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

Fourteenth meeting of the Conference of the Parties
The Hague (Netherlands), 3-15 June 2007

BLACK RHINOCEROS EXPORT QUOTAS FOR NAMIBIA AND SOUTH AFRICA

1. The attached document has been submitted by Kenya in relation to agenda item 37.2.

2. The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries.

BLACK RHINOCEROS EXPORT QUOTAS FOR NAMIBIA AND SOUTH AFRICA

1. This information document has been submitted by Kenya. It sets out in more detail Kenya's reasoning for proposing the repeal of Resolution Conf. 13.5 in CoP14 Doc. 37.2 and provides additional evidence to support the proposal.

2. Black rhinoceros (*Diceros bicornis*) are currently listed on Appendix I of CITES. Despite listing on Appendix I, however, some trade in black rhinos is permitted, such as trophy hunting, subject to the provisions set out in Article III of the Convention.

3. The conditions set out in Article III are that:

   a. An import permit must first be issued by the importing State.
   b. In the case of hunting trophies, an import permit will only be granted where:
      i. A Scientific Authority of the importing State has advised that "the import will be for purposes which are not detrimental to the survival of the species"; and
      ii. A Management Authority of the importing State is satisfied that the specimen is not to be used for primarily commercial purposes.
   c. An export permit must also be issued by the exporting State. In the case of hunting trophies, the conditions for the grant of such a permit are:
      i. A Scientific Authority of the exporting State has advised that such export "will not be detrimental to the survival of the species"; and
      ii. A Management Authority of the exporting State is satisfied that the specimen was not illegally obtained.

4. At the 13th meeting of the Conference of the Parties to CITES (CoP13) approval was given (Resolution Conf. 13.5) for annual export quotas for five black rhinoceros hunting trophies from Namibia and five from South Africa.

5. Pursuant to Resolution Conf 9.21 (Rev. CoP13), the setting of an export quota has the effect of satisfying the requirements "regarding the findings by the appropriate Scientific Authorities that the export will not be detrimental to the survival of the species and that the purposes of the import will not be detrimental to the survival of the species". That is, it effectively removes the need for independent "non-detriment findings".

6. The export quota does not, however, remove the need to meet each of the other conditions set out in Article III of the Convention, and import and export permits must still be obtained in accordance with that Article.

7. If, however, new scientific or management data emerges to indicate that the species population in the range State concerned can no longer sustain the agreed quota, then pursuant to Resolution Conf 9.21 (Rev. CoP13) the export quota is effectively null and void, and the appropriate Scientific Authorities must then make the necessary non-detriment findings before permits can be granted.

8. Given the on-going threats to rhinoceros populations, most notably from the illegal trade in rhino horn, a precautionary approach to decision-making is required. In Resolution Conf. 9.24 (Rev. CoP13) the parties have adopted the precautionary approach in relation to the amendment to Appendices I and II (see Annex IV). The precautionary approach is equally relevant to making a determination as to (non-)detriment in relation to trade in Appendix I species.

9. Since the granting of these export quotas, new scientific and management data (outlined in CoP14 Doc. 37.2 and below) have emerged to indicate that the black rhinoceros populations in both Namibia and South Africa may not be able to sustain these quotas. Applying a precautionary approach, this effectively makes the export quota null and void, thereby necessitating the repealing of Resolution Conf. 13.5.

10. The repeal of Resolution Conf. 13.5 means that the non-detriment finding is not automatically assumed, and the appropriate Scientific Authorities will be required in the future to make this finding before import and export permits can be issued.

Evidence of increased poaching

11. There are 14 African rhinoceros range States listed in the IUCN/TRAFFIC report to CoP14 (CoP14 Doc. 54 Annex 1).[1] While the continent-wide population, 80% of which are white rhinos, is reported to be increasing, several populations are threatened by poaching and some are reported as declining (notably in Democratic Republic of Congo, Zambia, Zimbabwe and possibly Mozambique).[2] In Rwanda, just one black rhino (*D.B. michaeli*) survives after one was killed in 2006. Since 2004, the western black rhino (*D. b. longipes*) in Cameroon has been declared as feared extinct: "Following surveys over most of its possible range in 2006, no signs of rhino were found by survey teams, but evidence of general wildlife poaching was widespread."[3]

12. Four range States - Kenya, Namibia, South Africa and Zimbabwe - conserve most black rhino (96.3%) and white rhino (98.7%) in Africa.[4] There is evidence of recent increased poaching in South Africa and Zimbabwe, an increase in intensity of poaching threat in Kenya, while in Namibia, there is evidence that management problems and inadequate anti-poaching and monitoring have put the key 1 population in Etosha National Park at risk (see more details below).

