

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



Sixty-sixth meeting of the Standing Committee
Geneva (Switzerland), 11-15 January 2016

Interpretation and implementation of the Convention

Species trade and conservation

Rhinoceroses (Rhinocerotidae spp.)

REPORT OF THE WORKING GROUP

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

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* with relevance to SC66:

Directed to all Parties

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.*

* *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.*

3. At its 65th meeting (July 2014), the Standing Committee adopted SC65 Com.3. This included a number of recommendations on the Conservation of and trade in African and Asian rhinoceroses for Parties to provide reports on, as follows:

Recommendation related to Czech Republic, South Africa and Viet Nam

- b) invite the Czech Republic, South Africa and Viet Nam each to submit a comprehensive report to the Secretariat, by 31 March 2015, on measures taken, including measures to improve bilateral and trilateral co-operation, to ensure that rhinoceros trophy hunting is not exploited by criminal groups and is not used to launder rhinoceros horns into illegal trade, and to prevent the illegal re-export of rhinoceros horns from the Czech Republic to Viet Nam. In the case of Viet Nam this reporting should be included in the report it provides in accordance with recommendation h;

Recommendation related to India

- c) invite India to submit a comprehensive report on its implementation of Resolution Conf. 9.14 (Rev. CoP15) to the Secretariat, by 31 March 2015, for consideration by the Standing Committee at its 66th meeting;

Recommendations related to Mozambique

- e) invite Mozambique to:
- i) prepare a detailed national rhinoceros action plan with time frames and milestones, capturing the measures that are still being, or are expected to be implemented, as contained in the report submitted by Mozambique and described in the report of the Secretariat (SC65 Doc. 43.2), the provisions of Resolution Conf. 9.14 (Rev. CoP15), and any other activities and measures that might be implemented to combat illegal killing of rhinoceros and illegal rhinoceros horn trade;
 - ii) submit its national rhinoceros action plan to the Secretariat by 31 October 2014;
 - iii) take urgent measures to implement the national rhinoceros action plan between SC65 and SC66, seeking advice from the Secretariat as necessary;
 - iv) provide a report to the Secretariat and the Working Group on Rhinoceroses, about progress made against timeframes and milestones on the implementation of the actions contained in the national rhinoceros action plan, by 31 January 2015; and
 - v) provide a comprehensive report on progress made with the implementation of the national rhinoceros action plan, to the Secretariat and the Working Group on Rhinoceroses, by 31 March 2015, including information on arrests, seizures, prosecutions and penalties for offenders involved in rhinoceros poaching and illegal rhinoceros horn possession and trade, for consideration by the Standing Committee at its 66th meeting.

Recommendation related to South Africa and Mozambique

- g) invite South Africa and Mozambique to jointly submit a comprehensive report to the Secretariat, by 31 March 2015, on progress in the implementation of the deliverables agreed between their Ministers at their June 2013 meeting, and on any progress made in the implementation of the activities agreed at the 4th JPCDS meeting, as it relates to rhinoceros poaching and the illegal rhinoceros horn trade, as described in paragraphs 37 to 38 of the report of the Secretariat (SC65 Doc. 43.2) , for consideration by the Standing Committee at its 66th meeting;

Recommendation related to Viet Nam

- h) invite Viet Nam to provide a further progress report, following on from their report ahead of SC65, to the Secretariat by 31 March 2015, for consideration by the Standing Committee at its 66th meeting, on:
- i) the outcome of investigations and the application of appropriate penalties in relation to the seizures reported in the report submitted by Viet Nam and presented in Annex 1 to the report of the Secretariat (SC65 Doc. 43.2), and on arrests, seizures, prosecutions and penalties for illegal

rhinoceros horn possession and trade offences imposed in the period since SC65, including at border points and in domestic markets;

- ii) any measures implemented to ensure that all confiscated rhinoceros horn stocks are secured, marked and registered in accordance with the provisions of Resolution Conf. 9.14 (Rev. CoP15);
 - iii) any activities conducted to bring seizures to the attention of authorities in countries of origin, transit and destination in accordance with the provisions of Decision 16.84, paragraphs a) and b), and any collection of samples from confiscated rhinoceros horns for forensic analysis, in accordance with the provisions of Decision 16.84, paragraph d);
 - iv) measures to reduce the demand for rhinoceros horns in domestic markets and reduce the engagement of Vietnamese people in the illegal trade in rhino horn, both in Viet Nam and in other countries; and
 - v) progress on 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.
- j) request the Secretariat and the Working Group on Rhinoceroses to evaluate the reports submitted in compliance with recommendations b), c), e) iv), e) v), g) and h) above and report their findings and recommendations to the Standing Committee at its 66th meeting;

