

## **China's Cross-border Criminal Justice Cooperation with Africa in Combating Wildlife Crime**

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Illegal wildlife trade between China and Africa has devastating impacts on wildlife, public health, national security and the economic system. Given the characteristics of illegal wildlife trade, relying solely on the unilateral efforts to prevent and control of a certain country has made it difficult to combat cross-border wildlife crime. It is therefore imperative to strengthen international legal cooperation between China and Africa to maximize disruption of these illegal supply chains. An effective cross-border wildlife crime cooperation mechanism can effectively track and investigate cross-border wildlife criminal syndicates and conduct seizures and arrests of wildlife criminals.

China's current criminal justice cooperation mechanism against cross-border wildlife crime with African countries mainly includes 'formal' legal assistance through compliance with extradition treaties, as well as 'informal' legal assistance through signing memorandums of understandings and police cooperation with countries concerned. Comparatively, the scope of informal legal assistance is wider than the formal legal assistance. In practice, Chinese law enforcement agencies have applied two approaches together, but they use the informal legal assistance approach more oftenly to combat cross-border wildlife crimes. The main advantage of informal legal assistance is that the procedure is simple and fast, and more efficient than the formal extradition procedure.

Although there has been a great process between China and Africa countries regarding justice cooperation in recent years, challenges of China's criminal justice cooperation with focal Africa countries in combating cross-border wildlife crime exist. These include insufficient resources and attention dedicated to illegal wildlife crime, the lack of treaties specifically combating cross-border wildlife crime, deficient use of extradition treaties to punish wildlife criminals, potential jurisdictional conflicts over cross-border wildlife crimes, lacking effective intelligence information sharing mechanism, difficulty in detecting corruption related to wildlife crime, and rare use of financial investigation and anti-money-laundering techniques in fighting against wildlife crime.

This research aims to analyze China's cross-border criminal justice cooperation with African countries in combating cross-border wildlife crime. By analyzing the current development and challenges, the research finally proposes suggestions to further strengthen criminal justice

cooperation against illegal wildlife trade between China and African countries. The research was conducted based on expert interview and case analysis to analyze the characteristics, development and challenges of using criminal justice cooperation mechanism in regulating cross-border wildlife crimes. Online interviews were undertaken between March 2021 and November 2021 to ascertain the contemporary dimensions of criminal justice cooperation between China and African countries. Government and law enforcement officers, relevant experts and other stakeholders from Chinese government agencies (such as The Ministry of Justice, China Customs, Supreme People's Procuratorate, The Ministry of Foreign Affairs, and People's Procuratorate of Guangdong Province), research institute (such as G20 Anti-corruption Fugitives and Asset Recovery Research Center), as well as African wildlife protection organizations (such as Conserv Congo, Wildlife Conservation Society) were interviewed and consulted. These interviewees provided critical background information and valuable insight to complete the research. Based on the interview information, case studies were supplemented to identify and analyze the best practices of criminal justice cooperation between China and African countries. The research also used a wide range of open source resources to contain historical and statistical information, including government documents, media reports, court documents and case law, financial reporting, as well as aggregated information provided in academic reports and literatures, particularly CITES, UNEP and FATF reporting documents.

In addition, the research specifically analyzes a successful case between China Customs and Singapore Customs in jointly investigating the case of smuggling ivory and other endangered animal products. Almost 10 tons of elephant ivory and 12 tons of pangolin scales were sent by Chinese smugglers from the Democratic Republic of the Congo to China via Singapore on July 2019. The seized ivory and pangolin were estimated to be worth almost 13 million US and 37 million US dollars respectively. The suspects were finally arrested in China and were tried in court in Guangxi Zhuang Autonomous Region in 2020. This case is a successful example of international cooperation in combating transnational wildlife crime. In this case, China Customs first obtained the clue of the crime and actively provided intelligence which helped Singapore Customs to intercept 8.8 tons of smuggling ivory. The materials obtained, examined and authenticated by Singapore in accordance with its own judicial procedures were also finally accepted by the Chinese court. The process of law enforcement and judicial cooperation between China and Singapore shows how the two countries in the absence of bilateral extradition treaties can successfully complete the process of criminal judicial assistance by solely relying on diplomatic relations. The common understanding of the severity of wildlife crime and effective information sharing mechanism between the two countries through informal legal assistance mechanism has achieved effective criminal justice cooperation. This could provide experiences for China and African Countries when cross-border enforcement cooperation is significantly hampered by a lack of formal legal assistance mechanism.

Based on the above study, the research finally proposes suggestion to further strengthen criminal justice cooperation against illegal wildlife trade between China and African countries. As a responsible country aiming to make a positive contribution to global biodiversity, China should take the initiative in combating cross-border wildlife crime by adopting risk-based approach to enhance international legal assistance and cooperation. At the legislative level, China should further legal assistance agreement with African countries, such as simplifying extradition procedure and expanding the scope of extraditable offences regarding cross-border wildlife crime. In terms of law enforcement, more efforts should be exerted to enhance legal and investigation assistance between public and private sectors, actively seek jurisdiction over relevant cases, and strengthen the supervision of financial institutions on anti-money laundering in detecting illegal wildlife trade activity between China and African countries.