13. CoP14 Doc. 54 states that "rhinoceros population numbers remain precariously low with certain subspecies now feared extinct or close to extinction …and poaching remains an important threat, chiefly in Cameroon, the Democratic Republic of the Congo, Nepal and Zimbabwe".[5] In DR Congo, northern white rhino (*C. s. cottoni*) numbers have "declined rapidly since 2003 due to an upsurge in poaching in the only surviving wild population in Garamba National Park ….surveys have confirmed the presence of only four rhinos."[6] There has also been an increase in poaching in Zimbabwe since 2003 and, shortly after the decision to set export quotas for black rhinos in October in 2004, an increase in poaching of rhinoceros was observed in South Africa.

Evidence of increased poaching in South Africa

14. The IUCN/TRAFFIC report states that in South Africa, average annual detected poaching incidents during 2003-2005 represented 0.02% of the respective rhino numbers at the end of 2005; that "poaching accounted for only 1% of 96 reported black rhino deaths available for analysis from 2002 to 2004"; and that "From 2002 to 2005, South Africa has also reported the loss of an average of 1.5 black rhinos and 14 white rhinos per year to illegal killing."[7] This analysis of the figures tends to understate the problem and neglects to address the trend in poaching.

15. Figure 1 shows the number of rhinoceros killed by illegal poaching in South Africa between the years 1990 and 2006. Significantly, the numbers had been decreasing after 2002 before a substantial increase in poaching of rhinoceros in 2005; with the highest number of rhinoceros recorded as killed from poaching since 1994. The 1994 increase in poaching coincided with down-listing of the Southern white rhinoceros.

---

[1] *Emslie, R.H., Milledge, Brooks, M., van Strien, N.J. and Dublin, H.T., African and Asian Rhinoceroses – Status, Conservation and Trade, CoP14 Doc. 54 Annex 1, Jan 2007*

[2] *Ibid*

[3] *Ibid*

[4] *Ibid*

[5] Ibid

[6] *Ibid*

[7] *Ibid*

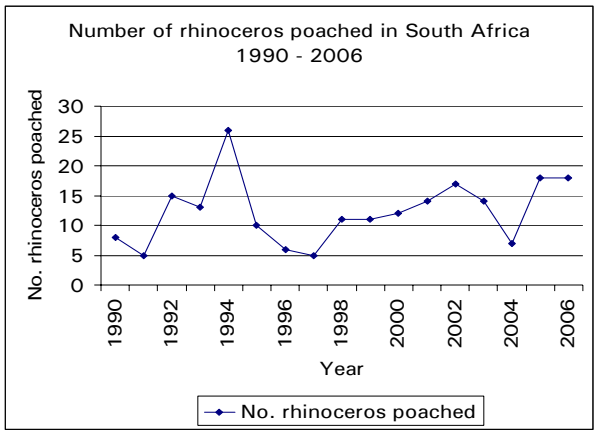

Fig. 1: Poaching trends of rhinoceros in South Africa 1990 to 2006[8].

16. According to a report in the Sunday Independent, dated 1 April 2007, there have been at least 70 rhinos killed by poachers in the Kruger National Park (KNP) in the past six years, including 17 in 2006 and four by mid-February 2007. A spokesperson for the KNP was reported to have admitted that rhino poaching was a "big concern", and that *"There has been a slow and steady increase during the years."*[9]

17. The IUCN/TRAFFIC report states that agencies in South Africa are cooperating to address what they describe as a "**new** threat posed by a group or groups linked to the deaths of at least 19 rhino in South Africa" (emphasis added). They apparently apprehended one Vietnamese national but he claimed diplomatic immunity and left the country, while there had "recently been another arrest with more expected soon".[10]

18. In a recent report published by a Johannesburg-based NGO,[11] it was stated that Free State authorities have apparently prosecuted nine people for the illegal possession of 44 rhino horns in the past two years (2005 and 2006), although some of the horns were old and may not have come from recently killed animals.

