



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

Ref: 2018-ELH-004

March 28, 2018

To:

Mr. Elaine Kendall
Head of International Species Conservation
Department for Environment, Food and Rural Affairs
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Sub: Questionnaire in implementation 9.14

Dear Mr. Elaine Kendall

Thanks for your letter about the questionnaire of implementation of Conf Res 9.14.

As mentioned in your letter that in the page 4 of sum document 4 of 69th standing committee, the rhino working group should “evaluate Parties’ implementation of Resolution Conf. 9.14 (Rev. CoP17) and measures to prevent and combat rhinoceroses poaching and trafficking in rhinoceros horn, taking into consideration the recommendations in CoP17 Doc.68 Annex 5 and, focusing particularly on **six countries identified for priority attention** as presented in that report, make any recommendations as appropriate”.

However in CoP17 Doc.68 Annex 5, page 19, the priority countries for attention are mentioned as follow: “Despite some progress, it is appropriate that South Africa, Mozambique, Viet Nam and Zimbabwe remain countries for priority attention by the CITES Rhino Working Group (RWG). Parties should consider adding Namibia to this list because of the recent escalation of rhino poaching. **Parties should also consider adding China to the list of CITES RWG countries of priority concern**, because evidence has now established a significant market for rhino horn.”

Hence in page 2 of SC69 Doc. 60, The Secretariat stated “Decision 17.140 directs the Standing Committee to evaluate Parties’ implementation of

Resolution Conf. 9.14 (Rev. CoP17), and the measures implemented to prevent and combat rhinoceroses poaching and trafficking in rhinoceros horn, with a particular focus on Parties identified for priority attention in Annex 5 to document CoP17 Doc.68 on Rhinoceroses (Rhinocerotidae spp.). **This document identifies Mozambique, South Africa, Viet Nam and Zimbabwe as Parties for priority attention.** The Secretariat in the present document limits its reporting to **these four Parties**".

Therefore, we consider it's very clearly that China are obviously not a CITES RWG countries of priority concern until Conference of parties have decided to add China to the list of CITES RWG countries of priority concern. And until now, we can't find any decision made by the CoP to add China as RWG countries of priority concern or to authorize the standing committee to decide which party should be list as priority concern. Then there are only 4 countries identified for priority attention. And the description as "six countries identified for priority attention" in the mandate of the working group authorized by the standing committee are beyond the power of standing committee.

China pay high attention to the rhino protection and law enforcement of illegal trade of rhino horns. All trade and utilize of rhino horn in China have been ban since 1993. Rhino horn are consider as most priority in all law enforcement activities in combating illegal trade of wildlife national and international. Therefore, we are willing to provide more relevant information than the report we have submitted base on the questionnaire prepared by the working group as a party who are delight to implement the Conf 9.14 and always insist on combating trafficking of rhino horns. Furthermore, we are now also preparing a more comprehensive report to review our effect on implementation of Conf 9.14.

Please accept the assurances of my highest consideration.

Mr. Dr. Meng Xianlin



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**Questionnaire on the implementation of Resolution Conf. 9.14 (Rev. CoP17) and
measures to prevent and combat rhinoceroses poaching and trafficking in rhinoceros horn**

Please provide as much information as possible in answer to the questions below. Where specified within the questions, please report on any actions taken since the 17th meeting of the Conference of the Parties (CoP17, Johannesburg, 2016). In all other questions, information requested is not time bound.

Country	China
Function of agency completing this questionnaire	China CITES Management Authority
Contact details of agency/agencies completing this questionnaire	The Endangered Species Import and Export Management Office of the P. R. China State Forestry Administration No.18, Hepingli Dongjie Beijing, 100714 P.R. China Tel: +8610 84239004 Fax: +8610 84238894
Contact person (name, email, job title, function)	Ms. Xiao Hong, Division Chief, Law Enforcement Division, E-mail: xiaohong66@sina.com

Question 1.	INVESTIGATIONS, (Please do NOT provide any nominal or other sensitive information that might jeopardise or impede ongoing or future investigations or prosecutions)
1.1.	Has your country developed and implemented any law enforcement strategies to combat, as applicable, rhinoceros poaching and illegal trade in rhinoceros horn? <i>Yes / No</i>

	<p>YES</p> <p>If 'yes', please provide details of such law enforcement strategies and associated activities conducted.</p> <p>China developed and implemented its law enforcement strategies to combat all illegal trade of wildlife including the rhino horn.</p> <p>If 'no', please indicate the reason why such strategies have not been considered, and if the development and implementation of such strategies is expected in future.</p>
1.2.	<p>Has your country adopted legislation or drawn upon existing legislation to facilitate the use of specialized investigation techniques such as controlled deliveries and covert investigations, where appropriate, in support of conventional investigation techniques, in particular for offences related to the illegal killing of rhinoceroses and the trafficking of rhinoceros horns?</p> <p><i>Yes / No</i></p> <p>YES</p> <p>If 'yes', please provide details below of:</p> <ul style="list-style-type: none"> i. titles: ii. date of enactment ; iii. provisions of such legislation; iv. examples where such legislation has been utilised.

Specialized investigation techniques such as controlled deliveries and covert investigations were widely used to detect the illegal trade of wildlife including rhino by our customs and forest police. These techniques are supported by our criminal law and Criminal Procedure Law. e.g. The Article 151 of the Criminal Procedure Law of the People's Republic of China, last amended in 2012, officially endorses the use of concealed investigation and controlled delivery when probing into cases of narcotics and other contrabands, including wildlife and its products.

If 'no', please outline below any barriers or obstacles there may be in adopting such legislation, and any support that might be needed to overcome them.

1.3	<p>Has your country used any other legislative tools and regulations, such as anti-money laundering and asset forfeiture legislation, in support of wildlife legislation, to address rhinoceros poaching and illegal trade in rhinoceros horn and other parts or derivatives, as applicable to your country?</p> <p><i>Yes / No</i></p> <p>YES</p> <p>If ‘yes’, please provide details below of the titles, date of enactment and provisions of such legislation, as well as examples where such legislation has been utilised.</p> <p>We have Anti-money laundering law, criminal law and wildlife protection law together to support us to take such activities.</p> <p>If ‘no’, please outline below any barriers or obstacles there may be in adopting or applying such legislation, and any support that might be needed to overcome them.</p>
1.4	<p>Has your country shared information and cooperated with other source, transit or destination countries, or international law enforcement organizations, and was any mechanisms such as those provided for in the United Nations Convention against Transnational Organized Crime (UNTOC) and the United Nations Convention Against Corruption (UNCAC) mobilized to address individuals or groups suspected of involvement in rhinoceros poaching or the illegal trade in rhinoceros parts and derivatives, including conducting cross-border investigations?</p> <p><i>Yes / No</i></p>

