



Resolution on the implementation of China's New Wildlife Protection laws in Yunnan

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Background:

China is a global biodiversity hotspot, with southern provinces like Yunnan holding over [50% of China's native biodiversity](#)¹, and other southern provinces also holding a considerable portion of China's diversity. However, recent years have seen marked reductions in the region's biodiversity with a loss of up to 50% of China's vertebrate populations. Rapid action is needed to halt and reverse this trend and protect threatened biodiversity.

The problem:

Yunnan and Guangxi Provinces share borders with four countries, with linkages to two further countries via the Mekong. These provinces are major consumers of wildlife parts and products, many of which flow across these borders illegally. For example, 80% of Rosewood in Kunming is imported illegally². Wildlife markets, including in Boten, the Golden Triangle Special Economic Zone in Lao PDR and Mongla in Myanmar are close to China's international borders. All wildlife markets operate in Chinese currency and depend predominantly on continuing or increasing demand from Chinese consumers of wildlife parts and products such as rhino horn and ivory, tiger bone, Asian elephant skin, pangolin scales, and wildlife parts and products. Wildlife restaurants fringing the Vietnam border are similarly dependent on Chinese demand in addition to that from Vietnam, and these border markets help sustain a thriving illegal wildlife trade.

¹ Yang, Y., Tian, K., Hao, J., Pei, S., & Yang, Y. (2004). Biodiversity and biodiversity conservation in Yunnan, China. *Biodiversity and Conservation*, 13(4), 813-826.

² Wenbin, H., & Xiufang, S. (2013). Tropical hardwood flows in China: case studies of rosewood and okoume. *Forest Trends*, 1.



Recognizing that:

The Yunnan Forest Police has undertaken commendable wildlife crime law enforcement efforts and such efforts should be strengthened through improvements in capacity training for customs officials and legislation and policy and a stronger criminal justice response to address wildlife trafficking.

There is a pivotal leadership role for China in monitoring border areas and along the Mekong River to detect and to suppress illegal trade coming across its borders, since countries neighbouring China often lack sufficient law enforcement staff and resources to deal with cross-border illegal trade. Ideally, this role should involve cooperating with law enforcement in neighbouring countries to investigate, to prosecute and to seize the illegal possession of wildlife products of members of transnational criminal networks, including those of Chinese nationals and businesses involved in the illegal wildlife trade within those countries. Finally, alerting and educating Chinese nationals, especially those living in and travelling to neighbouring countries not to buy or traffic illegal wildlife is required. To protect regional biodiversity, both within China directly, and elsewhere in Tropical Southeast Asia, better controls are needed to preserve wild populations and to prevent trafficking of animals and plants including species listed in CITES appendices, and the species which have recently been described and are still awaiting Red List assessment.

China's increasing awareness of the importance of biodiversity is evident through the recent passing of the updated China's Wildlife Protection Law (WPL 2016), the development and implementation of "Ecological redlines" in major cities and the mainstreaming of the concept of "Ecological civilization". With the strengthening of China's wildlife protection laws and the introduction of policies forbidding the consumption of specimens of protected wild animal species in 2014, many laws to safeguard biodiversity already exist. However, legal utilization of wildlife parts and products under current laws, [including of captive bred specimens, remains a concern because this provides an avenue for laundering illegally-sourced wildlife and stimulates demand for wildlife](#) products. Stronger actions are needed to address legal loopholes and to implement and enforce existing laws with a view to secure the future for transboundary regional biodiversity. Furthermore, with the Belt and Road initiatives connecting economies across the region, there is a need for parallel actions to ensure that these economic networks do not facilitate the trade of wildlife across the region.

China has already shown global leadership through the National Ivory Action Plan, terminating all its domestic ivory market by 2017, supporting the upgrading of pangolins to CITES Appendix I, and the redrafting of the WPLs. The next critical step is for China to ensure the effective implementation of the new WPLs and to become a regional leader in effectively dealing with the illegal trade of wildlife.



ATBC recommends that:

1) **China's 1989 Key Protected Wild Animal Species List be updated**; thus, we propose that a committee convenes annually under the auspices of the State Council and Ministry of Agriculture (MoA), and in consultation with relevant experts and civil society organisations, to update taxonomy, review the species listed, and reclassify species where appropriate. Domestic trade in tigers and other Asian big cats, elephants, rhinos, pangolins, and other species listed on CITES Appendix I should not be allowed and should be excluded from the utilisation list under the new WPL in accordance with CITES agreements. A list of species that have a “no utilisation status” should be adopted, which should include CITES Appendix I-listed species. Seized items of such species should be routinely inventoried and destroyed when no longer required for enforcement, prosecution, education and other non-commercial purposes. Likewise, the key protection plants list should be reviewed annually by a qualified committee.

