

IMPLEMENTATION OF CITES DECISION 17.228: REVIEW OF IMPLEMENTATION OF RESOLUTION CONF. 12.5 (REV. COP17) ON CONSERVATION OF AND TRADE IN TIGERS AND OTHER APPENDIX I ASIAN BIG CATS

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Executive Summary

Review process

Pursuant to Decision 17.228, this review examines efforts to implement aspects of Resolution Conf. 12.5 (Rev. CoP17) on *Conservation of and trade in tigers and other Appendix-I Asian big cat species*. This report continues the previous review of implementation of Resolution Conf. 12.5 (Rev. CoP16) completed in 2014 (Document SC65 Doc. 38 Annex 1), as required by Decision 17.228 and the consultant's Terms of Reference (ToR). Due to time constraints, the consultant decided to limit the review period to approximately two years following the previous review (2015-mid-2018), although as relevant matters which occurred outside this time period are also discussed.

First, after the Introduction (section 1) and Methodology (section 2), this report presents background information on the conservation status of Appendix-I Asian big cats and illegal trade threats, based on the consultant's literature review (section 3.1). Information from several sources on seizures (Party annual illegal trade reports for 2016, contributed by the CITES Secretariat to inform this report, as well as contributions requested by the consultant from the ten focal Parties and NGOs) is presented in section 3.2. Next, while seeking to avoid duplication of ongoing CITES work on these topics, and as required by the consultant's ToR, the report addresses legislative and regulatory measures (with Parties which adopted new legislation during the review period receiving the greatest attention) (section 4.1), national law enforcement (section 4.2), demand reduction (section 4.3), and education and awareness (section 4.4). Finally, findings on best practices and continuing challenges are presented in section 5, based on the material presented in the two previous sections.

While to a limited extent this report covers all Appendix-I Asian big cat range and consumer States (section 3), given time constraints a subset of focal Parties was selected by the consultant for detailed analysis in sections 3.2, 4 and 5. The process employed was a review of four key sources among those identified as source materials or primary activities in the consultant's ToR: 1) the CITES Secretariat's report to the 69th meeting of the Standing Committee on national laws for implementation of the Convention (Documents SC69 Doc. 27 [Rev. 1] and SC69 SR); 2) the report of the Standing Committee on Asian Big Cats to the 17th Conference of the Parties to CITES (Document CoP17 Doc. 60.1); 3) UNODC World Wildlife Crime report of 2016 (UNODC 2016a and Document CoP17 Inf. 8); and 4) a literature review carried out by the consultant. A total of 22 Parties were identified as a priority or of elevated concern, but the focal group for this review was narrowed to ten Parties identified in two or more of the sources: China, India, Indonesia, Lao People's Democratic Republic (PDR), Malaysia, Myanmar, Nepal, Thailand, the United States of America (US) and Viet Nam.

According to the Decision and the consultant's Terms of Reference (ToR), this review was undertaken in consultation with Appendix-I Asian big cat range States and consumer States, in particular States affected by illegal trade, as well as with International Governmental Organization (IGO) Partners in the International Consortium on Combating Wildlife Crime (ICWC) and other experts and organizations known to the consultant as key sources of reliable information over the course of her thirty-year membership in the IUCN SSC Cat Specialist Group.

Consultation took place in two stages. The ten focal Parties were contacted by the consultant in March 2018 and asked a brief series of questions, as well as soliciting any additional information

they wished to contribute to inform the review. Five Parties responded and contributed information which was incorporated into the first draft of the review: India, Indonesia, Nepal, Thailand and the US (summarized in Annex 1). Twenty experts and non-governmental organizations (NGOs) with relevant expertise were also contacted by the consultant and asked to contribute information pertaining to the ten focal Parties for the review; 17 responded with information that was also incorporated into the first draft (Table 1).

After incorporating comments received from the CITES Secretariat on the first draft of the review report, a second draft of the report was shared by the consultant in May 2018 with 38 Parties -- Appendix-I Asian big cat range States (Table 2) and consumer States particularly affected by illegal trade (identified by the consultant's literature review) -- and ICCWC Partner IGOs. Comments received from India, Myanmar, Thailand, the United Arab Emirates, the United Kingdom and the United States as well as the Chair of the CITES Cheetah intersessional Working Group were incorporated into the final version of the report.