4. In relation to SC66 the Working Group has evaluated the reports provided by :

- South Africa and the Czech Republic in response to recommendation b)
- Mozambique in relation to recommendation e)
- South Africa and Mozambique in relation recommendation g)
- Viet Nam in relation to recommendation h)
- China, Greece, South Africa and Viet Nam in relation to Decision 16.85

Summary of reports

5. The Working Group received a wide range of information to consider in the reports provided by the Parties listed above. Presented here is a brief summary of the information, the brevity of which fails to do it justice, and the thanks of the Working Group go to the Parties for the reports received.
6. The report provided by the Czech Republic on measures taken to combat the illegal trade in rhino horn was both comprehensive and informative. This included information on investigations into 7 cases of theft from museums and chateaus between 2010 and 2012, and attempts to abuse hunting trophy provisions by both pseudo-hunters and professional hunters using the Czech Republic as a transit point between South Africa and Viet Nam. This included following up with all the Czech nationals who had made requests to hunt rhino in South Africa since 2008, with the findings suggesting a high proportion of these individuals could be involved in illegal trade. As a result, and following communication between the two countries, South Africa has, since June 2014, suspended the granting of hunting permits to Czech nationals and the export of rhino horn trophies to the Czech Republic.
7. The Czech Republic publically destroyed rhino horn at a Czech zoo on 21st September 2014 to raise public awareness about rhino poaching and illegal trade in rhino horn. This was supported by events in a number of other countries. The event received considerable media coverage, especially in the Czech Republic, but also abroad, including in China and Viet Nam. The Czech Republic would like to continue to raise public awareness, specifically focusing on the Vietnamese community living in the Czech Republic.
8. The report also covered international co-operation, noting the positive outcomes from the CITES Ministerial Dialogue and Senior Officials Meeting for Key States concerned with the illegal trade in rhinoceros horn, held in February 2015. Positive examples of bilateral co-operation were also noted, for example in relation to submission of samples of rhino horn for verification to the RhODIS database at the University of Pretoria. The development of a draft MoU with Viet Nam to improve bilateral co-operation was also noted, although this has not yet been agreed. Despite these positive steps the Czech Republic still considers the current level of co-operation as insufficient, and needs enhancement, in particular in the area of enforcement and investigations. Challenges identified included the difficulty of using existing official mechanisms, such as Interpol and Mutual Legal Assistance, to effectively support information exchange.

