

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

Interpretation and implementation of the Convention

Trade control and marking issues

Appendix-I species subject to export quotas

BLACK RHINOCEROS EXPORT QUOTAS FOR NAMIBIA AND SOUTH AFRICA

1. This document has been submitted by Kenya.
2. In accordance with Resolution Conf. 9.21 (Rev. CoP13) on The interpretation and application of quotas for species included in Appendix I, paragraph b) ii), Kenya requests the Conference of the Parties to reconsider the annual export quotas for five black rhinoceros (*Diceros bicornis*) hunting trophies for Namibia and five for South Africa approved at the 13th meeting of the Conference of the Parties to CITES (CoP13) and provided for in Resolution Conf. 13.5, and proposes that Resolution Conf. 13.5 be repealed.
3. Resolution Conf. 9.21 (Rev. CoP13) provides that:
 - b) *whenever the Conference of the Parties has set an export quota for a particular species included in Appendix I, this action by the Parties satisfies the requirements of Article III 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, provided that:*

...
 - ii) *no new scientific or management data have emerged to indicate that the species population in the range State concerned can no longer sustain the agreed quota.*
4. Since CoP13, new information on management problems in Namibia and a rise in rhinoceros poaching in South Africa has come to light, which questions whether the populations can sustain such an annual quota in the future. Moreover, the allocation of the quotas was highly controversial at CoP13. Several range States, including Kenya, believed that allowing hunting of black rhinoceros could have a negative impact on their own populations.

Kenya

5. Kenya conserves about 85 % of the eastern black rhinoceros, *D. b michaeli*, mostly within sanctuaries both in protected areas and on private land, while there is a free-ranging population on county council land. Currently, apart from Kenya in eastern Africa, only the United Republic of Tanzania conserves this subspecies *in situ* (about 9 %) in its former range. Kenya has been successful in increasing black rhinoceros population numbers in sanctuaries. As argued by Kenya in 2004 at CoP13, the public may not understand that the lifting of the ban was for sport hunting and **not** for medicinal or any other traditional purpose. It was further argued that such misconceptions by

the public increase threats to the critically endangered subspecies *D. b. longipes* in Cameroon and the slowly recovering *D. b. michaeli*. Both fears have since come true. *D. b. longipes* was declared 'extinct' at the eighth meeting of the IUCN African Rhinoceros Specialist Group (IUCN-SSC-AfRSG)¹; there are also newly emerging poaching threats in Kenya, particularly in Tsavo East, Tsavo West, Chyulu Hills, Aberdares and Meru National Parks.

6. Plans to re-introduce the black rhinoceros to free range outside the sanctuaries have therefore been very challenging to implement. This is threatening Kenya's goal on the conservation and management of the eastern black rhinoceros subspecies. The amount of resources used by Kenya in 2005-2006 to curb poaching incidents is estimated at three times what was used in 2004-2005.

Namibia

7. Namibia is home to over a third of all black rhinoceroses remaining in Africa and over 95 % of the south-western subspecies (*D. b. bicornis*). The largest single black rhinoceros population worldwide is found in Etosha National Park (ENP). This population is classified as a Key 1 population by the IUCN African Rhinoceros Specialist Group, i.e. it is considered essential for the survival of the subspecies. Stanley-Price and Dublin describe it as "of paramount significance as a living resource for Namibia and as a significant proportion of all black rhinoceros found today in Africa".² ENP is also the primary donor population for all restocking programmes in Namibia (the custodianship scheme, conservancies and other protected areas).³
8. Namibia's proposal for CoP13 was approved on the basis that the country's black rhinoceros population was increasing (it numbered 1,134 in 2004, 816 of which were in ENP), and that Namibia had adequate management measures in place to prevent poaching and to monitor the population. According to Namibia's proposal for CoP13 to establish an annual black rhinoceros hunting quota, management provisions for rhinoceros in ENP include; "frequent surveillance and patrolling, maintaining secure access to water, controlled burning, habitat management to provide optimal conditions for black rhinoceros, monitoring of the population using full-moon waterhole counts and aerial block counts. Animals (particularly sub-adults and juveniles) are ear-notched to assist with identification, and a database is maintained with information on all individually known specimens (the majority of the population)." However, evidence indicates that several of these measures are not being implemented – and had not been implemented for some time before Namibia applied for the hunting quota. Moreover, at the eighth IUCN-SSC-AfRSG meeting in June 2006, Namibia reported a population of 1,024 black rhinoceros in 2004 of which 664 were in ENP. This is 110 fewer specimens nationwide and 152 fewer specimens in ENP alone than was reported in Namibia's CoP13 document (document CoP13 Doc. 19.3). Thus the figures contradict those presented at CoP13 and require explanation. Without monitoring and enforcement capacity, efforts to conserve rhinoceros populations are often frustrated; the recent (2006) extinction of black rhinoceros in Cameroon and near extinction of the northern white rhinoceros in the Democratic Republic of the Congo are cases in point. Rwanda also lost its only remaining rhino *D. b. michaeli* in Akagera National Park in July 2006.
9. In 2000, WWF carried out an evaluation of black rhinoceros conservation and management in Etosha National Park.⁴ The report describes serious shortcomings in anti-poaching capacity. Spending on park operations including law enforcement (USD 8.4 per km²) was found to be "way below" the minimum figure for effective conservation of rhinoceros (USD 1,000 per km²). The authors commented that "The figure for spending at Etosha should flag as a warning as to the possible impact of any increased poaching challenge". In April 1999, the park received 120 ex-combatants; they were untrained and resources for equipping and training them were lacking. In the same financial year, the field allowance (Subsistence and Travel or 'S and T') increased by over 400 %.