19. The report documents several other cases of rhino poaching, including the arrest of several people in August 2006 in connection with the killing of 14 rhinos in KwaZulu-Natal and elsewhere. Two of the men posed as tourists and killed two white rhinos in the Hluhluwe Imfolozi Park (HIP) in Zululand. Those arrested included the owner of a game lodge in Limpopo, the owner of a hunting concession in Mozambique and a number of Chinese. All are believed to be part of a nationwide syndicate.[12]

20. In May 2005, five rhinos were reportedly poisoned at a waterhole in the Nwanedi Nature Reserve in Limpopo. A wide variety of other wild animals were killed and poachers removed the horns from all five rhinos.[13]

[8] Proceedings of the eighth meeting of the IUCN African Rhino Specialist Group, Compiled by L. Brooks, Edited M. Brooks. 2006 Mlilwane Swaziland. See also Consuming wildlife: The illegal exploitation of Wild Animals in South Africa, Zimbabwe and Zambia. A preliminary report for Animal Rights Africa and Xwe African Wild Life compiled by Mike Cadman, March 2007.

[9] *Mike Cadman, "Poachers target elephants, rhinos" (The Sunday Independent, 1 April 2007) http://www.iol.co.za/index.php?set_id=1&click_id=31&art_id=vn20070401083959895C224050*

[10] *Emslie, R.H., Milledge, Brooks, M., van Strien, N.J. and Dublin, H.T., African and Asian Rhinoceroses – Status, Conservation and Trade, CoP14 Doc. 54 Annex 1, Jan 2007*

[11] *Consuming wildlife: The illegal exploitation of Wild Animals in South Africa, Zimbabwe and Zambia. A preliminary report for Animal Rights Africa and Xwe African Wild Life, compiled by Mike Cadman, March 2007. http://www.animalrightsafrica.org/Archive/Consuming_Wild_Life_290307_final.pdf*

[12] *Ibid*

[13] *Ibid*

21. In the Western Cape, three cases involving the illegal possession of four rhino horns were reported in 2004. Whilst in the North West province two rhinos, a mother and a calf were killed in 2005 in the Borakalalo National Park. [14]

Evidence of increased poaching in Zimbabwe

22. The IUCN/TRAFFIC report states that "In terms of overall numbers, the recent escalation of poaching in Zimbabwe (one of the four major African rhino range States) is of particular concern."[15] It goes on to say that "Zimbabwe has experienced high poaching levels (for horn) as well as increased snaring (including use of cable snares) associated with land resettlement in some areas. From January 2003 to June 2006, 79% of 111 recorded black and white rhino mortalities were attributed to poaching and snaring. The increase in poaching and snaring in some Zimbabwe populations has resulted in numbers of black rhino in Zimbabwe declining slightly since 2003, despite some active management to treat snared rhino and moving of some animals affected by human resettlement to safer areas." [16]

23. Furthermore, the IUCN/TRAFFIC report alludes to illegal trade in rhino specimens between South Africa and Zimbabwe, stating that "Concerns have been raised within the SADC Rhino and Elephant Security Group about insufficient cross-border cooperation between Zimbabwe and South Africa in dealing with cases of rhino horn poaching detected in Zimbabwe with established South African connections." South Africa has put in place a voluntary moratorium on the issuing of permits by provinces for the internal sale of rhino horn in the country to "minimize the risk of horn getting into illegal hands". Currently there is no legislation in place prohibiting internal sales of rhino horn.

24. The IUCN/TRAFFIC report also notes with regard to stockpiles of horn that "Some unexplained reductions in reported stockpiles have been recorded between 2004 and 2006 from Botswana and Zimbabwe in terms of the overall quantities and/or composition, but at this stage the reasons for these discrepancies still have to be determined."