9. Additional information provided by the Czech Enforcement Authorities detailed some specific suggestions for improvements. These included sending rhino horn DNA profiles for comparison to the RhODIS database, rather than the costly and administratively complex process of sending an actual sample. Concern was also expressed that samples from horns seized in the Czech Republic were only being compared with samples of poached rhinos, rather than the whole database, given the seizures come from abuse of hunting trophy provisions. More generally provisions to address abuse of hunting trophies were proposed, including checks to be carried out on hunters in other countries where trophies have been exported to, better means of identification of an importer (e.g. passport number) on a CITES permit. Noting the challenges that they had faced with enforcement the report from the Czech Enforcement Authorities ended by posing the question of whether trade in horns, including rhino hunting trophies, should continue to be permitted.
10. South Africa also provided a comprehensive and informative report covering a range of issues, in response to the reporting requests made at SC65. Annexure A to their report covered co-operation with both the Czech Republic and Viet Nam, including the CITES Ministerial Dialogue and Senior Officials Meeting for Key States concerned with the illegal trade in rhinoceros horn already mentioned above. The report particularly noted the efforts made by Viet Nam since CoP 16 to improve legislative provisions on the regulation of rhino horn, increase monitoring on import and possession of rhino horn and raise public awareness on the protection of rhinoceroses. However, the issue of the low percentage of trophies that remained in the possession of hunters and alteration of trophies subsequent to import was identified as an outstanding issue that required addressing. South Africa has requested Viet Nam to consider the development of legislative provision to control or regulate rhino horns that are donated or disposed of as gifts to address the concern that once hunting trophies enter Viet Nam they can be laundered into the illegal trade. South Africa has not issued any rhino hunting permits or export permits for rhino trophies for foreign hunters whose usual state of residence is Viet Nam since 2012, and the South Africa National CITES Management Authority would expect this legislative gap to be addressed before any positive recommendation to issue permits could be made.
11. South Africa's report also provided a wealth of information on implementation of the strategies and proposed actions developed by the CITES Rhinoceros Enforcement Task Force, as requested by recommendation n) ii) of SC65 Com.3. The sharing of this information is appreciated by the Working Group, and we note that the Secretariat is requested to report to SC66 on the actions taken by Parties to implement the identified actions and strategies.
12. Annexure B to South Africa's report was a joint report with Mozambique in response to recommendation g). This outlined development of a Memorandum of Understanding on Cooperation in the Fields of Biodiversity Conservation and Management signed in April 2014, and ratified by the Mozambican Government in June 2014. An implementation plan for the MoU has been developed and was signed by Mozambique in May 2015, with an action plan for 2015/16 outlining specific projects for attention in the short term also agreed. The report also noted that Mozambique has signed a MoU with Tanzania, and is negotiating a MoU with Viet Nam with the main objectives being to co-ordinate efforts to combat poaching and trafficking.
13. The report also detailed progress against previously agreed deliverables. These include the establishment of joint law enforcement operations in the Greater Limpopo Transfrontier Park, with some of the resources for these operations mobilised through the Rhino Protection Programme, facilitated by the Rhino Protection Steering Committee chaired by the South African Department of Environmental Affairs. A Ministerial bilateral held on 30 March 2015 reaffirmed that resettlement of communities out of the Mozambican component of the park remains a priority but that it must be carried out in a such a way that it creates opportunities for communities to benefit from the relocation. A total of 400 families were reported to have been resettled already.
14. The report also details progress made against the recommendations made at the 4th JPCDS meeting between the two countries in September 2013, and in particular on a strategy and implementation plan to deal with crimes carried out along the common border. Conduct of joint operations and joint training of rangers from each of the Greater Limpopo Transfrontier Park countries was noted, as well as the positive impact of the recruitment, training and deployment of 1,500 environmental police officers by Mozambique. A formal co-operation agreement between the police forces of Mozambique and South Africa has not yet been signed though, and draft treaties on extradition and Mutual Legal Assistance submitted to Mozambique by South Africa remain in progress.
15. Finally the report notes a collaborative project between the government of Mozambique, Joaquim Chissano Foundation and the Peace Parks Foundation to support the development of dedicated anti-poaching operations in and around Limpopo National Park, including through provision of training and

equipment to rangers. It also reports that Mozambique collected and inventoried samples of 717 ivory pieces and 85 rhino horn pieces for DNA analysis from the main government held stockpile. The South African authorities are developing a protocol for when rhino horn seizures are made and the need arises for samples to be taken. This will be shared with Mozambique to provide them with the opportunity to develop a similar protocol.

