

Legal Research Paper: Legal Protection of Parrots from an International and Chinese Domestic Law Perspective

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Abstract: Parrots (order Psittaciformes) are among the most threatened avian groups globally, facing existential risks driven by illegal transboundary pet trafficking, wild poaching, habitat destruction and improper private breeding. This paper systematically sorts out the dual legal protection system for parrots: the international treaty framework represented by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and China's domestic legislative system including the Wildlife Protection Law, Criminal Law and supporting administrative regulations. By analyzing the classification protection rules, illegal act liabilities, existing institutional defects and law enforcement loopholes, this paper proposes targeted legal optimization suggestions, aiming to balance biodiversity conservation, standardized artificial breeding and reasonable public demand for companion parrots.

1. Introduction

Parrots are favored by global consumers for their bright plumage, high intelligence and ability to imitate human speech, which has spawned a huge global pet trade chain. Statistics show that tens of millions of wild parrots are captured every year for commercial circulation, and the mortality rate of parrots during smuggling transportation exceeds 60% due to cramped, unsanitary packaging such as plastic bottles and iron pipes. More than one-third of parrot species have been listed as vulnerable, endangered or critically endangered by the International Union for Conservation of Nature (IUCN).

As a major importing country of exotic parrots and a contracting state of CITES, China faces prominent legal governance dilemmas: ordinary citizens lack awareness of classified protection rules, underground breeding and online trading of protected parrots remain rampant, and there is a mismatch between public demand for companion birds and strict regulatory standards. From the perspective of jurisprudence, this paper sorts out the legal norms governing parrot protection, analyzes typical judicial cases, and explores feasible paths to improve the whole-chain legal supervision of parrots.

2. International Legal Foundation: CITES as the Core Global Governance Treaty

2.1 Three-tier Classification Protection Mechanism of CITES

CITES, signed by over 180 sovereign countries, establishes a hierarchical trade control system based on three appendices to restrict the cross-border circulation of parrots:

(1) Appendix I: Strictly prohibits all commercial international trade. This appendix covers critically endangered parrots on the verge of extinction, such as Spix's Macaw and Kakapo. Only non-commercial activities including scientific research and rescue rehabilitation are allowed, requiring dual import and export permits issued by national wildlife management authorities.

(2) Appendix II: Allows conditional commercial trade with mandatory export permits. Most mainstream pet parrots such as African Grey Parrots, Sun Parakeets and Cockatoos fall into this category. Export countries must conduct scientific sustainability assessments to prove that capture or trade will not damage wild populations before issuing trading certificates. In 2016, African Grey Parrots were upgraded to Appendix I due to sharp population decline, completely banning cross-border commercial transactions of the species.

(3) Appendix III: Species protected by individual countries with limited cross-border trade restrictions, covering few parrot varieties.

2.2 International Legal Obligations of Contracting Parties

As a CITES contracting state, China bears three core legal obligations: First, translate CITES classification standards into domestic legal protection levels; second, set up special law enforcement agencies to intercept smuggling parrots at ports; third, impose corresponding administrative and criminal penalties on domestic actors participating in illegal cross-border parrot trade. CITES also requires member states to carry out joint transnational law enforcement to crack down on cross-border parrot smuggling criminal gangs.

3. Domestic Legal Protection System of Parrots in China

China has formed a three-level normative system of fundamental law + criminal law + administrative regulations to regulate parrot capture, breeding, trading, transportation and possession[1].

3.1 Core Basic Law: Wildlife Protection Law of the People's Republic of China

(1) National ownership of wild parrot resources: Article 3 clarifies that all wild wildlife resources belong to the state, and individuals have no right to arbitrarily capture, trade or privately raise wild protected parrots without official approval.

(2) Equivalent protection rule for CITES-listed species: All parrot species under CITES Appendix I and II are treated as national first-class and second-class protected wild animals respectively under Chinese domestic law, enjoying equal legal protection standards as native rare wild birds[2].

(3) Artificial breeding licensing system: Any individual or institution engaging in large-scale breeding of protected parrots must apply for an artificial breeding license issued by provincial forestry and grassland bureaus. Legal breeding sources must come from certified captive-bred progeny, with complete lineage and breeding archives to prevent wild-caught parrots from flowing into the breeding market.

(4) Exception clause for three unrestricted companion parrots: Exempted from licensing

management are only Budgerigars, Peach-faced Lovebirds and Cockatiels. Citizens can freely purchase, raise and breed these three varieties without administrative approval, which balances public demand for small companion birds and ecological protection goals.

(5) Special identification management for partially legal captive-bred parrots: Four artificially propagated parrot species including Green-cheeked Conures require unified special plastic foot tags issued by forestry departments for legal circulation; untagged individuals are presumed to be illegally sourced protected wild animals.

3.2 Criminal Law: Criminal Liability for Illegal Acts Involving Protected Parrots

Article 341 of China's Criminal Law sets severe criminal sanctions for illegal acts targeting protected parrots:

(1) Crime of harming precious and endangered wild animals: Illegal capture, purchase, transportation or sale of national protected parrots without permits shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention, together with fines. If the value of parrots involved ranges from 200,000 to 2 million yuan, it constitutes "serious circumstances" with imprisonment of five to ten years; cases exceeding 2 million yuan are defined as "particularly serious circumstances", carrying a minimum ten-year prison term plus property confiscation.