	<p>YES</p> <p>If ‘yes’, please provide outline below details of such operations and their outcomes.</p> <p>China organized and participant in many international operations targeting illegal wildlife trade, for instance, the Operation Cobra I (2013), Operation Cobra II (2014) , Operation Cobra III(2015), the operation Thunderbird (2017) and the operation Spring Thunder by Interpol(2018) ect..</p> <p>China also works closely with its counterparts in other countries in regard to enforcement via MOU (Kenya, Vietnam, Laos, South Africa, Indonesia etc.), bilateral (Thailand, Japan, Sri Lanka, Nepal etc.), trilateral (China, Vietnam, Laos; China, India, Nepal etc.), and multilateral mechanism (ASEAN, Greater Mekong Region). Under these cooperation, China can exchange the information with transport countries, for instance, Vietnam and Laos and also with source countries, for instance South Africa and Nepal in combating illegal trade of rhino.</p> <p>If ‘no’, please outline below any barriers or obstacles your country may have encountered in encouraging further information sharing and cooperation with other countries, and as any support that might be needed to overcome them.</p>
Question 2.	LEGISLATION
2.1	<p>Has your country enacted and implemented comprehensive legislation and enforcement controls, including internal trade restrictions and penalties aimed at reducing illegal trade in rhinoceros parts and derivatives, and including any specimen that appears from an accompanying document, the packaging, a mark or label, or any from any other circumstances, to be a rhinoceros part or derivative?</p> <p><i>Yes / No</i></p>

YES

If 'yes', please elaborate below on enforcement controls implemented and the titles, date of enactment and provisions of such legislation, **penalties (can fines, custodial sentences, and asset forfeiture, as appropriate, be imposed, as well as any exemptions that might apply)**. If such legislation is publicly available, please provide a copy of such legislation as an attachment or indicate how it can be accessed by providing a web link or reference.

China has enacted and implemented comprehensive legislation and enforcement controls, including internal trade restrictions and penalties aimed at reducing illegal trade in rhinoceros parts and derivatives

For instance, in article 151 of our Criminal Law: "The smuggling of precious and rare species of wildlife as well as the products thereof shall be sentenced to fixed- term imprisonment between 5-10 years, with concomitant fine; if the circumstances are especially serious, shall be sentenced to imprisonment of over 10 years up to life sentence, with concomitant confiscation of property; shall be sentenced to fixed term imprisonment no more than five years with concomitant fine if the circumstances are minor. "

And in article 341 of our criminal law: "Whoever illegally catches or kills precious and endangered species of wildlife under special State protection or illegally purchases, transports or sells such species of wildlife as well as the products thereof shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years and shall also be fined or be sentenced to confiscation of property."

If 'no', please explain what measures have been implemented, and any support that might be needed to put in place such comprehensive legislation and enforcement controls.

2.2	<p>Has your country enacted legislation that prohibits possession of rhinoceros parts and derivatives acquired in violation of the Convention?</p> <p>Yes</p> <p><i>Yes / No</i></p> <p>If 'yes', please provide details below of the titles, date of enactment and provisions of such legislation, including penalties (fines, custodial sentences, and asset forfeiture) that can be imposed, as well as any exemptions that might apply. If such legislation is publicly available, please provide a copy of such legislation as an attachment or indicate how it can be accessed by providing a web link or reference.</p> <p>We have the criminal law; wildlife protection law and the regulation of import and export of endanger species to prohibit possession of rhinoceros parts and derivatives acquired in violation of the Convention.</p> <p>Furthermore, We have a more strict regulation in rhino horn than CITES, The state Council of China has published Notification (No. 1993/39) to prohibit any trade or use of the rhino horn.</p> <p>If 'no', please explain below how possession and utilization of rhinoceros parts and derivatives is regulated in your country.</p>

Question 3.	PROSECUTIONS
3.1.	<p>Please provide details of prosecutions that have been initiated in your country <i>since October 2016</i> related to the illegal killing of rhinoceroses or illegal possession of and trade in rhinoceros horns, including dates, quantities and types of specimens involved, outcomes (successful or not), penalties imposed, prosecution rates, etc.</p> <p>NA</p>
3.2	<p>If any measures have been implemented in your country that contributed to an increase in the number of successful prosecutions concerning the illegal killing of rhinoceroses or illegal possession of and trade in rhinoceros horns, please share information about these measures.</p> <p>In 2014, Supreme People’s Court and Supreme People's Procuratorate of China published “the explanation about law applied to criminal case of wildlife resources.” Which could effective increase the number of successful prosecutions</p>
3.3	<p>Please outline below any barriers or obstacles there may be in securing successful prosecutions or deterrent penalties in your country concerning the illegal killing of rhinoceroses or illegal possession of and trade in rhinoceros horns, and any support that might be needed to overcome them.</p> <p>NA</p>
Question 4.	DNA FORENSICS
4.1.	<p>Does your country routinely collect samples from rhinoceros parts and derivatives seized for forensic analysis?</p> <p><i>Yes / No</i></p> <p>YES</p>

	<p>Please provide information on any samples collected <i>since October 2016</i>. Kindly also provide information on the methodology by which sample collection takes place, the chain of custody of samples, whether the samples have been submitted for analysis and the feedback from analysis.</p> <p>Please outline below any barriers or obstacles there may be in developing and adopting policies that allows for routine collection of samples from rhinoceros parts and derivatives for forensic analysis, as well as any support that might be needed to overcome them.</p>
4.2.	<p>Has your country to date in any way used the <i>Form for collection and sharing of data on rhinoceros horn seizures and on samples for forensic analysis</i> provided in the Annex to Resolution Conf. 9.14 (Rev. CoP17) <i>Conservation of and trade in African and Asian rhinoceroses</i>, to collect and share information about seizures of rhinoceros specimens?</p> <p><i>Yes / No</i></p> <p>No</p> <p>If ‘yes’, please indicate whether you have communicated with the country of origin?</p> <p>If ‘no’, please outline below any barriers or obstacles encountered in using the Form, and any support that might be needed to overcome them.</p> <p>China have its own regulation for the seizure of rhino horn</p>
Question 5.	RHINO HORN STOCK MANAGEMENT
	Does your country have legislation, regulations or administrative measures in place to ensure that stocks of rhinoceros horn are identified,

5.1.	<p>marked, registered and secured, pursuant to Resolution Conf. 9.14 (Rev. CoP17) on <i>Conservation of and trade in African and Asian rhinoceroses</i>?</p> <p><i>Yes/No</i></p> <p>YES</p> <p>If 'yes', please provide details below of the provisions of the measures.</p> <p>If 'no', please outline below any barriers or obstacles encountered in providing these measures, and any support that might be needed to overcome them.</p>
5.2.	<p>Has your country declared these stocks to the Secretariat in accordance with the provisions of Resolution Conf. 9.14 (Rev. CoP17), paragraph 2. a)?</p> <p>No</p> <p><i>Yes/No</i></p> <p>If 'no', please outline below any barriers or obstacles encountered in providing these measures, and any support that might be needed to overcome them.</p>

5.3	<p>Has your country implemented national level measures for the management of imported rhinoceros trophies, including addressing the issue of alteration and transfer of such trophies, to ensure the rhinoceros horns acquired as legal hunting trophies remain in lawful possession pursuant to Resolution Conf. 9.14 (Rev. CoP17) on <i>Conservation of and trade in African and Asian rhinoceroses</i>?</p> <p>YES</p> <p>If ‘yes’, please provide details below of the provisions of the measures and describe successes and/or challenges of their implementation.</p> <p>The wildlife protection law ensure the rhinoceros horns acquired as legal hunting trophies remain in lawful possession pursuant to Resolution Conf. 9.14</p> <p>If ‘no’, please outline any barriers or obstacles encountered in providing these measures, and any support that might be needed to overcome them.</p>



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

Ref: 2018-ELH-009

June 26th, 2018

To:

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Sub: The Implementation and law enforcement report of rhino in China

Dear Mr. David Morgan

First of all, I would like to extend my gratitude for your continuous support to the implementation of CITES in China.