16. Viet Nam provided a report covering a wide range of issues in response to the detailed reporting recommendation made at SC65. The report provided an update on seizures made since SC65, totalling five seizures made at international airports in Viet Nam by customs officials and one seizure made within Viet Nam, with a combined weight of 63kg between October 2014 and April 2015. The initial report did not provide any information on prosecutions and penalties for offences related to illegal rhino horn possession or trade. The report also summarised measures to ensure that stockpiles of seized rhino horn are kept securely.
17. The report provided an update on measures taken to reduce demand for rhino within Viet Nam. The report detailed the different groups targeted, including women's groups, students and businessmen, and the methods employed to raise awareness, including provision of information through posters, brochures, t-shirts and billboards at Hanoi International airport.
18. The report also provided an update on implementation of the Prime Minister's Directive, which included directions to relevant authorities to strengthen their response to the illegal wildlife trade. The update noted that the Ministry of Justice is in the process of gathering comment from relevant agencies to amend the Penal Code, including revisions relating to wildlife crime. It was also noted that the Ministry of Foreign Affairs have been working closely with the Ministry of Agriculture and Rural Development to improve co-operation with key countries. This includes the intention to sign MoUs with both Mozambique and the Czech Republic to improve co-operation on enforcement, which was expected to have taken place in September 2015.
19. Similar to the report from South Africa, Viet Nam's report also provided a lengthy response on implementation of the strategies and proposed actions developed by the CITES Rhinoceros Enforcement Task Force, as requested by recommendation n) ii) of SC65 Com.3. The sharing of this information is again appreciated by the Working Group, and we note that the Secretariat is requested to report to SC66 on this aspect.
20. In response to questions and points of clarification raised by members of the Working Group to their initial report, Viet Nam was invited by the Chair of the Working Group to provide additional information on these specific reports. Viet Nam did so on 23rd October 2015. This included further information on the seizures reported on in the initial report, stockpile management and demand reduction work. It also provided helpful clarification on proposals being taken forward within Viet Nam to amend the Penal Code. Existing proposals would include sanctions of imprisonment from between 6 months up to 15 years for illegal trading in rhino horn, and ensure that illegal trading in fake rhino horn is treated in the same manner as real rhino horn. The proposed amendments to the Penal Code are still subject to parliamentary approval, anticipated in 2016.
21. With regard to Mozambique it should be first noted that the ability of the Working Group to effectively evaluate the activity underway within that country has been hampered by repeated failures to meet timelines set out in SC recommendations. The National Rhino Horn Action Plan was delivered in January 2015, rather than by the end of October 2014. As a result it was accepted that no interim report was expected in January 2015. The comprehensive report requested by March 2015 (later extended to July 2015 due to the later date of SC66) was not received until the end of September. Against this we must recognise the challenges that Mozambique faces, and the impact on the timetable for delivery of an election in December 2014 that led to formation of a new Government and structural changes at Ministry level that impacted on the CITES Management Authority.
22. The progress report provided by Mozambique covers the combined national ivory and rhino horn action plan (NIRAP). It identifies progress as satisfactory based on the self-assessment conducted, with 30 of 39 identified actions having commenced. Key achievements noted include MoUs with South Africa and Tanzania and progress with Vietnam on joint cooperation to address illegal trade, deployment of SMART technology in Niassa, and specialist police in protected areas. However, the report goes on to say that many activities are behind the initial schedule and had to be classified as "challenging". Lack of qualified staff, financial resources, formation of a new Government and structural changes to the CITES MA, which has been placed within the National Administration for Conservation Areas, are all referenced as factors in the delays. It is noted that as a result of these changes a new focal point for the NIRAP is yet to be

appointed and that the plan needs to be re-submitted to the Council of Ministers to ensure support of all relevant Ministries.

23. Within the summary evaluation of actions in the plan provided there are significant issues that warrant exploration but the format of the report tends towards the provision of fairly brief commentary, although even within that there is much to consider, and far more than can be adequately reflected in this summary. With respect to legislation it is notable that finalising and securing approval of the regulations of the new conservation law, and of the revised regulations on the application of CITES is rated as challenging. However, the provision of drafts of the relevant legislation with the report to the Working Group is appreciated and a source of optimism that rapid progress can be made, and it is noted that approval is expected in early 2016 for both.
24. A number of elements included in the joint report by South Africa and Mozambique are also reflected in the NIRAP report. It is again appreciated that the implementation plan for the MoU on Cooperation in the Fields of Biodiversity Conservation and Management between Mozambique and South Africa was included in the report provided to the Working Group. The NIRAP report notes an expectation that with new Ministries and Government structures now in place the pace of implementation will improve and that by the next reporting period more activities will be considered "on track". To assist this it is noted that funding has been secured from the World Bank through the MOZ-BIO project to implement the planned and not yet executed activities.
25. Through a combination of Decision 16.89 paragraph c and SC65 Com.3 recommendation c) South Africa, Zimbabwe and India were invited to report on implementation of Res Conf 9.14 (CoP 15). The Working Group thanks each of these Parties for their reports, which adds to the range of information made available to the Working Group in preparing this report; in the case of India and Zimbabwe completely new information, and in the case of South Africa their report complements the already detailed reports provided by that Party. The Working Group only formally has a mandate to evaluate the report provided by India in response to the recommendation from SC65. In addition it is noted that that Secretariat has a mandate from Decision 16.89 f) to prepare a revised draft of this Resolution for CoP 17. It is hoped that the information provided by these Parties is informative in helping the Secretariat review the effectiveness of the existing Resolution. Reflecting the limited mandate, and the array of other reports received, the Working Group has not focused extensively on these particular reports on implementation of Res Conf 9.14 (CoP 15), to avoid duplicating the work expected of the Secretariat.
26. Decision 16.85 c) invited reports on the effectiveness of strategies or programmes on demand reduction referred to in Decision 16.85 a) and enhancing community awareness referred to in Decision 16.85 b). To assist in the production of these reports SC65 Com.3 recommendation k) tasked the Working Group with the development of reporting guidance. This guidance was published on 2 December 2014, through notification 2014/058. Reports were received from China, Greece, South Africa and Zimbabwe. Brief information was also provided in the report provided by Viet Nam addressing the range of issues it was asked to report on following SC65. Recommendation l) from SC65 Com.3 requested that, subject to external funding, the Secretariat convene an expert workshop to consider the reports. The Chair of the Working Group and the Secretariat have discussed how this might be taken forward, and in the absence of identification of specific additional funding, the option of combining with other planned events. Unfortunately this has not been possible ahead of SC66. In addition the value of holding a specific workshop to discuss reports from just 4 Parties has been questioned. The Working Group should aim at SC66 to give clear direction to this strand of work moving forward.

