

U.S. Congressional International Conservation Caucus

Virtual Caucus Hearing

“Wildlife Trade, Origins of COVID-19, and Preventing Future Pandemics”

Written testimony

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Witness expertise¹

A career spanning Australia, Germany, Kenya, the Russian Federation, South Africa and Switzerland, working on environment and sustainable development governance, institutions, law and policy at the international, national, sub-national and local level and across multiple disciplines.

Experience gained in senior positions with the private sector, in government, with international organisations and the United Nations, and most recently with a non-profit organization, including serving as: Special Envoy, [African Parks](#) (2018-continuing); Secretary-General, Convention on International Trade in Endangered Species of Wild Fauna and Flora Secretariat ([CITES](#)) (2010-2018); Chair, International Consortium on Combating Wildlife Crime ([ICWC](#)) (2010-2018); Principal Adviser on Policy & Programme, United Nations Environment Programme ([UNEP](#)) (2007-2010); Head, Environmental Law Programme, International Union for Conservation of Nature ([IUCN](#)) (2001-2004), and Chief Executive, Department for Environment, Heritage and Aboriginal Affairs (South Australia), (1997-2000).

Qualifications: Bachelor of Laws (1983); Graduate Diploma in Legal Practice (1983), and Master of Laws (Environmental) (1995). Admitted to legal practice (1984). Attorney in private legal practice (1984-1994).

Executive Summary

- Health and wildlife experts alike have warned us for decades of the public health risks associated with people mixing with wild animals, including through habitat destruction, illegal or poorly regulated wildlife trade, and the sale of wildlife through ‘wet markets.’
- As we take immediate measures to respond to the COVID-19 pandemic, we must also look ahead and envisage a reformed international system of laws, programmes and financing that is best able to avoid the next wildlife-related pandemic.
- There is no universal definition of wildlife. In the US it means wild animals, elsewhere it is wild animals, both terrestrial and marine, as well as plants.² Wet markets can take many forms, from well-regulated seafood markets, to unregulated or poorly regulated markets selling a wide array of terrestrial and marine animals, wild, captive bred and domesticated.³

¹ For further details see LinkedIn [profile](#) of John E Scanlon AO.

² This is the definition I use for wildlife.

³ That create ideal conditions for zoonotic diseases to fester and to migrate from animals to humans.

- In taking actions to prevent the next pandemic, we need to settle on agreed definitions of high-risk wet markets and wildlife trade to ensure we zero in on high-risk activities, best direct the use of scarce resources, and avoid any unintended consequences.
- The current international system for regulating wildlife trade, combating illegal trade and wildlife crime more generally, is inadequate for regulating high-risk wildlife trade and markets and ending wildlife crime, and, left as it is, will not prevent the next pandemic.
- Profound changes are needed in how we regulate the taking, trade and consumption of wildlife, deal with wet markets, combat wildlife crime and protect natural habitats.
- International wildlife trade laws (CITES) do not take account of the public health risks of wildlife trade and are generally directed towards avoiding overexploitation.
- Major reforms are needed to put into place an open, transparent international legal framework to enable the banning of high-risk wildlife trade, wet markets and consumption, and the strict regulation of lower risk activities, based upon agreed public health criteria.
- These reforms can be achieved through amending the existing international wildlife trade laws (CITES) or by creating a new global agreement.
- Wildlife crime is shifting thousands of tonnes of contraband, worth billions of dollars, and leaving death, destruction and instability in its wake, yet there is no global legal agreement on wildlife crime.
- New bans on high-risk wet markets, wildlife trade and consumption, and stricter regulations on others, will require a scaled up, cooperative and coordinated enforcement effort, including to infiltrate any banned markets or trade that goes underground, which ICCWC (the International Consortium on Combating Wildlife Crime) should support.
- Bold reforms are needed to embed serious wildlife crimes into the international criminal law framework through a new agreement under the UN Convention against Transnational Organized Crime, as has been done for other serious organised crimes of global concern.
- Scaled up enforcement will need to be complemented by well-targeted demand reduction campaigns, and, where necessary, initiatives to provide alternative sources of protein and livelihoods to people severely affected by any bans.
- It is best to take measures to stop the illegal taking, trade and consumption of wildlife before it ever happens, by better protecting wildlife and its habitat at source. Loss of wildlife-based tourism revenue, and jobs, is seriously challenging wildlife protection efforts and could lead to an upswing in poaching and smuggling, including of high-risk species.
- Investments in nature conservation at source have proven to be effective in stopping habitat loss, wildlife poaching and smuggling, while delivering multiple other global, national and local environment, health, security and development benefits.
- Nature conservation is not sufficiently integrated into health, development or security initiatives, or their financing. As the benefits of effective nature conservation extend well beyond wildlife and environment, and include health, development and security benefits, so too must the sources of financing.
- Global financing for nature conservation should be scaled up, deliver multiple benefits, and be based upon a long-term commitment to wildlife-rich places that are included in protected areas or are protected through other effective area-based conservation measures.
- Measures to reform the existing legal framework, and make further investments in nature conservation to protect wildlife at source, should be designed to deliver multiple benefits, namely to minimise public health risks, end poaching and smuggling, foster development and create jobs, enhance security, as well as protect ecosystems and their services.
- Immediate, short-medium term and medium-longer terms actions can be taken to achieve these objectives.

