

Recommendations from the Environmental Investigation Agency regarding revision of the Wildlife Protection Law of the People's Republic of China

20 February 2020

EIA is an international non-governmental organization committed to investigating environmental crime and abuse and advocating for effective laws, enforcement and criminal justice responses to combat it. Since its establishment in 1984, EIA has played a key role in contributing to international and national decision-making in relation to combating environmental crimes such as illegal wildlife trade, including through the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). EIA's work on wildlife trade focuses on trade in elephant ivory, tigers and other Asian big cats, rhinoceroses, pangolins and totoaba, although our investigation findings and policy recommendations are of relevance to many other wildlife species.

EIA contributed comments and recommendations during the previous revision of the Wildlife Protection Law of the People's Republic of China (hereafter referred to as "the Law") in 2016¹, and to consultation drafts of implementing regulations.²

Desired Outcomes

EIA believes this law revision presents an opportunity for China to make amendments that will secure the following positive outcomes for endangered species³ especially elephants, tigers and other big cats, rhinoceroses, bears and pangolins:

- A time-bound plan for the phase out of commercial tiger breeding operations and the closure of domestic markets for parts and derivatives of captive bred tigers consistent with international agreements⁴
- Closure of domestic markets for the parts and derivatives of all big cats, including medicinal products containing leopard bone (which may refer to the bones of leopard, clouded leopard and snow leopard)⁵, rhinoceroses, pangolins and bears

¹ <https://eia-international.org/wp-content/uploads/EIA-Position-Paper-on-Chinas-Draft-Wildlife-Law-February-3-2016.pdf>; https://eia-international.org/wp-content/uploads/2.-EIA-comments-on-second-draft-of-WPL_Summary-of-key-concerns_Final.pdf and https://eia-international.org/wp-content/uploads/3.-EIA-comments-on-second-draft-of-WPL_Specific-comments_Final.pdf

² <https://eia-international.org/wp-content/uploads/EIA-comments-on-WPL-draft-implementation-regulations-bilingual.pdf>

³ With the term "endangered species", EIA is referring to all species of wildlife assessed as Vulnerable, Endangered or Critically Endangered under the IUCN Red List. See also <https://www.worldwildlife.org/pages/what-does-endangered-species-mean>

⁴ For example, CITES Decision 14.69; CITES Res. Conf. 12.5 (Rev. CoP18); recommendations adopted by the 3rd Stocktaking Conference on Tiger Conservation

⁵ See for example, EIA. 2018. Down to the bone: China's alarming trade in leopard bones. Available from: <https://eia-international.org/wp-content/uploads/Chinese-Government-agency-issuing-permits-for-commercial-trade-in-bone-of-hundreds-of-leopards.pdf>

- The destruction of parts and derivatives of elephants, tigers and other big cats, rhinoceroses, bears and pangolins no longer required for enforcement and prosecution purposes, and of privately held stocks of captive bred tiger parts and derivatives
- Restrict keeping and breeding of elephants, tigers and other big cats, bears and rhinoceroses to programmes and scientific institutions that are part of internationally recognised scientific conservation breeding initiatives, managed via studbooks
- Ensure robust, centralised monitoring and inspection of facilities keeping elephants, tigers and other big cats, rhinoceroses, bears and pangolins in captivity to ensure that parts and derivatives do not enter trade
- Criminalise possession of wildlife sourced in contravention of the Law or international conventions to which China is a Party
- Amend regulations around the disposal of seized wildlife or wildlife products to prohibit the auctioning or commercialisation by any other means of seized wildlife and the products thereof

Overview of key concerns

The results of EIA's investigations and research indicate that 'utilisation' or legal domestic trade in wildlife that is threatened by trade such as tigers and other big cats, elephants, rhinos, bears and pangolins, including in parts and derivatives of captive bred specimens, is a high-risk approach that exacerbates the trade threat faced by these species in the wild. EIA has obtained evidence that demonstrates that the current "special marking" scheme implemented under the Law both prior to and following the 2016 revision to regulate legal trade in wildlife under special state protection⁶ in effect enables laundering of illegal wildlife specimens, undermines enforcement efforts and stimulates demand for the species thereby threatening their survival in the wild.⁷

