



中华人民共和国濒危物种进出口管理办公室
**The Endangered Species Import and Export
Management Office of the People's Republic of China**

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To: Ms. Ivonne Higuero, the Secretary-General of CITES
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Date: 27 Feb. 2019

Subject: Additional Information on NIAP

Dear Ms. Ivonne Higuero,

By this opportunity, please accept my sincere appreciation for your understandings and support to China in CITES implementation.

Referring to your letter dated 28 January 2019 consulting China for inclusion in the National Ivory Action Plans (NIAPs) process, on behalf of China CITES Management Authority, I would like to provide to you the additional information on NIAPs, considering the relevant parts of Resolution Conf. 10.10 (Rev. CoP17), in particular paragraph 6. Please find the attached annex for the additional information.

Further to the additional information, thanks to your letter highlighting the contents related to China in the ETIS report to CITES CoP18 (CoP18 Doc 69.3), I would like to point out that this ETIS report, in terms of the contents on China, is not fact-based, it has neglected the huge efforts and great achievement made by the Chinese government and its people and discouraged parties like China to continue efforts on combating illegal trade in elephant and its products.

Noting that in the Annex to your letter about the compilation of the information in the

ETIS report, we found the last paragraph “The results of the cluster analyses in the ETIS report identify China as a ‘Category B country’, and suggest that China be considered for inclusion in the NIAP process” was not the original wording in the ETIS report. Is it the view suggested by the report, or is it the recommendation from the Secretariat? According to the Annex 3 of Res. Conf. 10.10(Rev. CoP17), “No presumption will be made for Category B”. Since the Secretariat is more professional on the procedures of the NIAP process, so we urgently need the understandings and support from you and the Secretariat under your leadership, to work together with parties like China, which has banned both international and domestic trade in ivory and has taken strong enforcement measures, to find the real solution to illegal ivory trade. About the details of our concerns about the ETIS report, you may find the attached additional information, and some of the concerns were also reflected in my colleague’s email response to the Secretariat dated on 18 January 2019.

I sincerely hope the Secretariat, under your great and artful leadership, could guide CITES to a healthier, more balanced and efficient way of endangered species trade control and conservation, while providing the best ever service to the real players of the Convention: the Parties and their people.

As always, the Chinese government is dedicated to side with the Secretariat to safeguard the principle and spirit of CITES.

Sincerely yours,

Dr. Wu Zhimin

A handwritten signature in black ink, appearing to be 'Wu Zhimin', written in a cursive style.

Executive Director General
China CITES Management Authority

China's Additional Information on NIAP

Background

1. In 2013, China was identified by ETIS report of TRAFFIC to CITES CoP16 as Primary Concern of illegal ivory trade. Then, China submitted a NIAP¹;
2. In 2015, according to the decision made in SC65 and based on the new template prepared by the Secretariat, China submitted a progress report on NIAP to SC66²;
3. In 2016, China submitted additional information on NIAP³. The NIAP was rated as Substantially Achieved by the Standing Committee at SC67. However, China was again identified by ETIS report to CoP17 as Primary Concern by TRAFFIC;
4. In 2017, the standing committee at SC69 agreed to consider China quitting NIAP;
5. In 2018, according to consensus in CoP17 that the names of category in the ETIS report (i.e. Primary Concern, Secondary Concern, and Important to Watch) may lead to a misinterpretation by media and thus a negative global image of the affected Parties, SC70 agreed to change the category names into neutral ones respectively: Category A, Category B, and Category C;
6. In 2018, SC70 agreed to change the Annex 3 of Res. Conf. 10.10 (Rev. CoP17) that not to be identified by ETIS report is no longer a prerequisite for quitting NIAP;
7. In 2018, the standing committee at SC70 agreed that China quits NIAP⁴;
8. In 2019, the ETIS report provided to CoP18 identified China as Category B of illegal ivory trade. According to the Annex 3 of Res. Conf. 10.10 (Rev. CoP17), Category B is neither defaulted to be enrolled in NIAP nor defaulted not to be enrolled;
9. In 2019, the Secretariat contacted China via email for additional information so as

¹ https://cites.org/sites/default/files/eng/com/sc/65/E-SC65-42-02_1.pdf

² <https://cites.org/sites/default/files/eng/com/sc/66/E-SC66-29-Annex3.pdf>

³ <https://cites.org/sites/default/files/eng/com/sc/67/E-SC67-13-A2.pdf>

⁴ <https://cites.org/sites/default/files/notif/E-Notif-2019-010.pdf>

to finalize a recommendation whether China should be enrolled in NIAP.

On ETIS Report to CoP18

10. According to the suggestion by the Secretariat in the communication, additional information used to facilitate the Secretariat's recommendation to the Standing Committee on whether China, identified as Category B, should be included in NIAP process. The suggestion also mentioned that additional information should focus on ETIS report to CoP18 and be concise as within 5 pages. Annex could be added for corroborating evidence;

11. Territorial integrity and sovereignty

11.1 Hong Kong Special Administrative Region (HKSAR), Macau Special Administrative Region (MSAR), and Taiwan Province are integral parts of the People's Republic of China. Any trade amongst mainland China, HKSAR, MSAR, Taiwan therefore constitutes domestic trade. We urge such trade data be deleted from ETIS report because it gives the misleading impression that CITES has domestic jurisdiction.

11.2 The cluster analysis of ETIS report treating HKSAR, MSAR and Taiwan as if they were the independent Parties is a clear violation of territorial integrity and sovereignty of the People's Republic of China and cannot be tolerated.

12. CITES jurisdiction

12.1 ETIS is established in Res. Conf. 10.10(Rev. CoP17) of the Convention of International Trade in Endangered Species of Fauna and Flora, the Annex I of which clearly indicates that ETIS should be concerned with international trade on a global basis. Furthermore, both the data format and the methodology of ETIS clearly indicate that ETIS should focus solely on international seizures. Including domestic seizures in ETIS report confuses and blurs the role and jurisdiction of CITES.

