

## Report on Implementing Resolution Conf.12.5 of CITES

This document prepared by CITES Management Authority, People's Republic of China

In accordance with decisions of the 54<sup>th</sup> meeting of the Standing Committee and the written request by the Secretariat dated 17 October 2006, this is to submit the Report on Status of Implementing Resolution Conf.12.5 of CITES, especially that of striking illicit trade of Asian big cat species in China.

### 1. Implementation of the Urges of Resolution Conf.12.5

#### *Regarding a)*

In order to protect, develop and rationally utilize wild animal and plant resources and implement the CITES Convention, in 1988, the top legislation body in China passed the *Law of Protection of Wildlife (Wild Animal Conservation Law)*; in 1992, *Regulations of the People's Republic of China for the Implementation of the Protection of Terrestrial Wildlife* was promulgated; in 1994, *Regulations on Management of Nature Reserves* was promulgated; in 2006, *Regulations on Management of Import and Export of Endangered Species of Wild Fauna and Flora* was promulgated; and in 1988, several CITES Annex I species such as tiger, leopard, clouded leopard and snow leopard were listed as National Protected Wild Animals in Category II.

The laws and regulations listed hereinbefore have clearly defined the mandates and responsibilities of the line ministries/agencies in terms of wildlife conservation management and law enforcement. For instance, the department of forestry under the State Council is mandated to be in charge of nationwide administration of terrestrial wild animals; the endangered species import and export management organ is responsible for releasing import and import permits of wild animals and plants, as well as implement the CITES Convention on behalf of the Chinese government; the forest public security organ is responsible for enforcing terrestrial wild animal related administrative laws and criminal laws; Anti-smuggling Police is responsible for cracking down smuggling endangered species; the Industry and Commerce Administrative organ is responsible for supervising and controlling wildlife and wildlife products in markets; the Food and Drug Administrative organ is responsible for managing the activities of using endangered species in medicines; the nature reserve management agencies set up by forestry or environmental protection authorities are responsible for routine management and patrol in the nature reserves; frontier defense, border control and the other types of police organs also have their respective responsibilities in enforcing wildlife related laws and regulations.

In addition to the aforementioned legislative and enforcement control mechanisms, it is necessary to highlight that according to the laws and regulations in China, conducting all activities in relation with domestication, breeding, hunting, selling, transporting, purchasing, importing or exporting Asian big cat species must obtain approval from the State Forestry Administration.

## *Regarding b)*

In 1993, the State Council promulgated the *Notification on Banning the Trade in Tiger Bone and Rhino Horn*, which forbids import and export of rhino horn, tiger bone and their products, forbids selling, purchasing, transporting, carrying and mailing rhino horn, tiger bone and their products. It also requires registering and sealing up all rhino horn, tiger bone and their products (except for uses on researches of substitutes). The national standard of using rhino horn and tiger bone in medicines was annulled.

In 1993, the Ministry of Health annulled the national medicine standard on using tiger bone in prepared Chinese medicine, and substitute tiger bone with leopard bone in internal remedies, while banning all tiger bone to be used in external remedies. Meanwhile, all activities of producing and selling prepared Chinese medicine containing tiger bone were banned.

The CITES Management Authority of China, State Administration for Industry and Commerce and General Administration of Customs jointly regulated in 2001 that it is forbidden to sell endangered species and their products in the shops within isolated area at the port. The ban includes ivory and the Chinese medicine containing leopard bone elements.

In 2003, State Forestry Administration, Ministry of Public Security and General Administration of Customs jointly promulgated a rule, which requires each case-handling agency to report the wildlife related criminal cases, level by level, to the upper level agencies, and send a copy of the report to the CITES Management Authority of China, soon after the investigation.

State Forestry Administration regulated in 2005 that from 2006, all activities of hunting wild leopard and purchasing leopard bones are banned.