EIA recommends the application of the precautionary principle as set out in the 1992 Rio Declaration on Environment and Development. The precautionary principle is a well-established principle under public international law that is recognized as a valid legal principle in international instruments such as CITES and the Convention on Biological Diversity as well as several national and regional jurisdictions such as India and the European Union. The precautionary principle requires prevention of serious or irreversible damage irrespective of scientific uncertainty regarding the same. Given

⁶ This category includes tigers, leopards, snow leopards, clouded leopards, Asian elephants and Chinese pangolin. EIA understands that other species including lions, jaguars, African elephants, rhinoceroses and African pangolin species are managed as species under special state protection due their listing on CITES Appendices

⁷ See for example EIA. 2013. Hidden in Plain Sight: China's clandestine tiger trade. Available from: <https://eia-international.org/wp-content/uploads/EIA-Hidden-in-Plain-Sight-Chinese-lang-version-FINAL1.pdf>

evidence that legal domestic trade is harmful to wildlife that is threatened by trade, the focus of the Law should be on exercising precaution, acting in the best interest of the world's natural heritage and not experimenting with the fate of endangered wildlife through utilisation or legal trade. EIA therefore recommends prohibiting sale, purchase and utilisation of wildlife under special state protection, including specimens derived from captive sources.

EIA notes that the current revision of the Law was initiated as a result of concerns around the presumed zoonotic origin of COVID-19 and the consumption of wildlife as food.⁸ We applaud the Government's swift decision to amend relevant legislation, and urge reviewers to take this opportunity to prohibit all trade and consumption of wildlife under special state protection including as medicine, healthcare tonics or decorative items, and including parts and derivatives from captive bred specimens. Behavioural science shows that repetitive exposure to a type of idea or action will lead to the normalisation of that idea or action⁹. The Halo effect¹⁰ predicts the audience will then have the tendency to normalise and justify other ideas or actions relating to the same topic. By permitting a legal use of wildlife parts and products for any purpose, the Law is increasing the risk of the public maintaining their consumption of wildlife as food as well as for other uses. To minimise the relapse of wildmeat consumption and the risk of the emergence of new human-animal health issues, the revised Law should make it clear that wildlife consumption of any kind is unacceptable.

Moreover, the process of revising the Law offers an invaluable opportunity for China to demonstrate conservation leadership as it prepares to host the 15th Conference of the Parties to the Convention on Biological Diversity in 2020. This can be achieved by adopting language suggested below to permanently prohibit domestic trade and utilisation of wildlife under special state protection; provide for essential definitions of concepts such as breeding for conservation purposes; and to outline species for which the risk posed by commercial breeding and utilisation is unacceptable and as such they shall be exempt from provisions allowing for such trade. Adopting these recommendations would also bring China's legislation into compliance with key Decisions and Resolutions adopted by the Conference of the Parties to CITES.

EIA also notes with concern that several key implementing regulations and relevant lists relating to the Law have not, to the best of our knowledge, been officially promulgated, such as the draft updated list of wildlife under special state protection.

⁸ National People's Congress of the People's Republic of China. 2020. 加大打击和惩治乱捕滥食野生动物行为，全国人大常委会法工委启动修法工作。 Available from:

<http://www.npc.gov.cn/npc/c30834/202002/c864210c8208481798e1d2c87bace055.shtml>

⁹ Dempsey, R., McAlaney, J. and Bewick, B. (2018). A Critical Appraisal of the Social Norms Approach as an Interventional Strategy for Health-Related Behavior and Attitude Change. *Frontiers in Psychology*, [online] 9. Available at: <https://www.frontiersin.org/articles/10.3389/fpsyg.2018.02180/full> [Accessed 20 Feb. 2020].

