

China Animal Welfare Legislation: Current Situation and Trend

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

SONG Wei

Professor and Director, Law Institute

University of Science and Technology of China (USTC)



- 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 principles. 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 animal welfare legislation and enforcement.
- Sixteen years past, although no animal welfare legislation has been issued, a lot of progress has been made. The fact is that a large number of people even the whole society has been educated. Animal protection, animal welfare, humane to animals by legal methods, all such consciousness and the new-type culture about animal have been formed and gradually firmed day by day.



Three Cases

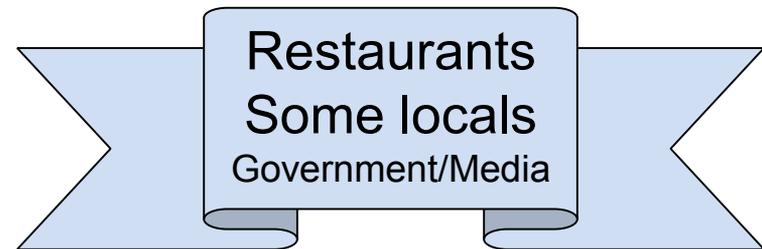
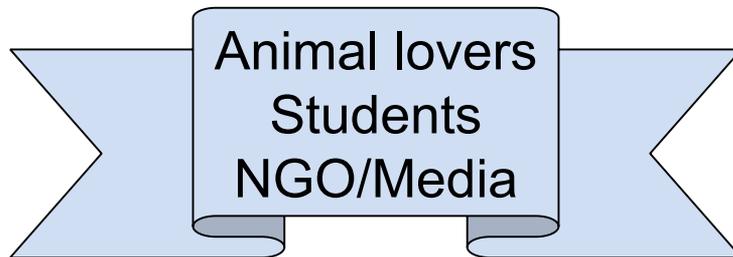
The first case of Yulin dog meat festival represents the situation in which there is no any animal welfare legislation, even no local rules or regulations at all. With strong protest from group of dog lovers, the festival was canceled by local authorities in the end. No LAWS

The Second case, Greetown wanted to be listed in a stock market, and was stopped not by animal welfare legislations, but by financial regulations, the basic force was actually from animal protectionists. With the social protest and new media's power, their foolish and inhumane IPO business plan was failed. SOME LAWS

The third case, there are a lot of national laws, regulations and rules, but the enforcement of the law has been far from satisfaction. This case reflects that with consciousness of animal welfare becoming stronger and stronger, people pay more attention not only on legislation but also on the enforcement. LAW Enforcement

Case 1: Dog-Eating Festival

- In 2014, at solstice, beginning of summer, 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.



Case 1: Dog-Eating Festival

Opinion A

- ❑ 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.
- ❑ 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.

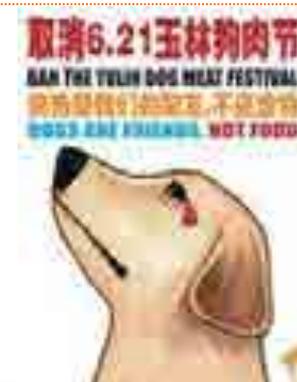
Opinion B

- ❑ Shanghai Evening Post reported that, under the civilization collision, such large-scale slaughter and dog-eating is inopportune or inappropriate.
- ❑ Legal Evening News reported that the local government is against civilized tide, “dog-eating festivals was lack of humanistic care since it 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 appeals mutual tolerance to avoid violence;
- ❑ Liberation Daily emphasizes consensus;

Case 1: Dog-Eating Festival

Opinion C

- ❑ 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 Procurator Daily's did not discuss the key problem, and prefers the argument about food safety.
- ❑ The Website of South China Morning Post only reports on the fact that the Dog-eating Festival controversy and conflict, with no further value-laden comment.
- ❑ The government attitudes represented by these media website has progress, but still shy to comment on this important public affairs.



(1) Dog-Eating: Bad Habit

The big scale of dog eating 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) Must Be Prohibited in China

No matter what the defenders may say in the name of it, truth is that bad habit can't exist any longer. 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) Driven by Profit

- Eating dog meat is not the main stream of Chinese cuisine culture, it is subculture at most.
- “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 so called culture to build the stage, the business profit as aim, stimulating the media, promoting GDP.

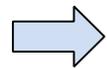
(4) Food Safety Concern

- 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.

Case Study

(5) The local government should actively participate in public affairs management and guidance. Restaurants offering dog meat and mass consumption should be stopped.

- *Law on Animal Epidemic Prevention*
- *Measures for the Administration of Animal Quarantine*
- *Dog Origin Quarantine Regulation*



Under existing legal framework, regional government should take reasonable action, not inaction.



Case 2: Greetown Extracting Bear Bile

- It was reported in Weibo in 2012, indicating that the private company Greetown cruelty to animals.
- Greetown wanted to get 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 goes public, this year will be the end of moon bears.
- A video shows live bears are caged to collect the bile. This video attracted tens of thousands of strong condemn from the net population.
- Focused on Resisting its IPO-Initial Public Offerings.



