

China Animal Welfare Legislation: Current Situation and Trends

----- From Analysis of Three Cases in Recent Years

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In the winter of 1999, several brand new concepts were first introduced into China, such as animal welfare, anti-cruelty, animal rights, humane slaughter and three R's principals. Animal protection and welfare has been becoming a comprehensive and long term campaign in Chinese society. From legal professionals and practitioners, they have put all the effects to promote new anti-cruelty legislation and enforcement.

Sixteen years past, although a lot of progress has been made, but no animal welfare legislation on national level has been issued. The fact is that a large number of people even the whole society is educated. Animal protection, animal welfare, humane to animals by legal methods, all such consciousness or the animal perspective have been formed and firmed day by day.

The first case of Yulin dog meat festival represents the situation in which there is no any animal welfare legislation, even local rules or regulations at all. With strong disagreement from a group of dog lovers, the festival was canceled by local authorities in the end. Second case, Greetown Company wanted to be listed in a stock market, and then was stopped by financial regulations, not by animal welfare legislations, the basic force was actually from animal protectionists. With the social protest and new media's influence power, their foolish and inhumane business plan was failed. In the third case, there are a lot of existed national laws, regulations and rules, but the enforcement of the law has been far from satisfaction. This case reflects that with the social consciousness of animal welfare becoming stronger and stronger, people pay more attention not only on legislation but also on the enforcement.

These three cases have positive results. It inspired us that on the long way to make animal welfare legislation, we can still do a lot in animal welfare, animal rights, anti-cruelty under the circumstances there is no national legislation. It's doubtful if such national welfare legislation could be issued in the next decade. But it's certain that such efforts to push legislation have very strong influence to the society. Netizen's, new technology and the younger generation contribute enormously to the establishment of new type animal welfare culture, and challenge the thousand year tradition in China.

Case 1. Dog-eating Festival in Yulin, Guangxi province

1. Introduction

Each summer, at solstice, the population in Yulin (Guangxi province) customarily feed on plenty of lychees and dog meat as a tradition called "Yulin lychees & dog eating festival". However, this folk festival is opposed by animal welfare campaigners and dog-lovers. Initially the news spread in 2012, and prompted a national discussion in 2013. Ultimately, the controversy peaked in 2014. On the one side who opposes the festival hold the banner of moral civilization, on the other side, which is in favor

fighters back with the argument of traditional customs. This national online debate finally ended up in a bust up, more recently.

2. Case study

(1). Support reasons for slaughter and dog-eating. A comment of “The Other Side” in Netease news pointed that: eating dog is just an individual choice. Dog-eating will bring industry development, rearing dogs for meat have no health and safety issues, and local government irresponsible for the dog trafficking. Dog meat is warm in nature, and human infection of rabies due to dog-eating is negligible. Eating dog is a Chinese tradition, also many other countries in the past ate dogs or still keep doing it, and it’s just culture difference, no distinction between good or bad. With the exception of Hong Kong, all over the world there are no laws prohibiting eating dog meat, although South Korea and Jinhua in China canceled their dog-eating festivals.

(2). Statements opposing slaughter and dog-eating. An article on “Buddhism” on PhoenixNet gave seven questions related to “Is it wrong to eat dog meat?” all answers are positive. Shanghai Evening Post reported that, under the big civilization collision, such large-scale slaughter and dog-eating is inopportune or inappropriate. Legal Evening News reported that the fault is local government opposite tide, “dog-eating festivals was lack of humanistic care since appeared, but overemphasize to stimulate local economy, focusing on excessive packaging and rendering, and ignored the negative social effect.” Tencent “Topic Today” thinks that not eating dog meat could help make people avoid psychological discomfort. Beijing News comments with mutual tolerance; Liberation Daily emphasizes consensus; Qianjiang Evening News calls for self-discipline; these publishing outlets all ventured towards clear government responsibility.

(3). Centrism opinions. The Official Micro-blog of People's Daily holds the opinion that real civilization is to express, to negotiate, to avoid cultural conflicts into social conflict. The Xinhua News Agency microblog comments that loving dogs and eating dogs is a cultural conflict, not related to morality, but no matter whom loves dogs and who eats dogs, if they are both under restrictions. The Procuratorate Daily’s commented avoiding the core problem, and prefers the argument that food safety is the key. The Website of South China Morning Post only reports on the fact that the Dog-eating Festival triggered controversy and conflict, with no further value-laden comment. The government attitudes represented by these media website are progressed, but still shy on public affairs comment.

