

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



Fifteenth meeting of the Conference of the Parties
Doha (Qatar), 13-25 March 2010

Interpretation and implementation of the Convention

Species trade and conservation issues

Rhinoceroses

REVISION OF RESOLUTION CONF. 9.14 (REV. COP14) ON CONSERVATION
OF AND TRADE IN AFRICAN AND ASIAN RHINOCEROSSES

1. This document has been submitted by Kenya*.
2. Amendments to the CITES Resolution on African and Asian rhinos (Resolution Conf. 9.14 (Rev CoP13)** were adopted at CoP14 along with Decisions 14.88-14.90 on rhinoceroses.
3. This Resolution and the Decisions place a number of obligations on States, and assign roles regarding monitoring, reporting and provision of assistance to the Secretariat, Standing Committee, IUCN African and Asian Rhino Specialist Groups and Trade Records Analysis of Flora and Fauna in Commerce (TRAFFIC).
4. The provisions in Resolution Conf. 9.14 (Rev CoP13) are stronger than existed before but may not be as effective as they are intended to be and could be improved.
5. Owing to the reports on recent escalation of illegal trade in rhino horn, these proposed amendments could not come at a better time
6. While the Resolution vests all reporting, review, analysis and making recommendations in IUCN, TRAFFIC and the Secretariat, we propose that there should be more defined roles for the range and consumer States and the Standing Committee.
7. The following are our specific concerns about Resolution Conf.9.14 (Rev.CoP13) that need to be addressed in the proposed amendments:
 - a) There is no provision for range State consultation or review of the IUCN / TRAFFIC report;
 - b) The burdens on range States outweigh obligations placed on consumer States;
 - c) Consumer States are not required to report on their actions to reduce consumption of rhino horns and derivatives, and IUCN and TRAFFIC have not been mandated to include this in their reporting;
 - d) While the Standing Committee can "pursue actions aimed at reducing illegal trade", it is not specifically mandated to address non-compliance with Resolution Conf.9.14. Moreover, the provision that "a) all such actions are accompanied by evaluations of their effectiveness; and b) the policies that guide

* *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.*

** *Amended at the 11th, 13th and 14th meetings of the Conference of the Parties.*

interventions are responsive and adaptive to the outcome of evaluations” is unclear and requires elaboration on who evaluates the effectiveness of the actions of the Standing Committee, IUCN and TRAFFIC;

- e) The provision that States should support IUCN and TRAFFIC in collecting information is not explicit;
 - f) There is no option included for stockpile destruction as there is in the Resolution Conf. 12.5 on tigers and Asian big cats or disposal for non-commercial purpose as in the case of elephant ivory;
 - g) No specific provision is made for CITES Rhino Enforcement Task Force as a body facilitating increased law enforcement cooperation regarding rhinoceroses;
8. Kenya commends the decision by the Standing Committee at its 57th meeting to establish a CITES Rhino Enforcement Task Force that brings together enforcement officers from range and consumer States to assist with improving law enforcement cooperation to combat illegal trade (SC57 Doc34).
9. The following recommendations are therefore aimed at strengthening Resolution. Conf. 9.14 (Rev CoP13):
- a) Introduce range and consumer States consultation and review of the IUCN/TRAFFIC report;
 - b) Strengthen the role of the Standing Committee to give it a clear mandate to make recommendations on non-compliance with Resolution Conf.9.14;
 - c) Introduce an obligation for consumer States to report on measures to reduce consumption of Rhino parts and derivatives , and mandate IUCN / TRAFFIC to report on these measures;
 - d) Clarify the mechanism whereby range and consumer States provide information to IUCN and TRAFFIC for inclusion in their reports, including timeframes for reporting;
 - e) Provide a mechanism to monitor range and consumer State reviews of the adequacy of enforcement and trade control measures in their conservation and management plans;
 - f) Introduce an option for stockpile destruction or use for scientific and educational purposes;
 - g) Provide for the CITES Rhino Enforcement Task Force into the resolution and inscribe its mandate.
10. Incorporation of these recommendations as amendments to the Resolution Conf. 9.14 (Rev. CoP13) is suggested in the Annex.