(2) Typical judicial practice: Citizens who purchase a single Green-cheeked Conure through online social platforms without permits have been convicted of this crime, with court sentences ranging from criminal detention to fixed-term imprisonment and accompanying fines. Even captive-bred protected parrots without legal identification documents will trigger criminal liability, regardless of whether the birds are captured from the wild.

3.3 Supporting Administrative Regulatory Documents

Relevant supporting rules include the List of National Key Protected Wild Animals, Administrative Measures for Terrestrial Wild Animals, and judicial interpretations on wildlife criminal cases, which refine law enforcement standards such as parrot value appraisal, confiscated bird rescue procedures and administrative penalty standards for minor illegal possession.

4. Main Defects of China's Current Legal Protection of Parrots

4.1 Severe Public Legal Awareness Deficit

Most pet lovers cannot distinguish legal and illegal parrot varieties. Many citizens mistakenly believe that artificially bred protected parrots can be privately raised without permits, resulting in a large number of spontaneous online transactions through WeChat, live-streaming e-commerce and second-hand platforms, forming an underground black market for protected parrots.

4.2 Weak Whole-Chain Supervision of Online Trade

Online trading channels are concealed and difficult to trace. Sellers often use coded words to avoid platform censorship, and express delivery logistics frequently accept live parrots without wildlife transportation permits. Administrative law enforcement agencies lack coordinated supervision with e-commerce and express enterprises, leading to high concealment of illegal transactions.

4.3 Imbalance between Rigid Criminal Sanctions and Public Cognitive Gap

Judicial practice shows that ordinary citizens who unintentionally buy a single protected parrot out of hobby face criminal records, which triggers widespread public doubts about the proportionality of penalties. The law lacks differentiated leniency mechanisms for first-time offenders with minor harm and no illegal profit purpose, easily causing conflicts between judicial judgment and public perception[3].

4.4 Insufficient Post-Confiscation Rescue Legal Norms

The Wildlife Protection Law only stipulates that illegally seized parrots shall be transferred to designated rescue institutions, but lacks detailed provisions on rescue funding guarantee, professional breeding standards for parrots and release evaluation mechanisms. Many confiscated parrots suffer from long-term trauma from smuggling and cannot adapt to wild habitats, resulting in high mortality during centralized rescue[4].

5. Legal Optimization Suggestions for Improving Parrot Protection

5.1 Build Graded and Differentiated Regulatory Mechanisms

(1) Expand the scope of legally unrestricted companion parrot varieties appropriately, and add standardized identification management for small artificially propagated parrots with low ecological risks to meet reasonable citizen breeding needs.

(2) Establish a tiered penalty system: impose only administrative fines and educational admonitions on first-time offenders who possess a small number of protected parrots without profit motives, and reserve criminal sanctions only for large-scale trafficking gangs and repeat offenders.

5.2 Strengthen Cross-Departmental Collaborative Whole-Chain Law Enforcement

The relevant government departments should establish joint law enforcement mechanisms covering forestry, public security, customs, market supervision, e-commerce platforms and express delivery enterprises. Regulatory authorities should mandate that live bird logistics must check wildlife transport permits before acceptance; require online platforms to automatically block keywords related to illegal parrot transactions and report suspicious accounts to regulatory authorities in real time[5].

5.3 Improve Supporting Rescue and Rehabilitation Legal Rules

Add special clauses in the Wildlife Protection Law regarding confiscated parrot rescue, clarify government financial investment obligations for wildlife rescue institutions, formulate unified feeding and rehabilitation standards for parrots, and establish standardized evaluation procedures for wild release of rehabilitated parrots.

5.4 Launch Targeted Legal Popularization Campaigns

Carry out special publicity on parrot classification protection rules through social media, pet stores and community channels, clarify the legal red line of parrot trading and possession, and reduce illegal acts caused by citizens' ignorance of the law.

5.5 Deepen Transnational Judicial Cooperation under the CITES Framework

Strengthen joint crackdown on cross-border parrot smuggling with Southeast Asian, African and Latin American parrot origin countries, share smuggling gang intelligence, unify port inspection standards, and cut off the international supply chain of illegal parrots at the source.

6. Conclusion

Parrot protection is a typical interdisciplinary legal issue integrating international environmental law, domestic administrative law and criminal law. The CITES treaty provides unified global trade control standards, while China's domestic legal system realizes localized classified management of parrot protection. At present, the core contradiction of parrot legal governance lies in the conflict between strict ecological protection norms and the public's demand for companion pets, as well as the mismatch between rigid criminal sanctions and weak public legal awareness.

To realize balanced protection of parrot biodiversity and standardized companion bird breeding, legislators need to optimize differentiated regulatory rules, smooth cross-departmental law enforcement channels, improve supporting rescue systems, and strengthen legal popularization. Only by combining rigid legal restraint with flexible institutional tolerance can the legal protection system for parrots achieve long-term, effective operation.

References

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