Actions needed

Immediate:

- high-risk wet markets to be banned and dismantled world-wide. High-risk wildlife trade and consumption to be banned. Bans to be enacted under national laws and to be effectively enforced.
- banned wet markets, wildlife trade and consumption that moves underground to be investigated and subject to serious criminal sanctions, with the global support of ICCWC (the International Consortium on Combating Wildlife Crime).
- agree on definitions of high-risk wet markets and wildlife trade that poses a risk to public health to make best use of scarce resources and avoid any unintended consequences.

Short-medium term:

- scaled-up, more intensive, coordinated global effort to enforce new bans on high-risk wet markets, wildlife trade and consumption, and to combat other serious wildlife crimes, including to infiltrate banned wet markets and trade that has moved underground and prosecute perpetrators.
- provide further financial support to nature conservation efforts to overcome the shortfall in revenue coming from wildlife-based tourism to support rangers and local communities and avoid the risk of a wildlife poaching surge.
- address implications for people who are severely impacted by bans and facilitate alternative livelihoods and protein sources, with well-targeted demand reduction campaigns for high-risk wildlife.

Medium-longer term:

- globally agreed bans on high-risk wet markets, international trade in, and consumption of, any wildlife that poses a risk to public health, either through changes to existing international laws (CITES), or through a new agreement, with decisions taken through open and transparent processes. Markets that pose a low risk to be strictly regulated.
- new global agreement on wildlife crime under the UN Convention against Transnational Organised Crime to criminalise serious wildlife crimes, including those posing a public health risk, agree common definitions, and facilitate coordinated global enforcement efforts.
- scaled up investments in nature conservation to protect wildlife at source and its habitat and to deliver multiple health, development and security benefits, as well as other global biodiversity and climate benefits, by drawing on new sources of financing.

Written testimony

I would like to thank today's Chairs for convening this Conservation Caucus and for inviting me to give testimony, as well as our good colleagues at the International Conservation Caucus Foundation (ICCF), for facilitating the virtual hearing.

The coronavirus pandemic (COVID-19) has reminded us in a devastating way of the interconnected nature of things, most particularly between economies, the environment, human and wildlife health and welfare. Connecting these issues is key if we are to stave off the next pandemic.

A wet market in Wuhan, China may be the origin of the outbreak of the corona virus, which has led to calls to ban all wet markets and stop all wildlife trade. Wet markets not only exist in Asia, but in Africa and Latin America, and depending how they are defined, world-wide. Trade in wildlife, legal⁴ and illegal⁵, affects every country, either as a source, transit or destination State. Wildlife trade, wet markets, and the consumption of wildlife is a global issue and a collective effort is needed.

The international legal system is not, however, designed to address the public health dimension of wildlife markets, trade and consumption. Further, recognition of the multiple benefits of effective nature conservation is not sufficiently integrated into health, development or security initiatives or financing.

The current system of wildlife trade regulation

There is at present no international agreement that enables wildlife markets, trade or consumption to be banned on public health grounds. It is a national issue for each country to determine, although various guidelines and standards regarding wild (and domesticated) animal trade have been adopted by the World Animal Health Organisation ([OIE](#)), and the World Trade Organisation⁶ has an [Agreement](#) on Sanitary and Phytosanitary Measures, to restrict the use of unjustified sanitary and phytosanitary measures for the purpose of trade protection⁷.

