

Towards a More Sustainable Human–Animal Relationship: The Legal Protection of Wildlife in China

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Abstract: Problems of the human–animal relationship in China are associated with imperfect legal protection. Few recent studies in English have focused on the entire legislation framework for wildlife protection, or paid sufficient attention to revision of the Wildlife Protection Law of China. This study aims to provide a review of the legislation pertinent to the overall framework of wildlife protection in China, thus making the legislative framework understood by a broader audience. We present various legal documents of national, local, and international level—including the Constitution, national laws, national administrative regulations and departmental rules, and local regulations and rules, all selected for their direct and close relation to wildlife protection. We then discuss the challenges of internal defects in the legislation for wildlife protection and problems of coordination between the laws—including the lack of stipulation on the definition of wildlife, the narrow scope of the legal protection of wildlife, the incomplete stipulation on the property rights of wildlife, the imperfect stipulation on wildlife utilization, the relatively limited protection system of wildlife habitats, and the relatively vague damage compensation caused by wildlife protection, with an emphasis on revisions of the Wildlife Protection Law of China in 2016. In conclusion, we draw wider implications for the legal protection of wildlife in China, arguing for a more sustainable human–animal relationship.

Keywords: wildlife; biodiversity; legislation; wildlife protection law; China

1. Introduction

China has one of the richest biodiversity in the world [1]. However, 178 species of mammals are threatened in China, accounting for 26.4% of all mammal species in the country, which is higher than the worldwide average percentage of threatened species (21.8%). Excessive hunting is an important threat [2], as hunting was legally permitted until the early 1980s. For instance, China exported 20 million wild mammal skins on average per annum between the 1950s and the 1980s, earning US\$ 10 million [3]. Taking the Himalayan region, one of the richest biodiversity regions in China, as an example, about 17,000 skins/dead bodies and 1100 kg of Shahtoosh (a specific kind of shawl) from illegal hunting and trade were seized from 1989 to 1998 [4]. The difficulties of effective wildlife protection—which are closely related to human behavior, culture, and the quest for sustainable development—are affected by imperfect legislation [5]. The case where Haiyang Liu injured bears by using sulfuric acid, and the incident of bear bile farming, both show that the legislation for wildlife protection in China is not adequate [6,7]. These cases will be introduced and discussed in more detail

in this study. Furthermore, it is generally believed that wildlife protection is affected by several factors concerning implementation of legislation—e.g., administrative interference, local protectionism, low awareness of environment protection, and insufficient public participation.

Wildlife traditionally refers to undomesticated animal species, but has come to include all organisms that grow or live wild in an area without being introduced by humans [8]. Wildlife in this study is limited to animal species. According to the Convention on Biological Diversity, biodiversity is defined as the variability among organisms from all habitats, including terrestrial and aquatic ecosystems, among others, and variability among the ecological complexes of which they are part, including interactions within species, between species, and of ecosystems. Based on these key concepts, we then searched for articles on ISI Web of Science and Google Scholar using the combination of key words “legal protection”, “legislation”, “wildlife”, and “China”. Recent studies in English covered three aspects of the subject. Firstly, some studies focused on the legal protection of biodiversity as a whole [9,10]. Secondly, some articles focused on the legal system and institution of wildlife protection in China that were based on the Wildlife Protection Law of China in 1988 (hereinafter referred to as the 1988 WPL without further specification). For instance, Li (2007) called for a revision of the 1988 WPL because of its poor enforcement [11]. Harris’s (2015) book chapter discussed laws as a part of the wildlife conservation system in China [12]. Park et al. (2018) reviewed China’s endangered species protection act based on the 1988 WPL, pointing out the inconsistency in the legislative protection system, lack of an administrative compensation system, difficulties in implementation, deterioration of legal efficiency, lack of content and operations, and lack of an updated list of species that should be protected [13]. Thirdly, some studies focused on a specific legal problem of wildlife protection in China. For example, Lu et al. (2013) focused on animal welfare and animal rights [14]. Zhou et al. (2016) argued that it was essential to clearly and unequivocally identify fauna and flora vulnerable to wildlife crime by a legally binding name recognized by both national laws and international conventions, to prevent prosecutions being dismissed or acquitted inappropriately [15]. Chang (2017) indicated that in the context of constructing an ecological civilization, China had taken stricter measures on legislation, administrative enforcement, judicial adjudication, and international cooperation to prevent and punish illegal wildlife trafficking since 2013 [16]. Yu (2017) focused on revisions of the Wildlife Protection Law of China in 2016 (hereinafter referred to as the 2016 WPL without further specification) compared to the 1988 WPL from the perspective of exceeding utilitarianism [17].

