

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 SECRETARIAT

1. This document has been prepared by the Secretariat.
2. At its 66th meeting (SC66, Geneva, January 2016), the Standing Committee adopted recommendations on *Rhinoceroses (Rhinocerotidae spp.)*, directed to Mozambique, South Africa and Viet Nam,¹ as follows:

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.*
- 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.*

¹ See SC66 Com. 7 (Rev. by Sec.) : <https://cites.org/sites/default/files/eng/com/sc/66/Com/E-SC66-Com-07%28RevbySec%29.pdf>

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 rhinoceroses 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.*

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.*

3. The Committee, at SC66, also adopted recommendations directed to the Standing Committee, the Secretariat, and the Working Group on Rhinoceroses, as follows:

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.*

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 Resolution Conf. 14.3.*
4. Reports were received from Mozambique, South Africa and Viet Nam and were subsequently submitted to the Chair of the Rhinoceros Working Group. The Secretariat would like to thank these Parties for the reports submitted.
 5. The Working Group on Rhinoceroses continued its work during the current reporting period and prepared document SC67 Doc. 21.2.
 6. The present document contains the findings and recommendations of the Secretariat, in accordance with the provisions of SC66 recommendation m). The report from the African and Asian Rhino Specialist Groups of the Species Survival Commission of the International Union for the Conservation of Nature and Natural Resources (IUCN/SSC), as described in paragraphs 3 and 39 of document CoP17 Doc.68 on Rhinoceroses (Rhinocerotidae spp.), was received by the Secretariat at the time of writing and the content of this report, as it relates to Mozambique, South Africa and Viet Nam, is taken into consideration in the present document. The report from the IUCN/SSC African and Asian Rhino Specialist Groups is available to Parties as [Annex 5](#) to document CoP17 Doc.68.

Mozambique

7. The report received from Mozambique provides an assessment of progress in the implementation of its National Ivory and Rhino Action Plan (NIRAP). It is attached to the present document (in the language received) as Annex 1. The reporting from Mozambique, on the further measures taken to implement the priority actions outlined in SC66 recommendation d) paragraphs i) to v), is summarised in paragraphs 8 to 12 below.
8. Mozambique reports that the amendment proposal to broaden the application of its Conservation Law, from being restricted to conservation areas only, to being a law that can be applied at national level, and to increase and better define penalties for perpetrators of crimes against fauna and flora, was approved by its Council of Ministers on 5 April 2016, and has been submitted to Parliament for approval. It further reports that the drafting of new implementing Regulations for the Conservation Law is in progress. The Regulation implementing the Forest and Wildlife Law 10/1999 remains in place, and it will only be revoked once the new implementing Regulations for the Conservation Law are finalized, to avoid any regulatory vacuum.
9. Mozambique reports that the revised Regulation on the application of CITES provisions have been approved by the Council of Ministers on 24 May 2016, and that the publication of this Regulation in the Official Journal of Mozambique is expected to take place soon.
10. According to the report, the administrative circular by the President of the Supreme Court, referred to in SC66 recommendation d) iii), has been prepared, and the National Administration for Conservation Areas (ANAC) has officially requested its signature by the Supreme Court, an independent supreme body in Mozambique.
11. Mozambique reports that a Registry of Infractions is operational in almost all conservation areas, and that a database at the national level collecting information and follow up on the prosecution of wildlife crime cases in court has been devised and is being tested.
12. It is also reported that a countrywide inventory of ivory and rhinoceros horn stocks was completed in April 2016, alongside a physical risk audit of rhinoceros horn and ivory storage facilities. The latter is reported to have identified key needs and opportunities for improved management and security of stocks in Mozambique.

13. The report from Mozambique further elaborates on a number of matters that goes beyond the scope of the Standing Committee's recommendations. For example, Mozambique reports that: a number of successful enforcement operations were conducted by customs and the recently established environmental police, with the assistance of ANAC; good progress has been made with the development of an Memorandum of Understanding (MoU) between Mozambique and Viet Nam on joint cooperation in addressing illegal wildlife trade; a National Law Enforcement and Anti-Poaching (LEAP) Strategy will be developed and implemented; the need for community engagement in natural resource management is highlighted; a plan to improve intelligence capacity of the Environmental Police is being developed; and the International Consortium on Combating Wildlife Crime (ICWC) Wildlife and Forest Crime Analytic [Toolkit](#) is being implemented in the country.
14. The report from Mozambique is comprehensive and informative, and covers a variety of other matters, additional to those highlighted above. At SC66, the Secretariat reported that the activities outlined in the report from Mozambique prepared for that meeting showed that there is good momentum in the country. The Secretariat believes that the report prepared by Mozambique for the present meeting confirms that this good momentum has continued since SC66. It is evident that enhanced efforts are being made by Mozambique to respond increasingly effectively to the challenges posed by wildlife crime. However, as also reported at SC66, Mozambique continues to be a key country affected by poaching and illegal rhinoceros horn and ivory trade. For this reason, it remains crucial for the Party to build upon the current progress, and to ensure that measures continue to be taken toward NIRAP implementation.

