



BRIEFING SUBMITTED BY THE ENVIRONMENTAL INVESTIGATION AGENCY (EIA) FOR ONGOING REVIEW OF THE EXISTING PELLY CERTIFICATION OF CHINA FOR TRADE IN TIGER PARTS AND PRODUCTS

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EXECUTIVE SUMMARY

This briefing has been prepared by the Environmental Investigation Agency (EIA) and is submitted to the Department of the Interior for consideration in its ongoing review of the existing certification of the People's Republic of China pursuant to the Pelly Amendment to the Fisherman's Protective Act of 1967, 22 U.S.C. § 1978 ("Pelly Amendment").

China was certified by then Secretary of the Interior Bruce Babbitt on September 6, 1993 on the ground that China was engaged in trade of rhinoceros and tiger parts that diminished the effectiveness of an international conservation program for these endangered species. This briefing provides information that confirms that the reasons for the certification of China under the Pelly Amendment continue to prevail and that China continues to diminish the effectiveness of the UN Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) because:

- China's laws and policies permit a legal commercial trade in tiger skins sourced from captive animals;
- recent EIA investigations as well as media exposés have found that commercial use of tiger bone sourced from captive-bred tigers for manufacturing products, such as high-end wine, appears to continue in China. Despite a ban on the use of tiger bone for medicinal purposes adopted in 1993, tiger bones sourced from captive-bred tigers are not being destroyed, likely leading to massive stockpiles of tiger bone and tiger carcasses and consumer assumptions that trade is legal or will soon be legal; and
- China continues to be a primary destination for illegal trade in parts and products derived from wild tigers in India and Nepal.

After the making of a certification, the Pelly Amendment requires the Secretary of the Interior to "*periodically review the activities of the nationals of the offending country to determine if the reasons for which the certification was made no longer prevail.*" 22 U.S.C. § 1978(d). This brief provides information that demonstrates that China continues to diminish the effectiveness of CITES and other international programs for tiger conservation. EIA therefore requests that the Secretary of the Interior determine that the reasons for the existing certification of China continue to prevail.

Further EIA requests the Secretary of the Interior to call for urgent measures to be adopted by China to ensure China's compliance with relevant CITES resolutions and decisions as well as global tiger conservation agreements. In this regard, EIA requests the Secretary of the Interior to seek additional information from the Government of China on the legal trade in captive tiger skins including seeking responses to the questions identified by EIA on page 16 of this brief. Furthermore, EIA requests that the Secretary continue to effectively review the conditions of the existing certification of China and where appropriate recommend sanctions against China if China does not as a priority: prohibit all trade in captive tiger specimens, including skins sourced from captive tigers; demonstrate compliance with CITES Decision 14.69 and the relevant paragraphs of CITES Resolution Conf. 12.5 including adopting measures to ensure that the captive tiger population in China does not increase (such as through segregation of sexes) and stockpiles of tiger specimens from seizures and captive specimens are destroyed at the present time and as a routine practice in the future; and adopt urgent action to identify, arrest and impose meaningful penalties against persistent traders dealing in wild tiger specimens.

A. ABOUT EIA

EIA is an international non-governmental organization committed to combating environmental crime and advocating for effective criminal justice responses to tackle such crime. In relation to tiger conservation, EIA has extensive experience in investigating and exposing the trade in tiger parts and products and has played a key role in consistently contributing to CITES decision-making by providing concrete evidence from investigations on the tiger trade and identifying effective recommendations to combat such trade. During the course of several investigations since 2004, EIA has obtained valuable video footage which documents encounters with tiger traders and tiger parts and products being offered for sale.¹

EIA's early investigations examined the availability of parts and derivatives of tigers used in traditional Chinese medicine despite China's 1993 ban on the use of tiger bone. This included our work that supported changes in regulations in the USA and Japan to make it illegal to sell products that were labelled or advertised as containing tiger, simplifying enforcement. Since 2002, EIA has partnered with the Wildlife Protection Society of India (WPSI) to investigate and document the trans-Himalayan trade in the skins of tigers and other Asian big cats and the organised transnational criminal networks emerging between India, Nepal, Tibet and China. Most recently, EIA completed investigations which show that (a) China's State Forestry Administration (SFA) allows the commercial sale of skins of captive-bred tigers, prepared as luxury skin rugs for home décor; (b) the smuggling of skins of wild tigers and other Asian big cats continues, with skins from India and Nepal being sold in established trade hotspots in China and (c) commercial use of tiger bone sourced from captive-bred tigers for manufacturing products, such as wine, appears to continue in China.

EIA has also made significant contributions to capacity building for improving enforcement and raising awareness to combat the Asian big cat trade. In this regard, EIA has produced two awareness and training films on illegal trade in Asian big cats in consultation with the CITES Secretariat on both occasions and included consultation with INTERPOL in the most recent version. The second film was part-funded by the U.S. Fish and Wildlife Service (FWS) and both have been commended by the CITES Secretariat in their report to the CITES Standing Committee,² with the updated version recently commended by the CITES Secretariat in its report on Asian big cats submitted to the 16th CITES Conference of the Parties (CoP).³

B. SPECIES INFORMATION

Tigers, *Panthera tigris*, are highly endangered species with a population estimate of as low as 3,000. Given their highly endangered conservation status, all subspecies of tigers have been listed under Appendix I of CITES since the adoption of the treaty in 1975, except the Siberian tiger which was listed on Appendix II. However in 1987 the Siberian tiger was up-listed onto Appendix I and since then all sub-species of tigers have remained on Appendix I of CITES thereby triggering the strictest trade prohibitions under the treaty. Further, tigers are listed as endangered species under the U.S. Endangered Species Act of 1973.⁴

¹ EIA's reports regarding the tiger trade are available on EIA's website: <http://www.eia-international.org/media?cat1=41&cat2=49>.

² CITES Secretariat (2006), Report on Tigers, SC54 Doc. 25.1, <http://www.cites.org/eng/com/sc/54/E54-25-1.pdf>.

³ CITES Secretariat (2013), Report on Asian big cats, CoP16 Doc. 50 (Rev. 1), <http://www.cites.org/eng/cop/16/doc/E-CoP16-50.pdf>.

⁴ 16 U.S.C. 1531 *et seq.*

Tigers are also listed as “endangered” in the IUCN Red List, with the Sumatran tiger, *Panthera tigris sumatrae*, and South China Tiger, *Panthera tigris amoyensis*, listed as “critically endangered”. The Indochinese tiger, *Panthera tigris corbetti*, is also listed by IUCN as “critically endangered” with vast areas of South East Asia being believed to be depleted of these species.⁵ The IUCN has determined that tigers are regionally extinct in at least 10 countries and three sub-species of tigers have gone extinct namely the Bali Tiger, *Panthera tigris balica*, Javan Tiger, *Panthera tigris sondaica*, and Caspian Tiger, *Panthera tigris virgata*.⁶

C. CITES REQUIREMENTS

Having ratified CITES in 1981, China is subject to CITES requirements. All subspecies of tigers are listed under Appendix I of CITES triggering the strictest trade prohibitions on international commercial trade in tiger parts and derivatives. Recognising the threats posed by any commercial trade to the highly endangered tiger population that is now estimated at fewer than 3,000 individuals,⁷ CITES also calls for specific domestic measures. In brief, CITES Resolution Conf. 12.5 (Rev. CoP16) on *Conservation of and trade in tigers and other Appendix-I Asian big cat species* calls for several measures including:

- voluntarily adopting prohibitions on domestic trade in tiger and other Asian big cat parts, products and derivatives,
- establishing adequate management practices and controls to prevent parts and derivatives from entering illegal trade from or through captive breeding facilities,
- consolidating and destroying stockpiles of tiger parts and products with the exception of those used for educational and scientific purposes, and
- with regard to consumer states, developing and implementing strategies for gradually reducing and eventually eliminating the use of tiger and other Asian big cat parts and derivatives.

Significantly in 2007 CITES Parties adopted Decision 14.69 that expressly stipulated that “*tigers should not be bred for trade in their parts and derivatives*” and that “*Parties with intensive operations breeding tigers on a commercial scale shall implement measures to restrict the captive population to a level supportive only to conserving wild tigers*”. The Decision was adopted by consensus, with Parties, including tiger range states, voting to specifically stress that trade in this context applies not only to international trade but also to domestic trade in parts and products sourced from captive tigers.⁸

During discussions on this issue, the United States expressed concern regarding domestic pressure within China to re-open the tiger trade and warned that any trade in captive-bred tiger specimens would result in more poaching and illegal trade.⁹ Indeed, the United States has for long strongly called for CITES Parties to adopt domestic trade prohibitions for trade in captive-bred tiger specimens. For example, at CITES CoP15 in 2010, expressing concern about the continued decline in the conservation status of Asian big cats, the United States supported domestic trade restrictions

⁵ IUCN (2013), *Panthera tigris ssp. corbetti: IUCN Red List of Threatened Species*.

⁶ IUCN (2013), *Panthera tigris: IUCN Red List of Threatened Species*.

⁷ Kristin Nowell, CAT and IUCN Cat Specialist Group and Natalia Pervushina, TRAFFIC (2014), REVIEW OF IMPLEMENTATION OF RESOLUTION CONF. 12.5 (REV. COP16) ON CONSERVATION OF AND TRADE IN TIGERS AND OTHER APPENDIX-I ASIAN BIG CAT SPECIES, CITES SC65 Doc 38 Annex 1, http://www.cites.org/sites/default/files/eng/com/sc/65/E-SC65-38-A01_0.pdf.

⁸ CITES CoP14 Summary Record (2007), CoP14 Com. II Rep. 14 at pp.2, 6-9.

⁹ CITES CoP14 Summary Record (2007), CoP14 Com. II Rep. 13 at p.4.

and argued that there were precedents within the Convention for addressing domestic trade issues.¹⁰ Significantly, the United States also supported an amendment (which was finally not adopted by CoP15) to Resolution Conf. 12.5 to enable the Secretariat to initiate compliance proceedings under for non-compliance with Resolution Conf. 12.5.¹¹

In CITES Notification No. 2008/059, the Secretariat provides guidance on specific actions that Parties could adopt towards implementation of Decision 14.69 including:

- the establishment of a national individual animal registration process, incorporating a marking system using, for example, microchips or DNA profiling;
- the segregation of sexes to prevent further breeding;
- the development of a strategic plan, incorporating deadlines, for the phasing-out of intensive breeding operations on a commercial scale or their conversion to operations devoted solely to the conservation of tigers; and
- and the development of a policy with regard to what will happen to tigers currently in intensive breeding operations.

