



Animal Law in China

Revising the Wildlife Protection Law

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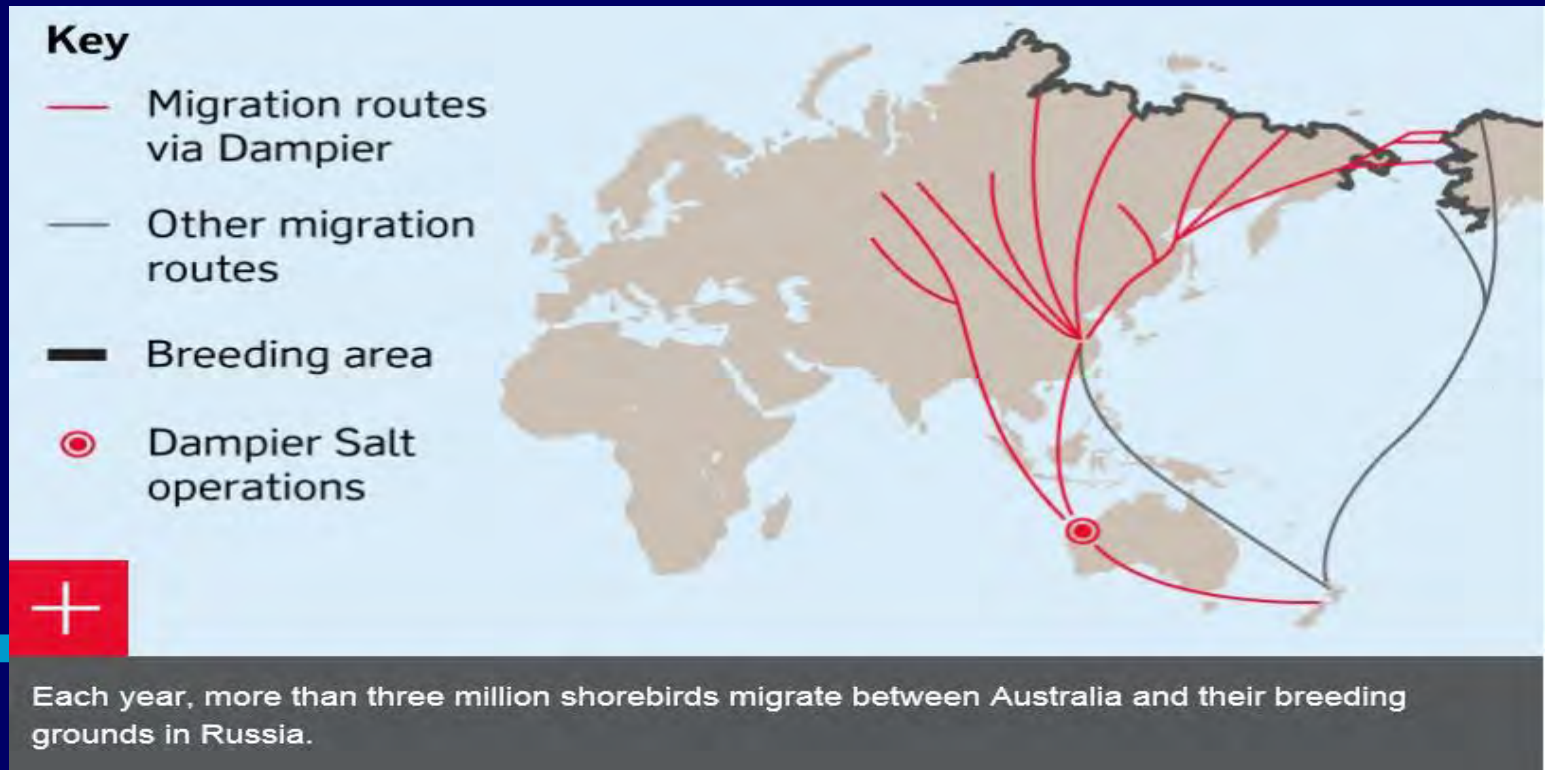


Introduction



Introduction

■ Chinese Wildlife



Source: "Incredible Journeys" via
<http://m2m.riotinto.com/article/incredible-journeys>.