25. Reports from news articles and NGOs indicate that the poaching in Zimbabwe is serious. In the NGO report referred to above,[17] a representative of the Zimbabwe Conservation Task Force (ZCTF) said that the rhino population in Zimbabwe was under "serious threat" and was quoted as saying: "Only eight of the 40 black rhino living in the Matusadona National Park seven years ago still remain; only 21 of the 50 black rhino found in the Midlands Conservancy in 2000 are still alive, and the rhino population on Gourlay Ranch in Matabeleland dropped from 48 to 26 before the animals were relocated to the Bubi Ranch." The Zimbabwe Parks and Wildlife Authority (ZPWA) alleged that the ZCTF was exaggerating poaching figures, but did not provide any statistics of its own or evidence contradicting the figures quoted by the ZCTF.[18]

26. In May 2007, WWF was quoted in the Zimbabwe government newspaper, The Herald, as being "concerned about the increasing levels of poaching in conservancies, in particular and some State parks" since at least 40 black rhinos had been poached in some parks and conservancies over the past three years.[19] WWF is reported to have said that although black rhino have been deliberately shot for their horn not one poacher has been arrested and convicted.

Evidence of increased poaching threat in Kenya

27. Kenya has found that since the decision contained in Resolution Conf. 13.5 was taken at CoP13, the threat of poaching has increased within the country, and that as a result it has needed to increase its expenditures on security and monitoring of rhinoceros in order to achieve the same level of

---

[14] *Ibid*

[15] *Emslie, R.H., Milledge, Brooks, M., van Strien, N.J. and Dublin, H.T., African and Asian Rhinoceroses – Status, Conservation and Trade, CoP14 Doc. 54 Annex 1, Jan 2007*

[16] *Ibid*

[17] *Consuming wildlife: The illegal exploitation of Wild Animals in South Africa, Zimbabwe and Zambia. A preliminary report for Animal Rights Africa and Xwe African Wild Life, compiled by Mike Cadman, March 2007. http://www.animalrightsafrica.org/Archive/Consuming_Wild_Life_290307_final.pdf*

[18] *Ibid*

[19] *The Herald (Harare), "Zimbabwe: 40 Black Rhinos Poached in State Parks", 7 May 2007, http://allafrica.com/stories/200705070481.html*

protection. Details as to Kenya's levels of expenditure can be made available to the Secretariat upon request.

28. Detailed information on Kenya's rhinoceros populations, mortalities, poaching, seizures and law enforcement trends from 2001-2005 is provided in Table 2. Although Kenya has significantly increased its law enforcement effort in recent years and strengthened anti-poaching patrols, the severity of poaching has only slightly declined and is still considered "severe" (40% of all rhino mortalities are due to poaching). From 2000-2002, 21 rhinos were poached (3.5% of the total population at the end of 2001) and from 2003-2005, 22 rhinos were poached (3.4% of the total population at the end of 2003). The poaching of white rhinos has increased: 6 (3.5%) were poached in 2000-2002 compared with 10 (4.6%) in 2003-2005.

29. Despite the increased poaching threat in 2003-2005, and the improvement in the efficiency of law enforcement efforts in Kenya over the same period, the percentage of poached horns recovered declined. This may suggest that poaching syndicates in 2003-2005 became more sophisticated and improved their ability to avoid detection by law enforcers.

30. Kenya has also observed an increase in violent confrontations with poachers since the decision to allow export quotas of black rhino was taken at CoP13. Table 1 sets out incidences of gun-fire exchanges with rhino poachers. In 2006, there were 4 recorded incidents of gun-fire exchange with rhino poachers, as many as the total from the previous 6 years put together. In May 2007, Kenya experienced a heavy loss when three rangers were killed trying to protect major elephant and rhino populations in Tsavo National Park.

Table 1: The number of rhino related contacts

Year	No. of rhino related contacts
2000	Nil
2001	Nil
2002	2
2003	1
2004	Nil
2005	1
2006	4

Undetected poaching in Namibia?

31. Namibia's official rhino poaching figures between 1999 and 2003 report just 4 rhinoceros killed illegally. Horns of two of these rhinos were recovered. During the same period, however, the Protected Resources Unit of the Namibian Police confiscated a total of 37 rhino horns within the country.[20] This represents at least 19, and possibly as many as 37 rhinos that were illegally poached, probably in Namibia, with all but 4 undetected.