3. Enlightenment and prospects

(1) Dog-eating is a bad habit. The big scale of dog eating in Yulin was enough to create a sensation in the world, it exposed the cruel treatment of dogs, including these poor animals being electrocuted, burnt to death, peeled alive, etc. these dogs’ carcasses were hung in the streets with hooks or heap directly on the road side. All these cruelties were treated as a Festival to celebrate the so-called Dog-eating Festival, it not only an issue of cruelties but also an issue of cultural-sabotage.

(2) Eating dogs must be a taboo in future China main society. No matter what the defenders may say in the name of it, truth is that bad habit can’t get away from extinction. Besides, the process of human diet civilization is from carnivorous to omnivorous, many animals was drop out of human recipes, it’s the performance of social civilization and progress.

(3) The custom is inexistence that drives by the profit chain. Eating dog meat is not the main stream of Chinese cuisine culture, most of it is subculture. “Yulin lychees & dog eating festival” is the business activities masked as folk-custom by local dog meat merchants, there is no proof showing that Yulin area has the custom of dog-eating. Using culture to set up the stage and the economy to put on a show, stimulate the media hype, and strengthen the publicity to promote GDP is unforgivable.

(4) Serious risk of food safety hazard and rabies outbreak. Most dogs are not given rabies vaccinations; mass dogs’ slaughtering increases the probability of infection of rabies via bites and scratches. And Yulin was severely afflicted area of rabies in the past, and paradoxically the dog-eating festival runs in opposite direction to national disease prevention and control.

(5) In the case the dog-eating festival were repeated, the local government should actively participate in public affairs management and guidance. Restaurants offering dog meat and mass consumption should be supervised. At present, China have a Law on Animal Epidemic Prevention, Measures for the Administration of Animal Quarantine and Dog Origin Quarantine Regulation which can be used as temporary protection tools, regulating this way the safety of dog-eating. Therefore, there is no lack of legal framework on dog-eating issues, but there is an overall lack of the correct understanding of the law and its active implementation. Even without statute laws is the basis, "reasonable action" adopted by the local government will also get full understanding and support of the society.

Case 2. Greetown extracting bear bile in Quanzhou, Fujian

1. Introduction

The case of Greetown was reported in an article in a microblog in 2012, indicating that the private venture Greetown “uses their public share offering on projects for bear bile powder, whose annual production accrues to 4000 kg, involving black bears breeding in excess of 1200 units. If it were public, this year will be the end of moon bears.” A video shows live bears being vivisected to collect the bile. This video attracted tens of thousands of comments denoting the fury of the net population. All content focused on "resisting the IPO". Although Greetown took control of their crisis management, the China Association of Traditional Chinese Medicine, State Administration of Traditional Chinese Medicine, State Forestry Administration, amongst many, still support the listing in spite of the continuous increase of objections and doubts in the population.

2. Case Study

(1) Extracting bear bile is an abuse. The first step consisting in operating the bear is a painful abuse, and there is no data related neither to success rates nor about the causes of disease and complications following the operation. In the open visiting form the media Greetown keeps the environmentalist away from the media so it’s hard to observe what really happens behind the scenes, without professional knowledge.

(2) Extracting bear bile is replaceable. Manufactured bear bile was approved by Ministry of Public Health of China in 1983. After several rounds of research and formula design, the chemical composition for synthetic bile as well as its physical and chemical properties and compound stability are now consistent with the high quality natural bear bile. This was shown in clinical trials, indicating there is no significant difference between the two products. Until 2007, the manufacturing of bear bile finished development, test, and batch production rights, waited for state approval. There are currently

different kinds of traditional Chinese medicine (TCM) ingredients such as golden cypress, *Coptis chinensis*, cortex phellodendri, *Scutellaria baicalensis* showing they all have inhibition of liver cancer cell proliferation, giving better results than bear bile. What's more, bear bile antibiotic properties are jeopardized by the pollutants coming from the wounds in bears, making it far away from the expected high quality natural bear bile.

(3) Extracting bear bile abuse in Greetown. Greetown use the excuse of "extracting bear bile contributes to traditional Chinese medicine protection", it's hard to justify themselves. Current bear bile products in Greetown, in addition to "bear bile powder" and "bear bile capsule" which acquired national food safety number, there other 30 kinds of products that did not acquire bear bile medicine or bear bile drug batch number. Greetown has no products with health care products approved number, among which we can find the bear bile tea, and its sale of sweet tea along with other health care products are illegal and should be banned.