The State Food and Drug Administration regulated in March 2006 that only existing stock of leopard bones could be used. The enterprises which used to produce internal remedies containing leopard bones should do researches on leopard bone substitutes and apply these substitutes; for external remedies, it is regulated that the producers should not use leopard bones and no substitutes is needed.

The National People's Congress amended the Criminal Law in 1997, which adopted a series of new charges in relation with wildlife conservation, including "crime of illegally catching and killing precious endangered wild animals", "crime of illegally hunting wild animals", "crime of illegally purchasing, transporting, selling precious endangered wild animals and the products", and "crime of smuggling precious animals and products".

In 2000, two judicial interpretations in relation with wildlife protection were promulgated by the Supreme People's Court, which are *Judicial Interpretations on Several Questions in Law Application on Hearing Criminal Cases of Smuggling*, and *Judicial Interpretations on Several Questions in Law Application on Hearing Criminal Cases of Destroying Wild Animal Resources*, which defined in detail the criteria for sentencing wildlife-related crimes. For instance, smuggling 1 tiger/leopard/clouded leopard/snow leopard is "extraordinarily serious smuggling", which can be sentenced to imprisonment or up to

death penalty, concurrently with confiscation of property, subject to Article 151 of the Criminal Law.

The provisions and legal practices listed above have played a significant role in banning all tiger bone trades, restricting leopard bone trade as well as striking and eliminating illegal trade in Asian big cat species.

### *Regarding c)*

Since the accession of the People's Republic of China to CITES, and especially since 1999, when the Anti-smuggling Police were set up, China Customs has been attaching high significance to striking endangered species smuggling. A series of countermeasures have been taken, so as to continuously reinforce supervision of freight/goods import and export, with increasing tracked-down cases year by year.

From an undercount, from 1999 to April 2005, China has investigated and prosecuted 51 criminal cases in relation with Asian big cat, sequestering 81 tiger skins, 31 tiger bones, 1 live snow leopard, 744 leopard skins, 1 clouded leopard skin, 19 snow leopard skins, 1 leopard skin product, 6 leopard bones, 1 snow leopard skeleton, 334.6 kg scattered bones, with over 100 people punished. In terms of category of cases, there were 5 cases of illicit animal hunting and killing, 34 cases of smuggling, 12 cases of illicit trade; in terms of time of the cases, 4 happened in 1999, 5 happened in 2000, 11 happened in 2001, 14 happened in 2002, 6 happened in 2003, 7 happened in 2004, 4 happened in 2005; in terms of origin of the sequestered goods, goods in 11 cases are from China, 15 are from Burma, 8 are from Russia, 5 are from Mongolia, 3 are from Nepal, 2 are from Kenya, 1 each from Nigeria, North Korea and Kirghizstan respectively, and 4 are from unidentified origins; in terms of the means of uncovering the cases, 27 cases are uncovered through routine inspection, 21 cases are through provided clues, 2 cases are through X-ray checking, and 1 case is through the suspect's voluntary surrender.

From April 2005 to the end of 2006, from an undercount, China Customs investigated and seized 4 Asian big cat related cases, with 4 leopard skins, 1 snow leopard skin and 4 tiger bones sequestered. China Forest Public Security Organs investigated and seized 11 Asian big cat related cases, with 12 leopard skins, 1 leopard skeleton and 3.7 kg leopard bones, 4 snow leopard skins, 2 snow leopard skeletons, 1 live clouded leopard, 2 leopard skins, 2 leopard skeletons, 2 tiger skins and 1 south China tiger specimen sequestered.

From November to December 2006, China Forest Public Security Organ carried out Green Shield Operation, with 2 tiger skins, 11 leopard skins and 1 leopard skeleton sequestered.

In response to the claims by many NGOs on illegal sales of furs and skins of Asian big cat species happened in Linxia Furs & Skins Market in Gansu Province and A-ba Prefecture in Sichuan Province, China Forest Public Security Organs have taken special measures, with a large amount of genuine and faked goods sequestered. And the relevant dealers have promised never to sell furs and skins of Asian big cat species.