32. It is unlikely that these horns were in transit through Namibia given that the nearest major populations are to be found in South Africa and Zimbabwe from where more direct transit routes to the Far East via South Africa are more probable. It seems more likely that the high number of rhino

[20] CoP13 Inf. 21 paragraphs 2 and 3

horn seizures in Namibia is an indication of a greater number of poaching incidents than has been recorded.

33. The lack of adequate patrolling and monitoring over several years in Etosha National Park (ENP), reported first in a WWF report in 2000[21] and most recently by David Shepherd Wildlife Foundation (DSWF) in 2007,[22] lends credibility to this. The DSWF report cites extensive evidence from internal reports (2002-2004) and recent interviews with former and current MET staff demonstrating that the capacity of the Ministry of Environment and Tourism (MET) to protect Namibia's rhinos has declined. Both reports conclude that low level poaching could go on undetected in ENP that a new poaching challenge may not be contained. .

34. Around the end of 2005 / beginning of 2006, three rhinos were poached in two incidents.[23] Two were from Hardap Game Park. Yet despite having only 9 rhinos as of 2004[24], the incident (representing the loss of 22% of its rhino population) was not discovered until the horns were recovered some months later. This also calls into question the adequacy of monitoring and patrolling in Hardap.

35. Namibia recently stated that a new management plan is being developed for Etosha and that problems of insufficient resources have largely been addressed.[25] According to DSWF, MET staff interviewed in March and April 2007 seem to have been unaware that resource issues had been resolved and indicated that financial problems persisted within the MET, and that staff morale was very low. [26]

36. ENP is celebrating is 100th anniversary this year, and MET has indicated an intention to upgrade roads, waterholes, firebreaks and fencing. DSWF reported that it visited ENP in April 2007 and found work being done by Namibian Wildlife Resorts to upgrade tourist facilities but that work to up-grade the infrastructure of the park was not evident.[27]

Uncontrolled fire in Etosha National Park

37. As noted in Kenya's submission to CoP14 (CoP14 Doc. 37.2), Etosha National Park is home to the largest single black rhinoceros population worldwide.

38. In August 2006, there was a large fire in ENP caused by lightning that effected 200,000-300,000 hectares, plus several thousand hectares of adjoining farmland. Most of the area, which was in the south of the park and west of Okaukuejo, (2,550 square kms), was burnt. 90% of the adjoining rare animal enclosure of Kaross (about 20,000 hectares), home to about 20 black rhinos and a number of rare antelopes, was also burnt.

39. According to news reports, the MET was unprepared to fight the fire, which was described as an ecological disaster. A lack of vehicles, fuel and staff, plus the fact that the major firebreaks were not cleared, resulted in the fire running out of control. The warden responsible for Otjovasandu in west of the park reportedly told the media that he did not have enough petrol because of lack of funds and no available road graders, resulting in no fire breaks being cleared in his area since the last rains several

[21] Stanley-Price, M. and Dublin, H.T. Black rhino conservation and management in Etosha National Park, Namibia. Evaluation of Project 9F0084, 14. August 2000.

[22] *Reeve, R. Pope, S. and Stewart, D. "Ivory, Ekipa and Etosha: The Hidden cost to elephants and rhinos of Namibia's wildlife policy", David Shepherd Wildlife Foundation, May 2007.*

[23] Ibid

[24] CoP13 Inf. 21.

[25] CoP14 Doc.68 Annex 2.

[26] Reeve, R. Pope, S. and Stewart, D. "Ivory, Ekipa and Etosha: The Hidden cost to elephants and rhinos of Namibia's wildlife policy", David Shepherd Wildlife Foundation, May 2007.