In addition in 2012 in accordance with a directive from the CITES Standing Committee, the CITES Secretariat issued CITES Notification No. 2012/054 where Parties to whom Decision 14.69 applies were requested to “*fully implement Decision 14.69*” and report to the Secretariat on the measures implemented to comply with that Decision.

China has failed to comply with Resolution Conf. 12.5 and Decision 14.69 and has not provided accurate and complete information in response to Notification No. 2008/059 and Notification No. 2012/054. Moreover by providing selective information on this issue China has misrepresented to the CITES Parties that it has banned domestic trade in tiger parts and products while in reality it actively promotes captive breeding and commercial trade in tiger skins from captive tigers. In its most recent report to the 65th meeting of the CITES Standing Committee, China fails to mention the legal trade in captive tiger skins and merely states that tiger breeders are required to “label” tiger skins.¹²

On the other hand, it is pertinent to note that a report prepared by IUCN and TRAFFIC for this meeting of the Standing Committee and which is on the agenda for the meeting re-affirms EIA’s investigation findings and independently describes the legal internal trade in tiger skins sourced from captive tigers in China.¹³ The failure to provide accurate information to Parties is a matter of serious concern also because there have been several reportedly legal exports to China from other CITES Parties of specimens sourced from captive tigers, including carcasses as well as live tigers (based on information from the CITES Trade Database).¹⁴ It is unclear whether these captive tiger specimens have entered into the legal commercial domestic trade in China, which would violate CITES requirements.

¹⁰ CITES CoP15 Summary Record (2010), CoP15 Com. II Rec. 7 (Rev. 1) at p. 4.

¹¹ *Id.*

¹² CITES Management Authority of China (2014) SC65 Doc 38 Annex 3, <http://www.cites.org/sites/default/files/eng/com/sc/65/EFS-SC65-38-A03.pdf>.

¹³ Kristin Nowell, CAT and IUCN Cat Specialist Group and Natalia Pervushina, TRAFFIC (2014), REVIEW OF IMPLEMENTATION OF RESOLUTION CONF. 12.5 (REV. COP16) ON CONSERVATION OF AND TRADE IN TIGERS AND OTHER APPENDIX-I ASIAN BIG CAT SPECIES, CITES SC65 Doc 38 Annex 1,

http://www.cites.org/sites/default/files/eng/com/sc/65/E-SC65-38-A01_0.pdf.

¹⁴ ¹⁴ CITES Trade Database (accessed June 16, 2014).

China is also undermining other international programs for tiger conservation such the Global Tiger Recovery Program which has been adopted by 13 tiger range countries, including China, and which aims to double world wild tiger populations by 2022.¹⁵

D. THE 1993 PELLY CERTIFICATION OF CHINA

The Pelly Amendment requires the Secretary of the Interior to certify to the President when he finds that foreign nationals, “*directly or indirectly, are engaging in trade or taking which diminishes the effectiveness of any international program for endangered or threatened species.*”¹⁶ Upon receipt of such certification, the President may direct the Secretary of the Treasury to prohibit the importation into the United States of any product from the offending country for any duration, provided that the restrictions are consistent with the World Trade Organization General Agreement on Tariffs and Trade (GATT).¹⁷ The President must also notify Congress of any action taken within 60 days of certification.¹⁸ After the making of a certification, the Pelly Amendment requires the Secretary to “*periodically review the activities of the nationals of the offending country to determine if the reasons for which the certification was made no longer prevail.*”¹⁹

On September 6, 1993, then Secretary of the Interior under the Clinton administration, Bruce Babbitt certified China and Taiwan under the Pelly Amendment on the grounds that they were engaged in trade of rhinoceros parts and tiger parts that diminished the effectiveness of an international conservation program for that endangered species.²⁰ The certification was “*designed to encourage change in the policies of Taiwan and the Peoples’ Republic of China, which engage in the trading of parts and products from the two species.*”²¹ Through this action, the Department of the Interior required that China and Taiwan “*must commit to full implementation of resolutions adopted by CITES countries*”.²² Specifically the Department called for destruction of stockpiles and noted that “[d]estroying stockpiles is the swiftest means of controlling the international trade, and makes it much more difficult for poachers to discreetly sell harvested animal parts on an international market.” The certification of China for trade in tiger parts and products under the Pelly amendment was a historic development as this was the first time that the Department had threatened certification without being prompted by a petition.

On September 7, 1993, at the 30th meeting of the CITES Standing Committee, the Secretary of the Interior announced that the United States had taken action for rhinoceros and tiger conservation by enacting stricter domestic measures under the Pelly Amendment and that China and Taiwan had been certified under the Amendment.²³ It is significant to note that in May 1993 China had adopted a domestic ban on the use of tiger bone for medicinal purposes and while this measure was welcomed by the international community, in September 1993 the CITES Standing Committee had found that the measures taken by China “*are not adequate to sufficiently control illegal trade in rhinoceros horn and tiger specimens and failed to comply with measures outlined in Resolution Conf. 6.10.*”

¹⁵ Global Tiger Initiative (2010), Global Tiger Recovery Program: 2010-2022, http://www.globaltigerinitiative.org/download/St_Petersburg/GTRP_Nov11_Final_Version_Eng.pdf;

¹⁶ 22 U.S.C. § 1978(a)(2).

¹⁷ *Id.* at § 1978(a)(4).

¹⁸ *Id.* at § 1978(b).

¹⁹ 22 U.S.C. § 1978(d).

²⁰ Rhinoceros and Tiger Conservation Act, 16 U.S.C. § 5301(7).

²¹ US Department of the Interior (June 9, 1993), *News Release: Administration moves to halt international trade in tiger and rhino parts.*

²² *Id.*

²³ SC30 Summary Report – p. 14 (Sept. 1993)

Parties should consider implementing stricter domestic measures up to and including prohibition of trade in wildlife species now”.

In response to the certification, on November 8, 1993 noting that China and Taiwan were certified for engaging in trade of rhinoceros and tiger parts and products that diminishes the effectiveness of CITES, the President announced that the United States would impose trade sanctions against China and Taiwan unless substantial progress was made by March 1994 towards ending trade in rhinoceros and tiger products.²⁴ The President explained that despite good faith efforts of Taiwan and China to tackle the trade, these measures “*fall short of the international conservation standards of CITES*” and “*have yet to yield effective reductions in trade.*”

It was clear from the President’s message that the goal of the United States was to eliminate trade in parts and products of tigers and rhinos and the means to achieve this was for consumer countries to implement adequate legislative measures and provide for enforcement that effectively eliminates the trade, including taking actions to comply with the criteria recommended by CITES in September 1993 and fully cooperating with all CITES delegations.

On April 11, 1994, the President directed that imports of wildlife specimens and products from Taiwan be prohibited, in response to Taiwan’s failure to undertake sufficient actions to stop illegal rhinoceros and tiger trade; and that the certification of China would remain in effect and further directed that additional monitoring of China’s progress be undertaken.

On October 29, 1994, Taiwan adopted far-reaching changes in its wildlife law and policy effectively prohibiting all trade in rhino and tiger products and increasing penalties for illegal trade in such products. Unlike China’s laws and policies, Taiwan’s new wildlife law prohibited all trade in tiger parts and products, including trade in captive tiger specimens.²⁵ The law prohibits captive breeding of species listed on its conservation list except breeding exclusively for scientific and educational purposes. Facilities that were approved for breeding are required to be closed within three years.

Consequently, on June 29, 1995, the trade sanctions against Taiwan were lifted and on April 30, 1997, the Secretary of the Interior terminated the certification of Taiwan based on a determination that the reasons for the certification of Taiwan under the Pelly Amendment no longer prevailed. However, the certification of China for trade in tiger and rhino parts and products has not been terminated and continues to apply.

E. REASONS FOR THE CERTIFICATION OF CHINA CONTINUE TO PREVAIL - CHINA HAS NOT ELIMINATED TRADE IN TIGER PARTS AND PRODUCTS

E.1. China has established a permitting scheme that authorizes commercial domestic trade in skins sourced from captive tigers.

In the past 10 years, regulatory systems have been introduced in China to allow the commercial trade of skins of captive-bred tigers, prepared as luxury skin rugs for home décor. EIA research and undercover investigations undertaken in China between May 2012 and January 2013 document the commercial domestic sale of captive-bred tiger skins at 1.5 to three times the price of skins of wild

²⁴ President William Clinton (Nov 9, 1993), Message to the Congress on Rhinoceros and Tiger Trade by China and Taiwan.

²⁵ Wildlife Conservation Act of Taiwan (Oct. 29, 1994), <http://law.coa.gov.tw/GLRSnewsout/LawContentHistory.aspx?id=FL014500&KeyWord=>

tigers, leopards and snow leopards – this not only stimulates demand for tiger skins but also makes the skins of wild animals a cheaper option for consumers. The detailed investigation findings are described in EIA’s report *Hidden in Plain Sight: China’s Clandestine Tiger Trade* published in February 2013 (hereinafter “EIA 2013 Report”). The report is enclosed with this brief as Attachment 1 and is also available on EIA’s website.²⁶ Further, EIA has created an online library of information referenced in the EIA 2013 Report which is also available on the website.²⁷ In brief, the key findings of EIA’s research and recent investigations are summarized below.

E.1.a) China’s laws encourage and permit commercial breeding and utilization of tigers.

Under domestic law in China, the sale and purchase of wildlife under special state protection or the products thereof is prohibited under Article 22 of the Wildlife Protection Law of 1989 (hereafter “1989 Wildlife Law”).²⁸ The 1989 Wildlife Law is enclosed as Attachment 2 and is also available on EIA’s online library. Under this law, tigers benefit from “first class” state protection, i.e., the highest level of wildlife protection in China.²⁹ The 1989 Wildlife Law clearly encourages domestication and breeding of wildlife species:

*Article 4. The state shall pursue 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 encourage scientific research on wildlife. Units and individuals that have made outstanding achievements in the protection of wildlife resources, in scientific research on wildlife, or in the domestication and breeding of wildlife **shall be awarded by the state.***³⁰ (emphases added)

*Article 17. **The state shall encourage the domestication and breeding of wildlife.** Anyone who intends to domesticate and breed wildlife under special state protection shall obtain a license. Administrative measures for such licenses shall be formulated by the department of wildlife administration under the State Council.* (emphases added)³¹

According to Article 22 of the 1989 Wildlife Law, the sale and purchase of wildlife under special State protection or the products thereof shall be prohibited, except when the sale, purchase and/or use of such wildlife under special State protection or the products thereof are necessary for the purposes of scientific research, domestication and breeding, exhibition or “*other special purposes*” and approval from the SFA is obtained for such purposes. Such special purposes also includes breeding, utilization and sale of wildlife under special State protection and their products thereof for commercial production and business operations as confirmed by the various notices issued by the SFA establishing a scheme of “Special Marking for the Operation, Utilization and Administration of Wildlife” (hereafter “Special Marking Scheme”).