In summary, recent studies in English have focused on the Wildlife Protection Law rather than on the entire legislation framework for wildlife protection in China, and little consideration has been given to coordination between the WPL and other laws that are related to wildlife protection. Furthermore, no studies have outlined the legal documents in the framework for wildlife protection. This study mainly uses the normative research method. It summarizes the achievements of legal protection of wildlife in China in terms of a holistic legislation framework and concrete legal systems, especially revisions of the 2016 WPL. It then discusses challenges of internal defects in the legislation for wildlife protection and coordination problems between the laws, and finally proposes some improvement measures, arguing for a more sustainable human–animal relationship.

2. Legislation Framework for Wildlife Protection in China

A holistic legislation framework for wildlife protection has been established in China through almost 60 years of legislation development. It is noteworthy that, although the National People’s Congress and its Standing Committee are responsible for enacting all national laws, other government authorities have a wide range of law-making power as well [18]. China’s legislation framework for wildlife protection thus includes various legal documents of national, local, and international level. National legislation, as stated in the Legislation Law of China, includes the Constitution, national laws, national administrative regulations, and departmental rules, while local legislation mainly includes local regulations and rules. The legal documents selected in this section, given the study’s topic, have a direct and close relation to wildlife protection.

2.1. Constitution

The Constitution makes up the fundamental law of China and is the legal basis for creating other laws. The 1982 Constitution (last revised in 2018) stipulates that the state ensures the rational use of natural resources and protects rare animals and plants.

2.2. National Laws

The names, dates of effectivity and revisions, and contents of national laws pertinent to wildlife protection in China are listed in Table 1. The Environmental Protection Law serves as a sound legal basis for constructing the legal framework for wildlife protection. The WPL is the only specific national law for wildlife protection. It has been revised four times since its formulation in 1988, and the revision in 2016 has been the most substantive. In addition, there are other national environmental laws closely related to wildlife protection.

Table 1. National laws pertinent to wildlife protection in China.

Name	Effective	Revised	Contents Pertinent to Wildlife Protection
Environmental Protection Law	13-09-1979	26-12-1989 24-04-2014	provides that the people's governments at various levels shall take measures to protect regions with a natural distribution of rare and endangered wildlife
Wildlife Protection Law (WPL)	01-03-1989	28-08-2004 27-08-2009 02-07-2016 26-10-2018	stipulates a series of legal systems for wildlife protection—including a property system of wildlife, a catalogue system of wildlife under special state protection, a record system of wildlife, a permit system of wildlife's captive breeding, a system of hunting prohibition and license of wildlife, a system of regulated transfer and trade of wildlife or wildlife products, a system of regulated utilization of wildlife or wildlife products, and a protection system of wildlife habitats
Grassland Law	01-10-1985	01-03-2003 29-06-2013	requires establishing essential grasslands that provide habitats for wildlife and grassland nature reserves in the area range of rare and endangered species of wildlife under special protection by the State
Forestry Law	01-01-1985	29-04-1998	emphasizes no hunting of wildlife on the national protection list in forest districts
Fishery Law	20-01-1986	31-10-2000 28-08-2004	takes steps towards protecting wild fish
Entry and Exit Animal and Plant Quarantine Law	01-01-2003	—	aims at protecting wildlife through quarantine administration and epidemic control
Animal Epidemic Prevention Law	01-01-1998	30-08-2007 29-06-2013	aims at protecting wildlife through quarantine administration and epidemic control