[27] Ibid.

months before. The affected farmers claim to have requested MET on several occasions to clear the firebreaks along the common boundary but MET never did. It later came to light that at the time of the fire, the radio system to Otjovasandu was out of action.[28]

40. It is unknown how many black rhino and other animals were destroyed in the disaster. MET officials were apparently not permitted to give information to the press regarding the fire's effects.[29]

Threat from uncontrolled tourism in the Kunene region of Namibia

41. Namibia's second largest population of black rhino is found in the Kunene region. There are concerns that uncontrolled tourism may present a threat to the rhinos in this region. These concerns have been aired in the Namibian press. In 2005, Save the Rhino Trust (SRT), which has conducted a monitoring programme for rhinos in the Kunene for many years, told The Namibian that rhino numbers in the southern rhino range in the Kunene, near the Doros Crater, had decreased in recent years because of the increase in vehicle movements, low-flying aircraft, hunting and other tourist activities.[30]

42. In the same article, it was reported that a luxury lodge was being built near the Doros Crater (in the southern rhino range) without an environmental impact assessment, without approval from the Kunene Land Board, and on a site designated to be a rhinoceros sanctuary. The development was also expected to cause pollution and consume a considerable amount of water in an environmentally sensitive area where water was scarce. In April 2005, The Namibian reported that the developers had been forced to stop construction and fulfil certain conditions including conducting an environmental impact assessment.[31] Despite this, there were subsequent reports in October 2005 that construction of the lodge had continued, even though no official leasehold had been issued by the Kunene Land Board.[32] The MET Permanent Secretary had confirmed that an EIA had been received for the lodge and that he was happy with it.[33] However, affected conservancies had a management agreement, endorsed by the MET, which stipulated that a rhino sanctuary would be developed, while SRT was "still concerned that the lodge was being built within the present rhino range, which it said was already under pressure from uncontrolled tourism".[34]

43. Human-induced disturbance could be a contributing factor to the mortalities in the southern rhino range, an extremely dry area with limited water. In April 2005, SRT reported that in February that year a rhino had died in the Doros Crater area and that its death was suspected to be due to increased human activity.[35] In the year prior to July 2006, two rhino cows had died in the Doros Crater area and it was thought that they may have died from stress or exhaustion brought on by human disturbance.[36]

44. Preliminary studies of the effects of human disturbance on rhinos in the Kunene region have found that "southern rhinos may be exhibiting more sensitivity to activity as over 60% of observed rhinos were displaced versus only 38% from the north. In addition, rhinos from the southern [region] may be experiencing higher levels of stress".[37]

---

[28] News reports in "Republikein" (an Afrikaans Daily) and "Algemeine Zeitung" (a German daily), 6 Sept 2006; editorial in Algemeine Zeitung, 11 Sept 2006.

[29] Editorial in Algemeine Zeitung, 11 Sept 2006.

[30] *"Uproar over new lodge", The Namibian, 21 February 2005.*

[31] *"Controversial leisure lodge plan for rhino area stalled", The Namibian, 26 April 2005.*

[32] *"Controversial lodge triggers conflict among communities", The Namibian, 10 October 2005.*

[33] *Ibid.*

[34] *Ibid.*

[35] *"Controversial leisure lodge plan for rhino area stalled", The Namibian, 26 April 2005.*

[36] *Reeve, R. and Pope, S., Elephants and ivory trade in Namibia, DSWF unpublished, November 2006.*

[37] *Preliminary findings by Round River Conservation Studies concerning the effect of humans on rhino, comparing the northern part of the Kunene region (Palmwag Concession) and the southern part, unpublished, 2007.*

45. The northern region does not seem to have escaped the effects of tourism. Some Namibian tour operators consider that the increase in tourism in the north-western Kunene region is having a profound effect on the behaviour of the desert-adapted elephants, especially in the Huab and Hoanib riverbeds, which run westwards and drain into the Skeleton Coast Park. Tourists in self-drive vehicles approach them too close, traumatizing and stressing the elephants who try to escape or sometimes charge. At least two tourists and a tour guide have been killed in separate incidents by elephants in this area. The attacks took place after the people involved had approached elephants at too close a range. Independent tourists also camp too close to waterpoints, preventing elephants from drinking.[38]

Concluding remarks

46. While it is notoriously difficult to show causality linking poaching with the decision contained in Resolution Conf. 13.5, Kenya is concerned that the increase in poaching in South Africa coincides with the approval of hunting quotas at CoP13, as does the increased intensity in the threat from poaching in Kenya. No explanation has been offered for these increases and the possibility exists that the decision at CoP13 sent the wrong message to consumers that trade in rhino horn had been reopened, thereby increasing consumer demand, and fuelling illegal poaching and trade in rhino horn.

