

REPORT BY THE CITES SECRETARIAT ON ITS VERIFICATION  
AND ASSESSMENT MISSION TO CHINA  
28 MARCH – 7 APRIL 2007

### Background

At the 54th meeting of the Standing Committee (Geneva, October 2006), in document SC54 Doc. 38 (Enforcement matters), the Secretariat described its communications in terms of Article XIII of the Convention with the CITES Management Authority of China. This related to what appeared to be significant levels of illicit trade in specimens of Asian big cats, particularly in the Tibet Autonomous Region and neighbouring provinces.

The Secretariat advised the Standing Committee that during its enforcement-related mission to western China in 2003 to study poaching of and illicit trade in the Tibetan antelope, the Secretariat noted with concern the open sale of clothing incorporating skin of Asian big cat species. It raised this matter with the authorities in China at the time and was assured that action would be taken. However, it appeared that illicit trade grew worse in 2004 and 2005.

The Standing Committee agreed that China should submit a report to the Secretariat, by 31 January 2007, on its efforts to combat the illicit trade in Appendix-I Asian big cat species. China was also requested to report upon any existing or intended domestic use of Asian big cat parts and derivatives. The Secretariat was requested, thereafter, to conduct a verification mission to assess the results of China's enforcement work and report at CoP14 on this subject. The Standing Committee recommended that the Conference of the Parties review the reports of China and the Secretariat and decide whether additional measures, including non-compliance measures, were necessary. China's report can be found as Annex 1 of the present document.

### Conduct of the mission

The verification and assessment mission was conducted in China between 28 March and 7 April 2007 by the Secretariat's Anti-smuggling, Fraud and Organized Crime officer. During the mission, the following locations were visited:

- Beijing, capital city of China
- Chengdu, Sichuan Province
- Lanzhou, Gansu Province
- Lhasa, Tibet Autonomous Region
- Linxia, Gansu Province
- Guilin, Guangxi Zhuang Autonomous Region
- Guangzhou, Guangdong Province
- Xi'an, Shaanxi Province

At each location, discussions were held with local officials and the opportunity was taken to visit outlets where specimens of CITES-listed species might reasonably be expected to be on sale. These included specialized dealers of furs and ivory products, an ivory carving factory but also antique markets, many souvenir shops situated at popular tourist destinations and hotel gift shops. The Secretariat wishes to emphasize that such visits or inspections could only provide a limited insight into internal trade in China and cannot be seen as representative of the overall domestic market situation in the country.

Whilst in Beijing, the Secretariat met with representatives of the CITES Scientific Authority of China, the China Arts and Crafts Association, the China Wildlife Conservation Association, Conservation International, the International Fund for Animal Welfare and TRAFFIC.

The Secretariat is grateful to all the people with whom it met during the mission and who were willing to engage frankly in what were sometimes difficult discussions. It is particularly grateful to the CITES

Management Authority of China for its work in making the logistical arrangements necessary for such a lengthy mission, especially one involving such extensive travel.

The Secretariat also wishes to express its sincere appreciation to the Government of the United Kingdom of Great Britain and Northern Ireland, which provided funds for work on Asian big cats.

#### Implementation and enforcement of the Convention and wildlife law in China

Administrative, overview and policy-making responsibility for this subject lies, at the national level, with the State Forestry Administration (SFA). Responsibility for CITES-related matters rests with the Endangered Species Import and Export Management Office of the SFA, which is the designated CITES Management Authority of China. It has 19 branch offices spread throughout 'mainland' China and in Hong Kong and Macao Special Administrative Regions. Responsibility for domestic trade in wildlife rests with the Wildlife Conservation Department of the SFA. However, domestic trade, depending upon its nature, may also be regulated by the Industry and Commerce Department and the Quality Control Department (a form of trading standards inspectorate).

Matters of a more criminal nature are dealt with by the Forest Security Bureau (Forest Police), Customs (especially its anti-smuggling investigation division) and the Public Security Bureau (Police).

Each province and region has wildlife authorities coordinated by local government. Therefore, wildlife law enforcement takes place on a day-to-day basis at local levels but can also be coordinated and directed at the national level by the SFA.

In general, the agency which first discovers or learns of a violation of wildlife-related law is responsible for its investigation and instigation of penalization or prosecution or it will hand the matter over to another authority if the matter is outside its jurisdiction or responsibility.

#### The use of big cat skins – tradition or fashion?

It seems that the use of, and consequently the demand for and subsequent supply of, animal skins, especially tiger, leopard, snow leopard and otter, rose markedly in the Tibet Autonomous Region and neighbouring provinces in western China in recent years. It is not completely clear, however, what has prompted this.

The Secretariat has heard from various sources that the use of animal skins in the traditional clothing worn by Tibetans is a centuries-old custom. These clothes, known as 'Chubas', are long robe-like gowns. However, it has also been told that patches of some animal skins were incorporated into Chubas as a means of recognizing bravery in battle. For example, a warrior might be awarded a patch of tiger, snow leopard or leopard skin much as a soldier elsewhere in the world would be presented with a medal.

Whatever the reason for the incorporation of big cat skin into or onto Chubas, it seems agreed by those that have studied this subject that the use of extensive skin panels and trim on such clothes is relatively recent. This appears to reflect a growing affluence among some residents of these areas of China and, if some of the figures quoted are to be believed, it seems that some people are willing to pay considerable sums for such clothes. It is suggested that Chubas, or skins for use in Chubas, have been sold for the equivalent of hundreds, if not thousands of US dollars. Given that average incomes in this part of the world are generally low, this expenditure appears to reflect a significant desire to own such clothes.

An understanding what drives this demand may help determine an appropriate response.

For instance, if the recent desire to wear clothes incorporating such skins is prompted by fashion (which appears to be the main motivation), then the Secretariat believes that there may be less justification for a degree of tolerance by the authorities. Whilst it would be understandable to wish to take account of traditional and cultural values held by ethnic groups, this may not be so necessary if what one sees today is not a true reflection of tradition and culture.

Whatever approach is taken, the apparent widespread use and sale of skins that have taken place in China in the early 2000s has placed a demand upon some animal populations in neighbouring countries that is unsustainable.

