

# The Year in Review

---

Volume 51 *International Legal Developments*  
*Year in Review: 2016*

Article 29

---

January 2017

## International Animal Law

Emily Bergeron

Daina Bray

Mayra Cavazos Calvillo

Judith Chiarito Evans

Jeffrey Flocken

*See next page for additional authors*

---

### Recommended Citation

Emily Bergeron et al., *International Animal Law*, 51 ABA/SIL YIR 447 (2017)  
<https://scholar.smu.edu/yearinreview/vol51/iss1/29>

This Public International Law is brought to you for free and open access by the Law Journals at SMU Scholar. It has been accepted for inclusion in The Year in Review by an authorized administrator of SMU Scholar. For more information, please visit <http://digitalrepository.smu.edu>.

---

## International Animal Law

### Authors

Emily Bergeron, Daina Bray, Mayra Cavazos Calvillo, Judith Chiarito Evans, Jeffrey Flocken, Tim Franklin, Nathan Herschler, Linda M. Lawson, Laura Schierhoff, and Marcy Stras

# International Animal Law

EMILY BERGERON, DAINA BRAY, MAYRA CAVAZOS CALVILLO,  
JUDITH CHIARITO EVANS, JEFFREY FLOCKEN, TIM FRANKLIN,  
NATHAN HERSCHLER, LINDA M. LOWSON, LAURA SCHIERHOFF,  
AND MARCY STRAS\*

This Article reviews significant legal developments during 2016 in the field of international animal law. This year's contributions discuss important developments in marine conservation, wildlife protection, and the dog meat industry in selected countries, as well as at the Seventeenth Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the Tenth North American Leaders Summit.

## I. Developments at the Seventeenth Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora

### A. PROGRESS FOR ENDANGERED WILDLIFE<sup>1</sup>

On October 4, 2016, the last day of the Seventeenth Conference of the Parties (CoP) for the Convention on International Trade in Wild Species of Flora and Fauna (CITES), the CITES Secretary General described the meeting as “a game changer that will be remembered as a point in history when the tide turned in favor of ensuring the survival of our most vulnerable wildlife.”<sup>2</sup> Indeed, the following morning, the Washington Post declared that “[t]he world just agreed to the strongest protections ever for endangered animals.”<sup>3</sup>

Whether these statements are hyperbolic wishful thinking, or an accurate reflection of a sea change in the way countries protect imperiled species

---

\* Edited by Mayra Cavazos Calvillo and Tim Franklin. Contributions by Judith Chiarito Evans, Emily Bergeron, Jeffrey Flocken, Nathan Herschler, Daina Bray, Linda M. Lowson, Laura Schierhoff, Marcy Stras and Mayra Cavazos Calvillo. Authors from each section are noted accordingly.

1. This section authored by Jeffrey Flocken, Nathan Herschler and Daina Bray of the International Fund for Animal Welfare.

2. Press Release, CITES, Largest Ever World Wildlife Conference Hailed as a “Game Changer” (Oct. 4, 2016), [https://cites.org/eng/news/pr/Largest\\_ever\\_World\\_Wildlife\\_Conference\\_CoP17\\_hailed\\_as\\_a\\_game\\_changer\\_04102016](https://cites.org/eng/news/pr/Largest_ever_World_Wildlife_Conference_CoP17_hailed_as_a_game_changer_04102016).

3. Darryl Fears, *The World Just Agreed to the Strongest Protections Ever for Endangered Animals*, WASH. POST (Oct. 5, 2016), <https://www.washingtonpost.com/news/animalia/wp/2016/10/05/the-world-just-agreed-to-the-strongest-protections-ever-for-endangered-animals/>.

from unsustainable commercial exploitation, is yet to be determined. What is clear, however, is that many species, both iconic and obscure, emerged with new protections. These new protections reflect a global will, if not to outright save imperiled species, then at least not to play an active role in their demise.