International trade in wildlife is regulated through a convention known as [CITES](#) (Convention on International Trade in Endangered Species of Wild Fauna and Flora). Trade is regulated to avoid overexploitation, and species of wild animals and plants (wildlife) are brought under its trade-related controls based upon agreed biological and trade criteria. In some cases, commercial trade in wild-taken species is prohibited, in other cases it is regulated to ensure it is legal and sustainable, which is recorded through the reporting of any trade transactions to the CITES Secretariat.

CITES does not take public health issues into account either in listing a species or determining individual trade transactions, although the Secretariat did enter into a [cooperative agreement](#) with the OIE in 2016 to try and bring the two regimes together. As it stands, CITES could not be used to end wildlife trade or ban wet markets based on public health grounds, but individual countries can impose such bans for themselves, as CITES allows stricter domestic measures to be taken.

⁴ See the CITES Trade [Data Base](#).

⁵ See UN [World Wildlife Crime Report](#), UNODC, 2016.

⁶ There has not been any WTO dispute directly challenging a CITES trade measure. See: ["CITES and the WTO: Enhancing Cooperation for Sustainable Development"](#) CITES/WTO 2015.

⁷ The Agreement on Sanitary and Phytosanitary Measures (SPS) builds on previous GATT rules to restrict the use of unjustified sanitary and phytosanitary measures for the purpose of trade protection. The basic aim of the SPS Agreement is to maintain the sovereign right of any government to provide the level of health protection it deems appropriate, but to ensure that these sovereign rights are not misused for protectionist purposes and do not result in unnecessary barriers to international trade.

Yet, to be effective, any bans or closures of wet markets, as we have recently seen in [China](#) and [Vietnam](#), and any possible further restrictions on wildlife trade and consumption, will need to be applied and enforced across [all](#) countries to stave off future pandemics. Global cooperation, and the full and effective use of law enforcement and other measures, is essential to ensure high-risk markets and related wildlife trade and consumption don't simply go underground, thereby possibly posing an even greater threat to public health.

What is a wet market and what is wildlife?

To move forward, we first need to define what we mean by the term 'wet market'. It could range from well-regulated seafood markets, to unregulated or poorly regulated markets selling a wide array of terrestrial and marine animals, wild, captive bred and domesticated, which create ideal conditions for zoonotic diseases to fester and to migrate from animals to humans.

Bans should be focussed on the markets and the trade that poses a risk to public health, namely high-risk wet markets and trade. Experts in the relevant fields will be best placed to determine what wild, and captive bred, animals pose a risk to human health, but, based upon available literature⁸, it appears that commercial markets that sell wild taken and captive bred terrestrial animals including birds, whether of legal or illegal origin, are of primary concern. As they pose a high risk to human health, such markets and trade should be banned immediately as a precautionary measure.

Wildlife trade also needs to be defined. In the US, wildlife means wild animals, elsewhere it is wild animals, both terrestrial and marine, as well as plants.⁹ Legal international trade under CITES includes transactions as diverse as, trade in orchids from Thailand, fine wool of the vicuña from Peru, medicinal bark of the African Cherry tree from Cameroon, meat of the Queen conch from the Caribbean and alligator skins from the USA. This is wildlife trade that does not pose a risk to public health, along with many other such trades,¹⁰ and they should not be banned on public health grounds. We need to be targeted in our response to high-risk activities to avoid unintended consequences, while also recognising that there could be negative consequences for people affected by well-targeted bans that will need to be addressed¹¹.

Changing the existing system to avoid the next pandemic

In responding to the current COVID-19 pandemic we must make the best use of all the global, regional and national tools we have at our disposal, including to help fully understand the origins of this pandemic, and to prevent the next one, noting that up to [three quarters](#) of all emerging infectious diseases in humans could be zoonotic.¹²

Ecosystems fail to function properly if they become degraded or fragmented, just as do global systems of conventions, funds and programmes. The system we have in place today is not enough.

⁸ See for example 'Spillover: Animal Infections and the Next Human Pandemic' D. Quammen, 1 October 2012.

⁹ This is the definition I use for wildlife.