Review findings

Section 1. Introduction: This review concentrates on specific areas recently identified as particularly challenging, with the primary informational basis being the deliberations of the intersessional Working Group on Asian big cats (WG) established at the 65th meeting of the Standing Committee (SC65, Geneva, 2014) and chaired by China. The WG's email correspondence, report to SC 66 (document SC66 Doc. 44.2) and recommendations following in-session deliberations at SC66 (documents SC66 Com. 11, SC66 SR and CoP17 Doc. 60.1) informed the selection of the following aspects of the four topics for this review (section 4):

Section 4.1. Legislative and regulatory measures: that these are adequate to implement CITES controls on international trade in Asian big cats and their parts, derivatives and products; the extent to which Parties have "voluntarily prohibit[ed] internal trade" (Resolution Conf. 12.5 [rev. CoP17])¹ and that such prohibitions are "comprehensive" (document SC65SR),² concentrating on differences between wild and bred-in-captivity³ specimens and treatment of non-native big cat species and subspecies;⁴

Section 4.2. National law enforcement: the extent to which Parties have enforced trade restrictions at the points of supply (both wild and captive⁵ populations), and against traffickers and consumers, as well as prosecutions involving Asian big cat crime;

Section 4.3. Demand reduction: review poacher and consumer motivations for hunting and buying Asian big cats, and recent developments toward reducing consumer demand;

¹ Although this language goes beyond the Convention and minimum requirements to national laws for its implementation, Article XIV acknowledges the right of Parties to adopt stricter domestic measures (such as internal trade prohibitions), and Decision 14.69 has shown that Parties consider such measures appropriate for tigers.

² The 65th meeting of the CITES Standing Committee encouraged "Parties to review all relevant national legislation to ensure that national measures restricting internal and international trade in Asian big cats and their parts and derivatives are comprehensive in that, recalling Decision 14.69, parts and derivatives obtained from specimens bred in captivity are included" (document SC65 SR).

³ This review will complement the work being done under Decision 17.226, in that it examines trade restrictions for bred-in-captivity specimens, but it does not delve into the subject of management of captive facilities.

⁴ Protecting non-native species (and subspecies) was flagged as a key issue by the intersessional Asian Big Cats Working Group established at the 65th meeting of the CITES Standing Committee as well as UNODC (2016a and document CoP17 Inf. 8)

⁵ This review will complement the work being done under Decision 17.229, in that it examines recent actions to enforce of relevant trade restrictions at captive facilities, but it does not delve into the number and composition of such facilities, nor the level of legal and illegal trade from such facilities.

Section 4.4. Education and awareness: review recent campaigns targeting groups described in the Resolution: rural and urban communities; traditional medicine communities, practitioners and users; and enforcement, prosecution and judicial authorities.

Section 2. Methodology: As described in the Review Process section above, this report is based on the consultant's literature review and consultation with Parties, ICCWC Partners, and experts and non-governmental organizations, as appropriate.

Section 3.1. Conservation status and illegal trade threats (literature review): A comprehensive re-assessment of felid species categorization on the IUCN Red List was completed in 2017, and all Asian big cats are included in the top three threat categories, with the tiger Endangered, and the remaining species Vulnerable. The conservation status of the leopard deteriorated since 2008, with the species moving from Near Threatened to Vulnerable, and although the snow leopard moved from Endangered to Vulnerable, this was a non-genuine change due to a change in methodology for estimating the number of mature individuals. While the consultant's literature review finds that all Appendix-I Asian big cats are threatened by illegal trade, the tiger continues to be most at risk, with the strongest signs of consumer demand (section 4.3) and organized commercial poaching (section 4.2.1.1), the largest numbers of seizure cases according to all review sources (section 3.2), and surveys conducted during five years prior to the Red List reassessment in 2015 detecting no tigers in parts of Cambodia, China, India, Lao PDR, Russian Federation, Thailand and Viet Nam where they were previously thought to be present (Figure 3). Based on their own research as well as that of other NGOs, the Wildlife Justice Commission identified two parallel supply routes for illegal tiger trade, a trans-Himalayan route for wild and a Southeast Asian route for captive as well as wild, with the primary destinations China and, to a lesser extent, Viet Nam (Figure 6). Other Asian big cats are trafficked through these routes (Figure 10), and evidence is growing that Asian demand is also being supplied by big cats outside the region: illegally by leopards from Africa and jaguars from Bolivia, and legally by captive-bred lions from South Africa, with a TRAFFIC study for the 30th meeting of the CITES Animals Committee noting that "the lion bone trade is considered to be closely linked to the farming and trade of tigers," with much of it illegally traded as tiger both within and between Asian countries (document AC30 Inf. 15) (section 3.1.5).

