

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



Sixty-seventh meeting of the Standing Committee
Johannesburg (South Africa), 23 September 2016

Species specific matters

Conservation of and trade in African and Asian 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 66th meeting (Geneva, January 2016), the Standing Committee adopted the following Decisions on the Conservation of and trade in African and Asian rhinoceroses with relevance to SC67:

Recommendation to Mozambique

c) note that Mozambique has failed to comply with the Recommendations agreed by the Committee at SC65 in a timely manner.

d) request Mozambique to enhance its efforts to progress the implementation of its NIRAP, and in particular to achieve the full implementation of the following priority actions outlined in its NIRAP by 30 June 2016:

i) finalize the regulations of the new conservation law and secure approval of the Council of Ministers;

ii) finalize and secure approval of the revised regulations on the application of CITES provisions in Mozambique;

iii) Issue an administrative circular by the President of the Supreme Court addressed to all courts about the serious nature of illegal trade in wildlife, in particular as it affects Mozambique, the international obligations of Mozambique to address this, and the need for strict application of legislation and penalties in accordance with new legislation;

iv) Put in place a system to collect information and follow up on the prosecution of wildlife crime cases in court, to monitor successful prosecutions and penalties applied, as well as failures to prosecute successfully, and key reasons for these successes or failures; and

v) Carry out an independent audit of Mozambique's current systems for the storage, management and security of confiscated wildlife products, and identify key needs and opportunities for improved management and security and implement its recommendations.

* 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.

e) request Mozambique to report on the further measures taken to implement the priority actions in recommendation d) paragraphs i) to v), and any other actions taken in its NIRAP, to the Secretariat by 30 June 2016 in a format provided by the Secretariat.

Recommendation to Viet Nam

g) request Viet Nam to:

i) consider the increased use of specialized investigation techniques and initiate investigations and follow up on information gathered from the smugglers recruited by those managing and organizing the illegal trafficking;

ii) incorporate specific provisions that apply to CITES-related offences in the new Penal Code, including the possession of CITES specimens acquired in violation of the Convention, and to engage with the Secretariat as may be needed, for legal assistance in the development of legislative measures aimed at tackling illegal trade in wildlife and to ensure effective domestic enforcement and prosecution of arrested offenders;

iii) provide a further progress report to the Secretariat by 30 June 2016, so that the Secretariat can make the report available to the Standing Committee at SC67. This should build on the previous reports provided to SC65 and SC66, and in particular cover:

- progress made with the incorporation of CITES-related offences in the new Penal Code and other relevant laws;
- progress made in accordance with Resolution Conf 9.6 (Rev. CoP16) to ensure that any product purported to be rhinoceros horn is treated as such for enforcement purposes;
- arrests, seizures, prosecutions, convictions and penalties for offences involving the illegal possession and trade of rhinoceros horn detected at border points or domestic markets in Viet Nam, as well as failures to prosecute successfully, and key reasons for these successes or failures;
- activities conducted under existing Memoranda of Understanding (MOUs) to enhance international co-operation to combat the illegal trade in rhinoceros horn;
- measures implemented to reduce the demand for rhinoceros horn in domestic markets, including progress towards adopting a robust programme of standardised surveys of consumers to more accurately assess trends in demand; and
- measures implemented to reduce the engagement of Vietnamese citizens in the illegal trade in rhinoceros horn in other countries.

Recommendation to Mozambique and South Africa

i) encourage Mozambique and South Africa to:

i) conclude the signature of the MoU Implementation Plan, and consultations and sign-off of the 2015/2016 Action Plan and the Terms of Reference as required in the MoU signed by them, described in paragraph 37 of document SC66 Doc. 51.1, as a matter of urgency;

ii) progress the draft treaties on extradition and Mutual Legal Assistance in criminal matters submitted to Mozambique by South Africa, as described in paragraph 39 of document SC66 Doc. 51.1, as a matter of urgency; and

iii) invite Mozambique and South Africa to jointly submit a report to the Secretariat on progress made with the matters outlined in recommendation i) i) and ii), by 30 June 2016, so that the Secretariat can make the report available to the Standing Committee at SC67.

Recommendation to the Working Group on Rhinoceroses

k) request the Working Group on Rhinoceroses to:

i) compile a list of relevant studies, workshops, campaigns and other initiatives on reducing demand for rhinoceros horn, taking into account reports submitted by Parties pursuant to Decision 16.85 paragraph c);

ii) produce a brief synthesis report covering approaches, methods, best practices and challenges experienced that can assist Parties in further enhancing the effectiveness of their demand reduction strategies; and

iii) report on the results of the work conducted, including any findings and recommendations, to the Standing Committee at its 67th meeting.