CITES entered into force in 1975, with eighty participating countries, referred to as “Parties” or “Members.”<sup>4</sup> Today, it has 183 Parties<sup>5</sup> and aims to protect over 35,000 species of plants and animals.<sup>6</sup>

For consideration at this CoP, CITES Parties had submitted sixty-two species proposals to amend CITES Appendices I and II,<sup>7</sup> potentially impacting nearly 500 different species<sup>8</sup> including mammals (16 proposals), birds (4), reptiles (16), amphibians (5), fishes (6), snail (1), nautilus (1), and plants (13).<sup>9</sup> Fourteen proposals involved an attempt to weaken existing protections,<sup>10</sup> while forty-two aimed to increase protections.<sup>11</sup> Of those proposals seeking to lessen protections, ten passed and four failed.<sup>12</sup> Of those seeking stronger protections, all but one succeeded to some degree.<sup>13</sup>

Potentially the biggest “winners” from this CoP were the eight pangolin species that were transferred from Appendix II to Appendix I, thereby providing them the strongest global protections from commercial trade.<sup>14</sup> Pangolins—a taxonomically unique species with no close relatives in the animal kingdom<sup>15</sup>—have the unfortunate distinction of being the most

4. *What Is CITES*, CITES, <https://cites.org/eng/disc/what.php> (last visited Oct. 30, 2016).

5. *Member Countries*, CITES, <https://cites.org/eng/disc/parties/index.php> (last visited Oct. 30, 2016).

6. *FAQ (Frequently Asked Questions)*, CITES, <https://cites.org/eng/resources/faq.php> (last visited April 9, 2017).

7. CITES Appendices I, II and III are lists of species afforded different levels of protection. Commercial trade in the more than 800 Appendix I species, which are designated as being in immediate danger of extinction, is largely banned. While some commercial trade of the endangered but less protected CITES Appendix II species is allowed, international trade in such species requires special permits. *CITES Appendices*, CITES, <https://www.cites.org/eng/app/index.php> (last visited Oct. 29, 2016).

8. Press Release, CITES Secretariat, CITES Secretariat Presents its Recommendations on Proposals to Amend the CITES Appendices – CITES #CoP17 (Aug. 23, 2016), [https://cites.org/eng/news/pr/CITES\\_Secretariat\\_presents\\_its\\_recommendations\\_on\\_proposals\\_to\\_amend\\_the\\_CITES\\_Appendices\\_23082016](https://cites.org/eng/news/pr/CITES_Secretariat_presents_its_recommendations_on_proposals_to_amend_the_CITES_Appendices_23082016).

9. *Table of Proposals and the CoP17 Outcomes*, CITES, [https://cites.org/sites/default/files/eng/cop/17/CITES\\_CoP17\\_DECISIONS.pdf](https://cites.org/sites/default/files/eng/cop/17/CITES_CoP17_DECISIONS.pdf) (last visited Oct. 30, 2016). Six proposals were withdrawn after the start of the CoP. *Id.*

10. *Id.*

11. *Id.*

12. *Id.*

13. *Id.*

14. *CITES Appendices*, CITES, <https://www.cites.org/eng/app/index.php> (last visited Oct. 29, 2016).

15. RONALD NOWAK, *WALKER'S MAMMALS OF THE WORLD*, 1239 (6th ed. 1999).

trafficked mammal in the world,<sup>16</sup> with over one million thought to have been poached from the wild and traded in the last decade.<sup>17</sup>

Other lesser known species that received new or greater protections included Barbary macaques and African grey parrots (both of which are threatened by the pet trade), Nautilids, and a number of reptiles, amphibians, and fish (including devil rays, thresher sharks, and silky sharks).<sup>18</sup> The shark and ray protections continued a marine winning streak from the Sixteenth CoP in Bangkok, Thailand, where oceanic whitetips, porbeagle sharks, three hammerhead shark species, and manta rays had received new protections.<sup>19</sup>

Within the plant category, rosewood trees from the genus *Dalbergia*, which includes over 300 species found in tropical regions of Africa, South and Central America, Madagascar, and southern Asia, received new protections.<sup>20</sup> These trees have been aggressively harvested for timber to be used in luxury furniture sold in China, the EU, and the United States.<sup>21</sup>