## Education and awareness

Several NGOs have undertaken education and awareness campaigns in western China to encourage local residents to stop using big cat skins in Chubas. Central and local governments have also engaged in such work as a result of the Secretariat raising this issue in its communication on Article XIII. These campaigns appear to have had considerable success.

Recent surveys by the government and NGOs indicate that the use, public display and illicit trade in big cat skins has reduced considerably from what seemed to be its peak of 2004 and 2005. It is hoped that this downward trend will continue.

## Chubas, trade in big cat skins and enforcement

During its mission, the Secretariat had difficulty in fully or accurately assessing what steps had been taken by the authorities with regard to enforcement, as opposed to education and dissuasion. It is important to acknowledge, when considering this subject, that possession of a tiger, snow leopard or leopard skin is not a criminal offence in China, unless it can be demonstrated that such possession is linked to an illegal import, export, transport or commercial activity. Consequently, someone found simply wearing a Chuba incorporating a tiger skin is committing no crime and, in the absence of any circumstances or grounds for suspicion demonstrating a CITES or wildlife-law-related offence, there would be no grounds for action by, for example, a Forest Police officer. The same legal situation would apply in many, if not most, States party to the Convention.

The Secretariat noted that the State Council's Notification, issued in 1993 to ban tiger bone products, forbids the 'carrying' of such products and questioned whether this legislation could be used to deal with possession of skins. It was advised that the Notification relates solely to tiger bones or tiger bone products.

NGOs have filmed the open wearing of Chubas incorporating big cat skins by large numbers of people at several events in western China. Since there has been no legal source of such skins in China for many years, it seems reasonable to presume that many of such specimens have been smuggled into the country or have been obtained by domestic poaching (the latter being less likely). But since wearing such garments is not a crime and although such a public display of multiple illegal-origin specimens may be disturbing, there is no legal basis for intervention by the authorities.

This is why government officials, with regard to the wearing and use of such skins by the general public, have tended to restrict their response to one of education. They have also been conscious of and have respected the traditional and cultural issues described above. It is clear that there would also be some 'political' sensitivities should the central government of China be seen to adopt too zealous an approach to law enforcement in the Tibetan Autonomous Region or, indeed, in any of its provinces with large numbers of residents who belong to ethnic minorities.

They do not, however, ignore the fact that the origin of many specimens may be highly questionable. Officials are aware that action is required on this front but they have yet to determine what form it should take. Consideration has been given to registering and labelling legally-acquired skins, since it is accepted that there are Chubas that are genuinely traditional clothes that have been in a family's possession for many years and could be regarded as 'pre-Convention'. China's report to the Secretariat refers to this. However, officials acknowledged in discussions during the Secretariat's mission that it would be extremely difficult to establish the provenance of such skins and demonstrating legal origin may be impossible. Some form of amnesty may also be necessary, a period during which those in possession of such articles could declare them to the authorities, without fear of prosecution, and they would be registered and marked. At the conclusion of such a period, possession would thereafter become an offence if the skin had not been registered.

The Secretariat has no particular view as to what approach should be adopted. It notes, however, that it is taking a long time for a decision to be reached and that postponing such a decision is likely to make matters more complicated and leaves a situation that can be exploited by unscrupulous dealers who wish to trade in illicit specimens.

Following its mission, the Secretariat was advised that the People's Republic of China Law for Conservation of Wild Animals requires a person who 'carries' products of species under 'State key protection' to be in possession of a permit authorizing this. This apparently applies in the case of a tiger or leopard skin. It was also told that the authorities could take possession of products, such as clothing, if the holder could not demonstrate that they were from a legal source and conduct an investigation into the circumstances. It appears, therefore, that some aspects of possession could result in legal action.

Turning from considerations relating to simple possession to criminal activities related to trade in big cat skins is where the authorities' response is also in some ways unclear or uncoordinated.

In its report to the Secretariat, the CITES Management Authority of China stated that, "Forest Public Security Organs have taken special measures, with a large amount of genuine and fake goods sequestered". This statement specifically related to markets in Gansu and Sichuan Provinces. This clear statement was not, however, confirmed during the Secretariat's discussions with local government and local wildlife law enforcement officials in Lanzhou and Linxia in Gansu Province. These officials were adamant that no genuine skins had been seized in the province but said that all skins confiscated so far had proved to be fakes. In Linxia, for example, the Secretariat was told that 60 leopard and 12 tiger skins had been seized but these were all fakes. It asked to see the skins but was told they had all been destroyed.

Given that Linxia has one of China's most active fur trading markets, where NGO surveys have repeatedly found both genuine and fake skins on sale, claims that no genuine skins had been discovered did not seem very credible. Especially since local officials acknowledged that Linxia has been a centre of such trade for centuries, was an important trading post along the 'Silk Road' and that persons of the Tibetan and Hui ethnic communities historically have gathered there to sell or acquire skins, furs and leather. To compound the Secretariat's confusion, Forest Police officers in Lanzhou reported having undertaken several enforcement actions against skin and fur traders, including covert operations, and said that they had seized genuine leopard skins. They also reported having fined dealers and closed down shops. CITES Management Authority and Wildlife Conservation Department officials praised the work conducted by this unit of the Forest Police.

However, when the Secretariat asked how many such genuine skins had been seized, it was told that officers could not remember and they could not provide an estimate of how many. The Lanzhou Forest Police did, however, have figures for genuine skins detected and seized whilst they were being transported by criminals; namely, three of snow leopard and 50 of leopard. This was during the period 2003 – 2005.

It was later explained to the Secretariat that there are occasions when law enforcement units, for example the Forest Police, undertake work without the involvement of local wildlife officials and that this explains why local officials, in Linxia for instance, might not be aware of the actions undertaken and results achieved.

The Secretariat visited the fur trading area of Linxia and found no genuine big cat skins. It did, however, note two fake tiger skins on display in one shop. When it sought an explanation as to why these were not seized, it was told that the shop owner made no claim that they were genuine. Had such a claim been made, then the owner could have been dealt with under Industry and Commerce law or could have risked being dealt with for fraud.