(4) Greetown should learn from this incident. The incident gives Greetown an opportunity to find, analyze and solve the problem in advance. These problems are resinous, as they do not only damage the rights and interests of investors, but may have judicial consequences because of fraud. The incident also pointed out future direction for Greetown's development: rather than persisting with the listing of illegal products they should, proactively introduce bear bile substitutes to promote transformation, realize green development, humanity and sustainable development.

3. Enlightenment and Prospect

(1) The biggest problem is animals are abused. Non-prohibition law doesn't mean abuse should continue. These behaviors by seeking human health through animals are deviated from the basic standards of humanitarian and social civilization and should be eliminated. Needless to say, a lot of bear bile products belong to health care products, not to save lives, but belonging to unconstrained luxury demand.

(2) Bear bile powder used in health care production and sale is illegal. We have no right to stop Greetown breed black bears, product through extracting bear bile and those products in circulation, but the bear bile powder and other raw materials used in health food production are no illegal under the "Notice of examination and approval no longer to bear bile powder and creatine as raw material to produce health food" by Ministry of Health in 2001.

(3) In 2012, Ta-foundation put forward three reasons to contrast the listing of those products according to article 12, article 14 and article 26 in "Initial Public Offering and GEM Listed Management Interim Measures". At the end of May 2014, Greetown and other 14 Pharmaceutical Companies abandoned their dream of IPO by CSRC financial verification storm. It is thus clear that the financial management laws and regulations, such as the Securities Law, Accounting Law played an important role to stop the listing.

(4) Greetown urgent to change the concept and method for development. Greetown still holds the banner of the natural, the oldest and most traditional product by producing drugs, regardless of Chinese herbal medicine alternative research progress. Change in ideas and technological innovation is the ultimate way out for the company. The Chinese medicine association should direct Pharmaceutical Companies reforms in a proactive way, upgrading industrial standards as soon as

possible and encourage technical breakthrough through innovation, instead of looking for excuses for backward Pharmaceutical Companies.

Case 3. Destroyed 6.1 tons of smuggle ivory publicly in Dongguan, Guangdong

1. Introduction

January 6th, 2014, State Forestry Bureau and General Administration of Customs held a mission to “Enforce confiscated ivory public destruction” in Dongguan, Guangdong province. A total amount of 6.1 tons of t ivory was crushed. This is the first time China confiscated and destroys ivory in public, aiming to show firm stand and attitude to protect wildlife, advocate people to set up the idea of wildlife protection, frighten criminals away from illegal hunting, smuggling, and wildlife trade. It got great attention from the international society, multinational departments and embassy representatives, international organizations officials, representatives of international non-governmental organizations, who participated in this activity.

2. Case study

(1) Rampant smuggling activities at home and abroad. Current global slaughter, uncontrolled hunting and smuggling, illegal wildlife trade are still serious. They already threatened to African elephants and other wildlife species’ survival and sustainable development and became a major hidden danger affecting global ecological security. Smuggling of wildlife trophies has become the third largest smuggling trade, after weapons and drugs, and triggered thorough domestic investigation of related cases.

(2) Strict application of trading market. Market demand is the chief culprit, controlling and damaging the illegal ivory trading markets, including China, to control the poaching in Africa will be critical. The illegal trade of wildlife and its products involves many links across multiple countries and belong to different department’s supervision. There is the need for more countries to collaborate to strengthen law enforcement. International travel deformity consumption also should be curbed.

(3) Explicit legal ground. Convention on International Trade in Endangered Species of Wild Fauna and Flora, China Customs Law, and Regulations on the Administration of Import and Export of Endangered Species of Wild Fauna and Flora and other laws and regulations have specific provisions of mail, carry, consign wildlife and its products departure and entry. Criminal Law also has the corresponding sanctions for non-exportation of cultural relics, gold, silver and other precious metals or precious animals and their products whose import and export are forbidden. In July, the United Nations general assembly passed a "crack down illegal wildlife trade" resolution, an appeal to perfect the domestic legislation, prevent, investigation and disposition of the illegal wildlife trade in accordance with the laws of different countries around the world.

(4) Transforming consumer habits. In recent years, China’s wild animals have been used commonly in eating, wearing, medicinal purposes, as pet, handicraft, entertainment, etc. Chinese consumption habits of wild animal products such as ivory have historical origins, but it is a wrong consumption idea. The awakening of wildlife protection consciousness has important effect to stop further deterioration of the situation. “No trading, no killing”, rich men should self-discipline themselves first. These habits need to change in Guangzhou, Fujian and other areas where there is a high preference for wildlife products.