¹⁰ Neugaard, B. (2020). Halo effect. [online] *Encyclopedia Britannica*. Available at: <https://www.britannica.com/science/halo-effect> [Accessed 20 Feb. 2020].

Members of the National People's Congress evidently share this concern.¹¹ The current ambiguous situation is undermining urgently needed efforts to protect endangered species¹², and as such this work should be expedited as a matter of urgency. EIA has serious concerns regarding the consultation drafts of implementing regulations circulated in 2016; please see our comments submitted at the time.¹³

Comments on specific articles and suggested language

Suggested deletions are reflected in strikethrough (~~strikethrough~~), and suggested additions are underlined.

Article 2

As currently written, the definition of “wildlife” protected by the Law may be read as referring to only terrestrial and aquatic species of wild animals, which are “rare or near extinction” and in the case of terrestrial species, have “important ecological, scientific and social value”. EIA recommends inserting a clear definition of ‘wildlife’, which ensures in principle that all wildlife is afforded some degree of protection.

Suggested amendments (Article 2, paragraph 2):

The wildlife protected under this Law refers to ~~the species, both terrestrial and aquatic, which are rare or near extinction and terrestrial species which are of important ecological, scientific and social value.~~ all terrestrial and aquatic species of wild animals, including specimens of those species in captivity, in accordance with the purposes of this Law as stipulated in Article 1.

Article 3

As is laid out Article 1, the purpose of the Law is to protect wildlife and promote establishment of ecological civilization. This should be reflected in this Article.

Suggested amendments (Article 3, paragraph 2):

The state safeguards the lawful rights and interests of organisations and individuals engaged in the protection of wildlife and related activities, including scientific research ~~and captive breeding~~, according to the law.

Article 4

The Law should prioritise protection of wildlife and, in accordance with the precautionary principle, should not encourage utilisation.

¹¹ National People's Congress of the People's Republic of China. 2020. 加大打击和惩治乱捕滥食野生动物行为, 全国人大常委会法工委启动修法工作

¹² As per comment above, referring to all species of wildlife assessed as Vulnerable, Endangered or Critically Endangered under the IUCN Red List

¹³ EIA. 2016. Comments on draft implementation regulations for the revised law of the People's Republic of China on the Protection of Wildlife. Available from: <https://eia-international.org/wp-content/uploads/EIA-comments-on-WPL-draft-implementation-regulations-bilingual.pdf>

Suggested amendments (Article 4):

The state shall pursue a policy of prioritising protection, ~~regulating utilisation and~~; shall implement stringent monitoring and management; shall encourage scientific research into wildlife and the cultivation of public awareness of protecting wildlife; and shall promote the harmonious development of man and nature.

Article 13

In accordance with the precautionary principle, language should be added to this article to ensure that exploitation and utilisation of wildlife is not permitted in situations where it cannot be ensured such activities will not harm the species' conservation status.

Suggested amendments (Article 13, paragraph 1):

The people's government at the county level and above shall, when drawing up plans relating to exploitation and utilisation, give due consideration to the protection of wildlife and their habitats; shall analyse, calculate and evaluate all potential impacts that implementation of these plans may have on protection and wildlife and their habitats; and shall avoid or reduce adverse impacts that could result from the implementation of these plans. In accordance with the precautionary principle, exploitation and/or utilisation shall not be permitted in situations where it cannot be ensured such activities will not harm wildlife or their habitats.

Article 25

As currently written, this Article allows the breeding of wildlife under special state protection for reasons other than the protection of the species. For wildlife that is threatened by trade, captive breeding for any purposes other than conservation poses an unacceptable risk to the species. The current language of this article is of particular concern for tigers, the large-scale commercial breeding of which has not lessened pressure on wild populations but has instead perpetuated and stimulated demand for all big cat products, reduced stigma of consumption of tiger products, and has provided traders with opportunities to launder illegally-sourced tiger specimens.¹⁴

EIA notes with concern that as the Law is currently implemented, captive breeding of wildlife under special state protection for non-conservation purposes continues to be permitted, and that definition of what may constitute a "scientific research institution" is not sufficiently restrictive to prevent such facilities from engaging in activities which are harmful to the conservation of protected species. For example, facilities such as the Siberian Tiger Park and Xionsen Tiger and Bear Mountain Village, while sometimes described as scientific institutions, are offering for sale products marketed

¹⁴ See for example <https://eia-international.org/wp-content/uploads/EIA-Hidden-in-Plain-Sight-Chinese-lang-version-FINAL1.pdf>

as derived from tigers and/or lions and are keeping tigers in conditions that are inconsistent with conservation breeding.

