

Wildlife conservation is crucial for national ecological security. Utilisation of wildlife cannot be expanded at will

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The draft revision of the Wildlife Protection Law explicitly mentions a “policy of rational utilisation” and “safeguarding the lawful rights and interests of units and individuals engaged in the protection, breeding or utilisation of wildlife.”

Clauses relating to the species under special state protection can be interpreted another way: unless there exists some local management system, the law allows for hunting permits for species that are not under special state protection; permits hunting outside protected areas; permits the sale, purchase and utilisation of wildlife species and products that are not under special station protection; and permits the transport, carrying and posting of species and products thereof that are not under special state protection. If this is all permitted by the law, then it could be said that the law runs counter to the concept of wildlife protection itself.

Moreover, the formulation and revision of lists of protected species, as well as permits and licences for captive breeding, utilisation and hunting, are all the responsibility of departments of wildlife protection. But there is no mention of a monitoring mechanism for these departments.

The current draft has raised the following issues:

1. A Wildlife Protection Law or an Endangered Wildlife Protection Law?

Wildlife plays an important role in pollination, seed dispersal, ploughing, land and water protection, clean water resources, balanced food chains, nutritional cycles and predator-prey control: it is a key to healthy and balanced ecosystems. Many of these species are not under special state protection (such as earthworms, sparrows, rabbits, most insect), and are not included in the scope of protection conferred by this draft.

The current draft only appears to protect species under special state or local protection, or those with special ecological, scientific or social value, and their habitats. It only prohibits hunting of these species. So what about those species that don't come under one of these categories?

The stated intention of the Wildlife Protection Law is to maintain biodiversity and ecological balance, but this draft is incapable of realising this aim, as it only protects endangered species.

Should the Wildlife Protection Law be renamed the ‘Endangered Wildlife Protection Law’? Given the current ecological crisis, efforts in wildlife protection should improve safeguards for the health of China's ecosystems, and the legal objective of the Wildlife Protection Law should be to confer comprehensive legal safeguards to all wildlife.

I therefore recommend expanding the scope of the Wildlife Protection Law to cover

all wildlife, coming up with regulations that are universally applicable to all wildlife species and emphasising stronger provisions for the protection of wildlife under special state protection. We mustn't allow non-protected species to be freely utilised.

2. The Wildlife Protection Law should not encourage utilisation

The key value of wildlife lies in maintenance of ecological balance and biodiversity. The value of wildlife in terms of food, medicine, as pets, for aesthetic appreciation, performances, as beasts of burden, as ornaments or in cosmetics are usually of value to only a small group of people, but utilization for these purposes is the greatest threat currently facing wildlife.

The draft talks about "a policy of rational utilisation" but is very difficult to define what is meant by 'rational'. The Wildlife Protection Law should therefore return to the original intention of the law, namely to provide legal safeguards for the protection of wildlife, not to provide a legal basis for the utilisation of wildlife.

Providing for legal captive breeding and utilisation for commercial purposes encourages a consumptive attitude towards wildlife, stimulates market demand, exacerbates the continuing pressure of poaching, and provides no benefit to the sustained existence of wild populations. This is particularly true for larger species such as turtles, snakes, amphibians, deer, bears and tigers: successes in captive breeding have not led to an increase in their wild populations. Conversely, many of their wild populations are tiny and facing considerable hunting pressure.

The law should not encourage captive breeding of wildlife, but should advocate regulation and control, to avoid the potential risk of businesses expanding in this area. This encouragement can only lead to more issues in the areas of conservation and animal welfare, while short-sighted business developments in this area will lead to opposition from the public and conservation sector, leading to economic losses. In order to avoid this situation, any mention of "rational utilisation" should be completely removed from the draft. Instead, the Wildlife Protection Law should clearly and comprehensively prohibit the commercial breeding and utilisation of terrestrial vertebrates and other protection wildlife, and should seek a permit system for situations in which utilisation is absolutely necessary without providing any encouragement whatsoever for utilisation of wildlife.

3. Who will monitor the authority of wildlife departments to issue utilisation permits?

Formulation and revision of all species lists, along with permit systems for captive breeding, utilisation, hunting, sales and transport of wildlife, are all the responsibility of departments of wildlife protection. But who is containing their authority?

The law allows for too many opportunities for manipulation that could benefit utilisation.

The basis of lists of species under special state protection is not provided in the draft (whereas the US Protection Species Act clearly defines this basis), which means there is a risk that the list could be unscientific or unjust. There are many examples

of species that should be listed as Category 1 protected species, but are instead listed as Category 2 due to the value of their utilisation. This is the main reason why the lists have not been updated for a long time: if the law does not specify the standards for these lists, it is very difficult to reach consensus.

Permits for hunting, breeding, transporting and selling are lacking in principled standards, as the decision whether or not to issue a permit, the quantities covered by the permit and responsibility for supervision and inspection all lie in the hands of the wildlife departments. As far as the public are concerned, the permits system is a black hole.

In order to avoid the current situation in which all decisions lie in the hands of departments of wildlife protection, I propose the following two measures:

1. As decisions relating to species' endangered status, the threats they face and the action that should be taken are highly specialised, an objective scientific evaluation committee should be established that is independent of departments of wildlife protection. Without the influence of departments of wildlife protection, this committee could evaluate species' status, formulate and revise lists of protected species, draw up lists of species that may be bred and utilised for commercial purposes, and could fully evaluate and revise these lists every five years. The standards against which decisions relating to commercial breeding and utilisation are made should include the species' wild population, breeding techniques, dependence upon wild populations for founder stock, impact of utilisation and breeding on wild populations, risk of introduction of alien species and animal welfare issues relating to captive breeding.
2. Improve management of captive breeding and utilisation; improve transparency of information; include public consultation in revisions to lists of protected species and those for which captive breeding and utilisation are permitted; and publish information online relating to units and individuals who are given permits to breed, sell, transport and hunt wildlife. Strictly control and limit issues such as the potential impact of commercial utilisation on wild populations, animal welfare, issues relating to exceeding quotas, and forged permits.

[Original Chinese-language article can be found here:
http://www.cenews.com.cn/xwzx2013/hjyw/201601/t20160119_801549.html]