2.3. National Administrative Regulations and Departmental Rules

The names, effective dates, and contents of national administrative regulations and departmental rules pertinent to wildlife protection in China are listed in Table 2. The State Council, China's central administrative and executive body, is authorized to pass administrative regulations as per national laws [19]. Many implementing regulations for wildlife protection are presented, along with corresponding national laws that elaborate on them. Several ministries and commissions on the State Council are also authorized to issue rules, which are less prominent than enactments of the State Council itself in China's complex hierarchy of legal norms [20]. Rules for wildlife protection are mainly issued by the State Forestry and Grassland Administration (previously the State Forestry Administration), cooperating with other ministries within their respective areas of responsibility for wildlife protection.

Table 2. National administrative regulations and departmental rules pertinent to wildlife protection in China.

Name	Effective	Contents Pertinent to Wildlife Protection
Regulation on Terrestrial Wildlife Protection	06-02-2016	makes detailed stipulations on the hunting, domestication, propagation, and utilization of terrestrial wildlife
Regulation on Aquatic Wildlife Protection	07-12-2013	makes detailed stipulations on the hunting, domestication, propagation, and utilization of aquatic wildlife
Regulation on Nature Reserves	08-01-2011	stipulates concrete wildlife protection measures in different regions of nature reserves at various levels
Regulation on Administration of Import and Export of Endangered Wild Animals and Plants	01-09-2006	stipulates the examination and approval procedure of import and export of endangered wildlife
Management Rules for Nature Reserves of Forest and Wildlife Types	21-06-1985	is responsible for constructing nature reserves for specific wildlife species
Management Rules on Rescue of Terrestrial Wildlife	01-08-2014	aims to strengthen rescue management—including the inspection, quarantine, treatment, and reasonable placement of terrestrial wildlife
Management Rules on Animal Quarantine	01-03-2010	stipulates the quarantine conditions and procedure of legally captured wildlife
Management Rules on Urban Zoo	23-08-2001	pays attention to the propaganda and education of wildlife protection, the scientific research on protection of rare and endangered wildlife, and the domestication and propagation of wildlife

2.4. Local Regulations and Rules

Local regulations are passed by the congresses of the local people and their standing committees, and local rules are issued by local governments. Both local regulations and local rules aim to supplement or explain national legislation for wildlife protection. For example, several provinces with diverse wildlife species have issued specific regulations or rules of the WPL within local administrative areas—including the Regulations on Administration of Wildlife Resources in Qinghai Province (1980), the Regulations on Terrestrial Wildlife Protection in Yunnan Province (1997), and the Regulations on Administration of Wildlife Protection in Guangdong Province (2001).

At the international level, China has joined international environmental treaties concerning wildlife protection—e.g., the Convention on International Trade in Endangered Species of Wild

Fauna and Flora (1975) and its Annexes I and II, with the purpose of regulating international trade of wildlife species; the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (1975), with the purpose of waterfowl conservation through protecting and rationally using wetlands; and the Convention on Biological Diversity (1993), with the purpose of protecting endangered wildlife to maximize the conservation of biodiversity on the Earth. As a general rule, if there are differences in the provisions between Chinese laws and an international treaty ratified by China, then the provisions of the international treaty shall apply unless they have been announced to be reserved.

3. Challenges for Legal Protection of Wildlife in China

Based on the laws, regulations, and rules pertinent to wildlife protection, a relatively complete legislation framework for wildlife protection has already been established and implemented in China. Although the legislation framework for wildlife protection in China has played an important role in conserving wildlife, there are still some shortcomings [10]. The potential problems of the legislation framework and legal systems themselves cannot be ignored. Following, this section presents the current legal systems, and comments on the corresponding challenges and improvement measures of legal protection of wildlife in China, mainly from the legislation-text level, including practical examples.