¹ *Proceedings of the eighth meeting of the IUCN African Rhino Specialist Group, Compiled by L. Brooks, Edited M. Brooks. 2006 Mlilwane Swaziland.*

² *Stanley-Price, M. and Dublin, H.T. Black rhino conservation and management in Etosha National Park, Namibia. Evaluation of Project 9F0084, 14. August 2000.*

³ *Document CoP13 Doc. 19.3.*

⁴ *Stanley-Price, M. and Dublin, H.T. Black rhino conservation and management in Etosha National Park, Namibia. Evaluation of Project 9F0084, 14. August 2000.*

The combined effect was to force changes in the intensity and pattern of patrolling, namely more patrols were sent out during the daytime so that 'S and T' did not have to be paid, and fewer days per month were spent in the field. The effectiveness of the anti-poaching force was also questioned: "Despite efforts, based on almost zero resources, to orient and integrate the ex-combatants into the anti-poaching force, patrols must now include persons of every degree of experience, knowledge, aptitude and attitude; this cannot be expected to be a highly effective force". Moreover, no records were being kept of patrolling destinations and routes, or of duration, or systematically of observations. All senior staff were expected to fill in a daily activity log but the requirement could not be enforced with the anti-poaching personnel. There was no systematic collection or storage of patrol information. In the absence of these data, it was "impossible to obtain any measure of anti-poaching effort, success or detection of incidents". Horse patrols had been used effectively in the past but were no longer in use, while a highly skilled body of bushmen trackers posted around the park was not being used effectively either. Anti-poaching vehicles were under-used and basic field kit for patrolling was lacking. The report concluded that the impact of anti-poaching work was hard to assess and that, although the level of challenge was "currently not great", "there could be a persistent and low-level of poaching of rhino at the margins of the park which could go undetected". It further stated that "one cannot conclude that the lack of poaching challenge results from effective deterrence. One cannot presume that a new poaching challenge would be detected swiftly or dealt with effectively".