3. Enlightenment and Prospect

(1) China is integrating with the international community fast, and actively joins important international conventions related to animal protection. Meanwhile, China is also correcting itself, for instance it abandons great delicacies made of wild animals, criticize to flaunty behavior of the new rich and preserves one's health and wildlife, etc. The eclectic Chinese culture must change traditional uncivilized acts on the issue of animal protection, involved in international environment of wildlife protection. Chinese traditional emphasis on "nature and humanity", the concept of human and nature in harmony entrenched, but still need to correct the benighted consciousness.

(2) The animal welfare barriers gradually become new trade barriers in international trade. For China's export trade, increased restrictions can push the improvement of Chinese laws and regulations, and civilized and humanity production processes. Consumption in travelling abroad must restrict and prevent wildlife products imports, even if other countries allow trading and carry wildlife products, China customs need to prohibit their entry.

(3) One of the plight of the wildlife protection in China is in the huge economic network driven by interest, from transport, trade and consumer markets, so to promote related industries such as rental housing, slaughter equipment, etc. To solve this problem the country must rely on fundamental transformation of social morals, especially the government morals. China increased efforts to fight corruption recently created the "eight-point code ", and "six-point regulation", "four undesirable work styles" to effectively curb the consumption of wild animals. As the anti-corruption continued, animal protection will be able to further improve in the future.

(4) Participate in wildlife protection action actively! China focuses on the construction of the ecological environment right now, and wild animals in ecosystem are expected to get better protection in the future. It gradually improves China's wild protection ability and people's consciousness for wild protection. The country should join international wildlife environment protection schemes and wildlife protection transcending borders.

Conclusion: Trend analysis of China animal protection legislation

Chinese civilization and openness is improving, actively absorbing international new ideas of animal protection. China is using its reforms and innovation as driving forces, comprehensively building a "5 to 1" well-off society which includes political civilization, economic civilization, culture civilization, social civilization, and ecological civilization. More open and inclusive in external, "introduce" and "go out". To respect and fear for other life, witness the civilization degree of a country or society.

The construction of a civilized China looks at actively absorbing excellent foreign culture. Animal welfare as universal value in the west overflows quickly around the world granting animal protection organizations to carry out the public interest. Also, the United Nations will draft animal protection into its sustainable development goal, and more than 100 countries are to launch the animal abuse act action, example of which is the appeal to China's animal protection concept and law to keep pace with time. To strengthen animal welfare, not only attentions to animals should be stressed, but also show up moral cultivation and civilization to enhance of the whole society's sensitivity on the issue.

(1) Change the cruel habits to animals, using new culture to guide the mainstream of society

The construction of "Cultural powers" requires carrying forward excellent traditional culture. This is mutually exclusive with the abnormal culture of cruelty to animals typical of animal smugglers. Confucian, Taoist, Buddhist tradition affects the evaluation standard of the whole society, the traditional Chinese philosophy of pragmatism and eclectic views are enough to accommodate different animal protection standards all over the world. With the progress of the society, the requirements of the public to animal ethics, animal welfare will be more and more high, wildlife and its products consumer market will be more and more limited, abandoned by history as inevitable as it is.

(2) Gather unique power of the younger generation, make new media play a powerful role

Chinese young generation are less affected by traditions, they are more radical in animal protection and contribute to the public opinion war, rational guidance on the basis of objective facts, and strive for support by centrists, format strength together, and it has important significance in the spread of their claims. In the trend of animal protection, network communication with advantages of high transmission speed, around the clock, wide range, it make masses of users stand in the forefront of public opinion in short time. These widely discussed issues are to be found in inadvertently leads for the notion of animal protection. They improve the ability to judge the future in light of information, it improves enthusiasm to participate in animal protect practice, and it's an effective means to play positive role of netizens.

(3) China's animal protection legislation is still promoting, and has first breakthrough in particular regions and industries

Chinese animal protection unified legislative process is slow. It is difficult to determine specific schedule for the highly anticipated *Against Cruelty to Animals Law* and *Animal Protection Law*.

Those animal protection incidents in recent years show that the effort of law has had an effect on regulations in different areas and different industry developed rapidly. Shanghai, Hunan, Weixian, and other places launched new animal protection rules. Tourism, catering, food safety, education, finance and other industries also put forward the corresponding requirements for animal protection. It can be predicted that unified legislation in the next 10 years will still be difficult, but animal protection legislation could take its first breakthrough in a particular areas or industries. (The end)