3.1. Lack of Stipulation on the Definition of Wildlife

All the laws, regulations, and department rules pertinent to wildlife protection in China have not clearly stipulated a definition of wildlife until now, leading to different scopes and measures of legal protection of wildlife. Two important legal questions are: 1) Whether animals domesticated after capture from the wild should still be legally regarded as wildlife, and 2) whether domesticated animals should be regarded as wildlife after they are released into the wild. In the sensational case of “Haiyang Liu injured bears by using sulfuric acid” [6], a college student—Haiyang Liu—poured liquids mixed with caustic soda and sulfuric acid on five bears in the Beijing City Zoo, resulting in varying degrees of serious harm to the bears. It was controversial as to whether Liu's behavior constituted the crime of “illegal killing of rare and endangered wildlife”, as the opponents argued that the domesticated bears in the zoo were no longer wildlife and could not constitute this crime. Liu was finally convicted of the crime of “intentional destruction of property”, which also caused arguments regarding the bears in the zoo as property. This case demonstrates that the lack of a clear definition of wildlife in China's existing legislation framework unfavorably affects legal protection of wildlife. Hence, it is recommended that Chinese legislators should make a clear definition of wildlife with reference to the internationally accepted definition of wildlife and legislation of other countries.

3.2. Narrow Scope of the Legal Protection of Wildlife

Article 2 of the 2016 WPL stipulates that the wildlife protected under this law refers to the terrestrial and aquatic species that are rare or endangered, and terrestrial species that are of important ecological, scientific, and social values. Accordingly, China has constructed a catalogue system of wildlife under special state protection and a record system of wildlife.

China gives special protection to the rare and endangered wildlife through its catalogue system. Wildlife under special state protection has been classified under two categories: Category I and Category II, which currently includes special state protection for 144 and 161 species, respectively [21]. It is prohibited to hunt or capture wildlife under Category I unless it is necessary for scientific research, population control, epidemic monitoring, or other special purposes, while under Category II, wildlife may be hunted and captured with a special license.

The departments of wildlife protection under the people's government at the county level and above are responsible for organizing a scheduled monitoring program and establishing a record system of wildlife. In 1995, the State Forestry Administration conducted its first national survey of

wildlife, and since 2003, it has obtained information on the population, distribution, and habitat condition of wildlife in China. The record system of wildlife provides scientific and reasonable information for wildlife conservation in China.

Regardless, the scope of legal protection of wildlife is relatively narrow. In other words, not all wildlife is effectively protected through current legislation. For one, only rare and endangered terrestrial and aquatic species are protected under the WPL. In practice, all non-protected species are then likely to be hunted and killed, until they themselves become rare or endangered and can then receive legal protection. This implies an absurd legal guiding function in terms of the scope of wildlife protection. Furthermore, terrestrial species not categorized as having important ecological, scientific, and social values are not protected under the WPL. This is questionable because the aforementioned terrestrial wildlife may just temporarily have unimportant ecological, scientific, and social values, or such values have not yet been found based on the current scientific understanding. Regardless, both terrestrial species with “important” and “unimportant” ecological, scientific, and social values constitute the integral parts of biodiversity. In fact, it is hard to clearly explain the distinction between “important” and “unimportant” ecological, scientific, and social values in China’s legislation. Moreover, how the decision maker is to determine whether a species has ecological, scientific, and social values is unclear. China’s wildlife protection legislation takes value as a necessary condition to judge whether a species can be protected under the law, which reflects a narrow utilitarian idea and is contrary to the contemporary trends of biodiversity conservation and maintenance of ecological balance in wildlife protection. In summary, the legislation’s objective squarely but narrowly focuses on the importance of a species in terms of its rarity, particularity, and specific value [22,23].