Rhinoceroses remain a priority species by CITES and international community for a long time. China pay high attention to the rhino protection and law enforcement of illegal trade of rhino horns. All trade and utilize of rhino horn in China have been ban since 1993. Rhino horn are consider as most priority in all law enforcement activities in combating illegal trade of wildlife national and international.

The standing committee in its 69th meeting, request the rhino working group to evaluate Parties implementation of Resolution Conf. 9.14 (Rev. CoP17) focusing particularly on six countries identified for priority attention as presented in CoP17 Doc.68 Annex 5. However, according to Decision 17.140 and SC69 Doc. 60, China consider it's very clearly that China are obviously not a CITES RWG countries of priority concern until Conference of parties have decided to add China to the list and the description as "six countries identified for priority attention" in the mandate of the working group authorized by the standing committee are beyond the power of standing committee. We have already stated that in our letter to the working group and CITES Secretariat on March

28, 2018.

Here we submit the report on implementation and law enforcement report of Conf. 9.14 and illegal trade of rhino in China. In spite of that fact China is not a country of priority concern, the voluntary submission of this report bears testimony to its firm commitment to the conservation of rhino and control of illegal trade in rhino part and derivative, and its willingness to work together with the international community to contribute to combating illegal trade in wildlife products particularly the rhino part and derivative for the fulfillment of the goals of the CITES and global biodiversity conservation.

Please accept the assurances of my highest consideration.

Mr. Dr. Meng Xianlin



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Volunteer report on the progress in the enforcement of CITES in regard to rhinoceroses in China

Rhinoceroses remain a priority species for CITES and international community for a long time. CITES listed all species of rhinoceroses in Appendix I in 1977. Later the South Africa and Swaziland populations of *Ceratotherium simum simum* were transferred to Appendix II with an annotation in 1994 and 2004, respectively. The Conferences of the Parties adopted resolutions 3.11, 6.10 and 9.14 concerning the conservation and trade of rhinoceroses and Resolution 9.14 have been amended at every subsequent conference of the Parties ever since. In addition, at COP13, the Resolution 13.5 was adopted to establish export quotas for black rhino hunting trophies. Furthermore, CITES has set up the Rhino Enforcement Task Force which convened in Nairobi in 2013 to develop strategy and action plan. At COP17 in 2016, South Africa, Mozambique, Viet Nam and Zimbabwe were identified as countries of priority concern, and the rhino horn trade in China and Namibia drew attention as well.

China became a CITES party on April 8, 1981. China has been paying high attention to the control of the use and trade in rhino horn within the framework of CITES and adopted stricter domestic measures than the CITES requirements by imposing categorical ban on the international and domestic trade and use of rhino horn in China in 1993. The prohibition remains effective today.

An array of concerted measures have been adopted by the Chinese Government to implement its rhino horn trade ban, to combat trafficking and illegal trade in rhino horn, including establishment of a comprehensive legal framework, public awareness, effective law enforcement, international cooperation and communications, targeting every link along the chain of trade, resulting in commendable results and acknowledgement and support from the international community.

China has been keeping a firm stance against illegal wildlife trade including the rhino horn and their derivatives. In the meanwhile Chinese also realizes keenly that it can only achieve effective results by working together with range and transit countries. To support the international community in its effort in rhino conservation and fight against illegal wildlife trade in rhino horn, China produces and submits this report on a

voluntary basis to share its experiences and lessons learnt in the past 40 years as a testimony to its commitment to cooperation with the international society on rhino conservation.

It should be pointed out clearly that China did not make this effort to meet the requirements as a “country of priority concern” in rhino law enforcement. China disputes the statement that China has already been identified as a country of priority concern. Although the joint report prepared by IUCN/SSC AfRSG and AsRSG and TRAFFIC in 2016 for CoP17 suggests that Parties should consider to list China as a country of priority concern, that report was produced without due consultation with countries concerned, nor was it endorsed in any public and official way by CoP or its Standing Committee. We strongly believe that China has not been identified as a country of priority concern officially. Furthermore China also disagrees with the criteria used in the identification of country of priority concern, principally based on seizures. As a destination country, China regards a seizure as its success in enforcement and a failure on the part of relevant origin and transit countries in enforcement. It is not proper to use the amount of seizures as a justification of punishment. If we have learnt anything from the NIAP approach, it is that meticulous arrangement should be made and accepted before any attempt to identify countries of priority concern. It is not helpful to start it in a rash way without the widely accepted entry and exit mechanism in place. Any rush action would certainly bring about negative effect to rhino enforcement.

In spite of that fact China is not a country of priority concern, the voluntary submission of this report bears testimony to its firm commitment to the conservation of rhino and control of illegal trade in rhino part and derivative, and its willingness to work together with the international community to combat illegal trade in wildlife products particularly the rhino part and derivative for the fulfillment of the goals of the CITES and global biodiversity conservation.

1. Legal Framework

The China’s effort to establish its legal framework for the wildlife conservation and control illegal wildlife trade dates back to late 1970s. After decades of persistent work a comprehensive legal framework has been set up. It consists of laws, by-laws, strategies and plans, executive decrees, regulations and policies. It is updated and

amended on a regular basis and provides the reliable legal basis to effectively combat illegal wildlife trade.

With a primary focus on illegal wildlife trade especially on rhino part and derivatives, this legal framework consists of the following components:

1.1 The Wildlife Protection Law

The Wildlife Protection Law was promulgated in 1988 and came into effect in 1989. The Wildlife Protection Law, together with its bylaws at the national and provincial levels, and the executive regulations and decrees of the forestry departments, form the legal system for the conservation and management of wildlife in China.

The Wildlife Protection Law is the principal piece of legislation governing the regulation of wildlife trade. It covers all the aspects related to wildlife trade, such as harvest, transportation, utilization, trade, and trafficking. Being drafted at a relatively early date, its coverage of illegal wildlife trade was rather limited. In response to new trend, the Chinese legislature overhauled the Wildlife Protection Law after years of preparation, research, elaboration and widely public consultation. The amended legislation was adopted at the 21st meeting of the Standing Committee of the 12th National People's Congress on July 2, 2016 and came into effect on January 1, 2017.

The old version of the Wildlife Protection Law pursued a policy of strengthening the protection of wildlife resources, actively domesticating and breeding the species of wildlife, and rationally developing and utilizing wildlife resources, and encouraging scientific research on wildlife. In the amended version, the national policy has been changed to: conservation as priority, regulation of utilization and strict supervision. The State encourages scientific research on wildlife, promotion of public awareness on wildlife conservation with the aim to promote harmonious development between human being and nature. It demonstrates the shift of attention to conservation as priority, supervision and participation of the general public in the amended legislation.