Discussion

27. There is a wide range of activity presented in the reports as either taken, currently underway or planned. As a crude, and far from scientific assessment, the volume of reports received indicates activity underway to combat rhino poaching is increasing. A closer reading of the reports, and other sources also supports this conclusion with some states, and some non-state actors, demonstrating a considerable increase in both human and financial resources dedicated to protecting rhinos. However, despite the increased resources devoted to law enforcement efforts the numbers of rhinos poached continues to increase so clearly an effective solution requires more than this. In the face of this we need to see meaningful results from the action taken to date, and also the rapid implementation of the many planned activities reported upon. The Working Group's report to SC65 noted that many of the activities reported upon were still in the early stages and it was too early to assess whether they are having an appreciable impact on the levels of poaching. This remains the case for many of the activities reported on, or still in the planning stage. We need to see rapid and effective implementation of these measures if we are to reverse the trend on rhino

poaching. This is not just a challenge for those Parties that are in the front line of this crisis, but also a challenge for all Parties to consider how we can most effectively support these efforts.

28. The report from the Czech Republic raises some challenging questions about international co-operation on enforcement from their experience in conducting investigations to prevent the abuse of trophy hunting, and where this has not been sufficient. This suggests there is still some way to go to ensure that the mechanisms are in place to most effectively support enforcement across international borders. Their report includes a practical suggestion for improving procedures for sharing DNA evidence through development of procedures to share DNA profiles for comparison with the RhoDIS database as opposed to more complicated procedure of sending an actual sample for assessment. If there are improvements that can be made in this area then they should be considered, not least as it is understood that capacity constraints at the existing RhoDIS laboratory mean forensic samples for investigations of poaching and dealing with cases have been taking priority, which may explain the point the Czech Republic raised with testing of hunting trophy samples. The Working Group is however pleased to learn that capacity of the RhoDIS laboratory is being increased as part of a GEF project. Nevertheless additional funding is still required in order to analyse the backlog of outstanding routine and stockpile samples to boost the size of the DNA database and increase the chances of matches with recovered horns.
29. The report also identified other issues that hindered investigation of the abuse of hunting trophies, including that in 8 out of the 12 trophy horns tracked down by the Czech authorities the identification by microchip was not possible. In response South Africa outlined that since 2011-12 when the hunts took place for the trophies that ended up in the Czech Republic they have standardised 15 digit chips and scanners, and are now marking horns with an external number, and they consider that the steps they have taken are sufficient. However, the problem remains that for many horns recovered from traffickers the transponders have been removed or deactivated. Although not as instant as reading a transponder, RhoDIS DNA analysis can be used in these cases, although comments in the previous paragraph about the capacity constraints of RhoDIS are a factor here. Noting that South Africa has implemented a number of interventions to tighten rules and requirements relating to the management of hunting trophies there remains scope for tightening rules and improving enforcement and monitoring to prevent the abuse of trophy hunting, including in transit and import states. This could include ensuring they have the means to verify documents accompanying shipments; appropriate legal provisions to detain / confiscate illegal shipments and to charge those committing offences in terms of illegal international trade involving CITES listed species.
30. Building on this, and related to the opening paragraph of this section, there is also the question of how we can best support and encourage the rapid implementation of agreed measures to improve enforcement, both domestically and internationally. Positive initiatives have taken place to agree the measures that are required, such as the strategies and proposed actions developed by the CITES Rhinoceros Enforcement Task Force, the outcomes from Ministerial Dialogue and Senior Officials Meeting for Key States concerned with the illegal trade in rhinoceros horn meeting held in February 2015, and the range of MoUs being developed and agreed between key states. However, the report of the Czech Republic identified issues with attempts to use official channels such as Interpol and Mutual Legal Assistance as cumbersome and ineffectual as means of information exchange. Reaffirming the importance of effective implementation of existing agreed measures, but also providing direction and support with which to achieve this is an area that the Standing Committee may wish to consider.
31. Looking more at one specific case of bilateral co-operation it is clear from the reports received that co-operation between South Africa and Mozambique has been enhanced, and that positive action is underway. Rapid confirmation that the draft implementation plan under the MoU between the two Governments has been agreed, and that activity is taking place to implement the plan is urgently needed and will be a very welcome step. The Standing Committee may again wish to consider how best to support continued and timely progress in enhancing co-operation between the countries, and what further reporting would be beneficial in ensuring this progress is understood and recognised by the wider CITES community.
32. Where agreements or MoUs are already in place there continues to be a need to ensure these are implemented effectively and maximise the opportunity for international co-operation on enforcement matters. South Africa and Viet Nam have an existing MoU in place and South Africa's report noted that they have provided Vietnamese authorities with rhino DNA forensic kits to facilitate the collection of DNA samples from confiscated rhino horns. However, there have been some challenges in the way in which these samples have been collected and the chain of custody process needed in order for the analysis of the samples to be admissible in court. South Africa noted that a request for a Department of Environmental Affairs official to be allowed to take the rhino DNA samples was not favourably received. South Africa's