Recommendation to the Secretariat and the Working Group

m) request the Secretariat and the Working Group on Rhinoceroses to evaluate the reports submitted in accordance with recommendations e), g) iii) and i) iii) above, and report their findings and recommendations to the Standing Committee at its 67th meeting.

Recommendation to the Standing Committee

n) invite the Standing Committee to consider, at its 67th meeting, whether Mozambique has made adequate progress with the implementation of its NIRAP, or has made insufficient progress which requires compliance measures to be taken in accordance with Res Conf 14.3.

Summary of reports

5. The Working Group is grateful for the reports provided by Mozambique, South Africa and Viet Nam in response to the recommendations made at SC66 that has enabled the Working Group to fulfil its mandate.
6. **Mozambique** provided its report in the form of an assessment of progress in implementation of its national ivory and rhino action plan. Overall the picture presented was one of significant progress, including in relation to the five priority actions identified by the Working Group at SC66. In relation to the first priority action the report from Mozambique indicates that the new conservation law has secured the approval of the Council of Ministers and is currently with Parliament, and that the drafting of the implementing regulation is under way. In relation to the second priority action a revised CITES Regulation has been approved by the Council of Ministers has been approved, and was awaiting publication in the Official Journal at the time of reporting. We note that in spite of having been a Party to CITES since 1981, Mozambique is currently has national legislation assessed as Category 2. We would urge that Mozambique works closely with the Secretariat to ensure it achieves Category 1 status as soon as possible after official adoption of the new Regulation.
7. In relation to the third priority action, a circular from the President of the Supreme Court addressed to the courts on the seriousness of wildlife crime has been drafted and was awaiting signature at time of reporting. In relation to the fourth priority to put in place a system to collect information and follow up on the prosecution of wildlife crime cases Mozambique has reported that a system for sharing information between police, customs and ANAC (Law enforcement department and CITES) has been established, with the full system reported to be operational in 2016. The final priority action was for an independent audit to be conducted of Mozambique's current systems for the storage, management and security of confiscated wildlife products. A countrywide inventory of ivory and rhino horn stockpiles was completed in April 2016 with assistance from the World Bank, WCS and Stop Ivory. A risk audit identifying key needs and opportunities for improved management and security of stocks has been completed and implementation is reported to be underway, including the movement of stockpiles held at the local and provincial level to Maputo when a new strong room is built.
8. In addition to the priority actions identified the Working Group would like to highlight the establishment of the CITES inter-ministerial task force. A whole of government approach is needed to tackle what are incredibly sophisticated criminal networks. We hope that this task force will ensure that government agencies outside the environmental sector, such as Ministry of Interior/Police, are a positive force in the fight against wildlife crime. Mozambique's report also contains encouraging language with respect to enforcement operations, the implementation of the ICCWC toolkit, as well as the importance of local community engagement in wildlife protection.
9. **Mozambique and South Africa** provided a joint report as recommended by the Standing Committee. In relation to the specific matters identified by the Standing Committee this confirmed the agreement of the MOU implementation plan, the Terms of Reference of the Joint Management Committee and the 2015/16 action plan. Due to the content of these documents Mozambique and South Africa have provided these to the CITES Secretariat on a confidential basis. The chair of the Working Group on Rhinoceroses consulted

with the Secretariat on this matter, and as a result of the recommendation of the Secretariat considers that this request for confidentiality should be respected.