²⁶ <http://www.eia-international.org/hidden-in-plain-sight-chinas-clandestine-tiger-trade>

²⁷ <http://www.eia-international.org/eia-online-library-for-hidden-in-plain-sight-report>

²⁸ See Law of the People’s Republic of China on the Protection of Wildlife (1989, amended in 2004), Art. 22; see also The Law Library of Congress, Global Legal Research Center (June 2013), *Regulations Concerning the Private Possession of Big Cats: China*, <http://www.loc.gov/law/help/bigcats/china.php>.

²⁹ <http://bhs.forestry.gov.cn/portal/zrbh/s/3052/content-457727.html>

³⁰ Law of the People’s Republic of China on the Protection of Wildlife (1989, amended in 2004), Art. 4.

³¹ *Id.* at Art. 17.

Under this scheme, the SFA has approved several enterprises to utilize wildlife, including wildlife under special State protection, and the products thereof as raw material for commercial purposes.³² This Scheme was launched in January 2003 when the SFA and State Administration for Industry and Commerce (“SAIC”) issued a notice launching a pilot program for the Special Marking Scheme from May 1, 2003.³³ According to this 2003 notice, certain specific enterprises which utilize terrestrial wildlife including those under special State protection and the products thereof will be selected as pilot enterprises and the products manufactured by these pilot enterprises would be affixed with the “Special Marking”. The Special Marking represents the approval granted by the SFA for the sale and utilization of such wildlife and the products thereof.

Since the launch of the pilot program in 2003, the SFA has issued several notifications significantly developing the Special Marking Scheme and expanding the pilot program. Specifically under the Special Marking Scheme, in 2007, the SFA issued two Notices authorizing the commercial utilization of tiger skins: Notice No. 206 issued on September 29, 2007³⁴ and Notice No. 8 issued on December 24, 2007.³⁵ Both notices authorize commercial trade in tiger skins and are intended to implement the use of the Special Marking Scheme for skins and related products. EIA has not found any information that suggests that these notices have been withdrawn or are no longer valid. The 2007 notices are enclosed as Attachments 3 and 4 and are also available on EIA’s online library.

Notice No. 206 issued on September 29, 2007 provides that starting from January 1, 2008, the Special Marking should be affixed on legally sourced tiger and leopard skins and related products. Upon affixing the Special Marking, the sale and use of such products is legal. According to Article 2 of this Notice, tiger and leopard skins and related products that are legally sourced, including skins sourced from captive-bred tigers and leopards, are required to affix the Special Marking and obtain SFA approval for the sale, publicly display and exhibition of such skins and related products. The procedures for applying for such approval is described in guidelines issued by the SFA called the “Approval Guidelines for the Sale, Purchase and Utilization of Terrestrial Wildlife under First Class Protection or the Products Derived thereof”.³⁶

Notice No. 8 of 2007 issued on December 24, 2007 and applicable from January 1, 2008, extended the Special Marking Scheme to certain types of products that are legally manufactured or those that are legally stockpiled, specifically including “tiger skin, leopard skin and their products, including but not limited to clothing etc.”. Item (3) of Article 2 of this Notice further lists the names of the companies that are allowed to sell wild animal skin products.

E.1.b) *EIA has documented a legal domestic commercial trade in tiger skins from captive animals in China.*

More than 100 companies have been approved under the “wildlife utilisation and marking system”, to process and/or sell parts and products of Grade I nationally protected wildlife, including

³² Forestry Protection Notice (2003) no 3 by the State Forestry Administration, State Administration of Industries and Commerce launching a “pilot marking scheme” applying to the enterprises utilising wildlife and its products; Attachment 1: EIA (Feb 2013), Hidden in Plain Sight: China’s Clandestine Tiger Trade at 26.

³³ *Id.*

³⁴ 2007 Notice No. 206 issued by State Forestry Administration and State Ethnic Affairs Commission regarding registration and trade of tiger and leopard pelts and products thereof (Sept. 29, 2007); Attachment 1: EIA (Feb 2013), Hidden in Plain Sight: China’s Clandestine Tiger Trade at 27.

³⁵ <http://www.cnwm.org.cn/news.aspx?newsid=92>; Attachment 1: EIA (Feb 2013), Hidden in Plain Sight: China’s Clandestine Tiger Trade at 26.

³⁶ <http://www.forestry.gov.cn/XxgkQuickPathPortalAction.do?dispatch=getWorkDetail&scope=bszn&serverid=20>.

tigers.³⁷ Of these companies, in July-August 2012 EIA investigators met four companies that have been issued permits by the SFA that allows them to sell captive-tiger skins legally. Two of these companies are described in the EIA 2013 Report - Xiaofeng Animal Specimen Factory, in Chaohu, Anhui Province and the Qinhuangdao Wildlife Rescue Centre established by the China Wildlife Conservation Association, a national non-profit organisation affiliated to the SFA in Beidaihe, Hebei Province.³⁸ Both these companies regularly process captive tiger skins to produce high-end luxury rugs that they can then sell legally for commercial purposes with a permit issued by the SFA. In addition EIA also met two other companies – Touch Africa in Beijing and Beijing Longying Trading Ltd (also known as Beijing Longfuteng Fauna and Flora Ltd) in Beijing.

At Xiaofeng Animal Specimen Factory, the owner of Xiaofeng showed EIA investigators two tiger skins, one ready for purchase and a second, a white tiger skin, being processed. The tiger skin offered for sale to EIA investigators was allegedly sourced from a captive tiger and was accompanied with a permit issued by the SFA which stated that (see image below): “*The specimen is registered, and can be traded within China by presenting this registration and the attached mark.*” The owner, who has been in this business since 2004, said he had sold five rugs in the first half of 2012 and was expecting to receive more skins before the end of the year. Local government records online confirm he had permission to process at least nine skins in 2012 and has processed a further 11 tiger skins and one leopard skin since 2009, although more records may be available than EIA has been able to access. New information available through local government records shows that the owner of Xiaofeng has been granted permission to process tiger skins in 2014 as well and that between 2010 and 2014 alone he has been issued permits to process at least 40 tigers.³⁹ Records indicate the skins come from zoos across the country.⁴⁰



³⁷ See Attachment 1: EIA (Feb 2013), Hidden in Plain Sight: China’s Clandestine Tiger Trade at 26 (summarizing the notices that list such companies under Forestry Protection Notice 2003 No. 3).

³⁸ See Attachment 1: EIA (Feb 2013), Hidden in Plain Sight: China’s Clandestine Tiger Trade at 6-7.

³⁹ EIA (May 2014), 40 tigers in four years: China’s lethal wildlife trade loophole, <http://eia-international.org/40-tigers-in-four-years-chinas-lethal-wildlife-trade-loophole>.

⁴⁰ See Attachment 1: EIA (Feb 2013), Hidden in Plain Sight: China’s Clandestine Tiger Trade at 6-7.



Above: Permit issued by the SFA for a tiger skin rug sourced from a captive bred-tiger and offered for sale to EIA by Xiaofeng Animal Specimen Factory. The permit specifically states that this tiger specimen can be traded within China. © EIA.



Above: Tiger skin rug sourced from a captive bred-tiger accompanied with a permit issued by SFA and offered for sale to EIA by Xiaofeng Animal Specimen Factory. © EIA.

At Qinhuangdao Wildlife Rescue Centre, EIA investigators met the manager of the Centre who stated that most tiger skins are sold to wealthy individuals rather than for educational or scientific purposes and that the Centre had sold five tiger skin rugs in the first half of 2012 to individuals seeking luxury home décor. He also stated that “anyone” can buy these skins from the Centre confirming that the legal trade in tiger skin rugs is not restricted to scientific or educational purposes but is feeding into a lucrative commercial retail market.

The owner of Touch Africa, a commercial retail store in Beijing dealing in home décor products, told EIA that he sells tiger skins legally with permits issued by the Chinese government. He told EIA that he can procure 3-5 skins from captive tigers if a booking is made in advance for the purchase.

The owner of Beijing Longying told EIA that “the state has loosened control” over trade in tiger skins from captive animals and that there is a notification issued by the SFA which allows tiger and leopard skins to be sold on the market once they obtain a stamp or permit from the authorities. He claimed that he had such a permit and also revealed that the Siberian Tiger Park in Harbin is authorized to sell 20-30 tiger skins from captive tigers.

The prices quoted for captive-bred tiger skins were 1.5 to three times higher than for wild tiger skins, and several times higher than the skins of wild leopard and snow leopard offered to EIA investigators in July 2012 in Lhasa, Tibet Autonomous Region (hereafter “TAR” or “Tibet”); Linxia, Gansu Province and Xining, Qinghai Province. The prices for captive tiger skins quoted to EIA by traders in 2012 are summarized in the box below.

Box 1: Price ranges quoted by traders to EIA in 2012 for luxury rugs made from captive tiger skins

- Xiafeng Animal Specimen Factory, Anhui Province: Quoted 420,000 RMB (approx. 67,000 USD) for the tiger skin rug shown on page 11 and 12 but stated that this price can be reduced by 100,000 RMB (approx. 16,000 USD) if the skin is purchased without the SFA permit. For a standing tiger taxidermy he quoted a price of 500,000 RMB (approx. 80,000 USD).
- Qinhuangdao Wildlife Rescue Centre, Hebei Province: Ranging from 500,000 – 700,000 RMB (approx. 80,000 -112,000 USD) per skin.
- Touch Africa, Beijing: Ranging from 800,000 – 900,000 RMB (approx. 128,000 -144,000 USD) per skin with a “top-quality” tiger skin fetching 1.2 million RMB (approx. 192,000 USD).
- Beijing Longying, Beijing: Ranging from 800,000 – 900,000 RMB (approx. 128,000 - 144,000 USD) per skin with a “big one” fetching over 1 million RMB (approx. 160,000 USD).

The parallel legal trade in captive tiger skins stimulates demand for tiger parts and products and also undermines the efforts of past demand-reduction campaigns. The taxidermy workshop of the Qinhuangdao Wildlife Rescue Centre provided EIA investigators a brochure, which stated that the use of taxidermy items as luxury home décor is an increasingly fashionable way to demonstrate higher status. Similar statements suggesting the use of tiger skins for luxury home décor and fashion have been made by traders selling *wild* tiger, leopard and snow leopard skins, and is also reflected in the way *wild* skins are now prepared and trafficked, with the head and paws intact for taxidermy; until 2006, less care was taken as skins were also used to decorate traditional costumes. It is clear that the legal trade is sustaining, and indeed promoting, a perception that tiger skin rugs are valuable, thereby stimulating demand for such products.