report concluded ongoing engagement is needed to find solutions to these practical issues that are holding back effective international enforcement action.

33. It is clear from Viet Nam's report that they are making continued efforts to tackle the illegal trade in rhino horn and that there has been progress. However, the Working Group has noted that some issues continue to be underrepresented in the reports provided by Viet Nam, and prevent a complete picture being presented. In this regard the additional information provided by Viet Nam, particularly in relation to proposals to reform the Penal Code to strengthen penalties and to address the issue of fake horn is very welcome. Nevertheless there remain areas where greater clarity and detail would be welcome. For example greater detail on the proposed changes to the Penal Code would resolve questions about whether it will clearly stipulate that sale, possession and consumption of rhino horn is illegal in Viet Nam; and under what conditions or restrictions it would not be. For example one concrete measure that Viet Nam could take is to enact a provision stipulating that possession of rhino horn is illegal unless the owner can prove legality of acquisition. The lack of legal clarity on this issue would present significant barriers to both enforcement efforts and demand reduction initiatives. The Standing Committee may, therefore, wish to urge Viet Nam urgently progress proposals to tackle the illegal domestic market.
34. The Working Group welcomes the efforts made by Viet Nam to reduce demand for rhino horn, and notes in particular the collaborative work undertaken with HSI. Their report notes that a survey undertaken as part of this work indicates a drop in demand for rhino horn to be used as medicine. While any reported decrease in demand for rhino horn is a welcome development the motivation for use of rhino horn is developing into areas beyond strictly medicinal use. Without greater detail on the sample sizes, geographic distribution, type of users targeted, methodology and questions asked for this work, it is premature to conclude that there has been a nationwide reduction in rhino horn consumption among all user types in the country. To answer this question whether there is real change in behaviour of all rhino horn consumers requires a robust, long-term programme of repeated, standardised surveys of consumers in the country and further highlights the importance of an objective and science-based approach to demand reduction that is based upon the latest available research, as highlighted in the draft demand-reduction principles included in the Annex to document CoP16 Doc. 54.1.
35. Given the points above the Standing Committee may wish to consider what further reporting would be beneficial, including guidance on issues that should be covered and an expected timeline for completion, as Viet Nam continues to take steps forward in tackling the illegal trade in rhino horn.
36. The impression of members of the Working Group is that the level of positive engagement from authorities in Mozambique in efforts to combat the illegal trade in rhino horn has increased significantly this year, and that they are heading in the right direction. This sense of a slow start to implementation of their National Rhino Horn and Ivory Action Plan, the reasons for this, but also the expectation that progress will be more rapid in the future is reflected in the tone of Mozambique's report. Nevertheless considerable further rapid progress is needed, and the assessment expected by the Working Group has been hindered by the late provision of information. The assessment that is possible suggests that many of the actions identified are behind schedule and are considered challenging to deliver. As such there is, at the very least, a case for considering whether Mozambique's late reporting and lack of progress in implementation of the NIRAP should be highlighted as an issue of non-compliance and assessed by the Standing Committee in accordance with Resolution 14.3.
37. The question, fully recognised by the Working Group, is how to frame any recommendations in this area in a manner that will reinforce the positive signs of intent, and some progress, emerging in the last year and whether compliance measures would assist or hinder the overall objective, which must be the rapid implementation of the actions outlined in the NIRAP. In this regard the Standing Committee may wish to consider if an approach similar to that deployed in relation to implementation of Thailand's National Ivory Action Plan at SC65 may be appropriate, as set out in the footnote to SC65 Com.7. This set a detailed and time bound plan for progress in implementation of the action plan, linked to a process for escalation to compliance measures for unsatisfactory progress. The intent would be to frame this in a manner to reinforce the need for positive progress while also recognising that continued tolerance of insufficient progress and late reports cannot continue to be expected of the Standing Committee. Specific issues that could be included in such a recommendation could include finalisation and approval of the new conservation law and CITES regulations; completion of trans-boundary agreements such as a formal co-operation agreement between the police forces of Mozambique and South Africa and draft treaties on extradition and Mutual Legal Assistance; and establishment of a national database for seized elephant and rhino items and poachers apprehended. Any such recommendation should be developed in consultation with Mozambique, and in recognition of the particular circumstances and challenges within the country.