Officials in Linxia have registered 47 persons as licensed dealers in leather, fur and skins. Each of these has signed a contract in which they have undertaken not to sell skins or products of species protected by wildlife law. Since to do so would be an offence, it is not clear why such contracts would be drafted. However, this exercise appears to have raised awareness and will presumably also be useful evidence to counter any claims of ignorance of the law, should investigations or prosecutions take place in the future.

What was clear in Gansu Province was that the SFA and Forest Police see themselves as taking the lead in actions against domestic trade involving big cat skins. By comparison, in Lhasa, the Secretariat's discussions with local representatives of relevant agencies indicated that this was primarily a responsibility for Industry and Commerce inspectors. However, when such an inspector was asked how many skins (genuine or fake) his department had seized, he responded "None". Since Lhasa has also

been identified as a place where big cat skins have routinely been found on sale during surveys by NGOs (and have also been seen previously by the Secretariat), this response was surprising.

During its visit to Lhasa, the Secretariat toured the Barkhor Street area, where the majority of pilgrims and tourists are found and, consequently, where many market stalls and shops are situated. It was in this area that the Secretariat had found Chubas incorporating leopard skins in 2003. It was noted that there was considerably less trade in skins and furs than had been seen previously. However, in one shop a jacket was on display that appeared to be of animal skin. The trader claimed this to be made from leopard skin and this was said in front of SFA officials. The jacket was seized and the Secretariat was told that Industry and Commerce officials would conduct a follow-up investigation. The trader claimed to be selling it on behalf of someone else.

The jacket was made up of a large number of small pieces of skin and whilst these generally had the appearance of being leopard, it was not possible for the Secretariat to make a firm determination of the species at the time of its inspection. There was no doubt, however, that the jacket had been made from pieces of genuine animal skin and was not a 'fake'.

### The Qingzang railway

This railway line opened in July 2006 and connects Lhasa with the major city of Xining, Qinghai Province, on the eastern side of the Tibetan Plateau. Interconnecting lines mean that Lhasa can now be readily accessed by rail from all parts of the country. The route is very popular, with some trains carrying up to 3,000 passengers.

The Secretariat visited the railway station on the outskirts of Lhasa and noted that all passengers leaving Lhasa are screened by security staff and that X-Ray machines are present to assist this process. Railway Police (members of the Public Security Bureau) patrol the station. To date, the only 'contraband' seized as a result of security screening has been weapons.

The Secretariat was aware of a media article, published some months prior to its mission, about someone who had travelled to Beijing, via the Qingzang railway, with big cat skins to sell in the capital city. The Secretariat had brought this article to the attention of the CITES Management Authority of China. It had, in turn, brought the article to the notice of SFA officials in Lhasa. The Secretariat discovered, however, that these local officials had not advised the Railway Police and their first knowledge of the matter was when it was raised by the Secretariat when it met with officers in Lhasa.

This demonstrated poor communication between agencies but the Railway Police showed great interest in illicit wildlife trade issues and assured the Secretariat that they would take account of possible transportation of illicit wildlife in future. The Secretariat was advised that there had been awareness-raising material on wildlife trade distributed when the rail line first opened.

### Border control

The Customs authorities of China, and especially their anti-smuggling division, which has been described in earlier mission reports, continue to demonstrate great awareness of illegal trade in specimens of CITES-listed species and appear to give this a relatively high priority in their activities. Customs officials in Lhasa reported noting a decrease in smuggling of wildlife in their area. They did not know why this was the case. During the period 2000 – 2006, 10 cases of attempted illegal imports (of a variety of specimens of CITES-listed species) were detected. There were no cases detected of attempted illegal export.

The senior Customs officer for the area updated the Secretariat regarding the outcome of the major case in 2003, when several hundred big cat skins had been seized. Three persons were arrested in connection with the incident. These persons were described as 'Chinese', as opposed to 'Tibetan'. One was sentenced to death (since commuted to life imprisonment), one to life imprisonment and the third to 15 years' imprisonment. The officer reported that the Customs authorities of China and India have recently signed a cooperation agreement, which he expects will facilitate the exchange of information. The investigation into the 2003 incident had demonstrated links to India and information had been passed to Customs counterparts in that country.

## General enforcement issues

The Secretariat was advised by central and local SFA officials of several meetings, including a multi-province event, which have been called specifically to promote awareness of illicit trade in big cat skins and bones among relevant enforcement-related agencies. China and India have engaged in greater communication on this subject and China was to host a workshop of wildlife and law enforcement officials in April 2007, which will include such officials from India and Nepal.

The CITES Management Authority of China, in particular, continues to engage in regular training of relevant agencies throughout the country. Its representatives, sometimes accompanied by officers of Customs and Forest Police, also attend regional and sub-regional CITES- and enforcement-related events. China is an observer at ASEAN Wildlife Enforcement Network (ASEAN-WEN) meetings and regularly attends meetings of the Interpol Wildlife Working Group. Indeed, China's Public Security Bureau and CITES Management Authority hosted a Group meeting in July 2006. China also participated in a specialized meeting called by the Interpol General Secretariat in January 2007 to discuss illicit trade in ivory. China actively participated in both meetings of the CITES Tiger Enforcement Task Force and in the meeting of the CITES Falcon Enforcement Task Force. It also participated in the first meeting of the CITES Enforcement Expert Group.

The Secretariat's relations with China with regard to enforcement are excellent and its experience is that the CITES, Customs and Forest Police authorities will always follow up information that is supplied to them, regardless of the source. It encountered other officials, however, that seem dismissive of information originating from the NGO community.

It is clear that Customs see themselves as guarding China's borders against those who would conduct illicit wildlife trade across them. The Forest Police clearly regard themselves as guardians of China's protected habitats and species. However, it is not so clear whether such 'professional' law enforcement agencies see their role as seeking out illicit domestic trade. China's enforcement agencies undoubtedly conduct such work but the Secretariat questions how self-initiated these activities are. For example, many of the enforcement statistics provided by China in relation to domestic seizures result from major country-wide campaigns that are initiated by the government. Whilst these are successful, they tend to be conducted annually and not necessarily when specifically needed. They are not necessarily targeted at specific forms of trade. It also seems that their timing may be somewhat random. For example, local enforcement officers told the Secretariat that such national campaigns could be conducted at a time of year that might not be particularly relevant for the region or province and that they are seldom consulted during the planning of these campaigns.