The amended Wildlife Protection Law is beefed up with provisions on law enforcement and fight against illegal wildlife trade. In specific provisions have been added to address 4 kinds of offences. Those new provisions forbid: (1) to provide platforms to illegal trade, for example, it is prohibited for internet trading platform and commodity trading

markets to provide transaction service for illegal sale, purchase and utilization of wildlife and their products or banned hunting and trapping gears; (2) to manufacture and purchase foods made from animal raw material in violation of laws, for example, it is prohibited to manufacture or trade foods made from state protected wildlife and their products, or foods made from non-protected wildlife and their products without proper proof of legal origin; (3) to purchase illegally wildlife under state protection and their products for the purpose of human consumption; (4) to stage some advertisements, for example, it is prohibited to advertise for the sell, purchase, utilization of wildlife or for hunting and trapping gears banned by law; and it is prohibited to advertise for sell, purchase and utilization of wildlife products in violation of laws; and (5) to release wildlife out of benevolence in violation of law. For example, it is prohibited for any institutions or person to release wildlife into the natural environment, and only native species that are capable of surviving in the wild will be used in release, and the practice of release should not impact the normal life of local inhabitants and local ecosystem. Those, whose wistful release of wildlife has caused damage to human life and properties, or local ecosystem, will be held accountable. In particular, the provisions that outlaw illegal wildlife trade and advertisement on trade platforms, especially the posts of offers for sale of illegal rhino horn products on internet trade platforms and personal communications app, play important role in curbing illegal trade in rhino horn and their products on internet platform.

In the chapter of Legal Responsibility, the amended legislation steps up penalties on illegal wildlife trade: (1) in addition to the confiscation of proceeds of the offence, hefty fine is prescribed multiple times of the economic value of the contraband. For example, he who trades in wildlife or their products in the excuse of rescuing will be punished by the wildlife authorities at the country and higher levels with confiscation of wildlife or their products, proceeds as a result of the offence, and a fine 2-10 times of the economic value of the contraband; (2), the amended legislation resorts to the strength of the current social management by introducing the proven integrity management system. For example, the information of the violation will be logged into a social integrity record system, which is made open to the general public; and (3) the governmental officials are subject to severe legal consequence such as dismissal from office or forced to resign for dereliction and negligence of their duties. For example, wildlife authorities or other relevant departments or institutions fail to perform their

legal duties, such as failure to make administrative permission in compliance of law, failure to detect illegal conducts, or failure to take responsive action to a reporting or remedial action in compliance of law, or abuse of powers, the government at the same level or department or institution at the higher level shall order a correction, to have those personnel directly responsible punished by recording a demerit, a serious demerit or demoted, or removed from the position or expelled if serious consequence incurred, and the leading officer be forced to resign. Those provisions prescribes hefty costs to offenders of illegal trade in rhino parts and derivatives, and provide effective incentives for relevant departments to combat illegal trade in rhino horn.

The amended legislation further clarifies the significance of international and domestic cooperation and practices. It arranges that the wildlife, whose import or export is restricted or prohibited by international conventions to which China is a party, once approved by the national wildlife authorities, enjoys the same legal protection as the state protected wildlife species. In addition, it calls for the country to undertake international cooperation and exchange related to wildlife conservation and relevant law enforcement activities; and to set up inter-agency coordination mechanism to prevent and combat trafficking and illegal trade in wildlife and their products. Such texts further strengthen international and national cooperation necessitated by the rhino conservation and combating illegal trade in rhino horn.

1.2 The executive decree issued by the State Council of the Chinese Government prohibiting trade in rhino horn and tiger bone.

The State Council of the Chinese Government issued an executive decree to impose categorical ban on the international and domestic trade in and use of rhino horn within China in 1993, a much stricter measure than CITES requirements. The ban remains effective today.

The provisions concerning the suspension of trade in rhino horn are as follows: 1) it is prohibited to import and export rhino horn (including products and derivatives). Any products that are marked as rhino horn will be treated as rhino horn. It is prohibited to conduct domestic trade in rhino horn, including sell, purchase, transport, carry and ship by postage; 2) it is prohibited to use rhino in medicine manufacturing. The sale of outstanding medicine with rhino horn ingredients would be stopped after a period of 6

months after the issuance of the decree; 3) The research, development and multiplication of rhino horn substituent are encouraged; and 4) After this executive decree, all the international and domestic trade in rhino horn, and medicinal use of rhino horn become illegal ever since in China.

1.3 The 13th Five-Year Plan for Economic and Social Development of the People's Republic of China (2016-2020)

The 13th Five-Year Plan covers the period 2016-2020. In the 4th Section (Maintenance of Biodiversity) in Chapter 45 (Ecological Conservation and Restoration), it reads “Measure will be taken to strengthen control of importation and exportation of wild fauna and flora, and to strictly address the illegal trade in wildlife products such as elephant ivory.” This is the first time such provision has even been included in the text of a 5-year plan, a milestone provision in the practice of 5-year planning since 1953.

Strictly speaking, the 5-year plan is not a piece of legislation per say. However, in the special context of China, it plays an equal or even more important role. Some of its influence comes from the bottom-up process it is made. Minor plans from all sectors of the society at grassroots level are pooled together, funneled up step by step until the final national level. Once ratified, it will be translated into the 5-year and annual work plans for all its constituencies. From this perspective, it exerts a much bigger and profound influence than a piece of ordinary legislation, therefore playing an indispensable and proactive role in addressing wildlife crime.

1.4 The Criminal Law

The China's Criminal Law was first enacted in 1979 and was last amended in 2017.

The smuggling of and illegal trade in endangered wild animals and plants, and their products are treated as criminal crimes.

There are two criminal crimes prescribed in the Criminal Law, i.e., the smuggling of wildlife and their products (Articles 151 and 155), and the purchase, sell, and transport of the rare and endangered wildlife under state protection and their products (Article 341).

The Article 151 states that the smuggling of precious and rare species of wildlife as

well as the products thereof shall be sentenced to fixed-term imprisonment between 5-10 years, with concomitant fine; if the circumstances are especially serious, shall be sentenced to imprisonment of over 10 years up to life sentence, with concomitant confiscation of property; shall be sentenced to fixed term imprisonment no more than five years with concomitant fine if the circumstances are minor.

The Article 341 rules that Article 341 Whoever illegally catches or kills precious and endangered species of wildlife under special State protection or illegally purchases, transports or sells such species of wildlife as well as the products thereof shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years and shall also be fined or be sentenced to confiscation of property.

1.5 The Customs Law

The Customs Law is one of the key legislation addressing wildlife trafficking for as a destination country most of the illegal wildlife products enter into China through the customs, making the customs the forefront in fighting wildlife crimes. As early as 1951, the new China adopted its Provisional Customs Law. It was replaced by a Customs Law in 1987, which was subsequently amended five times in 2000, 2013, 2013, 2016 and 2017 in response to new social and economic development.

The Article 82 of the Customs Law defines the acts of smuggling as follows:

Anyone who, in violation of this law and other relevant laws or administrative regulations, commits any of the following acts by evading Customs control, duties payable, or State control over the goods or articles the importation or exportation of which is prohibited or restricted is committing smuggling: 1) To transport, carry or mail into or out of the territory goods or articles the importation or exportation of which is prohibited or restricted by the State or goods or articles for which duties are payable according the law; 2) To sell within the territory, without Customs permission and without payment of the payable duties or without producing relevant licenses, bonded goods, goods listed for specific duty reduction or exemption and other goods, articles

or inward foreign means of transport under Customs control; or 3) To commit other acts by evading Customs control that constitute smuggling. Anyone who commits any of the acts listed in the preceding paragraph, which is not serious enough to constitute a crime, the Customs shall confiscate the smuggled goods, articles and illegal gains and it may also impose a fine on the person; the Customs shall confiscate the goods or articles that are specially or repeatedly used for shielding smuggling and the means of transport that are specially or repeatedly used for smuggling, and it shall order that the equipment specially made for concealing smuggled goods or articles be demolished or confiscated them. Anyone who commits any of the acts listed in the first paragraph, which constitute a crime, shall be investigated for criminal responsibility in according with law.