The threat posed by commercial breeding to wild tigers has been recognised by the international community as represented by the Conference of the Parties to CITES, which adopted Decision 14.69, which states:

“Parties with intensive operations breeding tigers on a commercial scale shall implement measures to restrict the captive population to a level supportive only to conserving wild tigers; tigers should not be bred for trade in their parts and derivatives.”

When this Decision was adopted, the Parties specifically voted to specify that it applies to domestic as well as international trade.¹⁵ This article should therefore be amended to bring China’s legislation into compliance with this Decision.

The language of this Article is also of concern for other species such as pangolins and rhinoceroses. When evaluated against various biophysical, market and regulatory conditions, the use of captive breeding of pangolins to meet consumer demand for pangolins scales has been determined to not be commercially viable¹⁶. Any permitted breeding activities also risk offering means through which to launder pangolins and rhinoceros horn illegally sourced from the wild.

EIA therefore recommends that language be added to Article 25 to specify that breeding of certain species that are threatened by trade for any purpose other than for the conservation of the species presents an unacceptable risk to the conservation of the species in the wild and shall not be permitted.

Language should also be added to this Article to define “captive breeding of wildlife under special state protection for the purposes of protection of the species”, and to ensure that information relating to permits for such activities is made available to relevant stakeholders. According to experts at the Zoological Society of London, conservation breeding specifically relating to tigers aims to maintain a population which is physically, behaviourally and genetically healthy and representative of the taxon in the wild. It requires maintenance of maximum genetic diversity through centrally managed breeding of a population with fully known ancestry, selecting particular individuals for pairing on genetic grounds, housing the stock in facilities preserving natural behaviours and avoiding hand-rearing or use of unnatural social groups¹⁷.

¹⁵ See summary record from 14th Conference of the Parties to CITES:

<https://www.cites.org/sites/default/files/eng/cop/14/rep/E14-Com-II-Rep-14.pdf>

¹⁶ Challender et al. 2019. Evaluating the feasibility of pangolin farming and its potential conservation impact. *Global Ecology and Conservation* 20

¹⁷ SSN/ENV, July 2014, *Caged assets: tiger farming and trade*, accessible on: <https://eia-international.org/wp-content/uploads/Caged-Assets-revised.pdf>

Suggested amendments (Article 25, paragraphs 1-2):

The state shall support relevant scientific research institutions in conducting captive breeding of wildlife under special state protection for the purposes of ~~protection of the species~~ recovery of the species in the wild. Breeding operations that claim to conduct captive breeding of wildlife under special state protection for the purposes of protection of the species shall provide a plan demonstrating how the operation is part of an internationally recognised scientific captive breeding program, and detailing how the operation enables recovery of the species in the wild. Applications shall be considered by the department of wildlife protection under the State Council in consultation with national experts and members of the IUCN Captive Breeding Specialist Group and results of decisions shall be made publicly available, alongside supporting materials. Any trade in the parts and products of the species under special state protection held by any captive breeding operation for any purpose, including for the recovery of the species in the wild, shall be prohibited.

For captive breeding of wildlife under special state protection for reasons other than that stipulated in the paragraph above the state shall implement a permit system. Anyone intending to breed wildlife under special state protection shall obtain the approval of departments of wildlife protection under the people's government of the province, autonomous region or municipality and shall obtain a captive breeding permit. Exemptions may be provided by other regulations that designated a different authorization agency by the State Council. This permit system shall not be used to allow captive breeding for purposes other than that stipulated in the paragraph above of wildlife under special state protection that is threatened by trade, or for non-native wildlife the trade in which is prohibited or restricted by international conventions which China has concluded or to which China is a party, in particular tigers and other big cats, rhinoceroses, pangolins, bears and elephants.