38. There is also a need to consider how to take forward work on demand reduction and community awareness activities, stemming from Decision 16.85 and enhanced by a recommendation from SC65 Com.3 that, subject to external funding, the Secretariat convene an expert workshop to consider the reports. As noted earlier, reports were received from four Parties. The Working Group has considered whether repeating the call for reports from Parties would result in significant new information for the Working Group to consider, but there is some scepticism on this point. This is disappointing as members of the Working Group are aware of a range of relevant demand reduction activities that have taken place over the last year that could have been reported on. In addition there are further activities (including reports, studies, workshops and campaigns) that will be taking place in the next six months that would provide Working Group members with new research and information.
39. To ensure this broad range of information is reflected, and that the Working Group has the best opportunity of fulfilling the task assigned by Decision 16.85 – identifying best practices and challenges experienced, with the aim of developing ideas to further enhance the effectiveness of demand reduction strategies – a change of approach might be necessary. It may be appropriate to task, subject to external funding, the appointment of an external consultant to take forward this task. While a workshop to discuss reports from four Parties alone may be of limited value, a workshop with a wider agenda, and informed by a report from an external consultant, is far more likely to be worth pursuing. Planning for such a workshop should also take into account the potential synergies from other initiatives and events focused on demand reduction that are planned, including potentially drawing on, or combining with, demand reduction work for other wildlife products. It would also be beneficial to ensure that the relationship between the legal status of rhino horn and demand is fully explored, and that the deterrent effect of successful prosecutions and strong sentences is reflected in discussions of demand reduction. A recommendation in this area to ensure that the SC66 gives clear direction to move this work forward to swiftly develop practical approaches that support the very necessary demand reduction efforts would seem appropriate. Despite demand reduction efforts to date the continuing escalation of poaching, including prices being paid to poachers, indicate that it is more likely that demand is continuing to increase, rather than decrease. This should include improving our understanding of what is effective demand reduction, what is best practice, sharing examples of success and the importance of effective monitoring and evaluation. Linked to this the Standing Committee may wish to request that all those undertaking demand reduction initiatives and campaigns should include robust monitoring and evaluation of their effectiveness as part of these projects to ensure both the value of the individual project is understood but also to inform development of other initiatives.
40. An issue that has been addressed briefly in a number of the reports received is that of stockpiles of rhino horn, but also there have been comments from members of the Working Group of a lack of information on this matter in other reports. With a number of rhino horn seizures reported by many Parties over the past year, as well as stock destruction efforts by some Parties the status of rhino horn stockpiles around the world is unclear. There is a case for considering whether the current status of stockpiles should be requested, either as part of the reports from key countries requested by the Working Group, or by calling for a global rhino horn stock assessment under CITES. This was last done pursuant to Decision 14.89, adopted at the 14th meeting of the Conference of the Parties (The Hague, 2007), which directed the Secretariat to develop, in collaboration with the African and Asian Rhino Specialist Groups of the IUCN Species Survival Commission and TRAFFIC, a format for the declaration by Parties of the status of any stocks of rhinoceros horns and derivatives. It should be noted that in Africa range states report to the IUCN AfRSG which in turn provides Parties with a continental African total. This will next be updated in Feb 2016. Concerns have also been raised by range state Parties to the Working Group over the sensitivity of this information, who will have access to it and the use to which it would be put. As such we need to consider the merits of a request in this area, and whether the value of the information is sufficient to outweigh the sensitivities.

