of rhinoceroses in South Africa to obtain horns for illicit purposes. There is also little doubt that some members of the commercial hunting community and hunting service providers in South Africa have behaved in a manner that brought great discredit to their 'industry'. However, the authorities in South Africa collaborated effectively with the Secretariat from an early stage, as they grappled with how to respond to what was, on the surface, a legal activity. The Secretariat notes that the authorities in South Africa have introduced measures to combat illicit trade via hunting trophies. It also notes that several major investigations and prosecutions have taken place or are taking place.

18. The Secretariat commends the prosecution authorities of South Africa, which have used racketeering and conspiracy charges against some of the criminal involved. This serves as an excellent example of how general criminal law can be used to combat wildlife crime and illegal trade. The Secretariat is aware that several individuals have been sentenced to lengthy prison terms for poaching of and illegal trade in rhinoceros specimens.
19. It seems, however, that reducing the possible illegal exploitation of hunting trophies has led to increased poaching. This is probably not surprising and is another reason why the Task Force called for international collaboration, so that the various links in the chain between the poaching of a rhinoceros in one continent and the final use of its horn in another can be combated effectively. There seem to be several indications that poaching is increasing in other range States too.

Yemen

20. At its 57th meeting, the Standing Committee endorsed a proposal by the Secretariat that it conduct a mission to Yemen to study the trade in rhinoceros horn. Such a mission was conducted in November 2008 and the Secretariat is grateful to the Government of the United States of America for funding this activity.
21. This short mission consisted of discussions with a range of officials, visits to markets and participation in a capacity-building and awareness-raising workshop that was organized by the CITES authorities in Yemen and the International Fund for Animal Welfare. The workshop was attended by a range of officials with potential roles in implementing the Convention, but the Secretariat was also pleased to note the presence of several traders.
22. Men in Yemen, and to a much lesser extent the neighbouring Oman and Saudi Arabia, have a tradition of wearing daggers (called jambiyas) as part of their traditional dress. In the past, it was very popular for those who could afford it to have the dagger handle made from rhinoceros horn. Yemen was, consequently, a major destination for trade in horns.
23. However, Yemen banned the import of rhinoceros horns in the early 1990s, even before it acceded to CITES in 1997. Domestic trade in horn that was acquired prior to the ban remains legal but, in practice, this primarily involves antique jambiyas, where it is the age and provenance of the dagger that makes it commercially attractive, rather than necessarily the presence of rhinoceros horn in the handle. The ban, together with awareness campaigns, appeared to have dramatically reduced use of rhinoceros horns but some researchers have recently expressed concern that such trade might be re-emerging.
24. For anyone who has not visited the country, it is difficult to imagine how widely the jambiya is worn in Yemen. In some parts of the capital, the majority of men wear one. There is, consequently, a large industry around their manufacture and sale. The Secretariat visited many stalls and shops where traders were making, repairing, altering or selling jambiyas. It saw only one dagger, however, where it was satisfied that the handle was truly rhinoceros horn.
25. Identification of rhinoceros horn is a major problem for enforcement staff. There are a number of techniques that can be used to identify raw rhinoceros horn outside of a laboratory or other formal environment. Some of these are, to a degree, invasive, i.e. the material in question requires to be subjected to destructive physical tests. Such tests are clearly unsuitable for use on a dagger on display in a market, since the handle may become marked. Although the trained eye can fairly readily spot some fake rhinoceros horn, it is not easy at all to identify the genuine article confidently. This is an area worthy of further research, to assist operational enforcement staff.
26. During the Secretariat's short mission, it found no evidence to indicate that Yemen is, at present, a significant destination for illegal trade in rhinoceros horn. However, this is primarily because of the current socio-economic climate in the country. It imagines that, should this improve, demand could well re-emerge. Consequently, the authorities need to be alert to this. Intelligence also indicates that most rhinoceros horn being traded illegally at present is destined for eastern Asia.
27. Yemen participated in the CITES Rhinoceros Enforcement Task Force and the Secretariat believes that this, in itself, was useful capacity building for the official involved and provided him with an

important overview of illegal trade in rhinoceros horn and Yemen's historical, current and possible future role.

Final remarks

28. The Secretariat finds it difficult to identify any further ways in which it might assist Parties in combating crime related to rhinoceroses, given its current limited resources. In the past, technical missions have often been undertaken to consumer States to look at specific species in illegal trade. However, for the moment, such work seems unlikely to be productive, as the current final use of rhinoceros horn is not known. This is frustrating, as a better understanding of what is driving the consumption of horn might enable the Secretariat to perhaps suggest actions, other than just enforcement, that could be taken to address this issue, such as demand reduction, public education, use of alternatives, etc.
29. The preparation and distribution of such a detailed briefing document on species-specific illegal trade had not been undertaken by the Secretariat before. It hopes that this approach will be useful, but it is now for the Parties and law enforcement bodies to make use of the document and the information it contains. Many Parties apparently have national multi-agency committees with regard to implementation of the Convention. The Secretariat hopes that such committees will review the briefing document and determine whether this criminality is likely to affect their country and, if so, determine response strategies. The Secretariat will, of course, assist any Party that requests technical advice.
30. It would seem at present that illegal trade in specimens of rhinoceros affects, to a greater or lesser extent, every CITES region, other than South and Central America and the Caribbean. The Secretariat hopes that, where appropriate, Standing Committee members will encourage their regions to respond to this trade. That aside, it has no specific recommendations to make to the Committee.