Box 2: Extract from EIA Investigation Transcript

2012 (Qinhuangdao Wildlife Rescue Centre, Beidaihe, Hebei Province):

Trader: *The skins are made into taxidermies, and they are for sale, with collection certificates.*

EIA: *How much?*

Trader: *That depends, on when do we get the skin, how big is the tiger, which species it is, and so on and so forth. ... Now our supply can't even meet the demand, you have to make a reservation. ... if you don't want [the skin], there are always guys who want them. ... can you accept a price from 600,000 upwards, if you can't, then...*

EIA: *So you said even if it costs 700,000 RMB, still there is a big demand?*

Trader: *Yes, much higher than the supply.*

EIA: *Who buys these [skins]?*

Trader: *Anyone can buy. There are so many wealthy guys; some can sell it again.*

Trader: *Like the stuff [tiger skins] you want, good ones ... we got five this March.*

EIA: *Oh, really? All sold?*

Trader: *Yes, they were taken away once made. ... Once we got the skins, even before making them, they were already all booked."*

EIA: *Who buys these [tiger taxidermies], schools or individuals?*

Trader: *More, individuals. ... honestly, we make more carpets now than standing taxidermies. Like for the universities, we make those [standing taxidermies], but for personal collection, we only make carpets. ...*

EIA: *So the five skins you sold, they were all made into carpets?*

Trader: *Yes, they were all carpets.*

The parallel legal trade in captive tiger skins also undermines enforcement efforts as it is very simple to abuse this system and launder illegal products - the only identifying feature connecting the tiger skin rugs for sale with the accompanying permits is a photo of the skin on the back of the permit that is taken by the trader himself (see image on page 11). The owner of Xiaofeng described ways in which he could re-use the permits and falsify the origin of the skins.

Box 3: Extract from EIA Investigation Transcript

2012 (Xiaofeng Animal Specimen Factory, in Chaohu, Anhui Province):

EIA: *If you are to estimate, legal and illegal skins, what is the percentage in the market?*

Trader: *I would say half and half. ... But even if you don't have a certificate, you can keep it at home, and claim you inherited it...*

Trader: *The certificate is here, and you don't need to know more. It's like you ask a child trafficker, who does the child belong to? (in response to EIA asking about who owns the tiger that was being offered for sale with a permit).*

The owner of Xiafeng also claimed that he had processed two skins from wild tigers originally from India and purchased in the TAR, including one he processed on behalf of a local deputy governor who had received it as a gift.

Box 4: Extract from EIA Investigation Transcript

2012 (Xiafeng Animal Specimen Factory, in Chaohu, Anhui Province):

Trader: Yes I can. But you ought to be careful when bringing it over, you can bring it from there, many do, it's normal.”(in response to EIA asking whether he can tan skins from a wild tiger caught in India).

Further, since he takes delivery of the entire tiger carcass from the zoos with which he has an agreement, he can also sell the tiger bones in the black market since the authorities do not effectively monitor this trade.

Box 5: Extract from EIA Investigation Transcript

2012 (Xiafeng Animal Specimen Factory, in Chaohu, Anhui Province):

Trader: Yes. Its [the tiger's] whole body, including the tail is with me. I have experience doing this. Some ask me, to get some bones, I get some. Whether it belonged to a lion or a tiger, no one knows but I will show my customer bones with some flesh still on it. Once we agree on the deal, I will get rid of the flesh.” (Trader in response to EIA asking whether the tiger head he showed EIA (see image below) belonged to the tiger whose skin was made into a rug and displayed (see tiger skin image on page 11)).



Above: Carcass of the tiger, including tiger bone, in the freezer at Xiafeng Animal Specimen Factory. The skin of this tiger was used to make the rug shown on page 11. © EIA.

Finally, the utilization of tiger parts from captive animals has been actively encouraged by the SFA. This is evident from the fact that the SFA issues permits for the legal trade in captive tiger skins and that it has invested in the growth of tiger breeding facilities in China and has failed to take steps to prevent stockpiling of tiger specimens.

Box 6: Extract from EIA Investigation Transcript

2012 (Qinhuangdao Wildlife Rescue Centre, Beidaihe, Hebei Province):

Trader: From all over the country...the state allocates to us, from CITES office, from zoos, to us. ... [the allocations are] only to make taxidermies.

EIA: What are [the sealed tiger bones] kept for? If you cannot use them, why not just destroy them?

Trader: We cannot do that, this is a resource...like the skins, what are these for, without the fur they are just like cow skins.

EIA: But we will have to waste electricity if you have to keep them in the freezers.

Trader: That's a problem of the state, we can't solve it ourselves. ...

The SFA has also failed to act in good faith by providing misleading information regarding trade in captive tiger parts in China. EIA has on several occasions previously sought clarification from the government of China specifically about China's laws and policy about trade in parts and products of captive-bred tigers, including through interventions at key meetings at which the delegation from the government of China was present as well as through emails and one-on-one meetings. However, our requests for further information and clarification on the following questions continue to be overlooked:

- a. How many permits / authorizations have been issued by the government under the Wildlife Trade Marking and Utilisation Scheme for sale of parts and products derived from captive tigers? Who are the applicants for such permits and where are the skins sourced from?
- b. What checks are in place to monitor the trade? How does China ensure that the skins of wild Asian big cats are not laundered into the 'legal' trade system?
- c. How does China ensure that or what criteria are used to determine that the issuing of permits is not detrimental to wild tigers and other Asian big cats?
- d. What is the size of the captive tiger population in China? How many facilities have captive tigers in China? What steps has China taken to phase-out captive breeding operations that are not for conservation purpose? What are China's future plans and intentions for phasing-out such captive breeding operations?
- e. For what purpose is China allowing the stockpiling of skins and bones of Asian big cats that have died in captivity?
- f. Regarding trade in tiger bone (discussed below): Does China's State Council order prohibiting the use of tiger bone supersede the Wildlife Protection Law, i.e., can permits be issued to use tiger bone from captive tigers or wild tigers? Does the State Council order banning the use of tiger bone apply to captive bred tiger bone as well as wild tiger bone? Does this ban apply to the use of tiger bone for making wine even though the final product / wine does not itself contain any tiger parts? For instance, would the ban apply to a person or entity preparing wine by soaking tiger bones in vats of wine and thereafter removing the bones from the product before selling the product to the end-consumers? What is the status and impact of the notification issued by the government titled: "*Forestry Protection [2005] no 139 by State Forestry Administration, Department of Health, State Administration of Industry and Commerce, State Food and Drug Administration Inspection Bureau, State Administration of Traditional Chinese Medicine Management Bureau concerning a pilot project to enable the use of captive-bred tiger bone in medicine and the gradual reduction of use of leopard bones*"?

In sum, regulations and policies have been adopted by the Government of China to permit the commercial domestic trade in skins sourced from captive tigers in China. A regulatory system has been established for traders to submit applications for and obtain permits for legal trade in captive tiger skins for commercial purposes. Accordingly, the existing laws and policies in China undoubtedly authorize the commercial domestic trade in skins from captive tigers. This regulatory and certification system also bears significant implications for other endangered and threatened wildlife since the same system applies to ongoing legal trade in elephant ivory and potential trade in captive rhino specimens.

Further, it is significant to note that at present the National People's Congress, the highest legislative authority in China, is conducting a review to determine potential amendments to the 1989 Wildlife conservation Law.⁴¹ This review offers an opportunity to amend the existing laws, regulations and policies in China that authorize legal trade in tiger specimens. Additionally, within China several local independent non-governmental organizations, academics and lawyers have initiated a civil society movement supporting a substantial amendment of Chinese wildlife laws rejecting commercial utilization of protected wildlife specimens.⁴² These developments on the ground in China offer a significant opportunity for the Government of China to adopt and implement critical amendments to existing laws and policies related to wildlife trade including prohibiting commercial trade in captive tiger skins.

E.2. EIA investigations and media exposés indicate that tiger bone sourced from captive animals continues to be used for manufacturing wine and other products.

Through desk-based research, review of relevant Chinese laws and policies, and covert investigations conducted in 2012 and 2013, EIA has found that commercial use of tiger bone sourced from captive-bred tigers appears to continue for manufacturing products such as wine. These findings are presented in Attachment 1 as well as in EIA Briefing on the Manufacture of Tiger Bone Wine in China enclosed as Attachment 5.

E.2.a) The scope of the 1993 ban on the use of tiger bone for medicinal purposes remains unclear.

In 1993 the State Council issued a notification on “Banning the Trade of Tiger Bone and Rhino Horn” (hereafter, the “1993 Notification”), which prohibits the sale and use of tiger bone for medicinal purposes except in certain specific circumstances such as scientific research for the purpose of finding a substitute for tiger bones and for “other special purposes” (collectively, the “Tiger Bone Exceptions”). However, the 1993 Notification does not specify what circumstances would qualify as Tiger Bone Exceptions. Approval from the Ministry of Health is required for the Tiger Bone Exceptions and the case needs to be reported to the SFA for recording purposes.

The 1993 Notification appears to be the applicable law regulating the sale and use of tiger bones and their related products. To be clear, the 1993 Notification does not apply to trade in tiger skins and other parts and products other than tiger bone.

Further, it appears that other regulations and notifications contradict the prohibitions in the 1993 Notification. For example, Article 13 of the Regulations on Protection of Wild Medicinal Resources

⁴¹ NPC Standing Committee work plan for 2014, http://www.npc.gov.cn/npc/xinwen/lfgz/2014-04/17/content_1859742.htm.

⁴² Technology Daily (April 2013), *Wildlife Conservation Law of China can no longer protect the wildlife*, http://news.xinhuanet.com/tech/2013-04/11/c_124566078.htm.

promulgated by the State Council in 1987 provides that the medicinal parts of wildlife subject to first class protection (which includes tigers) that died of natural reasons can be traded domestically by State-owned medicinal companies.⁴³ While it is possible that the 1993 Notification in theory or in practice prevails over these Regulations, it appears that the 1987 Regulations continue to be effective and have not been withdrawn.