2) **Ban commercial trade in wildlife and wildlife products, including wild meat across China's land borders.** Except under the control and express permission of the SFA, MoA and State Council and in accordance with CITES, any such products should be confiscated and those in possession sanctioned. Confiscated parts and products of wildlife species listed under CITES should be inventoried and destroyed when no longer required for enforcement, prosecution, education and other non-commercial purposes.

3) **Closely monitor borders** with known markets and trafficking along the Mekong River with the assistance of China's border agencies using all available surveillance methods, and the movement of people across these borders to and from such markets closely scrutinized. China's enforcement agencies, including financial intelligence units, should work closely with counterparts in Lao PDR, Myanmar, Vietnam and Thailand, and also with appropriate international organisations (*i.e.*, ASEAN-WEN, Interpol, WCO, Wildlife Enforcement Network; UNODCs border liaison office program and PATROL), to close markets and businesses selling illegal wildlife; to intercept consignments of illegal wildlife; to investigate, arrest, and prosecute offenders implicated in wildlife trafficking; and to seize the proceeds of wildlife crime.

4) **Discourage the granting of official permission for the sale of parts and products of wildlife species** listed on CITES Appendix I and other CITES species threatened by illegal trade, whether sourced from captive or wild animals. Sale of such items should not be authorized in accordance with China's stated commitment to reducing trade in wildlife and wildlife products. Appendix II species should be carefully considered by responsible authorities to ensure trade is sustainable and does not endanger wild populations.

5) **Inform and publicize the role of relevant enforcement agencies** so citizens know how to report wildlife crime anonymously, including the use of existing national or provincial wildlife crime hotlines, or creation of new hotlines, and other easy mechanisms to anonymously report wildlife crime.



- 6) **Provide training to local enforcement agencies** to enable them to act effectively in combatting cross-border and domestic wildlife crime.
 - 7) **Government, donors and civil society organisations cooperate to educate the public against the use of wildlife products** and highlight the impact on species and populations.
 - 8) **Strengthen China's Wildlife Protection Law item 29 to prevent the farming of endangered species** including species listed on CITES Appendix I, and discourage the use of such species for food, medicine, home-décor, ornaments or other commercial purposes.
 - 9) **Encourage the SFA and Forest Police and other relevant agencies to work on the needed mechanisms to enforce the new Wildlife Protection Law** and to communicate key aspects of the law widely to ensure compliance.
 - 10) **Encourage the Chinese Government to implement the previously announced ban on domestic trade in ivory, and prohibit all trade in parts and products of species listed as Appendix I**, or regarded as endangered or declining in the wild.
 - 11) **Provide means for the repatriation and release of live captured native wildlife** through collaborative efforts with neighbouring countries, **and the destruction of seized wildlife parts**.
 - 12) **Enforce the law by confiscating guns**, as both the ownership and use of guns is already illegal.
 - 13) **Apply "Wildlife friendly skies" at all airports, through the careful screening of all transported goods and more rigorous customs procedures**. Encourage transport and logistic companies to adopt the United for Wildlife Transport Task Force Buckingham Palace Declaration.
 - 14) **Support the implementation of intelligence-driven field enforcement, including SMART patrolling**, particularly in the Xishuangbanna Nature Reserve and other transboundary reserves, China's demonstration site for Monitoring the Illegal Killing of Elephants (MIKE), and known wildlife poaching and trafficking hotspots inside and outside of protected areas.
 - 15) **Facilitate the further development of transboundary cooperation to enable coordinated forest management between agencies** on both sides of transboundary regions, and make use of mutual legal assistance provisions under the UN Convention on Transnational Organised Crime to conduct counter wildlife trafficking operations along borders with neighbouring countries and along the Mekong River.
 - 16) **Share information and prevent transboundary illegal wildlife trade**, and develop shared databases to monitor and report such trade, such as through ASEAN WEN and SAWEN networks.
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17) Use **CITES listings and IUCN Red List status as a basis for the use of appropriate sanctions for** species detected in trade that are not native to China, with seized live individuals returned to responsible authorities in their native range states.

If the above-mentioned initiatives can be implemented and integrated into existing wildlife protection practices, this should lead to better protection of regional biodiversity and help China take the lead in tackling wildlife trade in the region.