

Protection or utilisation? Revision of the Wildlife Protection Law called into question

Li Yu, China Science News, January 14, 2016

After 26 years, the Wildlife Protection Law is finally being revamped.

A series of iron-fisted new policies led to high hopes for this draft revision of the Wildlife Protection Law. For the first time, the draft explicitly protects wildlife habitats, and requires the relevant government departments to evaluate and revise lists of protected species every five years. Anyone selling or purchasing wildlife under special state protection will also be prosecuted for criminal responsibility.

However, within days of the draft's release, it was met with strong dissatisfaction and criticism from experts in various fields. The fate of the wildlife covered by the draft remains uncertain.

Wildlife Protection Law or Wildlife Utilisation Law?

When the draft was released, it was the word 'utilisation' that was met with the sharpest criticism.

"Utilisation is mentioned more than 20 times in the draft, and is mentioned four times in the General Provisions alone." What angers Ma Ming, Researcher at the Xinjiang Institute of Ecology and Geography of the Chinese Academy of Sciences, is that the old law talks so much about utilisation, and the new draft is the same. "Are we drawing up a wildlife protection law or a wildlife utilisation law?"

Whether wildlife constitutes a resource that can be exploited is a question worth considering. "If this were the 1960s, talking about utilisation would be pardonable, as back then ordinary people lived on the poverty line, and there was a realistic need to hunt wildlife." Ma Ming told Science Net that today, China's wildlife is on the brink of extinction, and the most urgent issue is protection.

According to Mang Ping, an advocate for animal welfare and professor at the Central College of Sociology, to be revising a wildlife protection law in the 21st century that still treats wildlife as a resource, and expands utilisation rather than limiting it, is contrary to the international trend for increasingly strict wildlife protection laws that aim to protect wildlife and avoid loss of biodiversity due to commercial use. It is also not in keeping with the national policy of establishing systems to safeguard ecological civilisation implemented after the 18th National Congress.

The author notes that many restrictions and conditions appear before the term 'utilisation', such as 'rational utilisation'. "These are all high-sounding words, but as to what constitutes rational utilisation and what constitutes irrational utilisation, the definition is too wide-ranging and flexible." Ma Ming points out that an overemphasis on utilisation could well mean that cruel practices such as extracting bile from living bears could receive legal protection.

"Even if you really must utilise wildlife, that should mean a different type of issue, such as aesthetic appreciation and genetic research." Ma Ming believes that if the

draft is really born out of an intention to protect wildlife, 'utilisation' should be replaced by a clear list of examples, instead of this vague term. "We are now asking who it is that drew up this law."

A version that disappeared

Another version of the draft actually existed before this draft was released.

"That was a version made up of experts' suggestions. While it still had some issues, it was more suitable overall." Xie Yan, Associate Researcher at the Chinese Academy of Sciences Institute of Zoology, was surprised to see that the draft that was eventually released was completely different from the version he had previously seen. "It was completely different, especially in terms of the utilisation issue."

Xie Yan told Science Net reporters that this outcome is to a large extent linked to the guiding philosophy of the department of wildlife protection: namely, that wildlife can be utilised.

"The stance of those who support utilisation is that you must persevere with utilisation, and only later can you protect wildlife. According to this logic, they don't want to upgrade the protection levels of many species, as the higher the level of protection, the more restrictions are placed on utilisation", says Xie Yan.

The author found the following statement relating to the draft: "In accordance with scientific and democratic legislation, the leadership group has listened to the suggestions of from relevant departments, and has sought the opinions of local government and various groups in society. Opinions have been heard from experts at the Chinese Academy of Sciences Institute of Zoology and Institute of Hydrobiology, Beijing Forestry University and Northeast Forestry University.

If the departments insist on utilisation, then these experts are actually just hired hands, as they can select those who will speak in defence of utilisation", says Xie Yan.

Xie Yan thinks that the protection classifications listed in the draft are lacking fair, rational and scientific criteria. "Even though the draft says lists must be revised every five years, this will struggle to reflect the true situation if the criteria used are changeable and negotiable."

"Not only can the wildlife departments draw up and revise these lists, they can also issue utilisation permits." Xie Yan thinks that if all this power is given to one department without a supervisory and controlling body, the future could be very risky.

"We want a fairer, more objective scientific organ to carry out evaluation of the work of wildlife protection departments. This could further reduce harm of wildlife utilisation," says Xie Yan.

Warnings of a 'black list'

One part of the draft has left scholars thinking it resembles a kind of 'black list'.

For example, Article 11 says that “The state shall carry out the classification and grading of wildlife, which shall be classified as wildlife under special state protection, wildlife under special local protection, and wildlife of important ecological, scientific or social value.”

“A layman reading this could think that all wildlife is protected, but based on the description in the draft, protection is afforded only to wildlife within a very narrow definition.” This makes Xie Yan shudder: if only hunting of protected species is prohibited, doesn’t that mean hunting of non-protected species is fine?

“Of important ecological value” is also a vague term. “Scientifically speaking, earthworms, bees, sparrows and rodents are all very important ecologically, but the draft can’t include these species, and so there is no universal wildlife protection,” says Xie Yan.

“Protecting wildlife involves much more than just protecting the animals. We should be aiming to restore China’s ecosystems, but this draft does not tackle this issue.” Xie Yan thinks that the draft should first include a principle of universal protection, and then should provide additional regulations for endangered species.

Of some comfort to scholars is the fact that the draft is still in the consultation stage. Widespread criticism of the draft means that an official adoption within six months may not be on the cards. “It’s great that everyone can now give their opinions on the law, but if there are ultimately no changes made, then many people will be heartbroken,” says Ma Ming.

[Original Chinese-language article can be found here:
<http://news.sciencenet.cn/html/shownews.aspx?id=336221>]