1.6 Other relevant legislation

In addition, China has adopted a range of other pieces of relevant legislation to assist combating illegal wildlife trade including the rhino horn.

The article 24 of the Network Security Law, enacted on June 1, 2017, states that where network operators provide network access and domain registration services for users, handle network access formalities for fixed-line or mobile phone users, or provide users with information release services, instant messaging services and other services, they shall require users to provide true identity information when signing agreements with users or confirming the provision of services. If any user fails to provide his or her true identify information, the network operator shall not provide him or her with relevant services.

According to the provision of the article 9(10) of the Advertisement Law, enacted in 1994 and last amended in 2015, prohibits any advertisements that contain contents that hinder the protection of the environment, natural resources and cultural heritage. And wildlife crimes are regarded as harm effect.

The article 151 of the Criminal Procedure Law, which was enacted in 1979 and lasted amended in 2012, states that in order to facilitate investigation into the case, the relevant person, when necessary, may conceal his identity to conduct the investigation upon the approval of the principal of the public security organ. However, the person who has concealed his identify shall not allure another person into a crime, and shall not use

methods that may endanger the public security or cause major personal injuries.

As for a crime that involves the delivery of drugs or other contrabands, property or things of value, the public security organ may, according to the need to investigate the crime, conduct a delivery under control pursuant to regulations.

This article gives the legal permission to use of concealed investigation and controlled delivery. In spite of the fact that those two techniques had used widely in the investigation of drug cases in the past, it is first legally endorsed here. So far, they have been used in an array of criminal cases related to illegal trade in rhino horn.

In accordance to article 25 of the Postal Law, enacted in 1986 and last amended in 2015, the contents of postal materials, other than letters, to be handed in or posted by users, shall be checked on the spot visually by postal enterprises or branch offices, and if such examination is refused, the postal material shall not be accepted and posted.

In Article 22 of the Interim Regulation on Courier Service, enacted in May 2018, it is required that sender must leave their real identification information of the sender and receiver, the name, address and telephone number, and description of the name, kind and numbers of the goods to be shipped. In addition, the courier operator shall check the sender's ID and records its information accordingly. The package shall not be accepted if the sender refuses to provide ID information or provides false ID information.

1.7 Penalties for offences of illegal wildlife trade

Generally speaking, the penalties consist of two categories: criminal penalties and administrative penalties.

1.7.1 Administrative penalties

For offences that do not constitute a criminal crime, administrative penalties will be administered, which include confiscation of the contraband, proceeds and instrumentalities, and a concomitant a fine.

All the legislation listed above contains provisions on administrative penalties. For example, the article 36 of the Regulation for the Implementation of the Wildlife

Protection Law concerning terrestrial wildlife (amended 2016) dictates:

Where anyone in violation of the provisions of the laws and regulations on wildlife protection, sells, purchases, transports or carries wildlife under special protection by the State or local authorities or the products thereof, such wildlife and products and his unlawful income obtained therefrom shall be confiscated by the administrative authorities for industry and commerce or by the competent department of wildlife administration authorized thereby, and a fine below ten times the value thereof shall be imposed.

Another example comes from the article of the Rules of Administrative Penalties for the Implementation of the Customs Law of the People's Republic of China (Promulgated by the General Administration of Customs on July 1, 1987, which states that anyone who smuggles goods prohibited by the State are subject to confiscation of contraband, illegal gains, and a concomitant fine no more than RMB1 million; Anyone who smuggles articles prohibited by the State are subject to confiscation of contraband, illegal gains, and a concomitant fine no more than RMB100, 000.

1.7.2 Criminal punishment

Provisions of the Criminal Law are applied if the offence constitutes a crime. The penalties prescribed by the Criminal Law in regard to wildlife crimes are summarized in the following table:

	Minor circumstances	Serious circumstances	Extremely serious circumstances
smuggling	<5 year imprisonment, with a concomitant fine	5-10 years imprisonment, with a concomitant fine	>10-year imprisonment up to life sentence in prison and concomitant forfeiture of property
Illegal sell, purchase and transport	<5 year in imprisonment, criminal detention, and a	5-10 years imprisonment, with a	>10 year imprisonment, with concomitant fine or forfeiture of property.

	concomitant fine	concomitant fine	
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To expedite prosecution process, the Interpretation of the Supreme People's Court and the Supreme People's Procuratorate on Several Issues in the Application of Law When Handling Criminal Cases of smuggling was issued in September 2014. It elucidates the criteria in assessment of economic values of contraband, and the standards for penalties a case is applied to, which greatly facilitate the prosecution of wildlife crime cases.

According to this new interpretation, anyone who smuggles endangered wildlife and their products into China as souvenir and not for profitability will be exempted from criminal charge if the economic value of the contraband is below RMB100, 000; it will not be treated as a criminal crime if the circumstance is exceptionally minor. Furthermore, a cut-off standard to constitute a crime has been raised from zero to RMB200, 000. The following tables sums up initial standards for wildlife crime cases:
Unit (RMB1000)

		Minor circumstances	Serious circumstances	Extremely serious circumstance
Illegal purchase, sell and transport	Economic value		100	200
	Profit		50	100
smuggling	Economic value	<200	200-1000	>1000

1.8 Evaluation of rhino and rhino horn

As it is shown in the paragraphs above that the penalties are determined by the economic value of the contraband. Therefore it is important to understand how rhino part is evaluated.

A flat-rate price of RMB250,000/kg is applied to the horn of all rhino species according to an announcement issued by the State Forestry Administration, on the evaluation of rhino horn for criminal cases of destruction of wildlife resources.

According to the No. 46 executive decree issued by the State Forestry Administration in 2017, the evaluation of an white rhino individual is RMB1 million, and rhino individual of other rhino species is slated at RMB2 million per head. Furthermore, the accumulated values of rhino parts from one rhino individual will not exceed the economic value of a whole animal.

In case the calculated evaluation and real trade price differ, the one higher will be used.

2: Enforcement, investigation and inter-agency coordination at the national level

2.1 Inter-agency coordination mechanism

So far there have been established three bodies of inter-agency coordination mechanism. The followings are brief introduction to them.

2.1.1 Inter-Ministerial Panel Group on Combating Smuggling Activities.

With the approval of the State Council of the Chinese Government, the Inter-Ministerial Panel Group on Combating Smuggling Activities was established in 2007.

With the General Administration of Customs (GAC) as its coordinator, it consists of the following 31 departments and ministries : the National Development and Reform Commission, Ministry of Public Security, Ministry of Supervision, Ministry of Finance, Ministry of Land and Resources, Ministry of Railways, Ministry of Transport, Ministry of Industry and Information Technology, Ministry of Agriculture, Ministry of Commerce, the People's Bank of China, State-owned Assets Supervision and Administration Commission, General Administration of Customs, General Administration of Taxation, State Industry and Commerce Administration, General Administration of Quality Supervision, Inspection and Quarantine, State Environmental Protection Administration, General Administration of Press and Publication, State Forestry Administration, China Food and Drug Administration, Legislative Affairs Office of the State Council, China Banking Regulatory Commission, State Tobacco Monopoly Administration, State Administration of Cultural Heritage,

State Administration of Foreign Exchange, General Political Department of PLA, General Logistics Department of PLA, PLA Navy, Headquarters of Chinese People's Armed Police Force, Supreme People's Court, Supreme People's Procuratorate. In addition to the general government departments listed, it is further supported by the army, navy and armed police, strengthening its muscles against smuggling considerably. Among its many duties, combating wildlife crime including rhino parts and derivatives remains one of its priority objectives.