The latest such nationwide enforcement campaign was conducted in November 2006, under the name 'Operation Green Shield'. China announced at the Standing Committee's meeting in October 2006 that such an operation would be mounted. Whilst news of Standing Committee discussions is unlikely to spread widely through China, it did seem odd that a law enforcement campaign would be announced in advance, risking providing warning to wildlife criminals.

The Secretariat believes that this apparent lack of self-initiated enforcement work is also demonstrated by the fact that there appears to have been little enforcement response to what seems, in the early 2000s, to have been a growing illicit trade in Asian big cat skins, even though the wearing of them and display for sale must have been obvious for law enforcement officials to see. Indeed, there seems to have been no coordinated or organized response from officials at all until this issue was raised by NGOs and the Secretariat. It seems rather disproportionate that at a time when the courts were sentencing to death and life imprisonment persons who had tried to smuggle such skins into China, those who were engaged in illegal internal trade were receiving considerably less law enforcement attention.

The Secretariat has previously expressed to the Government of China its concerns that wildlife law enforcement policies and decision-making, directly affecting operational matters, appear to be at times dictated or determined by government officials or civil servants who may not have sufficient enforcement-related experience to direct such activities. This mission gave no reason for that view to be altered.

It is also not clear whether wildlife law enforcement officials have sufficient understanding of the 'bigger picture', particularly with regard to the important destination that China is for illicit trade. In day-to-day

matters, it seems that there may be scope too for a greater understanding of the various forms of illicit wildlife trade and how to detect it. For example, the Secretariat was accompanied during some of its inspections by some officials who did not seem to have any experience of 'market surveys' and by some officials who did not seem able to recognize wildlife products, such as ivory carvings. If SFA officials lack training or experience in such work then it must surely be even harder for inspectors from Industry and Commerce or the Quality Control Department, who presumably have no background in wildlife-related issues.

The Secretariat, during its work in 2003 in relation to the poaching of and illicit trade in the Tibetan antelope, noted that the Forest Police College of China had conducted excellent work in analysing the activities of Tibetan antelope poachers and had produced profiling information that was very valuable in targeting such persons and their activities. It believes it would have been useful for the same, or another relevant body, to have undertaken such an exercise in relation to illicit trade in tigers and Asian big cats. It is not too late for such work to be conducted.

Despite some of the comments above, which may understandably be viewed as negative, the Secretariat continues to be generally very impressed by the front-line wildlife law enforcement staff of China.

#### General wildlife conservation issues in Tibet Autonomous Region

SFA officials in Lhasa advised the Secretariat of very encouraging results from recent wildlife surveys in the region. The annual increase in the population of Tibetan antelope is recorded as 6.6%. The most recent figure for the Tibetan antelope population in the region is 140,000. Although poaching continues, officials have noted that it is sporadic and no longer seems to involve the large, organized gangs that were previously encountered.

Tigers in the region now number ten animals, with relatively regular cases of conflict with livestock. The government pays compensation in such cases, to discourage 'revenge' killing of tigers by farmers or other local residents.

Snow leopard figures are estimated to be between 1,200 and 1,300. The clouded leopard population, which had dropped to as low as 100 animals is now estimated at 1,200.

#### Domestic trade in tigers and other big cats

Whilst domestic trade in CITES-listed species is generally not a matter for the Convention, it is clear from Resolution Conf. 12.5 (Conservation of and trade in tigers and other Appendix-I Asian big cat species) that such trade is regarded as being significant in relation to these species. Indeed, from the text of the final RECOMMENDS section of the Resolution it is apparent that the Conference of the Parties seeks to eliminate the use of Asian big cat parts and derivatives for medicinal products and the use of skins for trophies, ornaments or clothing.

The Secretariat encountered some officials who apparently did not appear to fully appreciate the wording of the Resolution and that any change in China's present policy, for example with regard to medicinal products, would bring it into a state of non-compliance with the recommendation of the Conference of the Parties.

It is clear that the Government of China is coming under considerable pressure from various sources to authorize resumption in the use of tiger parts and derivatives from captive-breeding operations. The views of previous CITES technical and political missions to China in relation to this subject are recorded in paragraph 15 of document CoP14 Doc. 52.

Officials told the Secretariat during this mission that no decision has been taken on the matter and that the government continues to study options. Officials are understandably concerned that the government might be subject to significant financial compensation claims from the owners of captive-breeding operations.

Officials are also concerned, should any captive-breeding operations become insolvent, that the government would become responsible for the care of very large numbers of tigers (and probably some other species too). This seems a real concern and the Secretariat believes the international community

would need to show understanding and support were that to happen. For example, support might be required in re-housing large numbers of animals or understanding if large-scale euthanasia were to be seen as the only practical option.

The Secretariat visited one captive-breeding operation and it is described in the following sections.

#### Guilin Xiongse Tigers and Bears Mountain Village

The Secretariat visited this 'Village' because it is a significant location for the captive-breeding of tigers but also because of a number of allegations that have been made by NGOs and the media that this facility may be engaging in illicit trade.

The facility is a large complex of enclosures and cages where tigers, bears and lions are kept. These various enclosures house animals that are for public display or breeding. There is also an area that is apparently used for public performances by trained animals but such activities were not taking place at the time of the Secretariat's visit. The facility has apparently been registered by government agencies in China (provincial and central) to engage in breeding, research and public performance.

The Secretariat met with the owner of the facility. He indicated that it had been established in 1986 with the aim of breeding tigers for commercial purposes, primarily for traditional medicine by supplying the bones of dead animals that could be used as ingredients in medicinal products.