To resolve such problems, the following measures can be considered: To classify wildlife into mammals, birds, reptiles, amphibians, and other categories from a biological perspective, and to include all wildlife species in the scope of legal protection—which allows different levels of legal protection to be set according to the specific circumstances of different species.

3.3. Incomplete Stipulation on the Property Rights of Wildlife

Wildlife is legally regarded as a natural resource belonging to the state in China. The incomplete stipulation on the property rights of wildlife mainly manifests itself in two aspects. Firstly, the stipulation regarding wildlife property is imperfect. According to Article 49 of the Property Law and Article 3 of the 2016 WPL, the wildlife protected under the law is owned by the state. However, it is unclear who has ownership of the wildlife not protected under the law. Essentially, those animals in captivity fall outside of the law, and in practice, the corresponding property right cannot be lawfully protected. In addition, whether ownership of the captive-bred offspring of the aforementioned wildlife remains under state ownership or can be transferred to another party (an individual or unit), is not clearly stipulated, neither in the WPL nor in the Property Law.

Secondly, the stipulation on the usufruct right of wildlife is imperfect. There is no stipulation on the individual’s or unit’s paid tenure right, use right, or benefits-obtained right of wildlife. The Property Law stipulates the paid use system of natural resources. As the wildlife resource is regulated as a natural resource, the individual or unit can exercise the rights to possess, use, and benefit from wild animals by paying the fee. The captive breeding system stipulated in the 2016 WPL is a typical embodiment of the usufruct right, while the current chapter on usufruct rights in the Property Law does not stipulate the usufruct right of wildlife. According to the statutory principle of property rights, the exercise of each property right must be stipulated under the law; namely, the usufruct right of wildlife has not been recognized by the Property Law, while the WPL has affirmed the legitimacy of the usufruct right embodied in captive breeding, resulting in conflicts and inconsistency between the laws.

In summation, the uncertainty of the property and usufruct rights protection of the individual or unit managing captive-bred wildlife is unfavorable to wildlife protection. The lawful ownership of the individual or unit of captive-bred wildlife not protected under the law should be recognized in the WPL, and the usufruct right of wildlife should be clearly stipulated under the Property Law to achieve the integration of civil laws and wildlife protection laws.

3.4. Imperfect Stipulation on Wildlife Utilization

China has constructed a permit system of captive breeding of wildlife, a system of hunting prohibition and license of wildlife, a system of regulated transfer and trade of wildlife or wildlife products, and a system of regulated utilization of wildlife or wildlife products pertinent to the legal utilization of wildlife.

The captive breeding of wildlife under special state protection should meet certain conditions in order to obtain a captive breeding permit. The 2016 WPL, for the first time, stipulates some welfare measures for wildlife captive breeding. For instance, anyone intending to breed wildlife under special state protection shall ensure that: (1) They have the necessary living space and conditions for the movement, reproduction, hygiene, and health of the animal, according to its habits and properties; (2) they are equipped with adequate premises, facilities, and technology in line with the purpose, type, and scale of the captive breeding operation; (3) they can satisfy related technical standards and disease-prevention requirements; and (4) the wildlife is not abused.

As for the system of hunting prohibition and license of wildlife, hunting wildlife under special state protection needs a special hunting license, while hunting wildlife not under special state protection needs a normal hunting license. The 2016 WPL expands the hunting methods prohibited by the 1988 WPL. Moreover, hunting, capturing, and other activities are all prohibited in nature reserves and during seasons closed to hunting and fishing.

Concerning the system of regulated transfer and trade of wildlife or wildlife products, the Chinese legal system of regulated transfer of wildlife, or the products thereof, requires that the transportation, carrying, or posting of wildlife under special state protection, or the products thereof, outside the borders of their county should be with a license, a copy of an approval document or a special label, and proof of quarantine.