Article 26

EIA commends the inclusion in this Article of language specifying that wildlife shall not be abused. However, in the absence of definitions of such abuse or of Articles in the Law specifying consequences for violating this Article, this language is at present insufficient to ensure the legal application of this provision.

Suggested amendments (Article 26, paragraphs 1):

Captive breeding of wildlife under special state protection shall benefit the protection of the species and scientific research, and may not damage wild populations. Anyone intending to breed wildlife under special state protection shall ensure that they have the necessary living space and conditions for the movement, reproduction, hygiene and health of the animal according to its habits and properties; that they are equipped with adequate premises, facilities and technology in line with the purpose, type and scale of the captive breeding operation; that they can satisfy relevant technical standards and disease prevention requirements; and that the wildlife is not abused.

The abuse of wildlife in captivity shall be prohibited. Behaviour that constitutes abuse of wildlife shall be defined by the wildlife department under the State Council, in consultation with national and international experts in animal welfare, and this definition shall be published in a timely manner.

Article 27

EIA has documented how provisions in this Article as currently written are being interpreted to permit commercial trade in the parts and derivatives of wildlife species under special state protection, such as leopards. For example, in March 2018 a single permit was issued by the State Forestry Administration (since renamed the National Forestry and Grasslands Administration) to allow the sale of 1.23 tonnes of leopard bone to a pharmaceutical company for the production of traditional medicine products.¹⁸

This article should be revised to prohibit all sale, purchase and utilisation of the parts and products of wildlife under special state protection for any reason, and to restrict the movement and transfer of any such products to explicitly non-commercial purposes that are demonstrably beneficial to the conservation of the species and/or the implementation of protections thereof, such as judicial processes or training of law enforcement officers. The onus of responsibility of proof of benefit to the species in the wild should rest with the proponent (unit/individual /company) and should be submitted in writing as part of the application process and evaluated in a transparent manner.

Any permits for genuine transfer and/or transport of wildlife under special state protection or the products thereof should fall under the jurisdiction of central authorities to ensure consistency of application, to remove the possibility of such provisions being used to permit commercial trade, and to facilitate the release of information relating to any such permits to interested stakeholders.

Amending the language of this Article to prohibit the sale, purchase and utilisation of wildlife species under special state protection would also bring China's wildlife law into compliance with Decisions and Resolutions adopted by CITES Parties, including the following:

- CITES Res. Conf. 12.5 (Rev CoP18), *Conservation of and trade in tigers and other Appendix-I Asian big cat species*, which URGES "all Parties in whose jurisdiction there is a legal domestic market for specimens of tiger and other Asian big cats species that is contributing to poaching or illegal trade, take all necessary legislative, regulatory and enforcement measures to close their domestic markets for commercial trade in tiger and other Asian big cat specimens"

¹⁸ Environmental Investigation Agency. 2018. Down to the bone: China's alarming trade in leopard bones. Available from: <https://eia-international.org/report/down-to-the-bone-chinas-alarming-trade-in-leopard-bones/>

- CITES Decision 14.69 which states, “tigers should not be bred for trade in their parts and derivatives”
- CITES Decision 18.116 which states, “Parties in which illegal markets for rhinoceros horn exist are encouraged to develop demand reduction programmes targeted at key identified audiences, taking into consideration the provisions in Resolution. Conf. 17.4 on Demand reduction strategies to combat illegal trade in CITES-listed species and taking advantage of the experience and expertise developed in other jurisdictions and by other organizations. Parties are urged to close those markets that contribute to poaching or illegal trade.

Language should also be added to this article to specifically prohibit possession of illegally-sourced wildlife, as is required by Article VIII of the CITES Convention text.