As shown by data from NGOs, compared with before, such activities as selling or wearing fur, skin and clothing of Asian big cat species have been primarily contained in China.

Since the existing national laws do not forbid or restrict activities such as selling faked fur, skin and clothing of Asian big cat, it is difficult for the competent agencies in China to ban these activities. Currently, there are still large sales amount of faked furs and skins of Asian big cat species.

As shown by data listed above, China has taken strong measures to strike crimes of destroying Asian big cat resources.

#### *Regarding d)*

To save and conserve the global tigers, China banned all trades in tiger bones and rhinoceros horns in 1993 although suffering from an economic loss of four billion US dollars. Implementation of such a trade ban has seriously impacted not only the Chinese traditional culture but also the medicinal treatment and health care of the Chinese people, in particular those in poverty.

The practice of more than ten years proves that the existing tiger conservation strategies and policies have never contributed to solution of the problems, but in contrast the populations of wild tiger in the world are still in decline.

By learning from the successful experience in conservation of crocodiles, the government of China has taken a lot of efforts to promote artificial breeding of tigers in the recent years, and has achieved significant successes in this filed. Up to the end of 2006, the population of artificially-bred tigers through out the country had increased to five thousands with an annual re-productivity of more than 800. The mature techniques in tiger artificial breeding and the growing artificially-bred tiger populations would not only constitutes a steady foundation for a future potential re-open of utilization of tiger bones and furs, but would also provide an abundant breeding stocks for future re-introduction and restoration of the wild tiger populations in China.

Presently, China is in a process of labeling all live specimens of artificially-bred tigers, leopards, snow leopards and cloud leopards, with an aim to effectively monitor artificial breeding of Asian Big Cats and prevent any illegally sourced specimens from entering into legal channels.

Skins of Asian Big Cats, such as tiger and leopard, are traditional trappings of a few Chinese minorities in particular Tibetan people. With development of China's economy and increase of Tibetan people' income, demands on skins of Asian Big Cats in individual regions of China has increased at a certain extent. Not only in a spirit of respecting the traditions of the Tibetan minority and safeguarding the private properties, but also to restrain the unsuitable consumption demands and to be convenient for enforcement and judicial operations, China is considering registering and labeling legally sourced skins and its products of Asian Big Cats, knowing that such a measure has been already successfully taken by other countries in dealing with sharhtoosh, and distinguish the old stocks and new illegal products.

***Regarding e)***

As mentioned above, catching, killing of Asian Big Cats and purchasing of bones of Asian Big Cats are forbidden in China. Tiger bones kept in stock before 1993 would continue to be sealed up for keeping, tiger bones originated from artificially-breed animals would be kept in stock on the spot. Leopard bones in stock would be allow to used in producing designated Chinese traditional medicines by designated manufacturers. It is provided that any confiscated bones of tiger and leopard should be handed over to forestry agencies who might donate them to educational, scientific or enforcement institutions for purposes of research, education and public awareness promotion, as well as enforcement and training.

***Regarding e)***

China pays great attention to any multilateral and bilateral cooperation in conservation of Asian Big Cats, and is in a process of assessing the possibility of joining international organizations such as the Global Tiger Forum.

***Regarding g)***

China acceded to CITES in 1981.

**2. Regarding implementation of the section of the first RECOMMENDS**

***Regarding a)***

As a member country of CITES Tiger Enforcement Task Force (TETF), China participated in all of activities organized by TETF and attended the CITES Enforcement Expert Meeting held in USA in 2004 on behalf of TETF. The details of most of the Asian big cat related seizures made by China have already been submitted to CITES Secretariat, Interpol as well as the relevant range or export States.

