

Where is the new draft Wildlife Protection Law heading?

Liang Zhiping, Phoenix News Comment, January 14, 2016

The author is a well known Chinese legal expert, in this article, he stated at the beginning that *“The draft has not altered the reality of a ‘Wildlife Utilisation Law - While additions have been made relating to protection of habitat and biodiversity, the old law’s view of wildlife as a resource and the principle of so-called ‘rational utilisation’ remain unchanged. More importantly, this is not restricted to utilisation in the public interest, such as for scientific, educational or conservation purposes, but also includes utilisation for commercial purposes (which is actually its main purpose).”*

In his opinion, *“the previous law proved insufficient in protecting wildlife, particularly in light of the ever-worsening issues of rampant hunting, catching and eating of wildlife. Some of these issues are related to the legal stance on utilisation.”*

Take the Asiatic black bear as an example, of which many are kept and bred in captivity on a large scale, despite being under second class special state protection. Bile is extracted from living bears for profit, and while this cruel industry has attracted strong criticism from the public, it has nonetheless expanded greatly over the past 30 years, coinciding with the period the current Wildlife Protection Law has been in place. In the eyes of many NPC Deputies and members of the public, this is proof of the failure of the old law, and a reason why it needed to be revised.

He says in the eyes of wildlife traders, *“those healthy wild animals of all shapes and sizes are nothing more than an ostentatious fur coat, a table full of novelty dishes, a bunch of living money-making machines. Protection of wildlife is nothing more than the protection of utilisation, and protection of this nature can never really work. This is why, while many countries around the world have laws protecting animals, almost none have wildlife protection laws based on the principle of utilisation.”*

He says the key question is whether wildlife is a part of nature that we should cherish, or a resource that we should appropriate. If you wish to preserve biodiversity, you must hold to the former stance, but the draft Wildlife Protection Law, which advertises itself as protecting wildlife, habitats and biodiversity, has actually taken the latter position. This is particularly evident in its constant reiteration of ‘utilisation’, which would not only legalise many existing activities that utilise wildlife for commercial purposes, but would also open the door to development of many other commercial operations.

Whilst the Article 3 of the draft states: “The state safeguards the lawful rights and interests of units and individuals engaged in the protection, breeding or utilisation of wildlife according to law.” But the draft does not make any specific demands of those unit and individuals engaged in the breeding and utilisation of wildlife, and does not limit the objectives of such activities or specify or delineate the species which may be used in such activities. The draft also does not express any intention to limit, reduce or even ultimately end such practices. Therefore, we have reason to believe that if this draft becomes law, there would very quickly emerge a new wave of commercial activities engaged in the exploitation and utilisation of wildlife and wildlife products.

[Original Chinese-language article available at http://news.ifeng.com/a/20160114/47072806_0.shtml?from=timeline&isappinstalled=0]