47. The evidence of increased poaching set out in this document is of major concern to the conservation of rhinoceros throughout Africa. Whilst there are many factors that may contribute to this, the allocation of export quotas at CoP13 could be one of the factors exacerbating the problem and certainly warrants further research. Kenya is of the opinion that education of the general public and improved general awareness concerning hunting quotas for rhinos and adherence to the recommendations of the IUCN-SSC-AfRSG at its 6th meeting should precede any further exports of black rhino horns as hunting trophies.[39]

48. Kenya's experience is that, since the approval of hunting quotas in Namibia and South Africa, Kenya has suffered considerable financial loss through increased patrolling costs. Moreover, the lives of game rangers and rhinoceros alike have been endangered, and in some cases, lost.

49. Further research needs to be done to ascertain the most cost effective ways of managing rhinoceros conservation, and the role that hunting quotas can have to contribute to or detract from those conservation efforts and costs. Such an analysis should be conducted in all range States prior to and after the allocation of any hunting quotas. This will give a clearer picture of net global financial gain or loss from hunting.

50. The IUCN/TRAFFIC report concludes that rhino numbers in both Namibia and South Africa continue to increase and that in each country the "annual quota represents less than 0.5% of the population and should, therefore, be sustainable". However, this conclusion is based solely on numbers (numbers which, in the case of Namibia, remain to be clarified[40]). It does not take into account the trend demonstrating increased poaching in South Africa. Neither does it take into account the differing figures reported by Namibia for its rhino population in 2004,[41] or the discrepancy between seizure levels and levels of illegal killing reported by Namibia in 2004, or the management problems suffered by Namibia since before 2004, indicating that poaching may be going on undetected and calling into question Namibia's ability to protect its rhinos from a serious poaching incursion.

51. Given the precarious state of many rhinoceros populations, a precautionary approach to decision-making regarding rhinoceros species is imperative. If there is any reason for doubt that the populations concerned can sustain the export quotas (e.g. because of increased poaching or poaching threat or poor management) then the quotas should be repealed. Kenya has presented substantial evidence to support the case that at least one or more of these factors affect rhinoceros populations

---

[38] *Anon, May 2007.*

[39] Proceedings of the sixth meeting of the IUCN African Rhino Specialist Group, Compiled and Edited by M. Brooks. 2002 Malilangwe, Zimbabwe. See also N. Leader-Williams, S. Milledge, K. Adcock, M. Brooks, A. Conway, M. Knight, S. Mainka, E.B. Martin and T. Teferi. Trophy Hunting of Black Rhino Diceros bicornis: Proposals to Ensure Its Future Sustainability. Journal of International Wildlife Law and Policy, 8:1–11, 2005

[40] *CoP14 Doc. 37.2, Kenya's submission to CITES on black rhinoceros hunting quotas*

[41] *Ibid*

in South Africa and Namibia. Moreover, Kenya's own population has faced an intensified threat since 2004, while poaching of black rhino has significantly increased in the fourth major range State, Zimbabwe. Thus Kenya urges Parties to take a precautionary approach and approve the repeal of Resolution Conf. 13.5.

Table 2: Summary of Kenya's rhinoceros populations, mortalities, poaching, seizures and law enforcement trends end of 2001-2005

		end 2001	end 2003	end 2005	Comments
Populations	White rhino	170	218	234	
	Black rhino	430	439	540	
	Total population	600	657	774	
	Average annual % population growth	n/a	**4.8**	**8.9**	**Populations increase**

Trends 2000-2002 to 2003-2005				
		2000-02	**2003-05**	**Trend from 2000-2002 to 2003-2005**
Mortalities	Total number of detected mortalities	39	55	Increase
Field detection rates	% expected actually detected	50.0	83.7	Patrol effectiveness: good since 2003
Poaching	Total number of poaching (detected)	21	22	Poached numbers: constant
Poaching severity	% total mortalities due to poaching	53.8	40.0	Poaching severity: severe, slight decline
	% total population poached over 3 yrs	3.5	3.3	Poaching impact: near concern, constant
Seizures & cases	Total number of horns seized	38	3	Seizures: decline
Law Enforcement (LE)	% potential lost horns recovered in total	117.1	34.1	LE efficiency: good