China’s domestic implementation of CITES and its international implications - A Case Study in the Context of Preventing Pandemics

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COVID-19 has sparked various discussions and reflections in the world on the huge public health risks associated with the commercial use and international trade of wildlife.
Outline

- Background
- China’s Implementation of CITES
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- International Implications of China’s Ban
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Background

China's vast and diverse landscape is home to a profound variety and abundance of wildlife. As one of 17 mega-diverse countries in the world, China has 7,516 species of vertebrates, including 4,936 fish, 1,269 bird, 562 mammal, 403 reptile and 346 amphibian species. In terms of the number of species, China ranks third in the world in mammals, eighth in birds, seventh in reptiles and seventh in amphibians.
Background

Many species of animals are endemic to China, including the country's most famous wildlife species, the giant panda. In all, about one-sixth of mammal species and two-thirds of amphibian species in China are endemic to the country. China, as many other countries, has a 2000+ years’ history of sustainable use of wildlife, especially for local communities.
Background

China acceded to the CITES in 1981 as its 63rd Party – CITES is the very first MEAS that China ever joined. The establishment of authorities to implement CITES, adoption of legislation to protect wild animals and plants, research and monitoring of trade in endangered species and international cooperation in wildlife trade control are observable achievements in CITES implementation in China.
China’s Implementation of CITES

Main Legislations

- Wildlife Protection Law
- Customs Law
- Criminal Law
- Foreign Trade Law
- Regulations on the Conservation of Wild Flora
- Regulations on the Importation and Exportation of Endangered Species of Wild Fauna and Flora

- April 24, 2014, The Standing Committee of NPC adopted a Legislative Interpretation on Article 341 of the Criminal Law
- August 12, 2014, the Supreme People’s Court and Supreme People's Procuratorate jointly issued a Judicial Interpretation on the Sentencing Criterion of Smuggling Case
China’s Implementation of CITES

State or Local Protected Wildlife

- The wildlife under state special protection consists of two classes (1 & 2). Lists of animals under special state protection were drawn up in 1989 and were once amended in 2004;

- Wildlife listed in Appendices of CITES is equal to the wildlife under state special protection in management and enforcement. A I = China’s Class 1, and A II = China’s Class 2;

- A list of terrestrial animals under state protection (3 values), which are of important ecological, scientific or social values is promulgated in 2000.
China’s Implementation of CITES

Institutional Arrangement

- Management Authority (CITES MA): The Endangered Species of Wild Fauna and Flora Import & Export Management Office of PRC, 170 full time staff with 14 branch offices.
- Scientific Authority (CITES SA) : Endangered Species Scientific Commission (ESSC)
- NICECG : National Inter-Agencies CITES Enforcement Coordination Group consisting of 9 relevant authorities of Forestry, Agriculture, Public Security, Customs, Industry and Commerce, and Quality Supervision and Inspection and Quarantine as well as Coast Guard, and even Post and Tourism
- NICECG 2.0: Inter-ministerial Joint Meeting on Combating Illegal Wildlife Trade (Nov. 2016), 25 ministries and agencies
Regulation of Legal Trade

CITES Species

- Applicant (application materials)
- Provincial Agricultural / Fishery authority (aquatic fauna)
- Ministry of Agriculture
- Endangered Species Scientific Commission, P.R.C
- review
- approval
- Provincial Forestry Authority (terrestrial fauna)
- State Forestry Administration
- related State CITES MA
- Branch Office of CCMA (issuing)
- confirmation
- Customs (inspection & clearance)

Regulation of Legal Trade
Non-CITES Species

- Applicant (application materials)
- Provincial Agricultural / Fishery authority (aquatic fauna) (in charge of the approval of national II grade)
- Ministry of Agriculture (in charge of the approval of national I grade)
- Provincial Forestry Authority (terrestrial fauna) (in charge of the approval of national II grade)
- State Forestry Administration (in charge of the approval of national I grade)
- Chinese CITES MA (approval)
- Branch Office of CCMA (issuing / approval)
- Customs (inspection & clearance)
Combating Illegal Trade: NICECG 1.0 & 2.0

- National Inter-Agencies CITES Enforcement Coordination Group
- Inter-ministerial Joint Meeting on Combating Illegal Wildlife Trade
China’s Implementation of CITES

Progress

- Special Crackdown Operations
China’s Implementation of CITES

Progress

- Capacity Building
China’s Implementation of CITES

Progress

☐ Awareness Raising
China’s Implementation of CITES

Progress

- International Cooperation
China’s Implementation of CITES

Progress

- International Operations of Law Enforcement
China’s Prompt Responses to COVID-19

On January 26th, the State Administration of Market Regulation, Ministry of Agricultural and Rural Affairs and the State Forestry and Grassland Administration (SFGA) temporarily banned the trade of wildlife following the viral outbreak.

- Any form of wildlife trade will be strictly prohibited on all kinds of platforms including marketplaces, supermarkets, dining places and e-commerce sites.