In addition, it appears that in 2005 the SFA, and other government departments - State Administration for Industry and Commerce (SAIC), Ministry of Health, SFDA and the State Administration of Traditional Medicine issued Notification 2005 No 139.⁴⁴ The full content of this notification is not available but is referenced in several websites of local government authorities.⁴⁵ The title of the Notification states that it concerns “*a pilot project to enable the use of captive-bred tiger bone in medicine and the gradual reduction of use of leopard bones.*” It is not clear what exemptions to the 1993 State Council order this Notification provides, or whether it was subsequently withdrawn. However EIA has documented references to Notification 2005 No. 139 both on government and industry websites as well through investigations where traders have referred to this Notice as enabling limited legal commercial trade in tiger bone from captive tigers. Further, EIA has documented the impact of Notification 2005 No. 139, which has prompted the Sanhong Biotechnology Company to invest millions to produce a range of “Real Tiger Wine” products manufactured using tiger bone from captive animals.⁴⁶

E.2.b) *Traders in China have told EIA that the government permits commercial use of tiger bone from captive animals for manufacturing wine and other products.*

During investigations in 2012 and 2013, EIA investigators met traders in Beijing Longying Trading Ltd (also known as Beijing Longfuteng Fauna and Flora Ltd) in Beijing and the Hunan Sanhong Biotechnology Company in Changsha, Hunan Province who shared information on the ongoing use of tiger bone from captive animals for manufacturing wine in China.

In 2012, EIA found that Beijing Longying is one of the companies that has the license to breed wildlife (including tigers) and license to process and sell their parts and products. He currently possesses eight tigers in captivity on the outskirts of Beijing and two in a park in Sanya, on Hainan Island, but his long-term goal is to raise 500 tigers. In this regard, he explained that an official notification circulated in 2005 had permitted the sale of tiger bone from captive tigers to designated medicinal manufacturers authorised to supply hospitals with tiger bone wine, however only operations with 500 tigers or more could apply for such permission.

⁴³ See <http://www.satcm.gov.cn/English2010/Policy/2010-10-06/165.html>.

⁴⁴ State Forestry Administration, Department of Health, State Administration of Industry and Commerce, State Food and Drug Administration Inspection Bureau, State Administration of Traditional Chinese Medicine Management Bureau concerning the pilot project to enable the use of artificially-bred tiger bone in medicine and the gradual reduction of use of leopard bones. Forestry Protection Law [2005] No. 139, (国家林业局、卫生部、国家工商总局、国家食品药品监督管理局、国家中医药管理局关于试点性启用人工繁育虎骨入药和逐步减少利用豹骨的通知).

⁴⁵ See EIA (2013), *Hidden in Plain Sight: China's Clandestine Tiger Trade*, at p.10, <http://eia-international.org/wp-content/uploads/EIA-Hidden-in-Plain-Sight-med-res.pdf>; see also EIA (2013), *Briefing on the Manufacture of Tiger Bone Wine in China*, at p.2, http://eia-international.org/wp-content/uploads/FINAL_Sanhong-Briefing_June-20-20132.pdf.

⁴⁶ See EIA (2013), *Briefing on the Manufacture of Tiger Bone Wine in China*, http://eia-international.org/wp-content/uploads/FINAL_Sanhong-Briefing_June-20-20132.pdf.

Box 7: Extract from EIA Investigation Transcript

2012 (Beijing Longying Trading Ltd, Beijing):

EIA: It sounds like a risky investment [to reach the target of 500 tigers].

Trader: It sounds risky to you, but to me, it is risk-free business. I understand the relation between SFA, the CITES office and private businesses. ...

Trader: In 1993, tiger bone trade was banned and in 2005, it [the government] says bones can be used. Now as for the skins, the state has given clear signals that so long as you have been certified with a stamp, you can circulate. For the meat, it only prohibits you to eat, and it doesn't say about anything else [such as using the meat to make tiger paste] ...

In 2013, EIA investigated the Hunan Sanhong Biotechnology Company, which was apparently manufacturing tiger bone wine on a commercial scale. EIA not only found that the Company is manufacturing and selling wine that they claim is made from tiger bone, but that they also claim they are doing so with the approval of government authorities at the provincial and central levels.

A Company representative told EIA that the Company along with two other facilities are authorized by the government to use tiger bone from captive animals to manufacture and sell tiger bone wine so long as the product does not list “tiger bone” as its ingredient on its packaging. The representative explicitly stated that his business is legitimate based on a government notification issued in 2005 which he claims allows for the pilot use of the bones from captive tigers for medicinal purposes. He further claimed that the SFA subsequently asked them to defer sale of the product until after the Beijing Olympics and the Shanghai Expo. The Company had already begun manufacture however, so it merely restricted distribution, with direct sales to high-ranking officials and via external agencies which market the wine to exclusive venues.

The winery is the Company’s core business which has the capacity to generate an estimated RMB 2 billion (USD 32 million) annually. Sanhong’s tiger bone wine is branded as ‘Real Tiger Wine’. A wealth of information about the operations and business plan for manufacturing tiger bone wine is available in the Company’s “feasibility study report” which was prepared in 2005 and describes the “great market potential” for tiger bone wine.⁴⁷ Accordingly, it sets out the production and marketing strategy for the Company at a projected annual output of 800 tons of *Quanzhen Hujiu*, “Real Tiger Wine”, worth an estimated RMB 1 billion /USD 160 million. The report goes into enormous detail about consumer attitudes and demographics, brand positioning, marketing, competition, production processes, sourcing of raw tiger bone (including establishing a tiger-breeding operation) and financing.

The report sets out the legal basis of the Company’s wine production business and in this regard, specifically identifies Notification 2005 No. 139. This was also confirmed by the Company representative who told EIA that their tiger bone wine production is being carried out on the basis of the government’s authorization in Notification 2005 No.139.

Further, the Company representative told EIA that they have begun producing tiger bone wine and that they were collecting and utilising tiger bones even before the 1993 ban. The bones for manufacturing the wine are sourced from its own tiger breeding facility as well as zoos and other

⁴⁷ Available on EIA’s online library: <http://eia-international.org/eia-online-library-for-hidden-in-plain-sight-report>.

breeding facilities across China. The Company representative told EIA that the use of bone from captive tigers for producing wine is a business activity that is ongoing in almost every province across China, mostly in zoos. However, such activities are carried out in a discreet manner and the representative said that only three facilities are allowed by the government itself to sell tiger bone wine, i.e., the Harbin Siberian Tiger Park (Heilongjiang Province), Xiongsen Bear and Tiger Village (Guangxi Province) and Sanhong. Indeed, the Company representative specifically told EIA that so long as these facilities avoid labelling the product as “tiger bone” wine, they can legally sell the product.

Box 8: Extract from EIA Investigation Transcript

2013 (Hunan Sanhong Biotechnology Company in Changsha, Hunan Province):

EIA: You said that selling tiger bone is not allowed, but at the same time you are selling this with permission from the government?

Trader: The product is official so long as it is not labeled as “tiger bone”. Official products can be sold in the market.

EIA: How about the Siberian Tiger Park and the Xiongsen Bear and Tiger Village?

Trader: It’s the same. Everyone involved in this business know this, no one dares to label the product as “tiger bone”.

EIA: It is not labeled as such, but it is actually made with tiger bones?

Trader: Yes.

Additionally, past EIA investigations as well as exposés by media and other non-governmental organizations have documented the use of tiger bone from captive tigers in tiger farms across China to produce wine.⁴⁸ In a 2007 EIA investigation, staff at the Qinhuangdao Wildlife Rescue Centre showed EIA a permit from the SFA allowing them to sell tiger bone wine on the premises of the park.⁴⁹

E.3. There is a massive and growing captive tiger population as well as stockpiles of tiger parts and products in commercial facilities across China, many of which have been implicated in illegal trade.

The commercial use of parts and products from captive tigers is particularly worrying given the large captive tiger population in China. There are reportedly between 5000 to 6000 captive tigers in China, not only in large tiger “farms”, zoos and circuses, but also in smaller enterprises. It is likely that this population is growing based on historic data and the fact that China has failed to provide any information to CITES on steps taken to phase-out such facilities, despite the requirements of CITES Decision 14.69.

At CITES COP16 in March 2013 and most recently for the 65th meeting of the CITS Standing Committee, China reported that there are “over” 5000 captive bred tigers in China without providing

⁴⁸ See, e.g., Attachment 1: EIA (Feb 2013), *Hidden in Plain Sight: China’s Clandestine Tiger Trade* at 13-16; EIA (2007), *Availability of Tiger Bone Wine at Wild Animal Parks in China*, <http://www.eia-international.org/availability-of-tiger-bone-wine-at-wild-animal-parks-in-china>; EIA, *Tiger Bone Wine Auctions in China* (Feb 2012), <http://www.eia-international.org/tiger-bone-wine-auctions-in-china>.

⁴⁹ EIA (2007), *Availability of Tiger Bone Wine at Wild Animal Parks in China*, <http://www.eia-international.org/availability-of-tiger-bone-wine-at-wild-animal-parks-in-china>.

any further details on this ambiguous population estimate.⁵⁰ Although CITES requirements call for China to restrict its captive bred tiger population and phase-out tiger farms, it is apparent that China has not adopted effective measures to do so. Indeed it is clear that China's captive bred tiger population has increased exponentially since the 1980s. From a mere 13 captive tigers in 1986,⁵¹ to 3000 captive tigers in 2005 (as reported by China at SC53)⁵² – and after the adoption of Decision 14.69 in 2007 requiring it to restrict its captive tiger population, China's captive tigers increased significantly – in 2010 it was reported that China's captive bred tiger population had increased to 6000.⁵³ The CITES Tiger Technical Missions to China in 1999 found that approximately 200 tigers are born in captive-breeding facilities in China each year.⁵⁴ In 2007 China reported to CoP14 that more than 800 tigers are born in captivity each year.⁵⁵ More recently on March 14, 2014, the Siberian Tiger Park in Harbin in Heilongjiang province publicly announced that it plans to increase its captive tiger population by 100 Siberian tiger cubs this year alone and that the facility already has over 1000 captive tigers.⁵⁶

China's increasing captive tiger population also raises serious concerns about the likely burgeoning stockpiles of tiger bones and tiger skins in China – confirmed by the fact that in its report China has made no reference to permanently disposing of such stockpiles or at the minimum consolidating such stockpiles, instead it has stated that it is “sealing” tiger bones and is “labelling” tiger skins. Table 1 below summarizes certain publicly available figures on the captive tiger population in China as well as possible quantities of stockpiles of captive tiger parts.

⁵⁰ CITES Management Authority of China (2012), Report on Asian big cats, CoP16 Doc. 50, Annex 3 b, ¶ 13; CITES Management Authority of China (2014) SC65 Doc 38 Annex 3.

⁵¹ See Kirsten Conrad (Feb 2000), *Safety in Numbers: Review of the Breeding Center for Felidae at Hengdaohezi* at 4.