The 2016 WPL stipulates that wildlife under special state protection, and the products thereof, are prohibited from production and trade for use as food; and the illegal purchase of such wildlife and the products for use as food are also prohibited. Moreover, a reinterpretation of Criminal Law by the Standing Committee of the National People's Congress in 2014 added the stipulation that the consuming or eating of 420 rare or endangered species could constitute a crime and is liable to sentencing of over 10 years in prison, depending on the offense. For wildlife not under special state protection, or the products thereof, management and utilization need registration in the Market Regulation Department (previously the Industry and Commerce Administrative Department). The Departments of Wildlife Protection and Market Regulation, at all levels, are responsible for both supervising and inspecting the commercial utilization of wildlife and wildlife products.

The current legislation in China on the utilization of wildlife has two limitations. On the one hand, the conditions required for captive breeding of wildlife are insufficient. The 2016 WPL, the Regulation on Terrestrial Wildlife Protection, the Management Rules of Domestication, and the Propagation License of National Key Protected Wildlife have strict conditions for receiving a permit to captive-breed wildlife. However, once receiving the permit, the laws, regulations, and rules are not clearly outlined regarding the management and supervision of captive animals. Although the 2016 WPL stipulates some welfare measures of wildlife's captive breeding, it is difficult to assess the abuse of captive breeding wildlife in practice. One example is bear bile farming. Until 2009, there were more than 10 enterprises of bear bile farming, with more than 200 breeding bears, and a total bear stock of more than 10,000 [7]. The opponents argue that both permanent implantation and free drip cause bears a great amount of suffering [24,25]. The bear's abdomen has an unhealed wound used to extract bile. It is an abusive behavior, violating the regulation of the 2016 WPL. The supporters think that, as approved by the 2016 WPL, wildlife and the products thereof, under special state protection for which there exist established knowledge and techniques for captive breeding, like bear bile farming with a special marking, can be sold and utilized, if the captive breeding of bears complies with the regulations concerning the animals' welfare, such requirements specified for basic conditions of the facilities, living space, breeding technology, etc. Whether supporting or opposing the bear bile farming, parties on both sides can find within the 2016 WPL an argument for their own opinion, which indicates the conflicts and inconsistencies within the law.

The stipulations on consumption of wildlife, and the products thereof, are not comprehensive. Much of the world's massive illegal wildlife trade—such as poached tigers, pangolins, bears, etc.—occurs in China [26]. According to a survey conducted in various trading places in Southwest China, around 50% of the respondents agreed upon wildlife protection, while 60% had consumed wildlife in the last two years [27]. An attitudinal survey on wildlife consumption and protection awareness distributed in Beijing, Shanghai, Guangzhou, Kunming, and Nanning in China showed that the proportion of respondents who had consumed wildlife had decreased slightly from 31.3% in 2008 to 29.6% in 2014 [28]. The consumption of wildlife, and the products thereof, has greatly stimulated the hunting and trade of wildlife. It is unquestionable that trading in rare or endangered species is illegal in China. While the 2016 WPL emphasizes prohibition of wildlife consumption under state protection, the legal interpretation of the Criminal Law and the 2016 WPL still allows consumers to eat wildlife and wildlife products that are not under state protection.

Regarding the imperfect stipulation on wildlife utilization, making detailed stipulations on the management and supervision of wildlife's captive breeding to avoid illegal hunting is urgent. The utilization activities that have obvious negative impacts on animal welfare—e.g., bear bile farming—should be gradually abolished. Further, the stipulation of treating animals as an exploitable natural resource should be abolished in the long term as an ethical perspective [29]. As stated in the report of the 19th National Congress of the Communist Party of China, human and nature are the community of destiny, and humans must respect, adapt to, and protect nature [30].