10. The second matter identified in the SC66 recommendations concerned conclusion of draft treaties on extradition and Mutual Legal Assistance. The report notes these documents are awaiting comment from Mozambican officials. The Working Group notes the confirmation that both countries remain committed to giving this matter the necessary attention, and urges them to progress these treaties towards agreement as soon as possible. The report goes on to emphasise the increasing levels of positive co-operation South Africa and Mozambique, in particular between SANParks and ANAC, and this is to be commended.
11. **Viet Nam** provided a further update report, building on the reports it has previously provided to Standing Committee. Two annexes were included; firstly on the status of rhino horn seizures in Viet Nam, and secondly on the specific provisions included in the Penal Code that apply to CITES related offences. The progress reported in amending the Penal Code is positive news. At the time of Viet Nam's reporting the revised Penal Code was set to come into force on 1st July 2016. However, this has now been delayed. Given the close interest the Working Group have taken in its progress the Working Group would appreciate if Viet Nam could provide an update on the status of the Penal Code and any revised implementation date for SC67.
12. The activities reported by Viet Nam to enhance international co-operation are welcome. The MOU signed between the Viet Nam CITES MA and China CITES MA is notable, resulting in a training workshop for enforcement officers. There are concerns in relation to possible cross-border movement of rhino horn between Vietnam and China, and further collaborative efforts between the two countries aimed at combatting illegal trade in rhino horn is encouraged. The Declaration on Co-operation in the field of CITES implementation is also a positive development. The negotiation of bilateral agreements with Kenyan and Mozambique authorities to combat wildlife crimes, reported to finalised and signed in 2016, is also welcome news.
13. The report contains some information in relation to domestic enforcement. There is useful information on arrests and seizures, although some of this information repeats previous reports, and the section on specialised investigation techniques is positive about their use. However, the report is limited in the detail it provides on a number of areas which prevent full judgements being made. For example the report would have greater value if more detail were given by Viet Nam on the relative budget allocated to specialised investigation techniques, specific methods employed, and results of investigations using these methods. No progress was reported against the second point of SC67 Com.7 g iii) *"ensuring that any product purported to be rhinoceros horn is treated as such for enforcement purposes."* Finally, while the report lists a number of seizures of rhinoceros horn and associated arrests it fails to indicate the status or outcome of associated prosecutions, convictions and penalties. This is information that the Working Group has repeatedly asked for reporting from Viet Nam to cover since CoP 17. Of those seizures reported only one relates to enforcement action in the domestic market, with the remainder at border points. The lack of information presented on domestic enforcement action, and on prosecutions, convictions and penalties is of serious concern. As noted this is an area the Working Group has repeatedly requested Viet Nam to provide substantive reporting upon, and we encourage them to start by providing an update for SC67.
14. The report provides an update on Viet Nam's efforts to reduce demand for rhinoceros horn in domestic markets. It is clear from the report that enhanced efforts are being made in this area for which Viet Nam should be commended for its efforts, including targeted demand reduction programmes with key potential consumer groups. Vietnam should be encouraged to participate fully with wider efforts to develop demand reduction programmes for CITES-listed species, to make its experiences available to other Parties, and to adapt its own programmes in the light of wider evidence and experience.

Discussion

15. It is clear from the report presented that Mozambique is making positive progress, although many key issues remain in progress and are still to be finalised. The Standing Committee was invited through SC67 Com.7 recommendation n) to consider whether Mozambique has made adequate progress with the implementation of its NIRAP. To inform this consideration Mozambique may wish to consider providing an update for SC67 on any significant steps taken since the submission of its written report, for example on the conservation law, CITES regulations and circular by the President of the Supreme Court. Following on from this the Working Group looks forward to further reports from Mozambique on the progress it is making in implementing its National Ivory and Rhino Horn Action Plan. The Working Group may wish to offer

recommendations for agreement by the Standing Committee for particular issues to Mozambique to prioritise and report on.

16. Viet Nam's report indicates that they are making continued efforts to tackle the illegal trade in rhino horn and that there has been progress. However, as set out in paragraph 13 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. As such there remain areas where greater clarity and detail would be welcome. The Standing Committee may wish to consider what further reporting would be beneficial, including repeating guidance on issues that are expected to be covered.
17. In addition to consideration by the Working Group, the Secretariat also has a mandate from SC66 to consider the reports provided by Mozambique, South Africa and Viet Nam and report their findings and make any recommendations to SC67. Furthermore paragraph 26 of CoP17.Doc 68 states that

The Secretariat believes that it is appropriate to await the reports from these key Parties [Mozambique, Viet Nam and South Africa's], before formulating any country-specific draft decisions for consideration by the Conference of the Parties. Once the reports are received, the Secretariat will consult with the Working Group on Rhinoceroses about the development of draft decisions. If appropriate, it will make any draft decisions available through an addendum to the present document.

Given that SC67 is a one day meeting, and its proximity to CoP 17 the Secretariat and the Chair of the Working Group on Rhinoceroses have agreed that they will work together ahead of SC67 to in combination agree on any recommendations they wish to make. Any such recommendations will appear as an addendum to the current document and the Secretariat's report to SC67.

18. CoP 17 will also be a point to review the work of the Working Group on Rhinoceroses and consider its future. At the last CoP, and subsequently at SC65 and SC66 the Working Group has been productive in producing decisions and recommendations covering a range of issues and countries. It is welcoming to see the content of some of these being reflected in the Secretariat's proposed revision of Res Conf 9.14 as set out in CoP17.Doc68. and we encourage the adoption of an updated resolution. Demand reduction has also been a focus for the Working Group. It is therefore a positive step to see a specific resolution on demand reduction proposed for the CoP (CoP17. Doc18), as well as recommendations that emerged from the Working Group included as draft decisions in CoP17 Doc.25 on enforcement matters. If the Working Group is to continue to operate intersessionally after CoP 17, and the ongoing levels of poaching indicate there is clearly still a challenge to overcome, then we will need to consider where the Working Group can hopefully add value to existing efforts. One aspect that is worth considering is the focus of country specific reporting in the Working Group's recommendations. This has focused narrowly on repeated reporting by a small number of countries but we may wish to consider reviewing whether this is capturing all relevant countries, or whether by focusing on country specific reporting we are giving sufficient attention to broader, cross-cutting issues.