COMMENTS FROM THE SECRETARIAT

- A. Whilst the Secretariat appreciates Kenya's desire to strengthen measures to combat illegal trade in specimens of rhinoceroses and to ensure the delivery of the most accurate information to enable oversight and assessment of implementation of Resolution Conf. 9.14 (Rev. CoP14), it is unable to support the majority of the proposed amendments to the Resolution in their current form.
- B. The Secretariat is aware that IUCN and TRAFFIC have encountered considerable difficulties in preparing their report on this subject for CoP15. These have included lack of financial support to pay for the necessary work but also a lack of engagement and cooperation from range States. This is illustrated, for example, by the very poor submission rate with regard to declarations on rhinoceros horn stocks. This matter is referred to in the Secretariat's document on this subject (document CoP15 Doc. 45.1).
- C. The consultative process and associated deadlines suggested by Kenya are likely, given the experience of the Secretariat in such matters, to be unworkable. The Secretariat also believes it may not be easy to readily identify consumer States and call upon them to report. For example, the Party that is currently the most significant destination for illegal trade in rhinoceros horn would, until relatively recently, probably not have regarded itself as a consumer State. These issues aside, the Secretariat understands that IUCN and TRAFFIC already did their utmost to consult with range and consumer States during the preparation of their report. The African and Asian Rhinoceros Specialist Groups (whose members include many individuals from range States) are actively engaged in preparation of the report for meetings of the Conference of the Parties. Given the current situation, where IUCN and TRAFFIC members and staff often

give of their free time to prepare such a report, the Secretariat believes it to be inappropriate to tie them to strict deadlines or impose additional burdens upon them.

- D. At the time of writing (late October 2009), the IUCN/TRAFFIC report was still awaited and, consequently, it was not possible for its comprehensiveness to be assessed. The Secretariat believes it would be preferable for the Conference to consider the report once it is published and then determine whether changes to the manner of its preparation are desirable and achievable. The Secretariat also suggests that the reporting aspect of the proposal should be considered by the Standing Committee's Working Group on Special Reporting Requirements, although it is not clear whether the Group will have the opportunity or time to reach a conclusion on the issue before the end of CoP15.
- E. The Secretariat is willing to re-convene the CITES Rhinoceros Enforcement Task Force, should there be clear value in doing so. However, it wishes to emphasize that CITES Enforcement Task Forces were never intended to engage in compliance-related matters or assessment of implementation, and neither have members of Task Forces wished to do so to date.
- F. The Secretariat expects considerable attention to be paid to the conservation of rhinoceroses during the present meeting. It hopes that ways to improve conservation and reduce illegal trade will emerge from the discussions and will be very happy to work with Kenya, and others, to draft amendments to the Resolution, should that be agreed by the Conference.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

NB. Text to be deleted is crossed out. Proposed new text is underlined

Revision of the preamble and operative sections of Resolution Conf. 9.14 (Rev. CoP13) on Conservation of and trade in African and Asian rhinoceroses

CONCERNED that some rhinoceros populations have continued to decline drastically and that four of the five species are threatened with extinction;

RECALLING that the Conference of the Parties included all species of rhinoceros in Appendix I of the Convention in 1977, and that the South African population of *Ceratotherium simum simum* was transferred to Appendix II with an annotation in 1994;

RECALLING further Resolution Conf. 3.11 and Resolution Conf. 6.10, adopted by the Conference of the Parties at its third and sixth meetings respectively (New Delhi, 1981; Ottawa, 1997), and Decision 10.45, adopted at its 10th meeting (Harare, 1997), all relating to the conservation of and trade in rhinoceros;

COMMENDING the successful management and protection of rhinoceroses in some African and Asian range States, often under difficult circumstances;

COMMENDING further the measures taken by countries to control and reduce use of rhinoceros horn, especially countries where use is part of a cultural tradition extending back many centuries;

CONCLUDING that the above measures have not arrested the decline of all rhinoceros populations;

RECOGNIZING that the illegal trade in rhinoceros horn is known to be a global law enforcement problem, extending beyond range States and traditional consuming countries, but that emphasis solely on law enforcement has failed to remove the threat to rhinoceroses;

CONSCIOUS that stocks of rhinoceros horn continue to accumulate in some countries and that the call for their destruction, as recommended by Resolution Conf. 6.10, has not been implemented, ~~and is no longer considered appropriate by a number of Parties~~

RECOGNIZING that some international measures may have unintended consequences, for example, on trade;

RECOGNIZING that there is a diversity of opinion as to the most effective approaches to the conservation of rhinoceroses;

CONCERNED that threats to rhinoceros populations and demand for their horn still exist, and that the cost of ensuring adequate security for them is increasing and cannot easily be met by many range States;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

URGES:

- a) all Parties that have stocks of rhinoceros horn to identify, mark, register and secure such stocks, and where desirable, destroy all such stocks as recommended by Resolution Conf. 6.10 with the exception of those used for education and scientific purposes for example through the establishment of museum or other such educational institutions
- b) all Parties to adopt and implement comprehensive legislation and enforcement controls, including internal trade restrictions and penalties, aimed at reducing illegal trade in rhinoceros parts and derivatives;
- c) the Secretariat and other appropriate bodies such as Interpol, where possible, to assist those Parties with inadequate legislation, enforcement, or control of stocks, by providing them technical advice and relevant information;

- d) range States to be vigilant in their law enforcement efforts, including the prevention of illegal hunting and the early detection of potential offenders and the application of appropriate penalties to act as effective deterrents;
- e) that law enforcement cooperation between and among range and consumer States be increased through the CITES Rhino Enforcement Task Force and the existing international, regional and national law enforcement mechanisms and where necessary through the creation of such mechanisms in order to curtail illegal trade in rhinoceros horn; and
- f) the consumer States, as a matter of priority, to work with all user groups and industries to develop and implement strategies for reducing the use and consumption of rhinoceros parts and derivatives and to report on progress for inclusion into the joint IUCN/TRAFFIC reports;

DIRECTS the Standing Committee to continue to pursue actions aimed at ~~reducing~~ ending illegal trade in rhino parts and derivatives, ensuring that:

- a) all such actions are accompanied by evaluations of their effectiveness and appropriate recommendations; and
- b) the policies that guide interventions are responsive and adaptive to the outcome of the evaluations;

RECOMMENDS that those range States without a budgeted conservation and management plan for rhinoceros should develop and implement one as expeditiously as possible, utilizing all available relevant expertise and resources;

RECOMMENDS further that those range States with an existing, budgeted plan for rhinoceros should endeavour to implement the plan as expeditiously as possible, and should undertake a review of the effectiveness adequacy of enforcement and trade control measures therein;

RECOMMENDS that the IUCN/SSC African and Asian Rhino Specialist Groups and TRAFFIC submit at least ~~six~~ eight months before each meeting of the Conference of the Parties a written report to the Secretariat on:

- a) The national and continental conservation status of African and Asian rhinoceros species, trade in specimens of rhinoceros, stocks of specimens of rhinoceros and stock management, incidents of illegal killing of rhinoceroses, enforcement issues, and conservation actions and management strategies with an evaluation of their effectiveness
- b) Measures by consumer States to end the illegal use and consumption of rhinoceros parts and derivatives.

DIRECTS the Secretariat to:

- a) distribute ~~review~~ the report of the IUCN/SSC African and Asian Rhino Specialist Groups and TRAFFIC to range and consumer States for comments before the meetings of the Conference of the Parties for any comments received to be included as an Appendix to the report and;
- b) on the basis of the report and the comments received from the range and consumer States, formulate recommendations for consideration by the Conference of the Parties as appropriate;
- c) encourage the parties to financially support the IUCN African and Asian Rhino Specialist Groups and TRAFFIC in the compilation of information from the range States and the reporting thereof to the Secretariat

URGES range States of African and Asian rhinoceroses consumer States, other Parties and other stakeholders to:

- a) provide financial support to and cooperate with the IUCN/SSC African and Asian Rhino Specialist Groups and TRAFFIC in collecting information for their reporting to the Secretariat on trade in and conservation of rhinoceroses;
- b) Provide comments to the Secretariat on the report of IUCN / TRAFFIC before meetings of the Conference of the Parties within the timelines provided for by the CITES secretariat

CALLS upon all governments and intergovernmental organizations, international aid agencies and non-governmental organizations to provide funds to implement rhinoceros conservation activities, especially efforts to prevent the illegal killing of rhinoceroses and ~~end to control and monitor~~ the illegal trade in rhinoceros horn, and to enable IUCN and TRAFFIC to undertake effectively their reporting to the Secretariat before each meeting of the Conference of the Parties;

CALLS for constructive engagement amongst all Parties to the Convention and synergy between the Convention and the IUCN/SSC Rhino Specialist Groups to achieve the aims of this Resolution; and

REPEALS the Resolutions listed hereunder:

- a) Resolution Conf. 3.11 (New Delhi, 1981) – Trade in Rhinoceros Horn; and
- b) Resolution Conf. 6.10 (Ottawa, 1987) – Trade in Rhinoceros Products.