

CITES AND THE RE-OPENING OF RHINO HORN TRADE

COLMAN O'CRIODAIN – WWF INTERNATIONAL

At present, almost all species and populations of rhino are listed on Appendix I of the Convention on International Trade in Endangered Species (CITES), thus outlawing international commercial trade in horn from wild rhinos. In the case of the South African and Swaziland populations of southern white rhino, hunting trophies and live animals destined for “appropriate and acceptable destinations” are treated as Appendix II specimens but all other specimens are treated as Appendix I, so commercial international trade in wild rhino horn remains illegal.

Provision for such trade would, therefore, require amendments to Appendices I and II of CITES. Normally, such amendments can only be decided at meetings of the Conference of the Parties to the Convention (CoP). The next such meeting is scheduled for early 2013, although it is noted that the Government of South Africa does not anticipate being ready to submit an amendment proposal at that stage. A more likely timeframe therefore is the following meeting, which will not take place until late 2015 or early 2016.

Adoption of such amendment proposals at CoP meetings requires endorsement by a two-thirds majority of those present and voting. There are 175 Parties to CITES at present but the number that actually vote rarely exceeds 160 and is usually considerably less. Therefore, opponents of such a proposal only require 54 votes (maximum) to block it. Based on past experience, it can be assumed that Kenya and India will definitely oppose any such proposal and they will bring a certain number of like-minded countries (at least 20) with them. It will, therefore, be crucial to convince some of the countries that tend to favour strict protection for very vulnerable species but that are open to considering exceptional cases. Crucial in this regard are the 27 EU countries, who are obliged by their treaty to vote as a block and who normally influence the votes of others. Similarly, the USA, which has a high regard in CITES circles, will have an influence that goes well beyond its single vote.

Based on the experience of the limited ivory trade that CITES has allowed on two occasions in ivory from southern Africa, it is to be assumed that CITES Parties will require cast-iron evidence that legal horn trade would not facilitate laundering of illegally obtained horn. In this regard, they are likely to demand that the present poaching levels be brought under control and that there is full transparency regarding existing stockpiles. Furthermore, since it is illegal to trade seized Appendix I specimens, they may demand that any horn to be traded comes from bona fide legal sources, e.g. natural mortality.

In the case of ivory, the CoP also required that prospective importing countries identify themselves and demonstrate that their internal trade controls were sufficient to prevent laundering of illegally obtained ivory. It remains to be seen whether any such country would come forward in the case of rhino horn, since such trade is illegal in most prospective importing countries at present. Even if a trading partner came forward, the practical difficulties of demonstrating internal controls for rhino horn would be much greater than for ivory, because of the nature of their respective uses.

Based on these considerations, it is the view of this author that it will be extremely difficult to secure adoption of an amendment proposal and that failure would carry substantial reputational risks for South Africa.