¹⁰ See the CITES Trade [Data Base](#).

¹¹ There can be benefits to people and wildlife from legal trade in wildlife (although given the growing scale of captive breeding and artificial propagation of wild animals and plants (over 50%), often occurring remote from communities living amongst wildlife, local benefits may be diminishing). Any benefits must be weighed against the massive economic, social and personal costs of a single pandemic. Where there are implications for any communities impacted by newly imposed bans, they should be supported through initiatives to promote alternative livelihoods and sources of protein. Traditional subsistence use should not be affected.

¹² [Coronaviruses: are they here to stay?](#) UNEP, 3 April 2020. See also World Health Organization web page on [zoonoses](#).

Incremental changes won't cut it. Bold initiatives are needed to give us our best chance at avoiding future wildlife-related pandemics and in meeting multiple other global challenges.

The international system for regulating wildlife trade, combating illegal trade and wildlife crime more generally, is inadequate for regulating the high-risk wildlife trade, markets and consumption that could lead to the next pandemic, as well as for ending wildlife crime.

Profound changes are needed in how we regulate the taking, trade and consumption of wildlife, deal with wet markets, how we combat [wildlife crime](#)¹³ and how we protect wildlife at source and its habitat, if we are to avoid future wildlife-related pandemics.

The current pandemic illustrates the point. COVID-19 is thought to have originated in horseshoe bats, with other wild animals, possibly pangolins, playing a role in transmission to humans. The horseshoe bat is not listed under CITES, and hence international trade is not regulated. Pangolins are listed under CITES and were up-listed to Appendix I in 2016, often called CITES highest level of protection. Yet, from 2016-2019, we saw a [record 206 tonnes of pangolin scales](#)¹⁴ seized and confiscated, showing us that up-listing did not result in better protection of this magnificent animal, with illegal exploitation surging. The pangolin is today the world's most heavily trafficked mammal.

To have any hope of preventing the next wildlife-related pandemic, we need to make two profound changes to the existing legal regime. Firstly, to amend CITES to directly incorporate public health issues into its mandate or develop a new agreement. Secondly, to treat wildlife crime as a serious organised transnational crime and to embed it in the international criminal law framework by bringing it under the UN Convention against Transnational Organised Crime.

Building public health into the international legal framework for wildlife trade

I had the privilege of leading the CITES Secretariat for eight years, from 2010-2018. CITES is a remarkable trade-related instrument but it has limitations, including it:

- only applies to those wildlife species listed in its appendices, being 36,000 of the world's eight million species and to their cross-border movement. For example, it does not regulate trade in the horseshoe bat, which has been cited as a possible source of COVID-19.
- does not consider risks to public health in taking decisions on what species to include in its Appendices, or whether a trade transaction is to be permitted. Decisions are based upon agreed biological and trade criteria.
- is a trade-related convention that was not designed to deal with wildlife crime.
- does not require illegal trade to be criminalized.
- does not apply to poaching or domestic issues, such as wet markets.

CITES does, however, have the advantage of:

- being an existing legally binding agreement with 182 States Parties and well-established governance.
- having an open and transparent process for taking decisions, by a two-third majority vote, if needed.
- incorporating a well-tested compliance mechanism to deal with cases of non-compliance.
- having an existing permitting system, with efforts underway to make it an electronic system.

¹³ ['The Imperative of Ending Wildlife Crime'](#) IISD 24 March 2020

¹⁴ Wildlife Justice Commission [Report](#), 10 February 2020.

- cooperative agreements in place with the World Animal Health Organization (OIE)¹⁵ and the World Trade Organisation and others, including the Food and Agriculture Organisation.

CITES could be substantively amended to include agreed public health criteria for listing species, determining if a trade transaction should be permitted, and to prohibit commercial and non-commercial trade on public health grounds, as well as high-risk wet markets and other commercial uses should they pose a risk to public health, including medicinal use.

Alternatively, a new agreement could be developed, specifically addressing the public health aspects of wildlife trade, markets and consumption, although this could be a longer and less efficient process.

A new global agreement on wildlife crime

We have known for some time now that serious wildlife crime is organised and transnational, is fuelled by corruption, and has a devastating impact on wildlife, local communities, national economies, security, public health and entire ecosystems, but this is now increasingly obvious.