3.5. Relatively Limited Protection System of Wildlife Habitats

The 2016 WPL has some new provisions on the protection of wildlife habitats. It stipulates the establishment of a list of important wildlife habitats, based on the results of surveying, monitoring, and evaluation of wildlife habitats. It requires that the government at the county level and above should give due consideration to the protection of wildlife habitats when drawing up plans relating to exploitation and utilization. It also restricts construction projects in nature reserves. According to the 2016 WPL, the selection of sites and routes for construction projects (e.g., airports, railways, roads, waterworks, etc.) should avoid nature reserves and migratory passages of wildlife. When it is impossible to avoid nature reserves or migratory passages, corridors should be built for wildlife and migratory individuals, and other measures should also be taken to mitigate the negative impact on wildlife.

However, there are still two deficiencies that should be taken seriously. Firstly, although China has participated in the Convention on Wetlands of International Importance Especially as Waterfowl Habitat, the domestic legislation on wetlands as a very important wildlife habitat is almost non-existent. Therefore, regulations on wetlands protection that suit national conditions should be made. Secondly, the scope of wildlife habitat is limited to the main areas where wild populations live and reproduce, according to the 2016 WPL; it should be further expanded to the potential distribution range of wildlife, to better protect wildlife habitats and thus make wildlife protection more comprehensive.

3.6. Relatively Vague Damage Compensation Caused by Wildlife Protection

An empirical study on the wildlife-damage-compensation system showed that the damage caused by Asian elephants was very serious in protected areas: 30.04% of the respondents of local residents opposed Asian elephant protection, mainly because of reduced income caused by Asian elephants' damage and insufficient compensation; 80.26% of the respondents who opposed would change their attitudes and support Asian elephant protection if they were provided enough compensation. In addition, the respondents expected compensation from the national level [31]. This indicated that the losses caused by wildlife protection and subsequent human–wildlife conflicts were a major threat to wildlife protection [32,33].

Article 19 of the 2016 WPL requires local governments to compensate staff for injury or death, and for losses to crops or other losses of property caused by wildlife protection that is stipulated by the WPL. However, this provision is somewhat vague and not feasible in practice. Firstly, it is unclear

who should be specifically responsible for compensation. Does the local government refer to the county- or town-level government where the damage occurred, or to the city- or provincial-level government? Secondly, the source of expenditure as the key point of compensation is also unclear. Article 19 of the 2016 WPL stipulates that the central budget will offer a subsidy in accordance with relevant national regulations. The other source of expenditure apart from the subsidy from the central budget is still unclear; meanwhile, the relevant national regulations of subsidy from the central budget have not been formulated. Thirdly, the compensation measures are formulated by local governments themselves. The lack of any unified or guiding criteria is unfavorable to the protection of victims. Finally, as for the losses caused by wildlife that are not protected by the WPL, it is unclear whether the governments should be responsible for compensation, and if so, how it should be compensated. These issues still have no stipulation in China's current legislation framework for wildlife protection.

As far as the resolution of damage compensation caused by wildlife protection is concerned, seeking an adequate and sustainable source of expenditure for compensation is a key point. However, it is somewhat difficult to resolve the expenditure problem only through legislation in the short term [34]. Considering the experience of public participation in policymaking and practice of wildlife protection in both China and other countries [35–37], it is desirable to include the public in the problem resolution of compensation expenditure and other issues in the implementation of the 2016 WPL.

4. Conclusions

China has established a relatively complete legislation framework for wildlife protection. Based on the substantial revision of the WPL in 2016, the protection of wildlife at the legislation-text level has greatly improved towards a more sustainable and harmonious relationship between humans and wildlife, compared to the 1988 WPL, which simply regards wildlife as a natural resource. However, we should not ignore the current challenges of wildlife legal protection in China. As this study has focused on legislation for wildlife protection at the legislation-text level and excluded detailed discussion about implementation issues, improvement measures have mainly been proposed from the legislation perspective. It is vital for the legislators to fundamentally update their idea of wildlife as an independent and indispensable element of biodiversity. Then the urgent measures needed to improve the legal protection of wildlife in terms of legislation are to define the concept of wildlife, to expand the scope of legal protection of wildlife, and to modify the property rights of wildlife.

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