- All sites raising wildlife shall be quarantined and forbidden for transportation and selling of wildlife.

- Any businesses and operators breaching the ban shall be shut down. And if the violations are serious enough, the suspects shall be handed over to police for criminal investigation.
China’s Prompt Reponses to COVID-19

On February 24th, the Standing Committee of the National People’s Congress adopted the **Decision to Comprehensively Prohibit the Illegal Trade of Wildlife, Eliminate the Bad Habits of Wildlife Consumption, and Effectively Protect the Health and Safety of the People**.

- **Black list**: The food consumption of terrestrial wildlife, including terrestrial wildlife bred or raised in captivity, shall be prohibited. Aquatic wildlife not included in state list shall be exceptional.

- **White List**: The animals included in the *List of Livestock and Poultry Genetic Resources* and are edible.

- The **quarantine** provisions shall be strictly implemented for the management and utilization of wildlife for non-food purposes.
China’s Prompt Responses to COVID-19

Afterwards, 14 provincial parliaments passed their own bans on wildlife consumption and stricter regulations on wildlife trading.

Internationally, on March 5th, 2020, at the request of China, the CITES Secretariat published a Notification on China’s urgent measures regarding wildlife trade regulation.
China’s Prompt Reponses to COVID-19

On February 27th, the SFGA issued rules implementing the Decision which

- Strictly crack down on wildlife hunting, illegal trading and other activities, and resolutely ban illegal wildlife markets

- Comprehensively rectify the companies for artificial breeding, operation and utilization of wildlife, and withdraw and cancel all issued licenses and permits according to laws

- All applications for hunting, operating wildlife and other activities for the purpose of eating shall be halted, and the approval of non-edible use of wildlife (such as research, medicine and exhibition) shall be strictly regulated.
China’s Prompt Responses to COVID-19

The Ban Decision “is a big step in the right direction.” (WCS)

- In light of precautionary principle, the concept of public health will be emphasized in the process of amending *Wildlife Protection law* and of enacting of the new *Biosecurity Law*.

- The breeding, management and utilization of wildlife for food purposes will be strictly banned and punished.

- The regulation of legal trade of wildlife and relevant quarantine will be more stringent, detailed, and operational.
Implications of China’s Ban

*Domestic Implications*

- Unemployment of 14 million farmer for wildlife-farming Industry
- Huge economic loss (at least $7.1 bn) for shutdown of sites
- Ecological and healthy RISKS arising from the final disposal of existing animals
  - Return to the nature (disruption, more pathogens)
  - Transfer to other legal non-consumption uses (grey space)
  - Rescue stations (insufficient capacity)
  - No harmful treatment (kill)
Implications of China’s Ban

*International Implications*

- “Worldwide governments face a dilemma here:
  - If you ban trade, you risk pushing it underground, where those dangerous conditions are likely to be prevalent - and realistically it's just a matter of time before the next zoonotic disease risk emerges.
  - If you manage legal trade properly, the risk of disease emergence should be mitigated but it needs to be thoroughly monitored and regulated.”
  ——Richard Thomas, a spokesman for TRAFFIC

*Ban has more advantages:*

- Lower public health risks in countries with high population density
- change of behaviors of general public (no consumption)
- smaller size and exposure of “underground” market
Implications of China’s Ban

International Implications

- Other countries:
  - **Follow China to ban wildlife trade**  Eg. In March, Vietnam’s Prime Minister instructed the Ministry of Agriculture and Rural Development to draft a directive banning domestic wildlife trade and consumption.
  - Importing developed countries who have more resources and capacity to address wildlife trade, shall be more accountable for their roles in driving the destructive trade in the first place.

- **Business as usual:** The response from other countries in Asia and in Africa and South America is less encouraging, but they also engage in commercial-scale wildlife trade and ship animals and their parts, legally and illegally, to Asia and other international destinations.
Implications of China’s Ban

International Implications

- Challenges
  - It may stimulate wildlife traders from importation countries to seek alternative destinations like Africa, Southeast Asia and south America where wildlife trade regulations may be less stringent than China.
  
  - Such a ban is likely to push the trade underground, and potential increase of ILLEGAL wildlife trade within and among the countries in the supply chain.
  
  - It is urgent time for the all the parties in general, their enforcement agencies in particular jointly to check against laundering, and to disrupt the supply of illegal products entering one party from other parties.
More consensus.

More countries and organizations shall reach more consensus on strategies and joint responses and action plans.

More comprehensive solutions.

By identifying the specific causes, trends and damages of wildlife trafficking, countries should take more comprehensive actions jointly on the whole process of the trade chain, from poaching, trafficking and transfer to illegal processing and sales.

More coordinated actions.

Under the leadership of CITES, importing (transit) and exporting countries, international organizations, regional institutions and NGOs shall strengthen effective coordination of efforts to make concerted progress in combating the illegal trade of wildlife.

concerted progress in combating the illegal trade of wildlife.
Thanks! Comments?
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