Photos of Greetown factory

<http://news.sina.com.cn/c/p/2012-02-17/031323945981.shtml>

Case 2: Greetown Extracting Bear Bile



归真堂

旺 康 肝 活 力

上市融资，用于年产4000公斤熊胆栓，
存栏黑熊1200头两大项目。熊胆栓
以豪华礼品装出售，价格可高达900元
一盒。



中国中医协会

力挺归真堂，标准用于153种中药
品种



当地政府

归真堂是惠安台湾镇
2012年重点项目之一



亚洲动物基金

透过和地方林业部门合作，
已经使全国22个省取缔开
展活熊取胆业务的场所。



人工熊胆课题组

人工熊胆项目的全部研发
材料已上报国家药品审评
中心，已完成批量生产的
全部工作。



投资人

该基金投资元意在上市前转让股
份，第一时间脱手套现亦无出
售之意。

(1) It's Cruelty. Not Business.

- No data related neither to success rates nor about the causes of disease and complications following the operation.



(2) Not Necessary and Replaceable.

- The bear bile's so called medical care effects are not so mysterious and effective claimed by some doctors or patients. It's not necessary to use bear bile.
- Traditional Chinese medicine 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.



Case 2: Greetown Extracting Bear Bile



(3) Illegal Products.

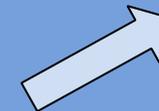
- In addition to "bear bile powder" and "bear bile capsule" which acquired national food safety C-Number, there other 30 kinds of products that did not acquire bear bile medicine or bear bile drug batch number.
- Greetown has no products with health care products approved number, among which we can find the bear bile tea, and its sale of sweet tea along with other health care products are illegal and should be banned.



(4) Greetown Must Change

- 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.

Citizens in HK object to IPO of Greetown, 2012



(1) Business Ethics.

- 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 and its selling in the markets break regulation.

- Notice of examination and approval no longer to bear bile powder as raw material to produce health food--- issued by Chinese Ministry of Health in 2001.



Case Study Two

(3) IPO Resisting

- 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 “IPO Management Interim Measures”.
- At the end of May 2014, Greetown and other 14 Pharmaceutical Companies abandoned their dream of IPO by financial verification audit.
- 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 IPO.



(4) Greetown and CATCM.

- 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.
- Changing in ideas and technological innovation is the ultimate way out for the company.
- China Association of Traditional Chinese Medicine should direct pharmaceutical companies reform in a proactive way, upgrading industrial standards as soon as possible and encourage green technical breakthrough through innovation.



Case 3: Destroy Confiscated Ivory Publicly



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 ivory was crushed.



Case 3: Destroy Confiscated Ivory Publicly



- This is the first time China 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.



(1) Enforcement of Existing Law

- Current global slaughter, uncontrolled hunting and smuggling, illegal wildlife trade are still serious.
- Smuggling of wildlife products has become the third largest smuggling trade, after weapons and drugs, and very serious through Chinese domestic investigation of related cases.



(2) Strict Controlling of Trading.

- 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 belongs 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) Revising and Amending Legislation

China Wildlife Protection Law

Customs Law of the People's Republic of China

Criminal Law of the People's Republic of China



(4) Changing Consumer Habits.

Wild animals have been used in food, wearing, medicine, even entertainment for unnecessary business purposes.

No trading, no killing.



Case Study Three

(1) New Type Culture

- China society must self-examine its tradition, abandons the foods made of wild animals, criticize flaunty behavior of the new rich and enrich ones health with wildlife products. TCM should carry the herb medicine tradition forward.
- Actually, main Chinese historic raditional emphasis on nature and humanity, the concept of human and nature in harmony entrenched, but still need to strengthen the benign consciousness.



(2) International Trade. One Belt-One Road

- In export trade, increased restrictions can push the improvement of Chinese laws and regulations, and civilize more humane 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 must to prohibit their entry.

(3) Government Disciplines.

- As the anti-corruption continued, animal protection will be able to further improve in the future.
- Very strict ruling party disciplines. Almost all the products from food to clothing made from wild animals will be prohibited among public sector consumption.



Case Study Three

(4) Popularization of Animal Law

- Gradually improves China's wild protection ability and people's consciousness for wild protection. To make up missed lessons.
- Join international wildlife environment protection schemes and wildlife protection transcending borders.



Series of activities for the 30th establishment anniversary of wildlife protection association in Hubei province, 2014.

(1) Economy New Normal and New Trends.

- China is building a well-off society which includes political, economical, cultural, social and ecological civilization.
- Regional Government Image and Green-GDP Oriented Development.
- 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.



(2) New Culture Establishment

- The construction of New Culture requires carrying forward excellent traditional and abandon the bad. At the same time with global perspective, to learn from abroad, from other nations.
- With the fast progress in the society and the requirements of the public to animal ethics, animal welfare will be more and more accepted by different circles.
- Business related to cruelty to animals, wildlife and its products, all that kind of markets will be more and more limited, abandoned by history as inevitable trend.



Trend Analysis of China Animal Welfare Legislation

(3) The Younger Generation and New Media

- 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.
- Network communication with advantages of high transmission speed, around the clock, wide range, these widely discussed issues are improves enthusiasm to participate in animal protect practice, and it's an effective means to play positive role of Netizens.





(4) China's animal protection legislation is still promoting slowly, and has some breakthroughes in particular regions and industries

- 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 breakthrough in particular area or industry.

- These three cases have positive results. It inspired us that although it'll be long way to make national 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 all the society.
- Netizen's, law professionals, new technology and the younger generation contribute enormously to the establishment of new type animal welfare culture, and challenge the thousands year tradition in China.



- The animal welfare legislation of China moves slow, and even has a variety of difficulties and setbacks.
- NGO, citizen, public sector, legal educational institution and mass media can form positive forces to push forward the revision and amending of China's current legal system.
- Global and regional animal law network should be established and improved. The exchange of the legislation experience, animal law education model, transnational cooperation in case study, express support for animal law issues.