Section 3.2. Seizures (Party and NGO contributions): In response to the consultant's request for information from the ten focal Parties, Thailand contributed a table of tiger trafficking cases for fiscal years 2014-2018, totaling 13 live tigers and 73 carcasses in 16 cases (Table 5). The US reported a large volume of big cat seizures, with 451 cases from 2015-2017 (Table 6): medicines were the most numerous product seized, especially for the tiger and leopard. China was identified by US law enforcement officials as the country of origin for medicines reportedly containing cheetah, lion and the vast majority of leopard medicines, and for tiger medicines, China and Viet Nam were most frequently identified as the countries of origin for both the products and the shipments (attempted illegal import) to the US (Table 7). From the 2016 annual illegal trade report data compiled by the CITES Secretariat, one quarter (25%) of the 55 Parties which submitted reports had 132 cases of Asian big cat seizures in 2016 (Figure 16). These continue to show a trend described in the previous review for widespread seizures, mainly outside of range States, of medicinal derivatives claiming to contain tiger and leopard (Figure 17), with law enforcement officials reporting the countries of origin primarily as China, followed by Viet Nam and Cambodia (Table 9). For the ten focal Parties, NGOs provided a total of 196 seizure cases of Asian big cat specimens for the period 2015-2017 from open sources. In these data sets (Figures 18-19 and Tables 11-12), most reported seizures were of bodies or body parts including skins, bones, claws and teeth. Tiger seizures were the most numerous (111 seizure cases), and 2/3s of them were estimated to be wild tigers.

Section 4. Implementation of Resolution Conf. 12.5 (Rev. CoP17) in the ten focal Parties, 2015-mid-2018: The findings in this section are based on the consultant's literature review and information provided by focal Parties and NGOs to inform the report. The findings are summarized below and the basis for them is described in detail in the relevant text sections of the report.

Section 4.1. Legislative and regulatory measures: All ten focal Parties either enacted amendments to national legislation governing international and internal trade in Asian big cats or

announced that they were in the process of doing so. China, Lao PDR, Myanmar, Nepal and Viet Nam enacted the most consequential measures and are covered in the most detail. All ten focal Parties require some form of permit, generally issued only for non-commercial purposes, for both international and internal trade in Asian big cats and their parts and products. However, China, Lao PDR and Myanmar have legislative and regulatory measures allowing some types of internal (and perhaps, in the case of Lao PDR, international) trade which appear to meet the CITES definition of primarily commercial (Resolution Conf. 5.10 [Rev. CoP15]). When it comes to non-native big cats, only three Parties (Myanmar, Nepal and the United States) offer the same level of internal trade protection to all CITES-listed big cat taxa (Table 14.1). Resolution Conf. 12.5 calls on Parties to prohibit “products labelled as, or claiming to contain, [Asian big cat] parts and derivatives... as provided for in Resolution Conf. 9.6 (Rev. CoP16),” but only three Parties (Myanmar, Peninsular Malaysia and the US) have incorporated the definition of “readily recognizable” from Resolution Conf. 9.6 into their legislative and regulatory measures.