Viet Nam

15. The report received from Viet Nam is attached to the present document (in the language received) as Annex 2. The Secretariat is aware of a number of thefts from stockpiles in recent years, and in order to avoid elevating potential security risks, has removed from Annex 2 the section of the report of Viet Nam containing information on stocks of rhinoceros horn in Viet Nam. The responses to the recommendations adopted by the Standing Committee at SC66, as contained in the report received from Viet Nam, are summarised in paragraphs 16 to 20 below.
16. Viet Nam indicates that specialized investigation techniques are being deployed in the country to address wildlife crime. The information provided is however vague and it is not clear to what extent these tools are being used, and if any results have been achieved in doing so.
17. Viet Nam reports that the new penal code approved by the Vietnamese National Assembly in 2015 makes adequate provision to address CITES related offences, and the report submitted by Viet Nam contains information on the specific provisions of the new penal code. As stated in the report from the IUCN/SSC African and Asian Rhino Specialist Groups, referred to in paragraph 6 of the present document, Viet Nam's revised penal code was to come into effect on 1 July 2016, but this has been postponed. The Party might wish to provide further information at the present meeting, on when the new revised penal code is expected to come into effect.
18. In the second and third bullet points of SC66 recommendation g) iii), the Standing Committee requests Viet Nam to report on:

progress made in accordance with Resolution Conf. 9.6 (Rev. CoP16) on Trade in readily recognizable parts and derivatives, to ensure that any product purported to be rhinoceros horn is treated as such for enforcement purposes; and 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.

The report by Viet Nam repeats the information contained in its report prepared for SC66 (see [Annex 2](#) to document SC66 Doc. 51.1). In the absence of updated information, the Party might also wish to provide an update on this matter to the Standing Committee, at the present meeting.

19. It is reported that the President of Viet Nam and the President of the United States of America, during a state visit from the United States to Viet Nam in May 2016 committed to the full implementation of CITES and combating illegal wildlife trade. With regard to activities conducted under existing MoUs to enhance international cooperation to combat the illegal trade in rhinoceros horn, Viet Nam reports that since the signature of the MoU between the CITES Management Authority of Viet Nam and the CITES Management Authority of China in September 2015, a training workshop for 30 enforcement officers has been

conducted in March 2016. It is further reported that another training workshop involving a number of different agencies will be conducted in October 2016, in China. Viet Nam also reports on activities conducted in the Czech Republic, following the October 2015 signature of a Declaration on Cooperation in the field of CITES implementation to combat illegal wildlife trade, with the Czech Republic. Viet Nam further reports that it is in discussions with both Kenya and Mozambique, to develop bilateral agreements to combat wildlife crimes, and that it is expected that these agreements will be signed in the course of 2016.

20. Information provided by Viet Nam on demand reduction, largely repeat the information provided in its report prepared for SC66. It also mentions briefly that demand reduction campaigns have been implemented in cooperation with a number of non-governmental organizations, and indicates that further consumer surveys will be undertaken in July 2016, to more accurately assess trends in demand for rhinoceros horn in some main cities in Viet Nam.
21. The report from the IUCN/SSC African and Asian Rhino Specialist Groups prepared for CoP17 states that Viet Nam continues to be the leading country of destination for illicit rhinoceros horn. It further states that markets for rhinoceros horn trade have emerged in Viet Nam, and that an active cross-border tourist trade with China in wildlife products, including rhinoceros horn, has developed in three villages near Hanoi, utilizing sophisticated networks of Chinese-speaking tourist guides, professional middlemen, wholesalers, retailers and transnational logistics companies.
22. As stated in document SC66 Doc. 51.1, the report submitted by Viet Nam for that meeting indicates that customs and police authorities in the country have conducted a number of operations to combat illegal trafficking in rhinoceros horn since the 65th meeting of the Standing Committee (SC65, Geneva, July 2014), in particular targeting key flights from Africa transiting through countries known to be targeted as transit countries for trafficking of rhinoceros horn. These operations and the associated seizures and arrests made are commendable. The Secretariat however also noted in document SC66 Doc. 51.1 that it is very important for authorities in Viet Nam to complement increased activities at ports of entry and exit, with an increase in enforcement activities within the country, and highlighted an incident where, on 9 May 2015, two men illegally trafficking 37kg of rhinoceros horn were arrested in the Nghe An province (central Viet Nam), on a train from Ho Chi Minh City to Nghe An. The two men alleged that they were trafficking the horns on behalf of someone else. The Secretariat noted that it is crucial for such incidents within Viet Nam be thoroughly investigated, and for follow-up investigations to be conducted. One of the key recommendations adopted by the Standing Committee at SC66, is that Viet Nam 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 of rhinoceros horn.
23. Reports considered to be credible, that came to the attention of the Secretariat, suggest that criminal syndicates heavily involved in the trafficking in rhinoceros horn, ivory, tiger and other illicit wildlife specimens are operating in Viet Nam. At the time of writing, detailed reports were formally presented to the Secretariat, providing information on persons suspected to be involved in organized crime involving wildlife operating in Viet Nam. The Secretariat was informed that these reports were also formally presented to a number of authorities in Viet Nam, including the CITES Management Authority of Viet Nam, for further follow up and investigation. It must be noted that information presented to the Secretariat also confirmed that authorities in Viet Nam are responding positively to some of the information that have been provided to them, and are clamping down on open sales of illegal wildlife products at the locations identified in these reports. Information however also suggests that key individuals that are managing and organizing the illegal trafficking within the country remain active, albeit more cautious, and that law enforcement activities conducted to date mainly addressed the lower level smugglers recruited by criminal syndicates.
24. The information presented to the Secretariat gives reason for concern, and it will formally raise the reports received with Viet Nam. In the absence of updated information on arrests, seizures, prosecutions, convictions and penalties for offences involving the illegal possession and trade in rhinoceros horn in Viet Nam, there seems to be significant room to further scale up law enforcement efforts within Viet Nam to address organized crime syndicates involved in wildlife crime.
25. A significant number of commendable measures have been undertaken by Viet Nam to date, including commitments made at the highest level. However, available information on the alleged activities of key individuals involved in illegal trafficking of rhinoceros horn and other wildlife specimens in Viet Nam seriously undermines the positive progress made by the Party in addressing illegal wildlife trade, and should be investigated as a matter of priority. Deploying the same tools and techniques used against other