⁵² See CITES SC53 Summary Record, SC53 Summ. Rec. (Rev. 1)(2005) at 12.

⁵³ AFP (Feb 9, 2010), *China says it has 6,000 captive tigers*, <http://www.google.com/hostednews/afp/article/ALeqM5iowjbaPC4NntlrGjBPnc1YDXCTkg>.

⁵⁴ CITES Report of the Tiger Technical Missions (1999), Doc. SC.42.10.4 at 38.

⁵⁵ CITES Management Authority of China (2012), *Report on Implementing Resolution Conf.12.5 of CITES*, CoP14 Doc. 52 Annex 1, p.4.

⁵⁶ Shanghai Daily (March 2014), *Breeding center expects 100 more Siberian tigers*, http://www.shanghaidaily.com/article/article_xinhua.aspx?id=206593.

TABLE 1: Key facts and figures related to captive tigers in China

Wild Tiger Population Estimate ⁵⁷	40-50
Captive Tiger Population	3000 (2005) ⁵⁸ > 5,000 breeding 800 cubs / year (2006) ⁵⁹ 6,000 (2010) ⁶⁰ >5,000 (2012) ⁶¹ >5,000 (2014) ⁶²
Breeding rate	200/year (1999) ⁶³ 800/year (2007) ⁶⁴ 100 expected for 2014 Siberian Tiger Park in Harbin ⁶⁵
Number of Facilities	>200 (2010) ⁶⁶
Suspected Captive Tigers Seized since 2000	20
Volume of Stockpiles (confiscated and / or captive-bred)	625kg tiger bone sealed between 1993-94 ⁶⁷ approx. 150 carcasses in freezer at Hengdao River facility in Harbin (2006) ⁶⁸ under 200 carcasses in Xionsen Bear and Tiger Village in (2006) ⁶⁹
Disposal of parts of captive tigers	Skins of captive tigers 'labelled' and licensed for domestic trade ⁷⁰ Stocks of tiger bone 'sealed' and kept on premises of private breeders, with several sources suggesting use in tiger bone wine. ⁷¹ Unspecified amount of stock held in two facilities destroyed "several" times ⁷² . No report on status of stocks for other facilities.
DNA / Stripe pattern database with profiles of individual captive tigers	Unspecified number of captive tiger DNA profiles held in database ⁷³ .

⁵⁷ Global Tiger Initiative website, <http://globaltigerinitiative.org/> (accessed 29 May 2014).

⁵⁸ CITES SC53 Summary Record (2005), SC53 Summ. Rec. (Rev. 1) at 12.

⁵⁹ CITES Management Authority of China (2007), CoP14 Doc 52 Annex 1.

⁶⁰ China CITES Management Authority (2010), Tigers Conservation in China (brochure distributed by China's CITES Management Authority at CITES CoP15).

⁶¹ CITES Management Authority of China (2012), CoP16 Doc. 50 (Rev 1), Annex 3b.

⁶² CITES Management Authority of China (2014) SC65 Doc 38 Annex 3,

⁶³ CITES Report of the Tiger Technical Missions (1999), Doc. SC.42.10.4 at 38.

⁶⁴ CITES Management Authority of China (2012), *Report on Implementing Resolution Conf.12.5 of CITES*, CoP14 Doc. 52 Annex 1, p.4.

⁶⁵ Shanghai Daily (March 2014), *Breeding center expects 100 more Siberian tigers*, http://www.shanghaidaily.com/article/article_xinhua.aspx?id=206593.

⁶⁶ CITES Management Authority of China (2010), Comments on CoP14 Doc. 43.2 (brochure).

⁶⁷ TRAFFIC (2007), Taming the Tiger Trade, www.traffic.org/species-reports/traffic_species_mammals16.pdf.

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ CITES Management Authority of China (2012), CoP16 Doc. 50 (Rev 1), Annex 3b; EIA (2013), *Hidden in Plain Sight*.

⁷¹ <http://news.qq.com/a/20140527/019257.htm>; EIA (2013) *Briefing on the manufacture of tiger bone wine*, various exposes quoted in EIA (2013) *Hidden in Plain Sight: China's Clandestine Tiger Trade*, (p13).

⁷² CITES Management Authority of China (2014) SC65 Doc38 Annex 3.

⁷³ CITES Management Authority of China (2014) SC65 Doc38 Annex 3.

Below: Stockpile of captive tiger carcasses at Xionsen Bear and Tiger Village, Guilin, China, 2007.
© Belinda Wright WPSI.



The CITES Secretariat has previously requested information on such captive-breeding facilities, including on whether measures have been implemented for the segregation of sexes to prevent further breeding, but such information has not been forthcoming from China's CITES Management Authority over the 7 years since the adoption of Decision 14.69.⁷⁴

Many of commercial tiger breeding facilities in China have been implicated in illegal trade in tiger parts and products.⁷⁵ For example, in August 2013, state-owned Chinese media (CCTV) aired a 40 minutes prime time television programme exposing the sale of tiger bone wine by a tiger farm in China (Xionsen Tiger Farm in Guilin province).⁷⁶ Significantly, the programme emphasised that trade in parts and products from captive tigers will increase market demand and will impact wild tigers. The programme also notes that such trade undermines the Chinese government's efforts to protect wild tigers and implement applicable laws.

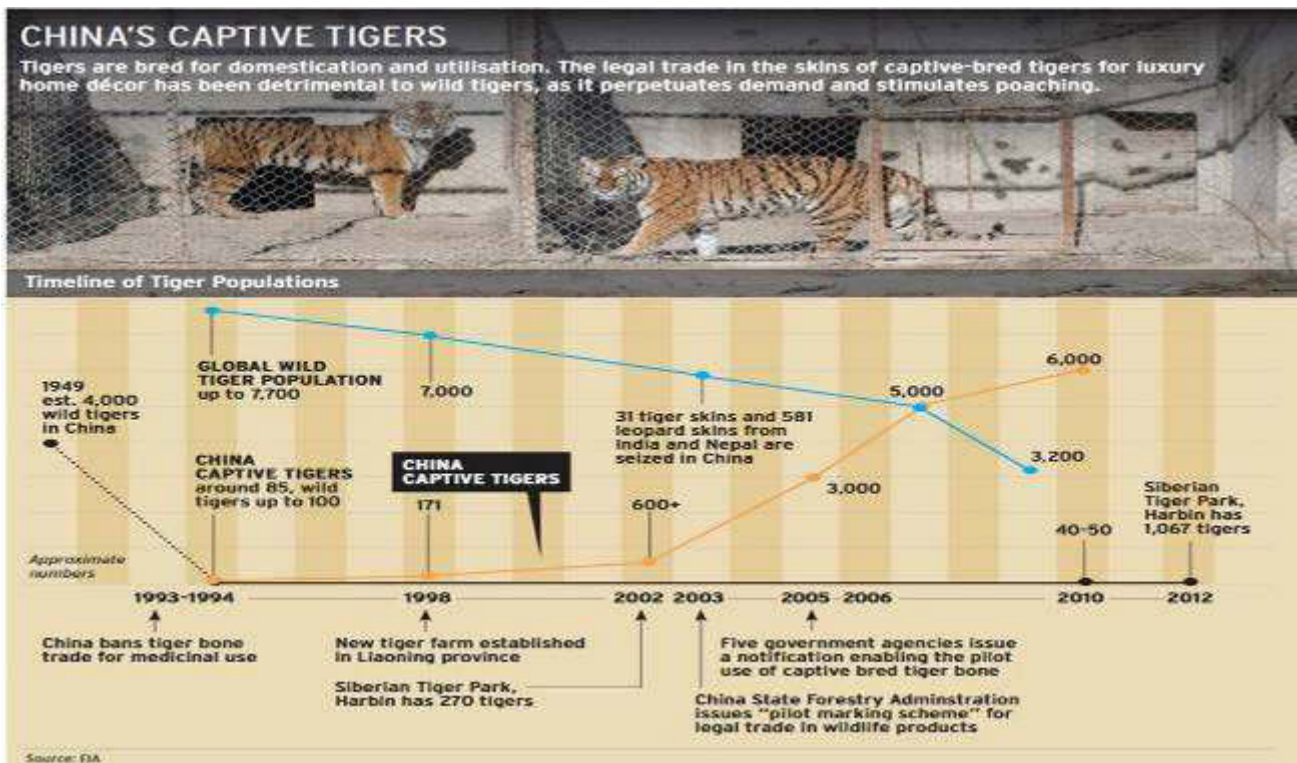
More recently, in March 2014 it was reported that a gang of 15 persons were arrested in Leizhou, Guangdong province in China suspected to be involved in the tiger trade where during the enforcement effort the police also found the gang slaughtering a tiger and have seized the tiger carcass - this particular tiger was believed to have been shipped live from Vietnam for slaughter in China.⁷⁷

⁷⁴ CITES Secretariat (2008), Tiger-breeding operations, Notification No. 2008/059.

⁷⁵ See, e.g., Attachment 1: EIA (Feb 2013), Hidden in Plain Sight: China's Clandestine Tiger Trade at 13-16.

⁷⁶ <http://jingji.cntv.cn/2013/08/12/VIDE1376318999979285.shtml>

⁷⁷ He Huifeng, South China Morning Post (March 2014), *Arrested gang believed to have slaughtered 'more than 10' wild tigers*, <http://www.scmp.com/news/china/article/1457848/arrested-gang-believed-have-slaughtered-more-10-wild-tigers>;



This infographic shows that the rapid growth of captive-bred tigers in China has done nothing to support the recovery of wild tigers in that country. (c) EIA

E.4. Poaching and illegal trade in tigers and their parts and products continues to pose a serious threat to wild tigers.

Illegal trade in their parts and products has been recognized as a “primary threat” to tigers leading to their disappearance from broad areas of otherwise suitable habitat.⁷⁸ In India, where the world’s largest wild tiger population estimated at 1700 tigers exists,⁷⁹ more than 42 tigers were killed in 2013 alone (see Table 2 below).

With around 50 per cent of the world’s wild tigers, India is a key source country for tigers and other Asian big cats which are traded internationally: traders encountered in EIA investigations frequently cite India as a source country. This represents one of the main threats to the survival of tigers in India and elsewhere. Table 2 below provides a yearly breakdown since 2000 of the number of tigers killed in India, based upon data collected by the Wildlife Protection Society of India (WPSI). This demonstrates that the threat from sustained poaching of wild tigers is ongoing. Poaching incidents have also been reported in other range states including Bangladesh, Bhutan, Malaysia, Nepal and Russia.⁸⁰

⁷⁸ Chundawat, R.S., et al. (2011), *Panthera tigris*, in, IUCN (2013), IUCN Red List of Threatened Species, Version 2013.1, <http://www.iucnredlist.org/details/15955/0>.