The figure of up to USD20 billion has been used for many years to estimate the value of CITES listed species in illegal trade. Yet, a recent [report](#) from the World Bank¹⁶ puts this number at up to USD200 billion, when one includes all wildlife, including fish and timber not listed under CITES. The same World Bank report shows that governments are losing between USD7-12 billion a year in tax revenue. It values the impact on ecosystems in the order of USD1-2 trillion a year, as the theft of wildlife diminishes ecosystems, including their ability to mitigate climate change¹⁷. This World Bank report came out before the current pandemic and its possible links to illegally traded pangolin, the economic and social costs of which are staggering, and possibly beyond fully calculating.

Yet, remarkably, there is no global [legal agreement](#) on wildlife crime¹⁸ and by default we have turned to CITES, a trade-related conservation convention from the 1970's, to serve as the *de facto* legal instrument for combating serious wildlife crimes¹⁹.

¹⁵ In 2016 CITES, and the World Animal Health Organization (OIE), the organisation responsible for improving animal health world-wide, signed a [Cooperative Agreement](#) to ensure these two regimes worked closely together. I served as CITES Secretary-General at the time and the [media release](#) we jointly issued said: *“Rabies, Ebola haemorrhagic fever, West Nile Fever, Avian influenza, Brucellosis, Foot and mouth disease: these are only a few examples of well-known, emerging, or re-emerging diseases that are originally found or circulated in wildlife and which potentially have huge human and animal health, or socio-economic consequences. Considering that over 60% of pathogens responsible for human diseases are of animal origin and that a majority of these pathogens are coming from wildlife, wildlife disease prevention, monitoring, and control are believed to be crucial factors for safeguarding biodiversity and public and animal health worldwide.”* Full agreement available via the media release.

¹⁶ [‘Illegal Logging, Fishing and Wildlife Trade: The Costs and How to Combat It’](#) World Bank 29 October 2019.

¹⁷ Recent [scientific reports](#) show that intact ecosystems are better at sequestering carbon than degraded ones.

¹⁸ [‘Do we need a wildlife crime convention?’](#) LinkedIn Blog, J. Scanlon, 19 February 2019.

¹⁹ In the absence of any alternative, for the [eight years that I served CITES](#), we worked with Parties and many stakeholders, to use the Convention to crank up the fight against illegal wildlife trade. We stretched the mandate of the Convention, and in doing so we had some good success. The problem is that CITES was not designed for this purpose. It serves a very important purpose, but it was not intended to fight crime. We created [ICCWC](#) (International Consortium on Combating Wildlife Crime), saw the first ever UN General Assembly [Resolution](#) on illegal wildlife trade (IWT), the first UN World Wildlife Crime [Report](#), and generated a lot of public, political and financial support, as well as much deeper engagement of the enforcement community in the fight against IWT. Yet, one serious underlying problem remains unresolved, and we are

With new national, and possibly international, laws being enacted to ban high-risk wet markets and the trade in and consumption of certain wildlife on public health grounds, the need for an effective global enforcement response is greater than ever. If not, such markets and trade may simply move underground, which will exacerbate rather than diminish the health risks.

The time has come for a new global agreement on wildlife crime. One that is placed under the UN Convention against Transnational Organised Crime, as has been done for other serious crimes such as human trafficking. What is needed is an agreement that obliges countries to criminalise importing illegally sourced wildlife – as we already see in some country's domestic laws, such as in the US under the Lacey Act, and several countries for timber imports, and to criminalise serious wildlife crimes, including those that carry a serious health risk.

The [ICCWC](#) (International Consortium on Combating Wildlife Crime) is a collaborative effort of five inter-governmental organizations [created](#) in 2010 to strengthen criminal justice systems and provide coordinated support at national, regional and international level to combat wildlife and forest crime, which I chaired from 2010- 2018. In parallel to creating a new agreement, ICCWC should immediately be mobilised to scale up coordinated enforcement efforts to target high-risk species in illegal trade.

And to be as effective as possible, this scaled up enforcement effort will need to be complemented by well-targeted demand reduction campaigns, and, where necessary, initiatives to provide alternative sources of protein and livelihoods to people severely affected by such bans.