10. Stanley-Price and Dublin also noted some shortcomings in monitoring; they described the system as "fragile" and "unsustainable in the medium or long term" due to its dependence with regard to assessing, entering and analysing data on one person who was also the Chief Park Warden, a problem that was compounded by "low technical staff levels at Etosha, and the lack of any development of greater capacity in the staff".
11. If anything, following the WWF evaluation the situation deteriorated. In 2003 and 2004, there were two attempts to train Etosha staff in rhinoceros monitoring. Following the first training programme (August to November 2003), it was noted that the Wildlife Protection Services (WPS) were operating with almost no field equipment.⁵ Some trainees had undergone training in the use of GPS through the MIKE (Monitoring Illegal Killing of Elephants) programme, but they had forgotten most of what they learned since they were working without a GPS or had no batteries to operate a GPS; maps were non-existent and few if any of the staff had knowledge of their purpose. The lack of field and monitoring equipment was described as "serious", transport was considered "inadequate and insufficient" and staff management problems were apparent: there was a "lack of interest by Wardens in their subordinates" and a "lack of accountability of WPS wardens to their superiors". A further weakness described was the "lack of a proper and enforced reporting system following field patrols". The report recommended that a "Threats Analysis" for ENP was "urgently needed".
12. A second training programme (assisted by SADC) for rhinoceros monitoring (June – November 2004) found that many of the staff trained in the previous year had hardly been on patrol since November 2003. Problems described in 2003 persisted. These included: staff problems, a severe shortage of transport, lack of basic field equipment, inadequate patrolling, lack of standardized GPS and problems with managing water supplies. The report of the training concluded that: "It is naive to imagine that the current state of preparedness, particularly in Etosha, would be adequate to detect or contain a large scale poaching incursion"⁶. It should be noted that this training programme was on-going at the time Namibia's proposal for annual export quotas for black rhinoceros hunting trophies was approved at CoP13.
13. One of the management measures described in Namibia's proposal for CoP13 is "maintaining secure access to water". However, during the SADC training programme in 2004 it was stated that "Continued water problems in the western portions of Etosha, have disrupted both the rhino and the planned monitoring training programmes". In the mid-1950s, a decision was made to create artificial water points within the park. Boreholes, spaced 10km apart, were placed on the 19th degree of

⁵ Loutit, R., *A Report on Training Conducted in Etosha National Park to Create Three Rhino Monitoring Units within the Wildlife Protection Services Cadre – August to November 2003*, 27 February 2004.

⁶ Loutit, R., *Phase I Training Report (SADC RPRC Semester 10 Task 4.1-3.2) for the period 1 June to 30 November 2004*, 30 December 2004.

latitude as it was equidistant from northern and southern boundaries of the park. The waterholes created “islands of dependency” where wildlife congregates. If one waterhole fails, the population could move to the next, but if geographically successive waterholes fail, or are not repaired when they break down, wildlife populations, particularly mega-herbivores such as elephants and rhinoceroses, and especially those with young, become stranded. In an area that is dry for eight months of the year, maintenance of waterholes is crucial. However, during the 2004 SADC training, out of 14 waterholes visited, five were found not to be working properly. The problem does not appear to have been new. At a workshop held in 2001 and attended by international rhinoceros experts it was noted that recent failures of water provision in the dry season of 2001 will have a “tremendous negative influence on the rhinoceros population and most probably affect the performance of this population for the next few years through the possible loss of a whole calf crop”⁷.

14. Just a year ago, in December 2005, a former Chief Warden of Etosha National Park (who was tasked after his retirement to draw up management plans for Namibia’s national parks, none of which had been implemented), listed the present weaknesses in Etosha as follows: “the capacity and capability of management, poor continuity through rapid staff turnover, inadequate existing staff capacity and lack of motivation, pitiable social conditions, crumbling infrastructure, hopelessly insufficient funding, and scanty information from past research.”⁸ He states: “I challenge anybody within or outside the MET [Ministry of Environment and Tourism] to contest my statement that it is now significantly less capable in respect of financial ability, human capability, facilities, logistical support and credibility in the eyes of the public than it previously was.”
15. Until recently, rhinoceros monitoring in ENP was conducted through comprehensive 72-hour, full-moon counts at water holes (as claimed in Namibia’s proposal for CoP13). However, full-moon photography at waterholes is no longer conducted. Block counts from the air are being used instead. Without full-moon monitoring it is no longer possible to determine the consequences of breakdown of water points.
16. The second largest population of black rhinoceros in Namibia is the population in the Kunene region, reported to number 138 in 2004⁹. This population is also classified as a Key 1 population. However, their range is threatened by uncontrolled tourism in the conservancies in the region, manifested by off-road driving in the rhinoceros range and the questionable development of lodges.
17. To date, Namibia has not fulfilled the conditions for the equitable allocation of concessions which demanded a policy framework that aims at empowering formerly disadvantaged Namibians through the tourism, hunting and forestry industries.
18. Namibia has not demonstrated that other options of utilizing surplus males have been exhausted (e.g. has ENP reached its carrying capacity?). The subspecies *D. b. bicornis* exists in other range states where their numbers are greatly reduced (e.g. in South Africa they number 80) or where the subspecies has gone extinct (Angola and Botswana). Translocation to neighbouring countries could be explored, while the private sector in Namibia could be persuaded to accept surplus males.