International trade controls under CITES prohibit commercial trade in Appendix-I Asian big cats, but there are exemptions for bred-in-captivity specimens. No commercial breeding operations for Asian big cats are registered with the Secretariat, but specimens and/or parts of Appendix I Asian big cats bred for non-commercial purposes may be traded commercially, in accordance with Article VII paragraph 5 of the Convention (Tables 13A [CITES trade requirements] and B [International trade in bred-in-captivity *Panthera* specimens 2010-2016]). Nine of the focal Parties, however, generally have the same internal trade controls for wild and captive Asian big cat specimens (Table 14.1). Lao PDR is the sole exception, with second (F2) generation wildlife allowed to be sold from facilities that are licensed to breed for business purposes; however, in May 2018 the Prime Minister prohibited trade in protected species including tigers and other native Asian big cats, and ordered that existing breeding operations should be transitioned away from farming. Although not, at this time, applied to Asian big cats, six focal Parties have legislative and regulatory measures which allow for less restrictive trade controls for bred-in-captivity specimens of some species: China, Indonesia, Myanmar, Nepal, Thailand and Viet Nam. Although China has not moved any big cats to this less restrictive trading regime, along with Lao PDR, it is the only one of the focal Parties known to have issued permits allowing some entities to engage in internal trade in both Asian and non-native big cat parts and products. China is also the only one of the focal Parties which lacks a statutory basis for regulating possession of protected species (apart from licensing requirements for captive breeding).

Concerning penalties for illegal internal trade, only Parties with relatively recently amended legislation have maximum financial penalties of USD10,000 or more (China, Malaysia, Nepal, US, and Viet Nam). India has very low financial penalties, but a high maximum prison term (seven years). Of all ten Parties, only the US does not have a maximum prison penalty term of at least four years under its primary wildlife legislation, although higher prison terms are possible under other laws and if criminally prosecuted. However, a number of Parties have no minimum financial or prison penalties, giving substantial leeway to prosecutors and judges to impose less than the maximum penalty allowed by law. Only half have increased penalties for repeat offenders (Table 14.3).

Section 4.2. National law enforcement: Resolution Conf. 12.5 (Rev. Cop17) and numerous experts have urged greater use of intelligence-led enforcement for Asian big cats. Intelligence provided by the public, including NGOs, can be of great assistance to capacity-limited enforcement authorities, particularly as illegal trade continues a trend of becoming more covert. In terms of intelligence-led anti-poaching protection for wild tiger populations, however, one survey found that only 14% of sites have implemented these procedures (and none in Southeast Asia), although 52% of sites reported that they are in the process of developing this capacity (Figure 28).

Despite increasing evidence that bred-in-captivity specimens are entering into illegal trade (e.g., the sharp rise in the seizure of parts suspected to be from captive tigers found by TRAFFIC’s most recent analysis, growing from 2% of the total in the early 2000s to 30% in 2012-2015: section 3.1.2), only one Party (Thailand) is known to have taken recent enforcement action against captive facilities. In the biggest case, in June 2016 over 500 officers participated in a raid which seized numerous parts and derivatives (including 1,000 amulets containing tiger skin), and 130 tigers were confiscated from

one facility and relocated to approved shelters (Figure 32). Although charges were filed against 22 suspects, as of May 2018 the case had yet to reach the prosecution stage.

Several Parties took enforcement actions against leaders of major criminal wildlife trading networks in 2015-mid-2018, including India, Malaysia, Thailand, the US and Viet Nam: these operations should be sustained as the initial arrests and prosecutions provide a means to continue investigations and dismantle entire international criminal networks. There is sufficient intelligence of illegal trade in Lao PDR and Myanmar to provide grounds for enforcement, but despite some recent enforcement action some of their border towns continue to serve as hotspots of “wildlife trade tourism,” particularly for Chinese tourists. Greater cross-border cooperation with Chinese authorities would enhance the ability of law enforcement to target the China-based counterparts of major traders under investigation in neighboring countries as well as potentially deter illegal cross-border movement of prohibited wildlife items by tourists.

While buying and possession are criminalized in almost all of the ten focal Parties, few recent examples of enforcement against consumers could be found, despite its potential to serve as a deterrent and reduce demand for illegal big cat products. The potential for such cases to receive maximum publicity and have a strong educational effect is shown by the viral campaign in Thailand calling for justice against a billionaire caught inside a national park dining on soup made from a poached black leopard (Figure 36).

