**Illegal Wildlife Trafficking; Institutional and legal analysis**

**Terms of Reference for contracting a senior consultant**

Illegal trade is among the major challenges to wildlife conservation, and one of the biggest threats to many species traded across Indochina and within China. Due to the traditionally close relationship with wildlife of part of its large population, China is one of the most important destinations for Illegal trade species such as turtles, snakes, and ivory. The illegal, unsustainable trade in biodiversity from source states in Africa and Asia, fueled largely by demand from wealth centers in China and Vietnam, presents one of the most immediate threats to the integrity of source state’s ecosystems.

WCS is seeking to undertake a thorough analysis of the current legal and institutional situation within China, Vietnam and Laos with regard to wildlife trafficking in order to provide an accurate and comprehensive understanding of the legal and institutional frameworks that exist in each country to address illegal wildlife trafficking. These terms of reference (ToRs) are focused on China and have been designed to consider each aspect of the national and regional structures that exist from the provisions contained in international law, to the capacity of law enforcement, through to the level of interest and priority given to wildlife trafficking by different organizations.

WCS will use this analysis in the following ways:

1. internally to inform and prioritize our own goals and strategies in the coming years,
2. to support and inform the priorities and actions of other organizations working for the same goals
3. with political and enforcement agencies in the region and globally to galvanize political and enforcement action in critical areas that need strengthening
4. Selectively publish parts of the analysis in order to support and inform global action.

**We are seeking to contract a senior and junior consultant** to gather information and provide a concise analysis of the strengths, weaknesses and opportunities for improvement of the legal and institutional system with regard to preventing the trade in endangered species[1]. This analysis will consider both the national framework in China as well as focus on the key trade hubs of Guangdong and Guangxi at subnational level.

**Overview of needs:**

1. Provide an analysis of the current gaps in Chinese legislation with regard to preventing the illegal trade in endangered species (based on the 2009 WCS trade review paper and current research in response to the questions defined by WCS);
2. Provide an analysis of the current gaps or confusion in Chinese national and sub national policy and guidance with regard to the illegal trade in endangered species;
3. Analysis of the institutional effectiveness of different agencies involved in addressing wildlife trafficking in China considering;
   * 1. What is the priority given to wildlife cases in different institutions (i.e. customs, forestry police, fisheries bureau, market police)
     2. What is the priority given by courts and prosecutions to wildlife
     3. What political messaging from different levels of government, and high courts has been given regarding wildlife since 2009  – memos, announcements, legal decisions and the impact of this on the priority given by enforcement agencies and what has been the impact of these messages
4. Analysis of the co-ordination mechanisms involved in wildlife trafficking within China and between China and other countries
   * 1. How effective are these mechanisms at international, regional and sub-national level and what are their main strengths and weaknesses – how could they be improved?
5. Analysis of the non-state actors involved
   * 1. Who are the main NGOs in China working on trade and what is their focus? Have any NGOs successfully influenced Chinese government policy on wildlife trade to date?
6. What are the primary private sector organizations that could influence demand for the legal and illegal trade in wildlife?

**Outputs:**

1. Methodology: end of week one
   * 1. How will the research be undertaken – based on the timeframe and resources available from WCS
     2. Research methods to be used
     3. Institutions that will be interviewed,
     4. Locations to be visited
2. Report outline and structure: end of week two
   * 1. Outline table of contents
3. Interim report: end of week eight
   * 1. Progress report and draft outline of findings to date
4. Final report: end of week twelve
   * 1. This should be a concise analysis of the current situation regarding trafficking endangered species of wildlife into and within China. The report should have a clear methodology, be no longer than **60** pages and should provide answers to all the points raised under 1 – 6 above
   1. The report should:
      1. Provide a summary of the main findings, clear analysis of the points made and clear recommendations for action in the short and long term to reduce the illegal trafficking and trade of endangered species in China.
      2. Identify the primary opportunities that exist that could most easily enhance enforcement of the current law in order of priority, timeframes needed and ease of implementation – i.e. increasing fines associated with trafficking ES without changing the law
      3. Identify the primary issues in the current legal and institutional arrangements that could most easily be addressed to reduce illegal trade in endangered species in order of priority and ease of implementation – i.e. clarifying jurisdiction between agencies, increasing the deterrent effect of administrative punishments, total domestic ban on trade and ownership of all species and products under CITES
      4. The specific report framework will be defined through discussions with WCS within the first week of the contract.

**Skills and experience:**

The skills and experience necessary for the lead consultant are consistent with senior legal and enforcement officers who have worked on the legal and enforcement side of wildlife trafficking in China for a minimum of 15 years.

1. Native Chinese speaker with excellent contacts in the relevant political and enforcement organizations in China
2. Excellent analytical skills, able to both identify sources of information, gather sensitive information and provide an analysis of the implications of the information
3. Able to work independently and under own initiative to deadlines
4. Able to supervise a junior consultant (minimum 5 years’ experience in data collection and analysis in the field of legislation and enforcement) to collect, collate and organize sources of information
5. English speaker preferred.
6. [1] African and Asian elephants, African and Asian rhinoceros, all species of pangolins, and tigers, any turtles and tortoises listed in CITES appendix 1 and 2

Please submit an application to the email addresses below in Chinese or English by **12pm February 28th** including your CV, availability and a cover letter.

**For more information please contact:**

（English）Rachel Hemingway

E-mail：rhemingway@wcs.org

Mobile：185 1065 4621

（中文）李立姝

邮箱：lli@wcs.org