2.1.2 National Inter-agency CITES Enforcement Coordination Group (NICECG)

China set up the NICECG in the end of 2011, which was followed by joint-enforcement platform and mechanism. It is charged with the duties to coordinate CITES enforcement within China and to conduct international enforcement cooperation. By the end of 2016, it consists of 12 departments general in 9 ministries (forestry, agriculture, police, customs, industry and commerce, quality supervision and inspection, coast guard, post, and tourism. By 2013, a network of Provincial Inter-agency CITES Enforcement Coordination Group has been duplicated in all the 31 provinces in China. The enforcement efficiency has been dramatically improved by the formation of complete enforcement network that facilitates coordination, exchange of information, special law enforcement operations.

Upon its establishment in 2011, it sets off to organize law enforcement operations by coordinating the efforts of relevant departments, i.e., the Special Operation against Wildlife Cybercrime and Illegal Wildlife Trade (led by forestry department) and Operation State Gate Shield (led by customs department) in 2012, Operations Cobra I, II and III on an annual basis 2013-2015. For the latter, it was awarded the Secretary General's Certificate of Commendation 3 year running, a prestigious commendation by the international community...

2.1.3 Inter-Ministerial Joint Meeting Panel on Combating Illegal Wildlife Trade

With the approval of China's State Council, the Inter-Ministerial Joint Meeting Panel on Combating Illegal Wildlife Trade was set up on November 15, 2016. With the SFA as the coordinator, it consists of 22 departments at ministerial level in both the central government and Communist Party of China's Central Commission: Publicity Department of CPC/CC, Office of the Central Cyberspace Affairs Commission,

Ministry of Foreign Affairs, National Development and Reform Commission, Ministry of Industry and Information Technology, Ministry of Public Security, Ministry of Finance, Ministry of Transport, Ministry of Agriculture, National Health and Family Planning Commission, General Administration of Customs, State Industry and Commerce Administration, General Administration of Quality Supervision, Inspection and Quarantine, State Administration of Radio and Television, National Tourism Bureau, State Administration of Civil Service, National Coast Guard, National Railway Administration, Civil Aviation Administration, State Post Bureau, and China Railway. It operates on an annual meeting basis to plan and undertake actions. Its first annual meeting was held on April 11, 2017, officially signaling the entry into operation of this very important instrument in fighting illegal wildlife crimes in China. Efforts are now underway to duplicate this mechanism at provincial level across China.

2.2 Special law enforcement operations

At least once a year, a national special law enforcement operation will be undertaken by relevant law enforcement agencies, including forestry police, police, customs, NICECG, coast guard, border guard, and quality inspection etc. in response to new changes and trend in wildlife crime. The well-known previous operations include Spring Thunder, Green Shield, Sky Net, Plateau Sword, State Gate Shield, State Gate Sword, Five Battles, Guardian, Sea Wolf, to name only a few. Rhino part and derivatives remain a priority in those operations. The followings are the brief summary of some of those operations.

2.2.1 Specific operation and concerted actions against smuggling (2013)

With guidance from the State Council and the GAC as the coordinator, ten departments and ministries took part in this special operation to combat smuggling. With participation of Ministry of Industry and Information, Ministry of Public Security, Ministry of Environment Protection, State Administration of Taxation, State Industry and Commerce Administration, General Administration of Quality Supervision, Inspection and Quarantine, State Administration of Press, Publication, Radio, Film and Television, China Food and Drug Administration, State Forestry Administration and State Oceanic Administration, this is the largest law enforcement operation against smuggling up to that time. One of its focuses was the smuggling of endangered wildlife

species and their products. It was organized by the General Customs Administration, MPS, SFA and GAQSIQ targeting illegal trade in key endangered wildlife such as elephant ivory, Saiga antelope horn, big cats, bear, turtle, rhino horn, Chinese eaglewood, sandalwood, and yew, in consignment, tourists, post and courier, and on the internet.

2.2.2 Operation Five Battles (2015)

From July to December in 2015 the GAC launched an enforcement operation called the Five Battles. It got its name from the five groups of products it focused, and one of them was wildlife products. With the efforts from customs offices across the nation, it resulted in 160 seizure of smuggling of endangered weighing 358, including rhino parts and derivatives.

2.2.3 Operation State Gate Sword (2016-2018)

This operation was organized by GAC to combat smuggle crime. It started from 2016 but is rolled into 2017 and 2018. One of the key components in this operation is the smuggling of endangered wildlife and their products. In 2016 this operation produced 124 cases of smuggling of endangered wildlife and their products, covering such species as ivory, rhino horn, Saiga antelope horn, sandalwood, amounting to 65 tons. The outcomes from the operation in 2017 included 124 cases of smuggling and 393 tons of endangered wildlife and their products, including elephant ivory, rhino horn, pangolin, sandalwood, rosewood. The anti-smuggling bureaus in Xi'an and Shanghai Customs confiscated African rhino horns weighing 25.4 kg and 38.6 kg, respectively. On March 30, 2018, two rhino horns weighing 6980g were detected from the luggage of a Chinese tourist who arrived at the Kunming Airport on a flight from Johannesburg via Hong Kong.

2.2.4 Operation Sharp Sword (2017)

In the spring of 2017, the forest police across China conducted an operation called 2017 Sharp Sword that lasted 70 days. Among other things, it targeted two priority fields, the illegal purchase, sell and transport of endangered wildlife and the illegal trade in wildlife on the internet. During the operation, the forests police filed 6190 criminal cases and 25303 administrative cases. For the 4193 criminal cases solved (among them

205 were major cases). Among the 31000 persons punished, 5257 received criminal penalties and 26000 received administrative penalties. 62 organized crime groups were uprooted and seizure of wildlife exceeds over 100,000 individuals. 11140 sites for timber and wildlife processing were examined.

2.3 Markets monitoring

The auction of antique worked rhino horn has been banned for the purpose of rhino conservation. To deter illegal trade in rhino horn, Industry and Commerce departments at all levels takes action to police at regular interval markets of artwork, tourism souvenirs, antiques and auction on the internet to detect illegal rhino horn products and glean information of illegal trade. Any useful information of illegal trade will be assessed and passed on to law enforcement agencies for follow-up investigation into potential illegal trade.

2.4 Wide use of special investigation techniques at key airports, container ports and border lines

The customs are the first and most important line of defense to fend off rhino horns trafficking. Rhino horn has been one of the priority wildlife species in the law enforcement efforts by the customs. In response to the new changes and trend in illegal trade in rhino horn in recent years, the Chinese customs spare no effort to adopt the state-of-the-art technique, methods and equipment in its fight against wildlife crimes, such as the wide use of X-ray and CT scanners to check container, vehicles, and luggage; wide use of risk profile methods to identify high risk shipments, package and luggage to examine; use of new techniques and methods of inspection like remote identification, sniff dogs, supervision classification; improved international exchange in information and intelligence with emphasis on significant seizures. The ultimate goal is to block trafficking and illegal trade in rhino horn out of China by strengthening inspection of immigrants and shipments, goods, and transportation vehicles that enter China.