By 1993, the facility had bred 400 tigers and had been regularly supplying the traditional medicine industry with 'ingredients'. However, in that year the Government of China introduced a ban on the use of tiger parts and derivatives. Consequently, the facility had no outlet for its 'products'. It then changed to being a place of public interest and entertainment and moved to gain income from visitors viewing its animals, as opposed to selling the parts of dead animals.

The Secretariat was told by the owner that between 1993 (when the ban on domestic trade in tiger parts was introduced) and June 2003, 117 tigers died in the facility. The bodies of these animals were kept in refrigerated storage. However, in June 2003 there was a significant outbreak of the SARS disease in China and facilities such as the Village and zoos were 'sealed' on the order of the government and public access was banned. As a result, the Village received no income from visitors and allegedly suffered extreme financial hardship. The owner told the Secretariat that he had been unable to pay electricity bills for the facility at this time and that, consequently, the refrigerated storage went without power. This resulted, he said, in the 117 carcasses starting to rot. He explained that these carcasses were subsequently burned and that their destruction had been witnessed by officials of the provincial wildlife authority. Representatives of this agency confirmed to the Secretariat that they had been present at the destruction.

Since that time, 43 tiger carcasses have apparently been accumulated. The Secretariat inspected the freezer in which these bodies are stored. Although it was impractical to count the exact number of carcasses, the figure of 43 seemed reasonable. It appeared that, apart from one lion carcasse, all the bodies were those of tigers. What was also apparent was that the majority of bodies were those of young animals, either cubs or juvenile tigers. The Secretariat asked to see the records that the Village keeps of deaths, which are apparently reviewed on a regular basis by the provincial wildlife authority. These note the date of death, particulars of the individual animal and cause of death. The Secretariat noted that 75-80 % of deaths were recorded as being as a result of fighting, i.e. a tiger had been killed during violent interaction with its peers.

It occurred to the Secretariat that, if the aim of such a facility was to produce animals for commercial consumption, this did not seem to be being particularly effectively achieved. The carcasses stored in the freezer did not seem to be of a commercially appropriate size to warrant investment in the breeding activities that were taking place. If the aim of the Village is to produce tiger bodies that will be used commercially to provide parts and derivatives for medicinal purposes, then it appears to be failing. If the facility wishes to supply a demand for skins for decorative or traditional clothing purposes, as well as meeting demands for medicinal purposes, then it is equally failing. If the contents of the freezer at the time of the Secretariat's mission are representative of what such a facility can produce, then it seems that its ability to meet the 'demand' that is referred to by some individuals and organizations appears to

be questionable. Perhaps, however, a higher level of animal husbandry and death-prevention would occur if commercial trade were to resume.

The management of the Village provided the following figures for live tiger numbers present at the time of the Secretariat's visit:

- Bengal subspecies           253
- Siberian subspecies        997
- South China subspecies   56

Management was unable to readily produce exact figures for the ratio of males to females but estimated this as being one male to one female.

The Secretariat was told that the average litter size at the facility is four cubs, with a maximum of six born. The life expectancy of tigers in the Village is 16-18 years. It does, however, have one tiger that is 28 years old.

The Village also has 210 lions, which have been produced from a breeding stock introduced in 1993 when the facility changed from being solely a commercial breeding operation to a facility that sought to gain income from public attendance. Management thought that the presence of lions would help attract visitors.

The Secretariat was told that management has introduced a policy of limiting breeding of tigers by keeping males and females apart. Other than separating males and females, no other form of contraception is used.

The facility has at least three employees whose activities relate to scientific issues. These are connected with the science of captive breeding, including DNA profiling to ensure genetic purity. The Village has also established links to two universities in China to study diseases related to tigers. The owner acknowledged that no specific work has been conducted in relation to conservation of tigers. For example, he said that no studies have been undertaken with regard to supplementing wild tiger populations or with regard to preparing any of the Village's animals for introduction to the wild. He did, however, say that he would readily make animals available for such purposes. It was not clear whether any payment would be expected for such work or supply of animals.

The owner made it very clear that he actively seeks a re-opening of commercial trade in tiger parts and derivatives. The Secretariat was handed a written submission by the owner, which is reproduced as Annex 8 of document CoP14 Doc. 52.

There are some significant differences between the written submission and what the Village owner said to the Secretariat during its visit. For example, the written submission states that CNY 50 million is needed to operate the facility each year but the owner told the Secretariat the amount was 40 million. The written submission records the annual income as being CNY 15 million but the owner claimed to the Secretariat that the figure was 3 million.

The owner told the Secretariat that he would wish compensation of USD 150 million if he had to close the Village. He said that he is losing money at a substantial rate, that he has had to mortgage the facility, that he has substantial bank loans upon the property and that he is facing bankruptcy.

The Secretariat posed the question why, following the ban on trade in tiger parts and derivatives in 1993, he had continued to breed tigers. The Secretariat indicated that such action seemed to make no commercial sense. The owner answered that he had continued breeding as a speculative business exercise, hoping that the ban would be temporary.

The owner has apparently made approaches to the Government of China on a number of occasions, seeking compensation or guidance as to whether trade in tiger parts and derivatives will be resumed. He claims never to have received a response.

Forestry authorities at central and provincial levels authorize the activities of the Village. Regulations require the Village to report births and deaths to the SFA on an annual basis. Births and deaths also

apparently have to be reported to provincial officials every three months. The Secretariat was told that provincial officials regularly monitor the Village to ensure that its reports are accurate.

The SFA has recently introduced a requirement that all births in captive-breeding operations of 'listed' species (in terms of national legislation) be subject to special control. The tiger is one such 'listed' species. This requires the taking of blood samples for DNA profiling and the insertion of microchips in juvenile animals. This requirement applies to premises such as the Village. Throughout China, approximately 50 % of such tigers have been subjected to this process so far. During its visit to the Guilin Xionsen Tigers and Bears Mountain Village, the Secretariat witnessed two young tigers being anaesthetized, having 'labels' punched into their ears, microchips inserted and blood samples taken.

The registration details of such animals can be accessed via the Internet at the following URL, where the database is available in Chinese only: [www.cnwm.org.cn](http://www.cnwm.org.cn)

At present, 410 of the tigers in the Guilin Village have been micro-chipped and registered, as have 93 tigers that are in a farm in Harbin in north-east China.