Wildlife Protection

Laws, Regulations & Policies

- **State Council Order (1962)**
 - **List of protected species**
 - **CITES (1981)**
 - **Fisheries Law (1986)**
 - **Wildlife Protection Law (1988)**
 - **Two implementation regulations on**
 - **Terrestrial Wildlife Protection (1992)**
 - **Aquatic Wildlife Protection (1993)**
 - **Regulation on the Protection of Nature Reserves (1994)**
 - **Firearms Control Law (1996)**
 - **Regulation on Black Bear Farming Technology (1996)**
- 

The Wildlife Protection Law (WPL)

■ WPL

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Law of the People's Republic of China on the Protection of Wildlife

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Law of the People's Republic of China on the Protection of Wildlife

(adopted on November 8, 1988)

(Adopted at the Fourth Meeting of the Standing Committee of the Seventh National People's Congress and promulgated by Order No. 9 of the President of the People's Republic of China on November 8, 1988, and effective as of March 1, 1989)

CHAPTER I GENERAL PROVISIONS

Article 1 This Law is formulated for the purpose of protecting and saving the species of wildlife which are rare or near extinction, protecting, developing and rationally utilizing wildlife resources and maintaining ecological balances.

Article 2 All activities within the territory of the People's Republic of China concerning the protection, domestication, breeding, development and utilization of species of wildlife must be conducted in conformity with this Law. The wildlife protected under this Law refers to the species of terrestrial and aquatic wildlife which are rare or near extinction and the species of terrestrial wildlife which are