***Regarding b)***

The Chinese forest police organ specialized in forest and wildlife administrative and criminal enforcement is administered by the forest departments at various levels, with a force of 60,000 policemen. Only in 2005, the Chinese forest police handled 455 criminal wildlife cases, confiscated 40,492 wild animals and arrested 736 wildlife offenders. In 2006, the Chinese forest police handled 488 criminal wildlife cases, confiscated 58,000 wild animals and arrested 748 wildlife offenders.

The Chinese anti-smuggling police organ specialized in combating illegal import and export is administered by the Customs at various levels, with around 9,000 policemen. It handled 77 criminal wildlife cases and arrested 101 wildlife smugglers in 2005, and in 2006, 62 criminal wildlife cases and arrested 81 wildlife smugglers were handled.

The management authorities of thousands of Chinese nature reserves have their own patrolling or anti-poaching teams. The armed forest police, frontier police, traffic police, civil aviation police and the train police can also play a role in anti-smuggling wildlife and

inspecting transported wildlife. The armed forest police is always engaging in armed patrolling in many national nature reserves.

All of the specialized police organs except the armed police are also led by the public security organs at various levels. Those specialized police organs should share the intelligence and take harmonized operations if needed.

### *Regarding c)*

In recent years, the CITES Management Authority, forest police and Customs police in conjunction with many NGOs such as Conservation International, International Fund for Animal Welfare, WWF, TRAFFIC and WCS have distributed or set up hundreds and thousands of CITES brochures, Asian big cat posters and trans-border advertisements at the major airports, train stations and border regions in an effort to raise the CITES awareness and stop the illegal trade in Asian big cat specimens. In addition to above campaigns, those departments and NGOs have sent many people to Yunnan, Sichuan, Qinghai and Tibet inhabited by the Tibetan people to carry out the intensive education programs. It should be mentioned that the illegal demands for Asian big cat furs in China have been decreased significantly, the phenomena of dressing the clothing consisted the parts of big cat's skin are also decreased obviously, and it is hard to see the illegal sale and display of genuine Asian big cat specimens.

### *Regarding d)*

More than one hundred training seminars and workshops in relation to the implementation and enforcement of CITES or the conservation and management of wildlife are organized at national and provincial levels in China. Many of the wildlife enforcement officers, procurators or judges are invited to be presented at most of above activities. Besides that, all of the relevant government agencies will be consulted when China is drafting its regulations, formulating the judicial interpretations or the wildlife law enforcement policies. It should be emphasized that thousands copies of Wildlife Enforcement Guides were produced by the officials and experts from the CITES Management Authority, the Supreme People's Court, the Supreme People's Procurator Organ, Ministry of Justice, Ministry of Public Security, State Customs General Administration, State Forestry Administration and International Fund for Animal Welfare, with the financial assistance from the Rhino and Tiger Fund of US Fish and Wildlife Service. This book has been widely used by various wildlife enforcement agencies and greatly promoted the inter-agency cooperation and coordination.

Several Asian big cat enforcement seminars have been jointly organized by the relevant government agencies, TRAFFIC, IFAW, CI, WWF and WCS since 2005. The wildlife enforcement officers from the Tibetan Peoples inhabited provinces and the central government are invited to the seminars to be informed the critical status of the Asian big cat, to publicize the wildlife regulations and CITES Resolutions, to share the wildlife law enforcement experiences and to arrange the target enforcement operations and education programs.

### ***Regarding e)***

China pays high attention to the enforcement cooperation with the Asian big cat range states. The enforcement cooperation is undertaken by China, India and Russia under the guidelines of the tiger conservation protocols signed by Sino-Russia and Sino-India. Many multilateral cooperations are also developed by China. For examples, the Silk Road CITES Implementation and Enforcement Workshop was hosted by China in 2005, an Asian CITES Training Seminar and the 2<sup>nd</sup> Mekong Sub-regional CITES Workshop were hosted in China's Hong Kong and Kunming in 2006, two Laotian CITES delegations were invited to visit China's Hong Kong and Kunming in 2005 and 2006, the Indian, Nepalese and Vietnamese CITES delegation were respectively invited to visit China in 2006, China sends many delegations as observers to participate in the meetings, workshops and training seminars organized by the ASEAN-WEN. Based on above activities, the communication between China and its neighbouring countries is becoming closer and closer and the wildlife law enforcement cooperation has been greatly enhanced.