### Tiger 'products'

The facility described above is alleged, by a number of non-governmental organizations and media representatives, to be a source of products containing tiger ingredients that have been sold for domestic consumption.

The Secretariat attempted to examine these allegations during its mission. The owner of Guilin Xionsen Tigers and Bears Mountain Village was specifically advised of these allegations and emphatically denied that any of the animals in the Village were being or had been used for such purposes. He was also advised of a media broadcast (by the Independent Television News service of the United Kingdom) that had been made shortly before the Secretariat's visit in which it was claimed that tiger meat had been sold to customers in a restaurant that was linked to the Village and situated within the grounds. The owner said that the restaurant was not operated by his company but also stated his opinion that it would be impossible for the restaurant to supply tiger meat to the public since his facility was the only possible source of such meat and that no one could access tiger 'products' from the Village.

The owner of the Village, Mr Zhou Weisen, operates (apparently along with some other business partners) a company that produces 'bone strengthening wine'. This enterprise, the Secretariat was told, uses the carcasses of lions from the Village to produce such wine.

The Secretariat was told that the enterprise produces a range of products that could potentially be relevant to CITES. One is a wine (of various strengths) that is sold in tiger-shaped bottles. These apparently contain a mixture of alcohol and herbs that has, during a fermentation process, had a lion skeleton incorporated in the production phase for a period of one year. Thereafter, the mixture is allowed to continue fermentation for periods of three, six or eight years.

- 3-year fermented bone strengthening wine is sold for CNY 480 in the Village shop.
- 6-year fermented bone strengthening wine is sold for CNY 960 in the Village shop.
- 8-year fermented bone strengthening wine is sold for CNY 1,200 in the Village shop.

Bottles of 'lion meat' wine are also on sale for CNY 150 each. This product apparently uses lion meat during the fermentation process, as opposed to a lion skeleton. At the time of the Secretariat's mission, USD 1 was worth CNY 7.6.

These products are apparently manufactured in a factory that is located some considerable distance from the Village. The Secretariat had hoped to visit these premises but it was not practical to do so. However, in the Village it was able to view examples of containers that are seemingly identical to those used in the factory for the production of meat and bone wine.

These were large clay pots with a capacity of 2,000 litres. The factory, the Secretariat was told, has 900 such receptacles. Apparently 4,000 bottles, of 500 ml each, can be produced from one receptacle.

The Secretariat was told that one lion skeleton will be used six times, i.e. it will be placed in a receptacle for one year and then placed in five others over the course of five further years. Apparently a skeleton could potentially be used for 10 years but the company policy is only to use one for six.

The Secretariat was told that the factory, at the time of the mission, had the following receptacles in use to prepare wine:

- 200 for lion bone wine
- 300 for lion meat wine
- 400 for gecko wine

Of these, it was said that 46 receptacles had a lion skeleton in them and 50 had lion meat in them at that time. The rest (404) were engaged in a fermentation process without the need for bones or meat.

The Secretariat questioned why the figure of a tiger is used to bottle a product that apparently is manufactured using lion skeletons. It pointed out that the lion is widely regarded as the 'king of the jungle' and, as such, it would seem logical and appropriate to use a lion figure, especially if the products on sale have their basis in lion skeletons or meat. The response was that the tiger has greater significance in Chinese tradition and history. The owner also said that this product was intended to be a substitute for tiger bone wine.

The Secretariat noted, early one morning, bottles of such bone strengthening wine on sale in the hotel that it used in Guilin. The Secretariat staff member asked the sales assistant what the bottles contained and was told, via interpretation, "tiger bone". The staff member sought clarification of the content and also asked for assurance that the products contained 'real' tiger bone. The assistant was adamant that the bone strengthening wine contained genuine tiger bone and explained that the different prices of the products she had on offer were due to the length of fermentation.

Government officials were present during the conversation that took place between the hotel shop assistant and the Secretariat staff member.

By the same evening of the Secretariat staff members' conversation with the hotel shop assistant, the bone strengthening wine products, i.e. the tiger-shaped bottles, had been removed from display. The Secretariat was subsequently told by another shop assistant that they had been told by "senior hotel management" to remove such products from the shelves.

Whatever such products truly contain, the shape of the bottle tends to give an impression to prospective purchasers that they are acquiring a tiger-based product. Whilst the Secretariat acknowledges that the authorities in China probably have no legal basis upon which to regulate the manner in which these products are offered for sale, the present situation is open to misinterpretation and suspicion.

The labels on such products apparently make clear that the wine is produced using lion ingredients. The Secretariat asked officials from the local CITES Management Authority branch office how many permits had been issued for the export of such products, since they claim to contain specimens of a CITES Appendix-II species (African lion). The answer was none. Since the area in China in which these products are on sale is very popular with foreign tourists, it seems highly probable that such wine has been purchased and exported and that this may have been in violation of the requirements of the Convention or China's domestic law.

The Secretariat asked what had been done, or was being done, to ensure that the wine being offered for sale truly contained lion and not tiger parts. The response illustrated a lack of coordination between agencies. It appeared that supervision and regulation of the sale of such products, being a commercial activity, is primarily a matter for the Industry and Commerce and Quality Control Departments. However, it also appears that the inspectors of these departments have little knowledge of wildlife matters and may not be best suited to undertake such work.

Because bone strengthening wine has been declared as being based upon lion specimens and not CITES Appendix I or nationally specially-protected species, the primary monitoring of production was previously left to provincial officials. Officials of the central-government SFA have recently become involved because it has been decided that such goods should come under the central nationwide control of

specific wildlife products. As a result, the Village is now required to comply with SFA requirements in relation to its 'bone strengthening wine'. Wine produced by the Village now bears an approval label similar to that used for other wildlife products, such as those derived from bear or musk deer.