Recommendations

41. The Working Group recommends that the Standing Committee formulate recommendations as follows. This is done recognising that the Secretariat will also be presenting a report on rhinoceroses, also expected to include recommendations, and that recent practice has been to consolidate the proposals from both reports into one set of recommendations to be adopted by Standing Committee.
- a) Recognising that the 65th meeting of the Standing Committee made recommendations on the production of a national rhino horn action plan, a timeline for reporting against that plan, and that Mozambique has failed to comply with in a timely manner, the Standing Committee should, in consultation with Mozambique, set a detailed and time bound schedule for rapid implementation of the action plan, identifying the key deliverables expected to be progressed and by when. This schedule

should be set in recognition of the challenges that Mozambique faces, but also the support available to the Party and the need for urgent implementation given its status as a key state concerned with the illegal trade in rhino horn. The Standing Committee should make clear that failure to make adequate progress in complying with this recommendation will be considered a matter of non-compliance to be handled in accordance with Res Conf 14.3.

- b) Invite South Africa and Mozambique to provide a further progress report detailing progress on their co-operation and joint enforcement efforts, including on the implementation plan agreed under the Memorandum of Understanding on Cooperation in the Fields of Biodiversity Conservation and Management, and the deliverables agreed at the 4th JPCDS meeting.
- c) Invite Viet Nam to provide a further progress report. This should build on the reports provided, and issues covered, previously in response to Decision 16.86 and SC65 Com.3 recommendation h). In framing the recommendation the Standing Committee should note the discussion presented in this document in paragraphs 32-35 to provide guidance on the issues expected to be covered in the report. In particular the report should provide an update on domestic enforcement and seizures; prosecutions and penalties for offences related to illegal rhino horn possession and trade in Viet Nam; an update to progress with reform of the Penal Code; improvements in bilateral enforcement co-operation; and efforts to reduce demand for rhino horn. In doing so the Standing Committee may wish to consider providing an expected timeline for achievement of key measures.
- d) Repeat the encouragement in SC65 Com.3 for all Parties to make every effort to effectively implement Resolution Conf 9.14 (Rev CoP 15) and the strategies and proposed actions developed by the CITES Rhino Enforcement Task Force, made available to Parties as an Annex to Notification to the Parties No. 2014/006 of 23 January 2014. Support the Secretariat in their review of actions taken to facilitate implementation, and any actions identified to enhance implementation.
- e) Endorse efforts to improve international co-operation on enforcement action against the illegal trade in rhino horn, in particular through the range of MoUs being developed between key states, and through the initiative of the Ministerial Dialogue and Senior Officials Meetings for Key States.
- f) Subject to external funding, request the Secretariat to appoint an external consultant to conduct, in consultation with Parties that reported against Decision 16.85 and implicated States, a review of best practices and challenges experienced, with the aim of developing ideas to further enhance the effectiveness of demand-reduction strategies. In framing the terms of reference for the external consultant the discussion presented in paragraphs 38-39 of this document should be taken into account. The external consultant should prepare a report providing its findings to the Working Group. In addition, and subject to external funding, the Secretariat is requested to convene an expert workshop, or explore the opportunities of other planned initiatives on demand reduction, for Parties to consider the consultant's report and agree practical steps to be taken.
- g) Invite the Standing Committee to consider the need for an assessment of the status of stockpiles of rhinoceros horn and derivatives held by Parties, and if such an assessment is considered necessary formulate a recommendation to call for such an assessment, taking note of the format adopted for the last such assessment conducted as a result of Decision 14.89.