### ***Regarding f)***

China actively introduced the details of its big cat seizures at the meetings of TETF/ASEAN-WEN or the sub-regional meetings hosted by China in an effort to outline the illegal trade in Asian big cat in China. All of the detailed Asian big cat seizure information are timely submitted to the CITES Secretariat,, the Interpol and the World Customs organization.

The Chinese Government intends to invite the CITES and Customs officers from India and Nepal to China to evaluate the enforcement needs for Asian big cat and to discuss the means for enhancing the enforcement cooperation among these three countries in April of 2007. If it is possible, the Chinese Government would also like to host a tiger range states meeting to study the tiger conservation issues at international level in the near future.

### ***Regarding g)***

It is hard to see the illegal killing of wild tiger in China in recent years.

Labeling of the stockpiled or household Asian big cats fur and the products thereof and future's resumption of the use of captive bred tigers that China intends to do, can play an effective role in deterring the illegal killing of Asian big cat, when satisfying the demands for parts and derivatives of Asian big cat particularly facilitating the management and enforcement of the species in question.

The relevant department of China intends to develop a program in key provinces and autonomous regions to timely monitor the illicit trade in furs of Asian big cat.

Currently, many organizations and experts suggest that the use of captive bred tigers bones for medicinal purpose could attract the patient to resist the use of illegal obtained tiger bones and eventually be beneficial to eliminate the illegal killing of wild tigers. The Chinese government is studying and assessing such suggestion.

### 3. The Implementation of the Second Recommendation of the Resolution

#### *Regarding a)*

Since banning of the trade in rhino horn and tiger bone in 1993 in China, several nationwide education campaigns have been organized, the productions of the Traditional Chinese Medicines (TCM) containing tiger bone have been fully stopped, the research on substitutes of the tiger bone is conducted, the artificial tiger bone and "sailong bone" are being used in TCM industry instead of the tiger bone, the killing of wild leopard and the purchase of the leopard bone is being banned, the use of stockpiled leopard bone is gradually reduced and the varieties and manufacturers of TCM that use the leopard bone have been strictly restricted. In recent years, the campaign aims at reducing the use of Asian big cat furs are also carried out.

Though China and the international community have made great efforts in conserving the wild tiger, the results of those efforts are not so satisfied. The wild population of tiger as well as its habitats are remaining as a concern. Many organizations, experts and famous persons have made their strategic study from the view of more beneficial to the wild tiger conservation and satisfying the need of illness treatment. They are questioning on the present tiger conservation and management policy and calling on adjusting innovating and perfecting the tiger conservation strategy. Based on above questioning and calling, the Chinese Government is assessing its policy with a primary principal that it should be more beneficial to the global conservation and population resumption of the wild tiger.

### 4. Brief Introduction to China's Tiger Conservation Project

Tiger is a priority species in China's National Wildlife and Nature Reserve Constructing Project. According to the planning of the project, the aims of the conservation of China's tiger include:

- Strengthening the conservation and resumption of the habitats in tiger reserves by rebuilding the necessary wild environment, improving the capability of wild tiger conservation and the means of studying and monitoring the wild tiger;
- Establishing more tiger reserves, banning the hunting of wildlife, protecting the natural forests, adjusting the food chain, resuming the tiger habitats, enlarge the tiger distribution areas and making those areas connected;
- Strengthening the construction of nature reserves' infrastructure and the distribution of patrolling equipments in order to eliminate poaching and combat the illegal activities, setting up anti-poaching police organ under county level to enhance the capability of wildlife enforcement;
- Continue develop healthy captive bred tiger populations and try to discuss and release the captive bred tigers into the wild as a test.