South Africa

19. In its proposal for CoP13 for an annual export quota for 10 black rhinoceros hunting trophies (only five were approved), South Africa stated that: “There is no empirical evidence to suggest that there is significant illegal international trade in any rhinoceros products emanating from South Africa.”¹⁰
20. This situation appears to have since changed. A November 2006 report stated that: “The poaching of rhino, however, has been identified by several reliable and different sources as the main poaching

⁷ Report of ENP Counts Workshop, 23 November 2001.

⁸ Berry, H.H, Reflections on wildlife conservation, management issues, tourism and lion research in Namibia, *African Lion News* Vol. 6, December 2005: 1-6.

⁹ Document CoP13 Doc. 19.3.

¹⁰ Document CoP13 Doc. 19.4.

issue in South Africa at the moment".¹¹ The sources for the statement were two enforcement officers and a provincial permit officer. According to one of the enforcement officers, South Africa lost 18 rhinoceros from January to September 2006, with 15 being poached from Kruger National Park alone. No indication was given as to how many of the animals poached were black or white rhinoceros. It is understood that a meeting between representatives from all provinces is expected to be held soon to address the rise in rhinoceros poaching.

21. According to the report, rhinoceros poachers are active in the south of Kruger; they are also reported to come from Mozambique near the Olifants area, and are apparently present in the north near the borders with Zimbabwe and Mozambique. Taiwanese and Vietnamese syndicates are believed to be behind the rhinoceros poaching.
22. Some of the poaching appears to have involved South African National Parks staff. In June 2006, two Kruger National Park field rangers appeared in court on charges of poaching rhinoceros in the park. They were accused of poaching two rhinoceros whose carcasses were found near the Berg en Dal rest camp and near Skukuza.¹²
23. There also appear to be irregularities in rhinoceros hunting in South Africa. The above-quoted November 2006 report states that rhinoceros hunting for 'commercial purposes' is a major issue.¹³ According to a provincial enforcement officer, criminals have discovered a loophole; that professional hunters can shoot for their clients who then export the rhinoceros horn as a trophy, ostensibly for non-commercial purposes, but in the Far East, the horn is allegedly ground down and sold commercially as powder. Apparently, a sign that a hunting client wants the rhinoceros horn for commercial purposes is that the first thing the client does is to weigh and measure the horn; this is not usually done by 'normal' rhinoceros trophy hunters.
24. The report states further that professional hunters take Asian clients on rhinoceros hunts using exemption permits, a permitting practice which is open to abuse by hunting outfitters. These permits are issued to game ranches, which are "adequately enclosed"; when a game ranch is established, the landowner gives an indication of the ranch's carrying capacity for different species to the provincial conservation authority. An exemption permit valid for three years is issued that lists the animals the landowner (or someone with the landowner's written permission) can hunt, sell and capture for the next three years without a permit. During this three-year period, the hunting on this property is effectively unregulated.
25. Export quotas for hunting trophies in South Africa could potentially have a detrimental effect on the black rhinoceros population in neighbouring Zimbabwe. There are reports of South African hunting operators illegally hunting wildlife in Zimbabwe and smuggling their trophies back over the border into South Africa.¹⁴ Once in South Africa they can potentially use their South African permit to legitimize the trophies. Zimbabwe's national black rhinoceros population figures were reported to be in a downward trend at the eighth IUCN-SSC-AfRSG meeting. Even though this could be mainly attributed to the current unstable political situation, exacerbation of this decline by the detrimental effect of hunting in neighbouring South Africa cannot be ruled out.
26. The proceedings of the eighth IUCN-SSC-AfRSG meeting report that: "In 2005, a total of five permits [for hunting black rhinoceros] were requested by provincial conservation authorities as follows: Mpumalanga (2); Limpopo (1); North West (1); and Free State (1). Of these, three were exercised, namely one in Mpumalanga, North West and Orange Free-State. KwaZulu-Natal had objected given the inconsistencies in the permit allocation."¹⁵

¹¹ Anon, *Elephant Conservation and Management and the Ivory Trade in Botswana and South Africa*, unpublished report, November 2006

¹² *Kruger poaching ring claimed*, *AHI News*, 6 June 2006 <http://africanhuntinginfo.com/modules/news/article.php?storyid=288>

¹³ Anon, *Elephant Conservation and Management and the Ivory Trade in Botswana and South Africa*.