3. International Enforcement Collaboration

3.1 Undertaking special regional and international enforcement operations targeting illegal trade in rhino horn

In order to better combat increasing illegal wildlife crime, close international enforcement cooperation is essential. International cooperation requires coordination, concerted action, exchange and analysis of intelligence and information, and capacity building. China is among the earliest countries to realize the need for coordinated international enforcement efforts in checking trans-national illegal wildlife trade and called for international joint enforcement operation back to 2012. With the advocacy and promotion from China, dozens of countries and organizations in Asia and Africa undertook a series of trans-continental and trans-national Operation Cobra three year in a row during 2013-2015 to combat illegal wildlife trade. The three consecutive operations dealt a heavy blow to wildlife trafficking, resulting in high deterrence that put a check to the rising trend in wildlife and forest crimes.

3.1.1. Operation Cobra I

Between Jan 6th and Feb 5th, 2013, led by China, an international crackdown on wildlife crimes code named “Operation Cobra I” was organized. It involved 22 countries in Asia and Africa. During the operation, more than 100,000 personnel from these countries inspected imported goods and posts at all entry ports in coastal or border areas. More than 200 cases concerning endangered species smuggling were solved, with more than 100 suspects arrested and a large quantity of wildlife and products were seized, including 22 rhino horns and four pieces of rhino horn products.

To make sure that operation be a success, China formed a special steering task force consisting of SFA, GAC, MPS and China CITES Management Authority. It worked to coordinate among all the countries, regional networks and international agencies. In addition, it also mobilized more than 10,000 law enforcement officers from customs, border guards, and China CITES management authorities at all levels to take part in this operation. During the operation, there was effective exchange of intelligence and information on smuggling activities between Chinese enforcement officers and their international counterparts, prompting Follow-up investigations. Nearly 80 cases concerning endangered species smuggling were solved and more than 90 suspects were detained. Among the wildlife products seized, there were 10 rhino horns and 4 pieces of rhino horn products. The numbers of cases solved and suspects arrested in China alone accounted for more than 1/3 of the global figures.

3.1.2 Operation Cobra II

In the wake of Operation Cobra I, Operation Cobra II was organized to fight transnational wildlife crime, with the participation of China and other 28 countries in Asia, Africa and North America between December 30, 2013 and January 26, 2014. That operation resulted in over 400 arrests and more than 350 major wildlife seizures. Among them were more 200 seizures made in China, with more than 250 suspects punished. The operation focused on key species that are subject to illegal trade, and resulted in a large number of arrests and the seizure of specimens from elephant, rhino, pangolin, big cats, rosewood, snake and turtle, among others, 36 rhino horns.

3.1.3. Operation Cobra III

Operation COBRA III was another international law enforcement operation targeting illegal trade in elephant, rhino, big cats, chimpanzee, pangolin, Tibetan antelope, snake, and rosewood. It was organized by China together with South Africa, United State, and the Association of South East Asia Nations Wildlife Enforcement Network (ASEAN-WEN) in May 2015, with participation of 62 countries from Asia, Africa, Europe and America. It resulted in 139 arrests and more than 247 seizures, which included elephant ivory, medicinal plants, 187 kg rhino horns, pangolins, rosewood, tortoises and many other plant and animal specimens.

3.2 Cooperation with range and transit countries

It requires concerted efforts from countries of origin, transit and consuming to fight trans-national wildlife crimes. An array of measure have been taken by China to support international actions against wildlife crime, such as participation in international conference, establishment of bilateral and multilateral cooperation mechanism, public awareness, law enforcement cooperation, provision of training, assistance of financial support and equipment to key countries in Asia and Africa.

3.2.1 Participation in regional and international conferences

China seeks improved communications and cooperation with other countries and organizations by participating in relevant regional and international conferences, such as the Ministerial Dialogue and Senior Official Meeting for key States concerned with

the illegal trade in rhino horn held in Geneva in February 2015, international Illegal Wildlife Trade Conferences in Kasane, Botswana in 2015, and in Hanoi, Viet Nam in 2016, and the 28th meeting of the INTERPOL's Wildlife Crime Working Group, to name only a few.

3.2.2 To strengthen bilateral and multilateral cooperation by signing agreements of enforcement cooperation and MOU

China eagerly seeks international cooperation to step up control of the cross border illegal wildlife trade by exchange of law enforcement experiences and intelligence and information. Multiple measures have been taken on public awareness, law enforcement cooperation, exchange of intelligence, capacity building, and legal trade regulation. Up to now China has signed MOU on the control of illegal wildlife trade with range countries or countries implicated in smuggling of rhino horn, such as South Africa, Laws, Indonesia, Viet Nam, and Nepal. China also seeks to promote trilateral enforcement cooperation, such as China/Vietnam/Laos, China/India/Nepal, to promote control of illegal wildlife trade including rhino horn at the regional scale. Similar efforts have been taken to engage regional law enforcement networks, such as ASEAN-WEN, the Lusaka Agreement Task Force (LATF) to fight illegal wildlife trade on multi-lateral cooperation. Furthermore, China works intensively with international organization such as INTERPOL and WCO in its efforts to fight international wildlife crime.

3.3 To assist law enforcement in key Asian and African countries

3.3.1 Donation of funds and equipment

For many years China offers to provide significant assistance to African countries to enhance their capacity in wildlife conservation in forms of training, demonstration of cooperation projects, and joint operation against illegal wildlife trade. During his visit to Africa in 2014, Chinese Premier Li Keqiang announced that China would provide USD10 million to support wildlife conservation and fight against wildlife crime in Africa. In 2015 China donated wildlife conservation equipment and financial assistance valuing USD2 million to Zimbabwe to support patrol and monitoring. In 2017, China donated wildlife protection equipment valuing N\$14 million, including pick-up vehicles, tents, sleeping bags and mosquito nets. The equipment was used in patrolling national parks where poaching went rampant. To complement government efforts,

Chinese conservation NGOs sent volunteer teams to Zimbabwe and other African countries to assist enforcement, monitoring and awareness campaigns. These financial assistance and activities help rhino habitat protection, population restoration and fight against rhino poaching in those recipient countries, all of them support key rhino populations in the wild.

3.3.2. Capacity building in law enforcement and wildlife conservation

Each year law enforcement agencies in China, including the forests police, customs and CITES MA of China, would provide targeted training to wildlife managers, frontline law enforcement officers, CITES managers and the general public to enhance their capacity in conservation and enforcement. Those trainings focus on CITES and its implementation, national legislation, regulations and policies on wildlife conservation and management, species identification. In 2017 alone, China conducted more than 40 training courses with more than 5,000 trainees. Among other topics in those training courses, the trade ban in rhino horn, valuation of rhino parts, and identification of rhino horn are integral contents in the syllabuses of the training courses.

With financial assistance from the Ministry of Commerce, three training courses are organized for trainees from Africa, Asian, and developing countries, respectively, each year since 2012. The organizers include China CITES Management Authority, State Forestry Administration, and China National Bamboo Research Center at Hangzhou. So far more than 1,000 trainees from over 70 countries in Asia, Africa and America participated in training. During the training, seminars are held on specific topics such as illegal wildlife trade, providing opportunities for trainees to share their experiences in law enforcement and wildlife management in their individual countries.