Stop the illegal trade before it happens – keep wildlife in the wild

It is best to take measures to stop the illegal taking, trade and consumption of wildlife before it ever happens, by better protecting wildlife at its source and its habitat.

When they have a stake in it, local communities will be the [best protectors](#) of wildlife at its source, before it ever enters illegal trade, which is evidenced by what we have seen through the work of [African Parks](#) across 11 countries from Angola to Zambia, as well in [Gorongosa](#), Mozambique and the [Norther Rangelands Trust](#) in Kenya,²⁰ along with parks agencies across many countries.

Wildlife-based tourism revenue is a critical part of the financing of nature conservation,²¹ especially in developing countries. This loss of revenue, and related jobs, is seriously challenging wildlife protection efforts, and could lead to an increase in poaching,²² degradation of ecosystems, and instability, thereby increasing the threat posed by high-risk wildlife trade.

paying a heavy price for it. We did not fully embedded fighting serious wildlife crime into the international criminal law framework; yet these crimes can only be dealt with by police, prosecutors and the judiciary, not by conservationists or rangers acting alone. This failure reverberates throughout the system, right down to the local level, and takes on a higher level of concern with the potential for future wildlife-related pandemics. Only the police and other enforcement officials can take on transnational, organised criminals. They need an unequivocal political message, supported by the right legal framework, that organised, transnational wildlife crimes are serious crimes deserving their attention and deployment of their resources.

²⁰ [‘Saving wildlife requires a new approach’](#) Business of Conservation Conference Keynote address, J. Scanlon, 10 September 2019.

²¹ [‘To fly or not to fly? Can air travel ever be good for the environment?’](#) LinkedIn Blog, J. Scanlon, 27 November 2019.

²² [‘Poaching threats loom as wildlife safaris put on hold due to COVID-19’](#), Dina Fine Maron, National Geographic, 10 April 2020.

We need a simple organising principle for nature conservation that enables us to achieve multiple objectives, measurable results and ensure accountability for performance. We can do this by focusing our collective efforts around a large scale, long-term commitment to wildlife-rich places that are included in protected areas or are protected through other effective area-based conservation measures. This is where national and international efforts targeting biodiversity, climate, health and sustainable development can converge and deliver multiple benefits.²³

Well-managed protected areas provide security for people and wildlife and bring about stability and law and order. This establishes the pre-conditions, or enabling environment, that can attract tourism, secure carbon, combat poaching, protect biodiversity, deliver on international commitments, create decent local jobs and provide good returns for investors, be they government, for-profit or philanthropic investors.

I observed how this convergence and these synergies do deliver multiple benefits for people and wildlife when [visiting](#) the Garamba National Park in DRC on Garamba Ranger Day in 2019²⁴, which, as it turns out, is where I also first met David Quammen, who is a fellow witness today.

It is positive to see that such an approach is the focus of Germany's proposed [Legacy Landscapes Fund](#) and the UK's [Biodiversity Landscape Fund](#), reflecting a recognition of the need to do things differently and at scale, which could perhaps serve as a catalyst for a wider global nature recovery effort that seeks to achieve multiple benefits through nature conservation.

Ensure interventions to stop the next pandemic deliver multiple benefits

If we implement measures to reform the existing legal framework for regulating legal wildlife trade, and for ending wildlife crime, and make scalable investments in nature conservation at source that deliver multiple benefits,²⁵ then we will be well placed to avert the next wildlife-related pandemic.

And as the benefits of effective nature conservation extend well beyond wildlife and environment, to include health, development and security benefits, so too must the sources of financing.

As we take immediate measures to respond to the COVID-19 pandemic, we must also look ahead and envisage a reformed international system of laws, programmes and financing that is best able to avoid the next wildlife-related global emergency, and then work collectively to make it happen.

Thank you for the invitation to address you.

²³ It is here that the implementation of global [conventions](#) on biodiversity, climate change, trade in endangered species, international wetlands and World heritage, can synergise on-the-ground, along with other related sustainable development goals and obligations under human rights conventions.

²⁴ '[A salute to the rangers of Garamba National Park, DRC](#)' LinkedIn Blog, J. Scanlon, 8 April 2019.

²⁵ To minimise public health risks, end wildlife poaching and smuggling, foster development and create jobs, enhance local and regional security, as well as to protect ecosystems and their services.