⁷⁹ Ministry of Environment and Forest, Government of India (July 28, 2011), Press Release: All India Tiger Estimation (2010), http://www.projecttiger.nic.in/whtsnew/Press_release_MEE_&_2010_estimation_.pdf.

⁸⁰ See, e.g., Bangladesh - Md. Abdul Aziz (June 2012), *Poaching threatens tiger conservation* (Dhaka Courier), <http://www.dhakacourier.com.bd/?p=6617>; Bhutan – The Bhutanese (Apr. 2012), *Bhutanese Poachers Behind Killing Of Tiger And Leopard*, <http://www.thebhutanese.bt/bhutanese-poachers-behind-killing-of-tiger-and-leopard/>; Nepal - Terra Daily (June 2011), *Rare tiger killed in Nepal*, http://www.terradaily.com/reports/Rare_tiger_killed_in_Nepal_999.html; Russia – National Geographic News Watch (Nov. 2010), *Rare Tiger Killed by Poachers in Siberia*, <http://newswatch.nationalgeographic.com/2010/11/17/siberian-tiger-killed-by-poachers/>; Malaysia – WWF (2009), *Tiger rescue highlights poaching threat in Malaysia*, <http://wwf.panda.org/?176021/Tiger-rescue-highlights-poaching-threat-in-Malaysia>.

TABLE 2: Tigers killed in India since 2000 (Source: WPSI)⁸¹

Year	Number of tigers killed
2000	52
2001	72
2002	46
2003	38
2004	38
2005	46
2006	37
2007	27
2008	29
2009	32
2010	30
2011	13
2012	32
2013	42
2014 (June 16, 2014)	9
Total	543

Since 2000, EIA-compiled at least 1,247 tigers have been identified in trade globally.⁸² It is likely that these totals are much higher, for example a new report suggests that as many as 1,590 tigers have been traded since 2000.⁸³ Of the 1,247 tigers, 999 or 80% were likely wild-sourced, as opposed to captive-source tigers. The majority of these wild tigers were detected in trans-Himalayan countries (India, Nepal and China). Yet these figures only refer to detected crimes so likely represent a mere fraction of the actual levels of tigers entering trade.

Since 2000, EIA has focused on investigating and analyzing the trans-Himalayan trade route where tiger parts sourced from India or Nepal are trafficked through Nepal or transported directly to the destination country, being China including TAR. Traditional border crossings and routes that continue to be used to smuggle tiger skins and bones, include Zhangmu, Ali, Yadong/Chumbi and Shigatse/Xigaze. In 2011, EIA produced a Customs alert detailing activity in key trafficking areas in China, India and Nepal.⁸⁴

There is no information to suggest these locations have declined in importance and indeed recent skin seizures demonstrate the continued importance of these routes. For example, incidents in

⁸¹ WPSI, <http://www.wpsi-india.org/statistics/index.php>, estimates based on poaching and seizure records, accessed June 9, 2014.

⁸² Figures are for India: Wildlife Protection Society of India, as table 2 here for 2000-YTD 2014 and www.wpsi-india.org at 16 June 2014, added to EIA-compiled records for seizures outside India at 2000-20 June 2014 (count represented by skins, live, carcasses only as full individuals). Suspected captive-source tigers flagged and extracted from this global count to show likely wild tigers. These figures replace all previous publications following data cleaning and publication of information on tiger crime by Education For Nature – Vietnam (2014).

⁸³ Kristin Nowell, CAT and IUCN Cat Specialist Group and Natalia Pervushina, TRAFFIC (2014), REVIEW OF IMPLEMENTATION OF RESOLUTION CONF. 12.5 (REV. COP16) ON CONSERVATION OF AND TRADE IN TIGERS AND OTHER APPENDIX-I ASIAN BIG CAT SPECIES, CITES SC65 Doc 38 Annex 1, http://www.cites.org/sites/default/files/eng/com/sc/65/E-SC65-38-A01_0.pdf.

⁸⁴ EIA, *Alert for Enforcement Agencies: Increased Activity: Illicit trade in wildlife including Asian big cat parts and derivatives, June-October 2011* (2011).

Nepal in late 2012⁸⁵ and early 2013⁸⁶ along with EIA's investigation findings in which traders have consistently referenced these traditional trafficking locations, demonstrate that there is ongoing trafficking in Asian big cat specimens.

E.5. China is the primary destination for parts and products sourced from poaching wild tigers.

China has historically been the key destination for illegally sourced tiger parts and products leading to the certification under the Pelly Amendment against China. China continues to be the key destination and driver of the illegal trade in tiger parts and products as evidenced by information from seizures as well as investigation findings from EIA and information from other sources.

Since 2004, EIA investigators have visited markets in Tibet and China to document the ongoing trade in tigers and other Asian big cats. During this time, EIA and WPSI have documented 461 skins of Asian big cats including tigers for sale in TAR and western China; this figure is for whole skins only and not skins used on traditional clothing (*chupa*). Additionally, Asian big cat parts traded in persistent trading hubs on the Myanmar-China border at Mong La is an example of trade in potentially wild specimens into China with 71 skins seen in the period 2001-2010, along with skulls, paws, skeletons and penis⁸⁷ and catering to Chinese demand.⁸⁸

Box 9: Extract from EIA Investigation Transcript

2006 (Traders in Tibet dealing in wild tiger skins)

Trader1: This past few years, the enforcement has slacked (Why?) Because, the Dalai Lama in India said not to wear tiger and leopard skins, but the government here is opposed to Dalai Lama. So, here, they don't care anymore and they have let things slide especially with our business. That's the reason. ... Before, you couldn't take skins up and down the street in Barkhor. Now, I could do that. No one cares.

EIA: How old is this [tiger] skin?

Trader2: This is a new skin.

EIA: Where is the tiger skin from?

Trader2: This is from India. Our country doesn't have this. It can only be found in India. ... The way we work, we show you the best skin and then you order the quantities you want. You must buy this one first and then we can get you the rest.

2009 (Trader1 in Lhasa, Tibet and Trader2 in Xining, Qinghai province dealing in wild tiger bones):

EIA: Is this from Nepal?

Trader1: There's not much goods in Nepal. These are from Bengal.

EIA: Bengal? That's India?

⁸⁵ Kathmandu Post, *Held with tiger hides, bones*, 7 November 2012, cited on Wildlife Conservation Nepal website, accessed 14/05/2013.

⁸⁶ INTERPOL, *Nepal police seize tiger parts and arrest seven during intelligence-led actions*, 23 January 2013, <http://www.interpol.int/News-and-media/News/2013/N20130123>.

⁸⁷ Table 3, Mong La only in A.H. Oswell (2010) (TRAFFIC South East Asia), *The Big Cat Trade in Myanmar and Thailand*.

⁸⁸ Current TV's "Vanguard" documentary series (2011) which visited Mong La and evidenced skin trading and interviewed traders on buyer profiles.

Trader1: Yes, it's from India.

EIA: Did you go to India to buy it [tiger bones] personally?

Trader2: Yes, I go there personally.

EIA: Where have you been... India or Nepal?

Trader2: India and Nepal. You can look at my passport.

EIA: Really?

Trader2: You can take a look at my passport and my visas...

EIA: Is that right?

Trader2: Yes.

EIA: Which border area did it come over from?

Trader2: Zhangmu.

2012 (Trader in Lhasa, Tibet dealing in wild tiger skins):

Trader: I need to find guys to carry them [tiger skins] through to the Zhangmu Border. ... Then find a van to bring it over.

EIA: How many skins can you get each time?

Trader: 2-3 skins, you cannot send many in one go.

EIA: Have you been to Zhangmu?

Trader: No, but I go to Nepal often. ... Each year at least I go there once.

EIA: Can you get these [tiger products] in Nepal?

Trader: Not in Nepal, in India.

EIA: Have you been to India for them?

Trader: Yes, I have.

EIA investigations have highlighted both persistent trading hubs and persistent traders, a situation which had consistently confirmed that contrary to its reports to CITES claiming that it has eliminated trade in Asian big parts and products,⁸⁹ China has failed to eliminate the trade in tiger parts and products.

One example of this is the fact that EIA has encountered the same persistent and prolific offenders over the course of several investigations over a prolonged time period – despite having shared intelligence concerning such offenders with the concerned authorities in China. For example, one persistent offender was encountered in China in 2006, 2008, 2009, 2011 and 2012. Over these snapshot investigations this trader has offered for sale tiger, leopard and snow leopard skins, along with big cat bones and claws.⁹⁰ Despite sharing information on this offender and his associates with the concerned authorities, most recently EIA encountered him in an investigation in 2012 when he confidently told EIA investigators that he has no fear of prosecution and if his tiger skins are seized by authorities he has ways of retrieving it. Additionally, he was aware that he had previously been part of an international exposé (which was likely the investigation findings of EIA featured in a documentary)⁹¹ and yet continued to freely discuss trade and offer to sell a wild tiger skin which had been obtained from poaching in India and trafficked through Tibet.

⁸⁹ See, e.g., CITES Management Authority of China (2012), CoP16 Doc. 50 (Rev 1), Annex 3b; CITES Management Authority of China (2014) SC65 Doc 38 Annex 3.

⁹⁰ EIA, In Cold Blood (2014), p18

⁹¹ National Geographic News Watch (Apr. 2010), *Nat Geo film about tiger trade wins news award*, http://newswatch.nationalgeographic.com/2010/04/20/nat_geo_film_about_tiger_trade/; Eco Crime Investigators, <http://www.redearthstudio.com/project/eci/>.

Box 10: Extract from EIA Investigation Transcript

(Persistent trader in Linxia dealing in wild tiger specimens)

2009

EIA: *Have you been to India before?*

Trader: *I've never been to India. I only do business on the border... never been to India. It's convenient to go there, but it's not worth it cost-wise.*

2012

Trader: *It's not the same. You could be a journalist... and I sell all these things to you.*

EIA: *You've had journalists come here before?*

Trader: *Came before.*

EIA: *Then what happened?*

Trader: *No problems.*

....

EIA: *So, what are these tigers that you trade?*

Trader: *Bengal tigers.*

EIA: *How do Bengal tigers get over here?*

Trader: *The Tibet border is so big... so many of them come across! Only the price that's the issue.*

....