Suggested amendments (Article 27, paragraphs 1-3):

The sale, purchase and utilisation of wildlife under special state protection or the products thereof shall be prohibited. The possession of wildlife under special state protection or the products thereof that was sourced illegally, including in contravention of international treaties to which China is Party, shall be prohibited.

Where the sale, purchase or utilisation transfer or transport of wildlife under special state protection or the products thereof is necessary for scientific research, ~~captive breeding, public exhibition or performances, heritage conservation or other special purposes, rescue, rehabilitation, reintroduction to the wild, judicial processes, training of law enforcement officers, or transfer between accredited conservation facilities as determined in accordance with Article 25,~~ the unit involved shall obtain the approval of departments of wildlife protection under the State Council, shall be obliged to demonstrate how the transfer or transport will benefit the species in the wild, ~~people’s government of the province, autonomous region or municipality, and shall obtain and use special markings in line with regulations, and shall guarantee traceability. Exemptions may be provided by other regulations that designated a different authorization agency by the State Council.~~

The scope and administration of the system of special markings for wildlife under special state protection and the products thereof shall be stipulated by the department of wildlife protection under the State Council.

Departments of wildlife protection under the State Council shall be obliged to publish information relating to the issuance of permits to transfer or transport wildlife under special state protection and/or the products thereof, including details such as the species and quantities covered, the recipient institution and the purposes for which the transfer or transport was approved.

Article 28

As currently written, this Article leaves the door open for commercial breeding and utilisation of protected species that are seriously threatened by trade. As noted above

(see comments on Article 25), commercial breeding and utilisation of wildlife that is threatened by trade, such as tigers and other big cats, pangolins, bears, elephants and rhinoceroses, poses an unacceptable risk to the species.

As such, and in accordance with the precautionary principle, language should be added to this Article to specify that the mechanism described herein to permit and regulate commercial breeding and utilisation of wildlife shall not be permitted for such species.

Suggested addition (Article 28, paragraph [3]):

Where commercial breeding and utilisation of wildlife species that are threatened by trade presents an unacceptable risk of perpetuating or stimulating demand, complicating law enforcement or providing routes for laundering of illegally-sourced specimens, as determined according to the precautionary principle, these species, including at a minimum tigers, leopards, snow leopards, clouded leopards, lions, jaguars, elephants, rhinoceroses, pangolins and bears, shall not be added to the aforementioned list. The sale, purchase and utilisation of these species and the products thereof, including from captive sources, shall be strictly prohibited.

Articles 29 and 30

Whether wildlife is consumed as food, medicine, a healthcare tonic or as a decorative item, this consumption poses risks to both the conservation of the species and public health. As noted above (see comments on Article 27), EIA has documented how the Law as currently implemented is being interpreted to permit the sale, purchase and utilisation of the parts and derivatives of species under special state protection such as leopard bone and pangolin scales for consumption as medicines or healthcare tonics. Language in these articles should therefore be amended added to specifically prohibit the use of wildlife under special state protection for medicinal purposes. This is especially important in order to achieve the stated objective of the current revision process, namely to address public health concerns related to consumption of wildlife.

Article 30 should also be amended to prohibit the act of consumption in addition to the act of trade.

Suggested amendments (Article 29):

Anyone utilising wildlife and the products thereof shall primarily use captive-bred populations, shall benefit the breeding and conservation of wild populations, shall abide by the requirements of ecological civilization, and shall abide by laws, regulations and relevant national statutes, except for species under special state protection, the utilisation of which is prohibited.

~~*The production and utilisation of wildlife and the products thereof as medicine shall abide by relevant laws and regulations relating to administration of medicines.*~~

Suggested amendments (Article 30):

The production, ~~and trade~~ and consumption of wildlife under special state protection and the products thereof for use as food, decorative items, medicine or as healthcare tonics shall be prohibited; the production, ~~and trade~~ and consumption of wildlife not under special state protection and the products thereof which does not have proof of legal origin for use as food, decorative items, medicine or as a healthcare tonic shall be prohibited.

