



*"Embracing Innovation to Conserve the World's Animal Kingdom."*

Ambassador Liu Xiaoming  
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6 April 2016

Dear Ambassador Liu Xiaoming,

### **Draft Amendments to China's Wildlife Protection Law**

I have been reading with alarm, the recently proposed changes to the Law of the People's Republic of China on the Protection of Wildlife (effective as of March 1, 1989), hereafter referred to as the *"1989 Wildlife Law."*

The proposed amendments to the 1989 Wildlife Law in the form of draft legislation (the first such amendments in some 26 years), were made public on January 1, 2016 (hereafter referred to as the *"Draft Revision"*). There has been a high level of negative reaction to the Draft Revision<sup>(1) to (11)</sup>.

The concern shared by many in the field of wildlife conservation, is that the current *"utilization," "licensing,"* and *"marking"* scheme under the 1989 Wildlife Law facilitates the laundering of illegal wildlife specimens, undermines enforcement efforts and stimulates demand for wildlife, thereby threatening the survival of wild target species.

IWB believes that 'legal' domestic trade in wildlife (such as tiger, ivory and rhino horn products) increases demand, encouraging channels for illegal infiltration of poached specimens that profit criminals masked within that 'trade.'

Chinese law prevents the killing and sale of protected species, with President Xi Jinping recently pledging to enact *"a near complete ban"* on the import and export of ivory. In September 2015, an *"historic accord"*<sup>(12)</sup> was signed between the United States' President Barack Obama and China's President Xi Jinping, agreeing to end commercial ivory sales in the United States and China, plus comprehensive efforts to combat wildlife trafficking.

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It is feared that this pledge by President Xi Jinping will be seriously undermined by the 1989 Wildlife Law and the Draft Revision as proposed, which also appear incompatible with the concept of “*ecological civilization*” as promoted by the Government of China, which includes explicit demands to:

*“implement the protection of rare and endangered wild animals and plants”, and, through revision of relevant laws and regulations, to “guide, regulate and restrict the exploitation, utilisation and conservation of natural resources” and “promote a shift towards economical, green, low-carbon, civilised and healthy habits in agriculture, food production, housing, work and travel; and to resolutely reject and oppose all kinds of extravagant, wasteful and irrational consumption.”*

The Draft Revision refers repeatedly to the “*utilisation*” of wildlife and explicitly proposes that wildlife may be utilised in traditional medicine, health products and as food. There is a clear contradiction between China’s stated “*ecological civilization*” objectives and the Draft Revision.

In that regard, IWB fully endorses and supports the Environmental Investigation Agency (EIA) recommendations<sup>(13)</sup> for consideration as revisions to the 1989 Wildlife Law, namely:

1. For wildlife that are seriously threatened by trade - such as elephants, rhinos, tigers, leopards, snow leopards, clouded leopards, Asiatic lions, pangolins, and helmeted hornbill – the Draft Revision should strictly prohibit utilisation and commercial trade in the parts and products derived from these species sourced from both wild or captive sources.
2. For wildlife that are seriously threatened by trade, the following activities should be strictly prohibited: import, export, internal trade, sale or offer for sale, advertising, possession, stockpiling, transfer, transport and utilization with limited exceptions such as possession required for law enforcement purposes.
3. EIA’s position on captive breeding has been developed largely based on our work in relation to trade in captive tiger specimens and in this context EIA recommends that “captive breeding” under the Draft Revision should be explicitly prohibited for

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tigers and other Asian big cats. The Draft Revision should only permit captive breeding of tigers and other Asian big cats as part of a globally recognised conservation breeding programme such as programmes accredited or endorsed by IUCN CBSG, the tiger studbook programme and/or WAZA, in approved scientific institutions that are making a contribution to scientific conservation breeding programmes (hereafter referred to generally as "breeding for conservation purpose"). EIA's position in this context may also be applied to other species.

4. Neither the existing 1989 Wildlife Law nor the Draft Revision includes any regulations relating to the 'possession' of wildlife and this should be included as a criminal offence under the Draft Revision.

5. The Draft Revision passes most responsibility for implementation of the wildlife law to provincial level government departments, but omits any planning, supervisory or accountability mechanisms. This is a significant loophole which can be exploited to the detriment of wildlife.

I trust that the EIA's recommendations<sup>(1)</sup> will receive full consideration, where wildlife protection is given the upmost priority within any proposed revision of the 1989 Wildlife Law.

Yours sincerely,

Stephen Alan Wiggins

*Founder of International Wildlife Bond (IWB)*

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