12.2 In the last sentence of the annex document to China for additional information sent by the Secretariat, ETIS report erroneously concluded that China, a Category B, should be included in NIAPs, as it is a violation to Annex 3 of Res. Conf. 10.10(Rev. CoP17). It is surprising that the authors of the ETIS report are unaware that that such a

recommendation can only be made by the Secretariat to the Standing Committee, according to Annex 3 of Res. Conf. 10.10(Rev. CoP17). Such conduct should not even be done by the Parties, let alone an organization without authorization to do so. We hereby seriously urge the Secretariat to re-consider the real intention of both the Secretariat and the author(s) of ETIS report.

12.3 The ETIS report cites the alleged report of seizures by Forestry Public Security Police and other agencies in China as a proof that CITES China MA is under-reporting. We strongly condemn this irresponsible statement. According to China's law, seizures by Forestry Public Security Police are *domestic* ones, rather than international. China cannot accept anyone or any organization questioning its own legal system, legal integrity and legal sovereignty. An NGO might not be obligated to be responsible for what it has done to a party, but the Secretariat is.

13. Ethnic profiling

The Chinese government asks its citizens overseas to abide by local laws and regulations and will never shield those who violate laws. However, the ETIS report refers to African-based expatriate Chinese as "Chinese-led criminal syndicates". Such race-based slander is to be condemned in the strongest terms. All expatriates are subject to relevant national and local laws in the jurisdiction where they stay, and Chinese are no different. We are sad to note that the authors of the ETIS report extrapolated the criminal conducts of some individuals to the entire nation.

14. Use of unvalidated data

14.1 It is highly regrettable that CITES uses unverified and scurrilous NGO reports as the foundation for its work. When CITES does this, it not only facilitates NGOs who deliberately set out to promote their personal agendas by exploiting the goodwill of the Parties, it also weakens the very foundation of CITES.

14.2 Having reviewed the ETIS data-set of China, we confirm it a fact that the ETIS report has included a large amount of unverified data with the sources from NGOs. We are notifying those who are responsible for writing and approving ETIS reports and

other similar reports which have not been subject to academic-level review that such reports will not be deemed as valid. Targeting at China, the ETIS report relies almost exclusively on reports by NGOs. As noted above, this over-reliance on unverified data raises serious concerns concerning the integrity of ETIS reports as a whole.

14.3 According to Chinese law concerning foreign NGOs' activities within China, any research activities by foreign NGOs having not formally established their China offices must be registered as temporary activities with the Ministry of Public Security of China. The authors of such NGO reports, if without Chinese citizenship, may take a tourism visa or transit visa to China without any permits for their research activities. It is astonishing that illegally-collected data is used as a source for CITES working document.

14.4 China has long promoted that all international seizure data should be put in a website which opens access to the Management Authorities of the Parties to facilitate the transparency of ETIS report.

Post-SC70 Developments

15. China CITES MA submitted to SC70 a detailed review of all the details concerning NIAP process in China⁵, according to which the Standing Committee concluded that China quit NIAP process. The post-SC70 developments in China are as following;

16. The Chinese government has put in place a regulation on international ivory trade stricter than CITES⁶. From 2015, China banned the import of trophy ivory and souvenir ivory carving which were permitted by CITES at the moment. China also banned the import of pre-Convention ivory and its products regardless of their age which were exempted by CITES at the moment. Since SC70, all the relevant government agencies in charge of the international trade in wildlife have been making full use of the advantage of inter-agency mechanism to make sure 100% implementation of China's ban on all sorts of international ivory trade.

⁵ <https://cites.org/sites/default/files/eng/com/sc/70/E-SC70-27-04-A7.pdf>

⁶ <https://cites.org/sites/default/files/notif/E-Notif-2016-034.pdf>

17. The Chinese government has put in place the arguably strictest domestic ban on ivory in the world. In March 2017, some ivory manufacturers and retailing shops were closed. The rest of them had all been closed before 31st December 2017. Since SC70, all the relevant government agencies in charge of the domestic trade in wildlife have been making full use of the advantage of inter-agency mechanism to make sure 100% implementation of China's domestic ban on ivory processing and sales for commercial purpose;

18. In January 2019, The Law of E-Commerce of China came into effect. It facilitates to combat the illegal wildlife trade through internet, including illegal ivory trade;

19. In January 2019, China Customs, in cooperation with China Wildlife Conservation Association, CITES China Management Authority, WWF, and WildAid, released a video clip for warning Chinese in Africa and Chinese tourists not to be involved in illegal ivory trade during their travelling abroad;

20. In 2019, a specialized operation targeting illegal ivory trade is deployed by China Customs. Through international cooperation and information sharing, the law enforcement officials made a series of arrests and seizures;

21. In 2019, China CITES Management Authority continued to carry on visits to African countries with wild elephant population to educate the Chinese citizens working or living there about the law of wildlife conservation;

22. In 2019, China CITES Management Authority continues to invite CITES officials from African countries to attend training seminars in China on capacity building for wildlife trade control.

Conclusions

23. The Chinese government has always attached great importance to wildlife conservation and has put in place international measures stricter than CITES and the world's strictest domestic ban on ivory;

24. China has substantially achieved NIAP and some targeted measures are followed up. Through international cooperation, China is contributing to the global elephant conservation agenda and setting a good example;

25. China should not be included in NIAP. The efforts made by China, have been achieving success, which was concluded by SC70 in October of 2018 excluding China from the NIAP process. If China is included in NIAP again, did SC70 make a wrong decision? Or is China different from the one it was 4 months ago?