Most focal Parties prosecuted Asian big cat cases in 2015-2017, with the exceptions of Lao PDR and Myanmar. China, in particular, meted out sentences in accordance with the maximum penalties permitted by law, and Thailand used anti-money laundering legislation to prosecute one of the biggest asset forfeitures worldwide against a tiger and other wildlife criminal trading network (USD36.5 million).

Section 4.3. Demand reduction: At the 66th meeting of the Standing Committee (SC66, Geneva, 2016), the Committee encouraged research into the motivations of both poachers and consumers (document SC66 SR). Most poaching of Asian big cats appears to be driven by financial gain (e.g., Figure 39), although big cats killed for other reasons (such as wildlife-human conflict) often wind up in illegal trade: snow leopard experts estimated that 39% of non-trade related killings result in an attempt to sell (Figure 44). In this sense illegal trade in wild cat specimens will remain supply-driven to some extent, and captive breeding is also growing the potential supply of big cat products for consumer markets.

Concerning consumer motivations, new research on consumption and attitudes toward tiger products has been conducted in China (USAID 2018a,b) and Thailand (USAID 2018c,d). One thousand people were surveyed in each country: 4% of Chinese people said they had purchased tiger products (primarily bone preparations or skins) in the past 12 months, whereas 1% of Thai people said they owned or had purchased tiger products (primarily spiritual items and amulets) in the past three years. Whereas older research in China and Viet Nam, which forms a baseline for comparison, indicated that medicinal consumption is largely favored by older people, according to more recent research in China consumption is significantly linked to youth and high education and income levels (Figure 54). Younger people in China appear more motivated by social prestige considerations, and although health reasons are still among the top drivers of tiger medicine consumption, there appears to be a shift away from the idea that tiger bone is a disease-curing substance (which is unlikely to be borne out according to modern standards of evidence-based medicine) and more a luxury promoter of well-being which is socially gifted and consumed. A new trend toward big cat tooth and claw jewelry (usually described as tiger but probably consisting also of other species, including African lion) is especially evident among young men in Viet Nam (Figure 53), based on the research of two NGOs analyzing social media posts. Overall, there is a wide variety of big cat products, with uses ranging from consumptive to decorative to companionable (pets) (Figure 47), and the latter two are likely to have few repeat consumers. For example, in Thailand 64% of tiger amulet owners said they had bought it only once, whereas 69% of Chinese tiger users (who primarily consume tiger bone products) said they planned to buy it again. Broadly speaking, there are two groups of consumers (with some overlap): “hard” consumers who deliberately seek

out big cat products (which can be difficult to obtain, given their illegality) and “soft” consumers who opportunistically purchase, and may not have known they wanted the item before encountering it (Figure 51). Law enforcement has a key role to play in demand reduction by targeting the criminal trade networks which supply underground trade, and policing physical and online markets to reduce buying opportunities (Figures 48-50).

There is only one known successful example (based on market surveys by NGOs) of a dramatic reduction in demand for Asian big cat products: the collapse of a fashion trend in China’s Tibet Autonomous Region in the mid-2000s for cloaks trimmed with tiger and leopard skin. This example has several unique characteristics which will be difficult to replicate elsewhere: people were actively seeking big cat skins primarily to wear in a public setting to convey status (Figure 57), and that social acceptability was up-ended by a particularly influential spokesperson. And it should be noted that NGO researchers have found that illegal sale of big cat skins continues in China’s Tibet SAR (Figure 58), but the main form is whole skins for home decoration, and based on traders’ statements to NGO researchers involves a different consumer demographic. There are other examples of societies which used to be major consumers of tiger products but appear to have almost completely stopped, for reasons which have little to do with efforts to educate consumers and reduce demand. Japan, South Korea and Taiwan (Province of China) used to be major importers of tiger bone, and had medicinal industries manufacturing these products. Once these practices were prohibited after 1993, the industries were closed down and, perhaps crucially, none of the authorities permitted commercial-scale breeding of tigers or other Asian big cats. In other words, reducing supply can be a major factor in reducing demand. Continued availability of big cat products through channels which appear to consumers to be legal – including tiger farms and unpoliced “wildlife trade tourism” markets in Lao PDR and Myanmar – is likely to counteract demand reduction messaging. The use of other big cats as substitutes for tiger not only poses a threat to these species but also continues to grow demand for tiger products.