The ~~illegal~~ purchase of wildlife under special state protection and the products thereof for use as food, decorative items, medicine or as a healthcare tonic shall be prohibited.

Article 39

As noted above (see comments on Article 27), EIA recommends amending the Law to prohibit all sale, purchase and utilisation of the parts and products of species under special state protection for any reason. The language of this article should be amended to reflect this.

EIA notes with concern that despite the stipulation in this Article that information relating to granting of permits shall be made public, authorities responsible for the issuance of permits relating to the sale, purchase and utilisation of wildlife species under special state protection have in practice not made public key information such as the species, quantities and purposes covered by these permits.

Suggested amendments (Article 39, paragraph 1):

The forgery, modification, sale, purchase, transfer, borrowing or lending of special hunting and catching licences, hunting licences, captive breeding permits for the breeding of wildlife that benefits the conservation of the species as stipulated in Article 25, and special labels, documents which approve the sale purchase or utilisation of wildlife under special state protection and the products thereof, or import and export permits is prohibited.

Article 42

As noted above, EIA is concerned that despite the requirements in Article 39, wildlife departments responsible for issuance of permits relating to the sale, purchase or utilisation of wildlife under special state protection have to date not made public information relating to the granting of such permits, special markings and approval documents. EIA therefore recommends adding language to this Article to ensure Article 39 is implemented effectively.

Suggested amendments (Article 42):

Where departments of wildlife protection or other relevant departments and institutions do not make decisions relating to administrative permits or according to the law; discover illegal behaviour or receive reports of illegal behaviour and do not investigate, fail to make public information relating to the granting of permits, special markings and approval documents in accordance with the law, or fail to investigate

according to the law; abuse their powers of authority; or in any other way fail to conduct their professional duty in accordance with this law, it is the duty of the relevant departments and institutions of the people's government at an equivalent or higher level to stop and rectify this behaviour; the manager responsible and other staff directly responsible shall receive a demerit, a major demerit or a demotion. If there are serious consequences, they shall be fired, and the person in charge should admit responsibility and resign. Where this constitutes a crime, they shall be pursued for criminal responsibility in accordance with the law.

Article 47[a]

As noted above (see comments on Article 26), the Law at present does not define consequences for violation of Article 26, including abuse of wildlife. EIA therefore recommends adding an article to the Law to reflect this.

Suggested language:

If anyone, in violation of Article 26 of this Law, abuses wildlife; fails to ensure they have the necessary living space and conditions for the movement, reproduction, hygiene and health of the animal according to its habits and properties; fails to provide adequate premises, facilities and technology in line with the purpose, type and scale of the captive breeding operation; or fails to satisfy relevant technical standards and disease prevention requirements, the wildlife and products thereof shall be confiscated by the department of wildlife protection under the people's government at the county level and above, and the perpetrator shall be fined between one and five times the value of the wildlife and products thereof and shall not be issued permits for any keeping, breeding or trade of wildlife in the future. Where this constitutes a crime, they shall be pursued for criminal responsibility in accordance with the law.

Article 49

In accordance with comments on Articles 29 and 30, EIA recommends amending the language of this article to reflect the prohibition of production and utilisation of medicinal products or decorative items made using wildlife under special state protection of the products thereof.

Suggested amendments (Article 49):

If anyone, in violation of Article 30, produces, ~~or~~ trades or consumes foodstuffs, decorative items, medicines or healthcare tonics made using wildlife under special state protection or the products thereof, or wildlife not under state protection or the products thereof without proof of legal origin, or illegally purchases wildlife under special state protection or the products thereof for the purposes of consumption as food, decorative items, medicine or healthcare tonics, the department of wildlife protection under the people's government at the county level and above or the department of market supervision and management shall, dividing responsibility according to their professional duties, issue an order to cease the illegal behaviour,

shall confiscate the wildlife and products thereof and all unlawful income, and shall issue of a fine equivalent to between two and ten times the value of the wildlife and products thereof. Where this constitutes a crime, they shall be pursued for criminal responsibility in accordance with the law.