

Letter to Congressional Leaders on Rhinoceros and Tiger Trade by China and Taiwan April 11, 1994

Dear Mr. Speaker: (Dear Mr. President:)

On November 8, 1993, I reported pursuant to section 8(b) of the Fishermen's Protective Act of 1967, as amended (Pelly Amendment) (22 U.S.C. 1978(b)), on the issue of ongoing illegal trade by the People's Republic of China (PRC) and Taiwan in rhinoceros and tiger parts and products. My report followed the certification by the Secretary of the Interior on September 7, 1993, that this trade was diminishing the effectiveness of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Five rhinoceros species and the tiger are listed in Appendix I of CITES, which means that the species are threatened with extinction and no trade for commercial purposes is allowed. The report suggested actions that the PRC and Taiwan could take that would demonstrate their commitment to the elimination of the trade, and stated that the United States is prepared, through close dialogue and technical aid, to assist them in their efforts. However, the report concluded that, if measurable, verifiable, and substantial progress were not made by March 1994, import prohibitions will be necessary, as recommended by the CITES Standing Committee. This letter provides an update of the situation since November 1993.

The world's tiger and rhinoceros populations remain gravely endangered and will likely be extinct in the next 2–5 years if the trade in their parts and products, fueled by market demand in consuming countries, is not eliminated. The suggested actions in my November 8 report, based on criteria established by CITES for adequate legislative measures and enforcement in the PRC and Taiwan that effectively eliminates the trade, were further amplified in letters dated December 21, 1993, from the Secretary of the Interior, and by three CITES and U.S. delegation visits to the PRC and Taiwan from November 1993 to March 1994. However, at its most recent meeting last week, the CITES Standing Committee did not revoke its earlier recommendation that parties consider stricter domestic measures up to and including prohibition in trade in wildlife species now against the PRC

and Taiwan. The Committee also noted “with satisfaction the progress demonstrated by China” but “that further actions are still needed,” and expressed “concern that the actions agreed by the authorities in Taiwan . . . towards meeting the minimum requirements have not yet been implemented.” Taking these factors into account, I have made the following assessment and decision for action by the United States.

The PRC has consolidated much of its stocks of rhinoceros and tiger parts and products. The PRC has used radio, television, newspaper, and poster announcements—as well as burnings of rhino horn and tiger bone—to educate its population on new laws and the need to protect wildlife. In addition, large enforcement efforts were made, netting many prosecutions and seizures.

However, more still needs to be done. Both the CITES and U.S. delegations that visited the PRC since November concluded that an investigative unit in addition to existing Ministry of Forestry Police and Public Security Forces would be unnecessary, but that better training in enforcement and forensics are crucial to effectively eliminate the trade in endangered species in the PRC. In addition, further efforts are needed to develop cooperation on a regional basis. Accordingly I have instructed the Department of the Interior, in coordination with the Departments of State, Justice, and the Treasury (Customs Service), to further explore with the PRC possibilities for U.S. technical and law enforcement assistance.

As a result of the PRC's progress in the key areas identified in my November 8 report, I have decided that import prohibitions are not warranted at this time. At the same time, since progress has not been sufficient to warrant the lifting of the Pelly Amendment certification, the Secretaries of State and the Interior, in consultation with the Departments of Justice and the Treasury (Customs Service), will continue discussions with PRC officials and jointly seek to identify next steps to assure continued progress and opportunities for international cooperation that will help eliminate the trade. I have also directed the Interagency Rhino/Tiger Task

Force to continue to monitor progress in the PRC so that a review of the situation and an appropriate response can be made in December 1994.

Because Taiwan's constitutional provisions are understood to prevent the consolidation of stocks of tiger and rhinoceros parts and products, Taiwan made an effort to identify, register, and mark these stocks on a voluntary basis. However, this effort has only located one-third of the stocks voluntarily registered in a 1990 initiative. Draft amendments to Taiwan's Wildlife Conservation Law making registration of stocks mandatory and enforceable—including limited penalties for noncompliance—were transmitted to Taiwan's legislative body, but have not yet been enacted. An investigative unit was recently funded and equipped, and training sessions have been held for the relevant officers on part-time assignment. These units have made some arrests of people caught selling rhinoceros and tiger parts. However, prosecutions resulting from enforcement actions have been limited by concerns regarding the use of undercover investigations.

The most pressing outstanding action is final enactment of adequate amendments to Taiwan's Wildlife Conservation Law. It is not yet clear whether the current proposed amendments will satisfactorily address the illegal trade in wildlife specimens and products. Furthermore while enacting amendments is necessary, such enactments alone are not sufficient. Enforcement efforts must effectively accomplish major reductions in the illegal trade in endangered species.

Accordingly I instructed the Department of the Interior, in coordination with the Departments of State, Justice, and the Treasury (Customs Service) and the American Institute in Taiwan, to continue to explore with Taiwan possible U.S. technical and law enforcement assistance. I have also directed the Interagency Rhino/Tiger Task Force to continue to monitor progress in Taiwan so that a review of the situation and an appropriate response can be made in December 1994.

As a result of Taiwan's lack of progress in the key areas identified in my November 8 report, I have decided to follow the recommendation of the CITES Standing Committee and direct that imports of wildlife specimens and products from Taiwan be prohibited, in accordance with appropriate public notice and comment procedures. While the Pelly Amendment provides the authority to impose a greater level of import prohibitions, I believe that this level is appropriate at this time. Depending on future progress, these import prohibitions could be adjusted as appropriate. The enactment of adequate legislation coupled with enforcement actions that result in reductions in the illegal trade in rhinoceros and tiger parts would be grounds for an immediate reconsideration of the decision.

Sincerely,

WILLIAM J. CLINTON

NOTE: Identical letters were sent to Thomas S. Foley, Speaker of the House of Representatives, and Albert Gore, Jr., President of the Senate.

Statement on Trade Sanctions Against Taiwan

April 11, 1994

This is the first time any country has acted on the international call for trade sanctions to protect endangered species, but if the illegal trade in rhinos and tigers is not eliminated, these species could be extinct in 5 years. This administration recognizes that threats to endangered species are of critical importance. The

world must know that the United States will take strong actions to protect the Earth's natural heritage.

NOTE: This statement was included in a statement by the Press Secretary on the institution of trade sanctions against Taiwan.