The Results

- **Booming wildlife farming**

- **More than 20,000 farming units**

Zhai, XC. Chinese Science & Technology Review, 2012, No. 7, p. 148

- **54 wild animals successfully domesticated**

- **More than 100 species farmed**

- **8.7 billion RMB industry**

Chinese Wildlife, 2003, Vol. 24, No. 5, p.50-52

- **Other wildlife related industries**

- **Zoos, aquariums, safari parks**

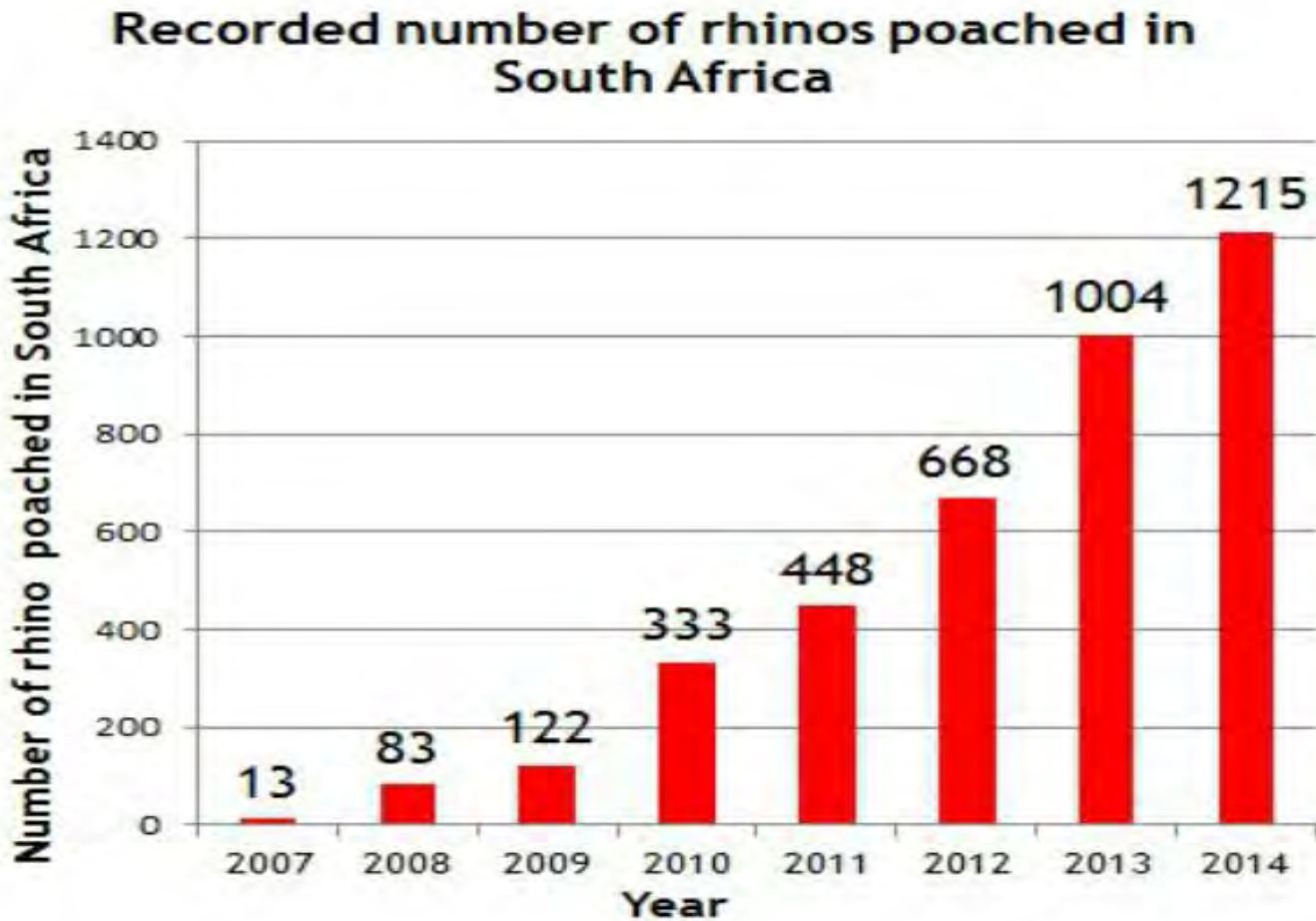
The Results

- Saiga antelope (*Saiga tatarica*)



The Results

WILDLIFE DEPLETION (CERN 2007)



The Results






What Has Gone Wrong?




WPL

- Mission confusions
 - Protection list outdated
 - Protection agencies under-funded
 - Compensation unfulfilled
 - Violations undeterred
 - Lack of anti-cruelty provisions
- 



Revising the WPL

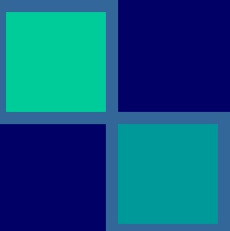
- **WPL – mission confusion**
 - **Resources and utilization (44 times)**
 - Utilization
 - Domestication
 - Breeding
 - Wildlife resources
 - Sale
 - **Articles 1, 2, 4, 5, 9, 17, and 22 devoted to wildlife use**
 - **Article 17: “ The state shall encourage the domestication and breeding of wildlife animals.”**
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Revising the WPL

- **WPL**

- **Mission confusion**



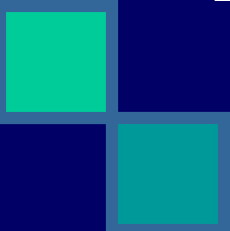

Article 3 ...**The state protects** the lawful rights and interests of units and individuals engaged in the **development or utilization of wildlife resources** according to law.





Revising the WPL

Is wild breeding relevant?

- 
- Yes, traditional production
 - yes, only for a small number of species, or
 - breeding for conservation only
- 

Is commercial breeding outdated?

- Bear farming
- Tiger farming
- Rhino farming



Revising the WPL

- **Problems of commercial breeding**
 - **Sending the wrong message**
 - **Sustaining demand**
 - **Greater threat to species in the wild**
 - **Bile from wild bears believed to be more effective**
 - **Farms as cover for illegal wildlife trade**
- 
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The underlying challenge

- **Politics of development**
 - **The priority of development**
 - 70 million and 2020 (poverty reduction)
 - **Local obsession with growth rate**
 - fur animal farming
 - 62 million fur animals
 - 5 million employed
 - Suning: 80th to 40th in ranking
 - expansion of local revenue
 - growth linked to stability
 - upward career mobility
- 



Conclusions

- **Politics in command in law-making**
 - **Politics is above tradition**
 - **Major breakthroughs unlikely**
 - **Wildlife as resources**
 - **Culture changing is underway**
 - **Voices**
 - **against commercial breeding**
 - **for ecological balance as main objective**
 - **for anti-cruelty stipulations**
 - **Global significance of WPL revision**
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Thank you !