¹⁴ Anon, *Elephant Management and Ivory Trade in Zimbabwe, November 2006; Editorial, African Indaba, Volume 1, Issue 5, September 2003*.

¹⁵ *Proceedings of the eighth meeting of the IUCN African Rhino Specialist Group*, Compiled L. Brooks, Edited M. Brooks. 2006 Mlilwane Swaziland.

27. Concern was raised at the eighth AfRSG meeting that there is little regard for rewarding conservation worthy populations; rather, individuals with limited investment in black rhinoceros conservation are reported to reap benefit. Moreover, selection of the animals to be hunted has not been restricted to post reproductive males as promised in South Africa's document presented at CoP13 (document CoP13 Doc. 19.4). The Free State permit referred to above was granted on the grounds of the animal being a vagrant fence breaker. This effectively provides a "back door" to deal with problem bulls (e.g. fighting bulls or fence breakers) that are not necessarily post reproductive, and could result in genetic erosion. The Free State permit also exposes weaknesses in permit allocation.
28. South Africa has not demonstrated that the funds raised via the hunting were ploughed back into black rhinoceros conservation. Furthermore, there is no guarantee that landowners and conservation authorities will not use returns from hunting to compensate for their prior investment in black rhinoceros conservation as opposed to investing in new conservation initiatives.
29. Other options could be explored to utilize 'surplus males' in South Africa. *D. b minor* exists in other ranges States where their numbers are greatly reduced (e.g. Malawi and the United Republic of Tanzania). Surplus males could be translocated from South Africa or exchanged with other wildlife from these countries.

COMMENTS FROM THE SECRETARIAT

- A. Kenya claims that, in relation to paragraph b) of Resolution Conf. 9.21 (Rev. CoP13), new scientific and management information is available to indicate that the population of *Diceros bicornis* in Namibia and South Africa can no longer sustain the quotas of five hunting trophies of adult male black rhinoceroses agreed in Resolution Conf. 13.5.
- B. Concerning the situation in Namibia, the proponent notes that, in June 2006, Namibia reported that in 2004 its population of *Diceros bicornis* numbered 1,024, not the 1,134 claimed in document CoP13 Doc. 19.3 on the basis of which Namibia's export quota was agreed. Whilst this may require an explanation from Namibia, it does not seem of major significance in relation to an export quota of five specimens. The other facts concerning Namibia in the document relate largely to suggestions of institutional weaknesses in Namibian public administration from various unpublished reports. However, the proponent does not indicate how this might be affecting the export quota agreed for *Diceros bicornis*.
- C. Regarding South Africa, two main irregularities are suggested. Firstly instead of being used as hunting trophies, some of the horns from the five hunting trophies of the *Diceros bicornis* authorized may be being sent to the Far East to be ground down and sold commercially as powder. Secondly it is suggested that some of the horns being exported by South Africa under the authorized export quota may actually originate in Zimbabwe and that they are being smuggled into South Africa for later re-export. Whilst these matters may require an explanation from South Africa, they do not *per se* call into question the sustainability of the agreed export quota.
- D. Kenya proposes the repeal of Resolution Conf. 13.5. However, paragraph b) of Resolution Conf. 9.21 (Rev. CoP13), which Kenya cites as the reason for the reconsideration of the annual export quotas included in Resolution Conf. 13.5, concerns the issuance of import and export permits and is a matter for each Party to decide. The preamble of Resolution Conf. 9.21 (Rev. CoP13) recalls that Parties should consult with range States involved prior to taking stricter domestic measures pursuant to Article XIV which may interfere with trade in wild animals and plants. Consequently the Secretariat recommends that in accordance with Resolution Conf. 6.7, Kenya consult with Namibia and South Africa if it intends to take a stricter domestic measure in relation to the importation of specimens from the agreed export quotas.
- E. The Secretariat draws attention to document CoP14 Doc. 54, which concerns illegal trade in rhinoceros horns, managing stocks of specimens of rhinoceros, collaboration with range States where poaching remains a significant threat to rhinoceros populations and site-based monitoring of rhinoceros populations. This should assist in addressing concerns about the illegal killing of and trade in rhinoceroses in a holistic way.