Central and provincial enforcement officials appear to have the responsibility and authority to monitor the transfer of bones and meat from the Village to the factory. Representatives of both central and provincial offices claim to supervise such transfers. The Secretariat noted, however, that the assurance and explanation of such activities was only forthcoming after the Secretariat had questioned whether sufficient monitoring was in place and after a lengthy exchange between officials who seemed to be debating the matter. It had not been volunteered during the initial description of monitoring. During the lengthy discussion on this subject, it also emerged that local SFA officials had apparently inspected every jar of bone wine in the factory in 2006, following an allegation by a China-based newspaper that tiger bones were being used in its production and not lion bones. These officials had apparently satisfied themselves that the skeletons being used were all from lions by the presence of fur on the bones that was recognizable as lion skin and not the striped fur of tigers.

This struck the Secretariat as a far from foolproof method of determining whether the skeleton in a jar was that of a lion or tiger. Should further significant allegations or suspicions be forthcoming, the Secretariat believes it would be more reliable for bones and meat to be subjected to DNA profiling. The Secretariat understands that the wine product that is eventually sold to consumers does not contain sufficient bone 'material' to enable DNA profiling.

The CITES Secretariat has no grounds, at this time, to question the activities of the management or staff of the Guilin Xionsen Tigers and Bears Mountain Village. However, it is clear that such a facility could be used by unscrupulous traders to engage in illicit activities. For example, since it is probably impractical for local officials to be present at the birth of every litter of tiger cubs, there will be scope for laundering of wild-taken tigers or for captive-bred cubs not to be reported to the authorities but, instead, to be entered into illicit trade. To be fair, however, the same potential exists in any commercial captive-breeding operation (regardless of the species in question), which is why the Secretariat encourages close monitoring of such operations by national authorities.

#### Domestic trade in ivory

The main reason for the Secretariat's mission to China was to examine trade in Asian big cats. However, the opportunity was also taken to review ivory trade controls.

The Secretariat visited, on a primarily *ad hoc* and unannounced basis, a number of locations where ivory might be expected to be on sale in China, especially places frequented by large numbers of tourists. It also specifically visited licensed traders and manufacturers in Beijing and Guangzhou. One trader in Beijing had previously been visited in March 2005 and, at that time, its staff appeared to be somewhat confused by the requirements of the control system. On this occasion, it was in complete compliance. So was the manufacturer and trader in Guangzhou, who made special mention of the fact that company stocks of ivory were beginning to run very low.

In Beijing the Secretariat also visited a number of antique and second-hand shops where previously small quantities of ivory had been on display for sale by unregistered traders. No ivory was found on this occasion.

In several other locations at some of the cities visited, small quantities of ivory were detected. Many of these were just one or two pieces, such as simple bangles. Several pieces were seen that appeared to be antique or pre-Convention. Many carvings were found to be mammoth ivory or other animal bone. Indeed, mammoth ivory carvings are widely on sale and several traders described having changed to this source because of the absence of legal-origin elephant ivory. The major ivory manufacturer in Guangzhou is also now using a good deal of mammoth ivory. Several items claimed by traders to be ivory were not but were, instead, bone or even plastic. In none of the locations where ivory was found did this appear to be a significant trading activity of the shop.

In only one place, a tourist souvenir shop in Xi'an, did the Secretariat discover high-quality ivory carvings of significant value and in any number. Local officials were to follow-up this discovery. Forest Police officials were also called to seize an ivory carving from an antique shop in Guangzhou, which had been

detected during an inspection by the Secretariat and SFA officials. It was noted, however, that this item was priced surprisingly cheaply and the shop owner did not appear to appreciate its worth. Officials later advised the Secretariat that this person had only been in business for three months.

The Secretariat was advised that, by the time of its mission, 40 enterprises had been authorized to engage in domestic trade in ivory. Of these, 16 are involved in ivory carving. However, because some of the enterprises have a number of shops, the total number of authorized retail outlets for sale of ivory in China now stands at 88.

China's ivory trade controls were reviewed by a mission team in March 2005. Its report, and the Secretariat's assessment of the controls, was submitted to the Standing Committee in document SC53 Doc. 20.1. At that time, the Secretariat was of the opinion that China's controls fulfilled the requirements of Resolution Conf. 10.10 (Trade in elephant specimens) and the relevant annotation to the Appendices. The present mission gave no reason to alter that assessment. However, the Secretariat has previously indicated that it would take ETIS analyses into account before making a final recommendation to the Standing Committee. It presumes the matter may be discussed further at the 55th meeting of the Standing Committee (The Hague, 2 June 2007).

#### China's report to the Secretariat

There were a number of matters in the report to the Secretariat by the CITES Management Authority of China (Annex 1 of the present document) that the Secretariat believed warranted clarification as follows.

- Page 2, paragraphs 6 and 7: These describe increased controls regarding the use of leopard bone in medicine and the Secretariat asked what had prompted a tightening of such controls. This apparently resulted from a 10 year study of wildlife, which indicated declining leopard numbers in the wild. The Secretariat could not understand the wording "and no substitutes is needed" at the end of paragraph 7. It was explained that this was a mistake in translation and that these words should be deleted.
- Page 3, paragraph 5: This contains translation errors, so that some items are referred to twice. To correct this, the total leopard skins should be 14 and leopard skeletons 4.
- Page 4, final paragraph: The Secretariat sought an estimate of the total number of 'artificially-bred' species referred to. Tiger numbers are estimated at over 4,000, leopard at 200, snow leopard at 20-30 and no figure was available for clouded leopard.
- Page 8, first paragraph: The Secretariat pointed out that the wording in the second line, "China intends to do", indicated that a decision has already been made. This was said to be a translation error and it was emphasized that no such decision has been taken.

#### General observations

China has reported a marked decrease in the wearing of clothes incorporating the skins of Asian big cats and the display and sale of such clothing and skins. Surveys by NGOs corroborate this statement and the Secretariat was unable to find significant evidence of such activities during its mission. This decrease is very welcome and the various organizations, governmental and non-governmental, which have undertaken public awareness campaigns deserve to be congratulated. It does seem, however, that there must be many people who had been engaged in illegal domestic trade who have escaped enforcement action.