4. Public Educations

To raise public awareness of the impact of illegal wildlife trade is crucial to fight illegal trade in rhino horn in China. The ultimate success hinges on behavioral change among the general public. Huge amount of attention and efforts have been given to public education to raise the public awareness of illegal trade in rhino horn, wildlife conservation and the impact of illegal wildlife trade to change their consuming behavior so as to reduce demand for rhino horn.

A wide range of measures and methods have been undertaken to raise public awareness of rhino conservation and the fight against illegal trade in rhino horn, including public service advertisements on mass media and social media; sign boards, posters, brochures, leaflets, electronic screens, display of seized wildlife products in showcases at airports, important land and water border ports. Campaigns were organized to celebrate special events such as the World Wildlife Day, Bird-loving Week, Wildlife Education Month at county, provincial and national levels to disseminate information on CITES and legislation and regulations on wildlife conservation. Rhino conservation and control of illegal trade in rhino horn remain a central component in such campaigns.

Special efforts have been taken by China to seek support from departments of commerce and tourism to reach out to the Chinese workers, businessmen, and tourists in Africa on the legal consequences of illegal wildlife trade with the intention to curb illegal wildlife trade committed by Chinese citizens in Africa. Since 2001, it has become a compulsory requirements for departments of commerce and public health to provide training to enlighten Chinese citizens to be sent out to Africa on medical and international development missions or as contracted workers on CITES implementation and wildlife conservation. Since 2014, China launches a reach-out program in Africa. In this program a team of officers from Chinese law enforcement agencies, including SFA, customs forests police, China CITES management authorities, would tour African countries to educate Chinese emigrants and Chinese overseas, Chinese overseas company and institution employees on wildlife conservation, poaching crisis, illegal wild trade, CITES, enforcement in African and back in China. By June 2018, 17 reach-out missions have been undertaken in 13 African countries, i.e., Kenya, Ethiopia, South Africa, Mozambique, Gabon, Cameroon, Namibia, Zimbabwe, Uganda, Angola, Malawi, Tanzania, and Zambia. In addition, promotional materials such as posters and brochures are distributed by some embassies of African countries in China, and Chinese embassies in African countries, and via some airlines and on board of certain flights, to warn passengers away from illegal wildlife trade; Since September 2013 to present, short messages have been sent by the 3 main Chinese communication services providers, i.e., the China Unicom, China Mobile, and China Telecom, to every Chinese citizen arriving at a foreign country. The short messages warn the recipients “Do not kill, collect or use wildlife in violation of local legislation; do not buy, carry, or ship endangered wildlife and their products, particularly rhino horn and elephant ivory and

TCM containing ingredients of endangered wildlife into China via post, consignment, or courier services.

News of seizure of rhino horn and subsequent prosecution process are extensively reported on mass media and social media alike to raise public awareness of rhino conservation, poaching, and illegal trade, and more importantly, enforcement, penalties meted out to the prosecuted criminals to finish the loop. It is estimated that over 20 cases of illegal trade in rhino horn have been fully covered by mass media and web stations on every link in the prosecution process in the past five years.

Self-disciplinary approach by relevant business sectors that might be implicated in illegal wildlife trade is also mobilized to curb illegal trade in rhino horn from the links of route and source. Since 2014, training seminars were organized for the key courier companies, tourism agencies, wildlife traders, safari outfitting companies, local cyberspace administration offices, main internet service providers, and major TCM pharmacies, and tourism agencies, demanding them to impose self-disciplinary measures over their operation to shun away from illegal trade in and use of rhino horn and its products. They have also signed up, on voluntary basis, petition called for Saying No to illegal trade, trafficking and use in endangered species and their products, including tiger, elephant, rhino, eaglewood, and pangolin. For example, in 2016, a training course was organized for representatives from over 30 key tourism agencies, including China International Tourism Service, on CITES implementation and control of illegal wildlife trade, with the aim to promote civilized tourism. The tourism agencies pledge “Zero Tolerance” to the trafficking and illegal trade of endangered species and their products, such as tiger, elephant, rhino, eaglewood, and pangolin. They also agreed to take measures on their respective websites to inform their customers not to carry illegal wildlife and their products into and out of China. An Internet Enterprise Coalition against Cyberspace Illegal Wildlife Trade was launched in November 2017. The coalition consists of the three biggest internet service providers in China and 8 others in the fields of collectables and tourisms. By signing up the Coalition Charter, those companies pledge Zero Tolerance to cyberspace illegal trade in wildlife and their products, to train their employees, to produce a standard operation procedure (SOP) to provide guidance on identification, prevention and treatment of information of illegal wildlife trade, to actively support the works of enforcement agencies by strictly policing

their individual platforms to detect and delete sensitive words, and to forward any message of trade in wildlife and their product to enforcement agencies for follow-up actions against wildlife crimes on cyberspace platforms and transportation link. The impact of this coalition ripples across the China border. In March 2018, the Chinese coalition members join hands with Google, Facebook and other 6 international technical companies to form a Coalition against Illegal Cyberspace Wildlife Trade. It pledges to reduce illegal wildlife trade on cyberspace platform by 80% by 2020 through strengthened cooperation. Each company in the coalition will develop and implement its own policy to prevent illegal wildlife trade on the internet.

5. Epilogue

In recent years China has adopted an array of strict regulations and measure to combat illegal rhino horn trade in all the facets, resulting in noticeable effect. In regard to legislation, China has put in place a strictest and comprehensive legal framework to fight illegal wildlife trade and bans the international and domestic trade and use of rhino horn on a long-term basis. In law enforcement, China puts rhino horn on the top of its enforcement agenda and spares no efforts to fight its illegal trade by strengthening general trade supervision, wide use of examination and investigation techniques and methods, and organizing series of enforcement operations. As a result, a large number of wildlife criminals have been brought to justice, with high deterrent effect. In the front of international cooperation, China responds duly to international concerns and plays an active role in the organization and implementation of global efforts against illegal wildlife trade, and enters into agreements with key range and transit countries implicated in illegal rhino horn trade, with subsequent cooperative activities. In the field of public awareness, China has undertaken a number of awareness campaigns at home and abroad to bring about demand reduction and behavioral change, taking advantage of new forms of communications, business self-disciplining to achieve Zero-tolerance towards rhino horn trade among the general public. In sum, the illegal trade of rhino horn in China has been under effective control with a descending trend in recent years.

At present, the frequent reports of cases of illegal rhino horn trade are the results of several reasons. The strictest policy and measure China has undertaken in regard to the trade and use of rhino horn and enforcement efforts against illegal trade in rhino horn

result in more than average level of seizure, because some forms of the legal trade within the CITES framework such as hunting trophies are deemed illegal in China. In addition, China brings criminal charges against tourists who carry any rhino horn products as personal effect no matter how small the rhino products are. Another reason is that China is a country with the biggest human population in the world that enjoys rapid economic growth in several decades. It takes the concerted efforts from origin, transit and destination countries to effectively fight illegal trade in rhino horn. Currently, the incomplete legal framework and inadequate enforcement in some origin and transit countries exert considerable pressure upon China. In the future, China is committed to continue to cooperate closely with the international community and relevant countries in the field of enforcement to fight illegal rhino horn trade. Therefore, the proposal to list China as a country of priority concern turns a blind eye to the herculean efforts undertaken by China and the plaudable achievements. It is analogy to punish a country that takes an uncompromising attitude to and has done much more than any other countries in fighting illegal trade in rhino horn, leaving us doubting that is the intended objective of listing China as a country of priority concern to our common goal to reign in the rampant illegal rhino horn trade.