domestic and transnational organized crimes, against the criminal groups involved in the trafficking of rhinoceros horns and other wildlife specimens operating within the country, and in particular against those individuals managing and organizing these illegal activities, is encouraged. The Secretariat would like to take this opportunity to remind the Party about the support from ICCWC that could be mobilized upon request, through the deployment of a Wildlife Incident Support Team.

Mozambique and South Africa

26. The joint report received from Mozambique and South Africa is attached to the present document (in the language received) as Annex 3. Mozambique and South Africa requested that the annex of their report containing detailed information on the Implementation Plan for the MoU between Mozambique and South Africa, the terms of reference for the Joint Management Committee for the implementation of the MoU, and the 2015/2016 Action Plan, remain confidential. The Secretariat encourage Parties not to include confidential or sensitive information in their reports when these reports will be made available public, but to submit such information in a separate document, as necessary. The approach followed in the submission of the joint report is consistent with this approach, and the Secretariat believes that the request from Mozambique and South Africa is reasonable and has removed Annexure A from the report in Annex 3 to the present document.
27. The contents of the joint report is self-explanatory, and the increasingly good cooperation between Mozambique and South Africa is commendable. This include collaboration on a number of issues mentioned in the report. The process to finalize the draft treaties on extradition and Mutual Legal Assistance in criminal matters between the two Parties is still ongoing, and it is noted in the joint report that both Parties remain committed to this matter. Mozambique and South Africa are encouraged to also finalize this process as a matter of priority.

Final remarks

28. Recent practice has been for the Secretariat and the Working Group on Rhinoceroses to submit separate documents to the Standing Committee, each containing its own set of recommendations. These recommendations of the Secretariat and the Working Group on Rhinoceroses were then amalgamated into a combined set of recommendations, through meetings of the Working Group in the margins of the Standing Committee meetings. Both the Secretariat and the Working Group on Rhinoceroses again prepared documents for the present meeting. In the light of the fact that SC67 is a one day meeting, it will however not be possible to develop a combined set of recommendations in the margins of the present meeting. It was not possible for the Secretariat and the Working Group on Rhinoceroses to develop a combined set of recommendations before the deadline for submission of documents to SC67 and, as a result, the Secretariat and the Chair of the Working Group on Rhinoceroses agreed to develop a combined set of recommendations subsequent to the deadline for submission of documents to SC67. This combined and agreed set of recommendations will as soon as it is finalized, be made available as an addendum to documents SC67 Doc. 21.1 and SC67 Doc. 21.2, for consideration at the present meeting.
29. In document CoP17 Doc. 68 on Rhinoceroses (Rhinocerotidae spp.), the Secretariat stated that it believed that it would be appropriate to await the reports from Mozambique, South Africa and Viet Nam prepared for the present meeting before, if appropriate, formulating any country-specific draft decisions for consideration by the Conference of the Parties. CoP17 Doc. 68 further states that, once the reports are received, the Secretariat will consult with the Working Group on Rhinoceroses about the development of draft decisions, and that, if any, these will be made available through an addendum to CoP17 Doc. 68, for consideration by the Conference of the Parties. This matter will also be addressed during the consultations between the Secretariat and the Working Group on Rhinoceroses as outlined in paragraph 28 above.

Recommendations

30. The Secretariat recommends that the Standing Committee consider the combined set of recommendations developed by the Secretariat and the Working Group on Rhinoceroses, made available as an addendum to documents SC67 Doc. 21.1 and SC67 Doc. 21.2.