Instances such as the major seizure by Lhasa Customs in 2003 amply demonstrate the level of demand that existed. However, there is no country in the world that has eliminated wildlife crime. To expect China, a country with a huge population, with borders thousands of kilometres long (many of which are extremely difficult to patrol) and with a centuries-long history and culture of wildlife consumption, to readily eradicate such crime is totally unrealistic.

The Secretariat believes, however, there is scope for the approach to wildlife law enforcement to be more creative and imaginative in many countries around the world, including China. For example, on arriving in the city of Xi'an the Secretariat was told by one official that there was no history of trade in ivory in this area. Whilst accepting that this was probably true, the Secretariat noted that Xi'an is a city visited by hundreds of thousands of tourists each year, most of whom are there to view what has been described as the 'eighth wonder of the world' – the Terracotta Warriors. It suspected that illicit traders

would seek out the souvenir buyers among those tourists and seek to profit from them. And so it proved to be. Xi'an was the city where the most valuable and attractive illicit ivory was found to be on offer.

Criminals, whatever their form of crime, go where the money is and law enforcers must follow or seek to get there ahead of them. Customs, Forest Police and other enforcement agents probably seldom enter major tourist sites, high-class restaurants or the gift shops of 4- and 5-star hotels. But that is where the sales of ivory, caviar and shahtoosh shawls often take place, whether one is in Beijing, Bangkok, Douala, New Delhi, New York or Paris.

It is also important to note that China cannot combat wildlife crime alone. It may be an important end market but the supply base must be tackled too. The CITES Tiger Enforcement Task Force has noted that several range States are significant links in the illegal chain. Myanmar appears to be an important staging post for illicit trade to China, yet its authorities seldom report seizures. The Secretariat, in the present document to which this annex is attached, questions whether India's response has been sufficiently coordinated and timely. There are other examples that could be quoted.

During the Secretariat's discussions with NGOs in Beijing, it was noted that the Secretariat's suggestion at the 54th meeting of the Standing Committee that a high-level summit on tigers should be convened had not been supported. However, several NGO representatives expressed the view that CITES does have an important role to play. One suggestion by an NGO was that CITES should organize a tiger range States meeting to address the many issues related to conservation of and illicit trade in this species. Since all tiger range States, except the Democratic People's Republic of Korea, are Parties to the Convention, it was felt that this would be appropriate and that the many mechanisms available to CITES could be used to achieve consensus and commitment to actions.

### Recommendations

In addition to the general suggestions or comments made in the above mission report, the Secretariat offers the following specific recommendations for consideration by China.

1. Whilst the Secretariat is aware that some work has been done in relation to raising awareness of CITES enforcement-related issues among the Industry and Commerce and Quality Control departments, it appears more needs to be done. Alternatively, wildlife-related inspection work should be removed from their remit and placed under the control of agencies such as the Forest Police or Wildlife Conservation Division of the SFA. This recommendation reflects the following wording in Resolution Conf. 12.5:

#### *URGES:*

- a) *all Parties and non-Parties, especially range and consumer States of Asian big cat species, to adopt comprehensive legislation and enforcement controls which clearly define the administrative responsibilities of the various government agencies responsible for regulating trade within and outside of protected areas and in outlets for parts and derivatives such as in wildlife markets and shops, etc., as a matter of urgency.*
2. Although noting information that public awareness and education campaigns have been conducted by central and local government agencies in relation to illicit trade in wildlife, especially trade in Asian big cats and ivory, the Secretariat was unable during its mission to see any obvious public indications of such campaigns. It therefore recommends that posters or leaflets providing information regarding what is lawful and warning against engaging in illegal acts be displayed at appropriate locations, such as air and sea ports, railway stations, relevant markets and souvenir shops, and in hotels used by tourists. Such awareness-raising would be particularly relevant to outlets where lion bone and meat products are for sale.
3. The Government of China, as a matter of urgency, should determine how it is to respond (using registration schemes, an amnesty or other such measures) to the apparent widespread private ownership and possession of skins of Asian big cats or clothing incorporating such skins, many of which are likely to be of illegal origin.

4. The law enforcement authorities in China should continue, and build upon, their existing efforts to increase communication, coordination and collaboration with other States affected by illicit trade in specimens of CITES-listed species.
5. China should identify an appropriate agency, ideally a law enforcement agency, to review illicit trade in Asian big cat skins with the aim of preparing a crime intelligence analysis of such trade so that risk-assessment, profiling and targeting advice can be supplied to law enforcement officers in China, neighbouring countries and to relevant international law enforcement organizations. The Secretariat should assist in the dissemination of such advice.
6. The Secretariat understands that the current licensing and labelling controls with regard to wildlife products are part of an administrative system and that any failure to comply with the various requirements would attract an administrative penalty. The Secretariat recommends that such controls be incorporated into stricter legislation, which would allow criminal penalties to be imposed as well, and that this take place at an early stage.

Lastly, the Secretariat recommends that the Conference of the Parties request China to submit to the Secretariat progress reports regarding its implementation of Resolution Conf. 12.5, incorporating its response to the comments and recommendations made in this mission report. The first such report should be submitted by 31 December 2007. The second should be submitted by 30 June 2008. The Secretariat should be directed to review the reports and to provide assistance to China in implementing the recommendations. It should also undertake any verification work that may be appropriate. The Secretariat should, thereafter, report at the 57th meeting of the Standing Committee, which should review the progress made by China and the Secretariat and determine whether any additional measures are appropriate. The Secretariat should also report at the 57th meeting of the Standing Committee with regard to any matters of concern regarding other range States of tigers and other Appendix-I Asian big cat species.

#### Final remarks

The Secretariat does not intend this mission report to replace any of the comments made in the main body of document CoP14 Doc. 52. For example, the mission report does not specifically address technical assistance and capacity building, since the Conference has already been encouraged to consider this for all range States. The mission's findings do, however, reinforce the Secretariat's view that enforcement remains a vital element in safeguarding the future of tigers and other Asian big cats and that what is lacking is sufficient amounts of appropriately-targeted levels of professional, coordinated and collaborative enforcement.

The Secretariat will update the Conference of the Parties orally on any further relevant information it receives relating to China subsequent to the writing of this report.