Trader: *The government says, "if you want to sell [tiger skins], sell real ones. All these fakes on display... the foreigners see and take photos of them... in US and UK, these were shown everywhere.*

EIA: *Really?*

Trader: *A lot of dog skins... they [fake tiger skins] are all dyed from dog skins. None of them are real.*

EIA: *So, it's not that the risk is higher...*

Trader: *It's riskier and the ones selling the fakes stuff have been caught.*

EIA: *They even catch people who make fakes?*

Trader: *Yes...*

EIA: *They are arrested for selling fake stuff?*

Trader: *No... we are protected because in our area, people are tight... financially we're tight... so they tell us, just do it quietly... just don't paint the governments face black! Because, after all, these things don't make a lot of money and they know that.*

...

EIA: *Where do they bring it [tiger skins] in from India? To Tibet, how do they bring it across?*

Trader: *From Ali, it's possible... from Shigatse, it's possible... from the mountains...*

EIA: *By car?*

Trader: *Brought over by yaks.*

EIA: *By Tibetans?*

Trader: *Yes Tibetans. Indian Tibetans.*

EIA: *Oh, Indian Tibetans bring them across?*

Trader: *Yes.*

EIA: *You all know these people?*

Trader: *Yes we do.*

...

Trader: *Over here, after they confiscate the items, we will find people inside, pay a bit of fine and retrieve the items back.*

EIA: *How much fine?*

Trader: *RMB1,000 - RMB2,000.*

Information from seizures of tiger parts and products highlights the role played by China in the illegal trade. Two of the largest Asian big cat seizures, i.e., the Khaga seizure (2000) and the Sangsang seizure (2003), confirm the role of China as the primary destination for tiger parts and products:

- Khaga, India seizure (2000), in which 18,080 leopard and 132 tiger claws, skins of 70 leopards, 4 tigers and 221 otters, 175 kg of tiger and leopard bones, two leopard teeth and a dried leopard penis, were seized. The contraband was destined for Delhi for export; details recovered from mobiles connected the arrested individuals to Kathmandu, signatures on the back of skins were of Tibetan names and cross-referenced with the signatures of traders associated with the Ghaziabad seizure (1999). Arrests of major tiger traders in India since then confirms a massive network including a number of major poachers, dealers, skin processors, all supplying markets in Tibet and China.⁹²
- Sangsang, Tibet seizure (2003), in which 31 tiger, 581 leopard and 778 otter skins were discovered during a routine vehicle check. Some of the tightly-packed skins bore bullet holes and some had Delhi newspapers stuck to the rear. Three couriers were arrested, and whilst claiming not to know each other, were found to be in possession of serialised cash totalling an equivalent of USD 5,300 – believed to be part of a bigger sum – and the vehicle licence and registration were found to be fake,⁹³ which indicates the involvement of organised crime.⁹⁴

During 2013, tiger poaching in India's Pench corridor led to a series of arrests across several states, revealing the activities of itinerant, organised poachers supplying city-based traders with alleged international connections. A procurer named Sarju Bagdi was arrested in September 2013 with cash and tiger bones;⁹⁵ police interrogations showed he had been sourcing tiger skin and derivatives for Delhi-based Suraj Pal,⁹⁶ who several years previously had been described as a major trader by the infamous trader Sansar Chand.⁹⁷ Despite Pal's status as major trader, he was arrested for the first time in 2013. This contemporary activity demonstrates a persistent trans-Himalayan network: a journalist commented that Sansar Chand, Sarju Bagdi and Suraj Pal shared the same lawyers; Suraj Pal originates from Khaga, the site of the 2000 seizure and he was allegedly supplied by Mohammed Rayes, who also supplied Chand.⁹⁸

Furthermore, there have been numerous incidents in which Chinese nationals have been arrested outside China in possession of tiger parts and products, or individuals at Chinese ports of entry in possession of the same. Some of these incidents suggest fragile tiger sub-populations outside

⁹² EIA-WPSI (2004), *The Tiger Skin Trail*; EIA-WPSI (2006), *Skinning the Cat*; EIA (2014), *In Cold Blood*.

⁹³ EIA (2014), *In Cold Blood*.

⁹⁴ On indicators of organised crime in wildlife trade, CITES Secretariat Presentation to CITES Silk Road Enforcement Seminar at Urumqi, China (2005), and J.M. Sellar, *International Illicit Wildlife Trafficking* (2007), available http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=1203&issue_id=62007. In 2003, the report of the UN Economic and Social Council Secretary General, to the 11th Session of the Commission on Crime Prevention and Criminal Justice listed indicators of organised crime, http://www.unodc.org/pdf/crime/commissions/12_commission/8e.pdf

⁹⁵ Delhi Police Crime Branch Press Release, 08 September 2013

⁹⁶ Delhi Police Crime Branch Press Release, 08 September 2013

⁹⁷ Times of India, Sarju's trail for 6 months ends in 8 days, 10 September 2013,

<http://timesofindia.indiatimes.com/city/nagpur/Sarjus-trail-for-6-months-ends-in-8-days/articleshow/22450466.cms>

⁹⁸ EIA, *In Cold Blood* (2014), p11-12, <http://eia-international.org/in-cold-blood-combating-organised-wildlife-crime>.

India such as Russian Far East (population 360) and Sumatra (population ~500)⁹⁹ as the likely source. Incidents include:

- **Suifenhe Tiger Skeletons Seizure, China-Russia border, 21 October 2010:** From a vehicle stop, Customs seized two tiger skeletons, a tiger skull and a packet of musk. Three suspects arrested.¹⁰⁰
- **Beijing Customs Tiger Skin Seizure, China, 11 November 2010:** Beijing Customs seized one tiger skin and rhino horn from a passenger travelling from Japan¹⁰¹
- **Primorsky Krai Tiger Skins And Bones Seizure, Russia, 13 April 2010:** Primorsky Province border police arrested two Chinese citizens: one with two bags containing tiger skins, including a cub skin, and bones, the second was arrested 800 metres from the Chinese border¹⁰²
- **Shenzhen Tiger Bone Seizure From Indonesia, China, Early 2011:** Offender detained by Shenzhen Customs with bones, which he stated were wild pig bones, subsequently tested and found to be tiger bone, representative of at least three tigers, and reportedly sourced from Indonesia¹⁰³
- **Dalian Tiger Bone Wine Seizure, China, 14 May 2011:** Dalian Customs seized ten bottles of tiger bone wine from passengers; labels on the wine stated that it was made in Korea¹⁰⁴
- **Primorsky tiger paws seizure, Russia, 17 April 2012:** Primorsky Customs arrested a Chinese citizen attempting to cross the border with tiger paws taped to her body¹⁰⁵
- **Manzhouli Customs Tiger Bone Seizure, Mongol Autonomous Region, China, 14 June 2012:** Offender stopped at Customs in possession of 150 g tiger bone pieces concealed on his person, species confirmed as tiger by SFA Wildlife Test Centre¹⁰⁶
- **Kunming Customs Tiger Skin Seizure, China, November 2013:** Kunming Customs seized a tiger skin from a Vietnamese national who brought the skin into China via Lao Cai-Hekou border crossing.¹⁰⁷

Additionally, a report prepared by IUCN and TRAFFIC for the 65th meeting of the CITES Standing Committee has found that since 2000, several thousands of seizures of tiger derivatives have been made in the European Union and the United States sourced from China and Vietnam with an increase in derivatives seized in the United States originating from China for both leopards and tigers in recent years in comparison to 10 years ago.¹⁰⁸

Lastly, it is pertinent to note that tigers exist in captivity in several facilities in Laos, Thailand and Vietnam, and many of these facilities have been implicated in illegal trade in tiger parts and products. In this regard, China's continued flagrant non-compliance of CITES requirements, as well

⁹⁹ Global Tiger Initiative, <http://globaltigerinitiative.org/>, accessed 16/04/2014

¹⁰⁰ TRAFFIC, 15 November 2010, <http://www.traffic.org/seizures-journal-legacy/2010/11/15/tiger-skeletons-and-bones-seized-in-china.html>

¹⁰¹ China Biennial report to CITES, 2009-2010

¹⁰² Vostok Media, 16 April 2010

¹⁰³ Shenzhen News (Jan. 2010), *Luohu Customs seized 17 smuggled tiger bones*, <http://news.163.com/10/0112/00/5SPME2CA000120GR.html>.

¹⁰⁴ Sohu, 14 May 2011

¹⁰⁵ Phoenix Fund - IFAW Press Release, 25 February 2012

¹⁰⁶ China Customs reported in Xinhua, 满洲里海关在中蒙边境口岸查获西伯利亚虎虎骨, 15 June 2012

¹⁰⁷ Peoples Daily, 05 November 2013

¹⁰⁸ Kristin Nowell, CAT and IUCN Cat Specialist Group and Natalia Pervushina, TRAFFIC (2014), REVIEW OF IMPLEMENTATION OF RESOLUTION CONF. 12.5 (REV. COP16) ON CONSERVATION OF AND TRADE IN TIGERS AND OTHER APPENDIX-I ASIAN BIG CAT SPECIES, CITES SC65 Doc 38 Annex 1, http://www.cites.org/sites/default/files/eng/com/sc/65/E-SC65-38-A01_0.pdf.

as its domestic laws and policies that encourage commercialization of tiger parts from captive animals is setting a dangerous precedent in South East Asia.

F. CONCLUSION

There is substantial evidence and information that demonstrates that China continues to diminish the effectiveness of CITES and consequently the conditions for the existing Pelly certification of China remain valid. In this regard, EIA requests that the Department of the Interior seek additional information from the Government of China on the legal trade in captive tiger skins including seeking responses to the questions identified by EIA on page 16 of this brief. Further EIA requests that the Department continue to effectively review the conditions of certification of China and where appropriate recommend sanctions against China if China does not as a priority:

- prohibit all trade in captive tiger specimens, including skins sourced from captive tigers;
- demonstrate compliance with CITES Decision 14.69 and the relevant paragraphs of Resolution Conf. 12.5 including adopting measures to ensure that the captive tiger population in China does not increase (such as through segregation of sexes) and stockpiles of tiger specimens from seizures and captive specimens are destroyed at the present time and as a routine practice in the future; and
- adopt urgent action to identify, arrest and impose meaningful penalties against persistent traders dealing in wild tiger specimens.

G. LIST OF ATTACHMENTS

1. EIA (Feb 2013), *Hidden in Plain Sight: China's Clandestine Tiger Trade*.
2. Law of the People's Republic of China on the Protection of Wildlife (1989, amended in 2004)
3. 2007 Notice No. 206 issued by China's State Forestry Administration and State Ethnic Affairs Commission regarding registration and trade of tiger and leopard pelts and products thereof (Sept. 29, 2007)
4. Notice of the State Forestry Administration, No. 8 of 2007 (Dec. 24, 2007)
5. EIA (July 2013), *Briefing on the Manufacture of Tiger Bone Wine in China*



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