Section 4.4. Education and awareness: There have been numerous education and awareness campaigns which have emphasized conservation values and trade illegality (Table 19). While they have no doubt helped foster positive public attitudes toward big cat conservation, and can be an important tool for demand reduction, they may not necessarily influence willingness to buy or consume big cat products. Studies have found that consumption behavior is frequently independent of attitudes toward consumption (Table 18); for demand reduction, the key is to change behavior, and changing attitude may not necessarily accomplish this.

Section 5. Best practices and continuing challenges. In summary, this review has identified the following primary trade-related threats to Asian big cats: poaching is largely driven by illegal international trade which may be escalating, especially through online channels, and illegal trade is also supplied by conflict-killed wild cats, bred-in-captivity specimens, and parts and derivatives of lookalike non-native species. This review identified a number of best practices and continuing challenges in terms of meeting goals set out in Resolution Conf. 12.5 (Rev. CoP17), other CITES documents, and based on issues arising from this research.

Legislative and regulatory measures: Best practices include incorporation of stricter domestic measures requiring a finding of conservation benefit (in the CITES context of Resolution Conf. 12.5 [Rev. CoP17] and Decision 14.69, which recommend internal trade prohibitions, although such recommendations go beyond the purview of the Convention) before permitting any commercial trade in wild or captive specimens; trade controls which offer equivalent protection to non-native big cat taxa; ensuring international and internal trade controls are comprehensive in terms of prohibited activities; prohibition of the consumption of big cats as food and health tonics and of private ownership of big cats as pets; incorporation of the definition of a “readily recognizable” part or derivative from Resolution Conf. 9.6 (Rev. CoP16) into legislation and regulations to criminalize claiming to contain; and adoption of stricter regulatory guidance and allowance of public access and input to Asian big cat trade permitting decisions. In addition, Parties which have more lenient internal trade controls for bred-in-captivity specimens could allow public input before taking any decision to transfer any big cat to this regime. Parties could also revise their national legislation to more fully implement CITES and increase penalties to a level adequate to deter illegal trade. Finally, China’s

measures to close its ivory market should be studied by Parties seeking to implement the recommendation of Resolution Conf. 12.5 (Rev. CoP17) that internal trade in Asian big cat parts and derivatives should be voluntarily prohibited.

National law enforcement: Best practices include intelligence-based anti-poaching programs, particularly community-based ranger and informant networks. Recent intelligence-led investigations also led to the apprehension and prosecution of leaders of major criminal trafficking networks, and these successes could be built on to further dismantle their networks. Multidisciplinary and innovative best practices include application of the full set of legal tools against traffickers, especially anti-money laundering laws, engagement of intelligence agencies in the fight against wildlife crime, and collaboration with Internet companies to increase their self-policing activity. Parties where Asian big cat medicinal products have been produced could provide CITES with a complete list of these products and participate in the Czech Republic's project to develop DNA recovery tools for processed parts and derivatives; Parties could support further development of this research and other identification techniques and expand them to include all big cat species, as they have for elephant ivory and substitutes (Decision 17.162). India and Thailand's development of national tiger identification databases and Nepal's sharing of seizure photos have led to positive identification of the origin of tigers in illegal trade, and could be expanded to other countries and species such as the snow leopard. Viet Nam's road map to end bear farming is a best practice for preventing illegal trade from captive facilities. A continuing challenge is the lack of full enforcement of laws against consumers, including buying and possession.

Demand reduction: Although different Asian big cat products are likely to have different consumer markets, the success of demand reduction in China's Tibet SAR is an inspiring example that such efforts can work quickly under the right circumstances. A best practice in developing demand reduction strategies is working interactively with consumers and key nodes in the trading network to discover what they feel would be acceptable alternatives. Demand reduction is best coupled with efforts to reduce supply (e.g., from captive facilities) and with law enforcement to deter consumption.

Education and awareness: Active campaigning is a best practice, soliciting public reporting of Asian big cat crime, and providing tools and training to local people living near big cats. A continuing challenge is to ensure that campaigns actually result in illegal trade reduction and behavioral change.