The results for more iconic species like elephants, lions, and rhinos were mixed. Proposals from Namibia and Zimbabwe that would have allowed for new commercial trade in ivory were defeated,<sup>22</sup> but so was a proposal from thirteen elephant range states to move all African elephant populations to the highest level protections of Appendix I.<sup>23</sup> If successful, the Appendix I listing would have changed the status of elephant populations in Botswana, Namibia, South Africa, and Zimbabwe, where they are currently listed on Appendix II.<sup>24</sup> A proposal by Swaziland, that would have opened up the prospect of legal rhino horn trade, was one of the most discussed and anticipated proposals in light of the current rhino poaching crisis that has claimed thousands of wild rhinos in Africa over the past five years.<sup>25</sup> It was defeated in a secret ballot with twenty-six votes in favor and 100 against.<sup>26</sup>

16. Jackie Northam, *The World's Most Trafficked Mammal Is One You May Never Have Heard Of*, NPR (Aug. 18, 2015), <http://www.npr.org/sections/parallels/2015/08/18/432568915/the-worlds-most-trafficked-mammal-is-one-you-may-never-have-heard-of>.

17. IUCN SSC PANGOLIN SPECIALIST GROUP, <http://www.pangolinsg.org/> (last visited Oct. 30, 2016).

18. *Table of Proposals and the CoP17 Outcomes*, CITES, [https://cites.org/sites/default/files/eng/cop/17/CITES\\_CoP17\\_DECISIONS.pdf](https://cites.org/sites/default/files/eng/cop/17/CITES_CoP17_DECISIONS.pdf) (last visited Oct. 30, 2016).

19. *Which Sharks and Rays Were Listed at CoP16?*, CITES, <https://cites.org/eng/prog/shark/sharks.php> (last visited Oct. 30, 2016).

20. *Table of Proposals and the CoP17 Outcomes*, *supra* note 18.

21. Damian Carrington, *Furniture that Destroys Forests: Crackdown on "Rampant" Trade in Rosewood*, GUARDIAN (Sept. 29, 2016), <https://www.theguardian.com/environment/2016/sep/29/wildlife-summit-cracks-down-on-illegal-rosewood-trade>.

22. *Table of Proposals and the CoP17 Outcomes*, *supra* note 18.

23. *Id.*

24. *African Elephant*, CITES, [https://cites.org/eng/gallery/species/mammal/african\\_elephant.html](https://cites.org/eng/gallery/species/mammal/african_elephant.html) (last visited Oct. 30, 2016).

25. David Shukman, *Rhino Poaching: Another Year, Another Grim Record*, BBC (Mar. 9, 2016), <http://www.bbc.com/news/science-environment-35769413>.

26. *Table of Proposals and the CoP17 Outcomes*, CITES 1, [https://cites.org/sites/default/files/eng/cop/17/CITES\\_CoP17\\_DECISIONS.pdf](https://cites.org/sites/default/files/eng/cop/17/CITES_CoP17_DECISIONS.pdf) (last visited Oct. 30, 2016).

Meanwhile, a proposal from nine range states to move African lions to Appendix I met with resistance from the EU and from a number of range states, resulting in a compromise that called for ending trade in wild lion bones but did not take any meaningful steps to end the growing trade in captive-bred lion bones.<sup>27</sup> With lion populations facing significant declines and potentially as few as 20,000 lions left in the wild,<sup>28</sup> there is fear that an emerging legal bone trade could provide cover for trade in wild lion bones.<sup>29</sup>

Beyond the species-listing proposals discussed above, a suite of other conservation issues was debated and resolved at the CoP. With regards to elephants, the Fourteenth CoP in 2007 had agreed to a compromise that permitted a one-off sale of legal ivory stockpiles from Namibia, Botswana, Zimbabwe, and South Africa.<sup>30</sup> This one-off sale was in exchange for a nine-year moratorium on proposals to allow trade in elephant ivory from Appendix II populations of elephants, as well as agreement that all future proposals would flow through a “decision-making mechanism for a process of trade in ivory.”<sup>31</sup> Dueling proposals at this CoP would have either: a) declined to extend the mandate for a decision-making mechanism,<sup>32</sup> resulting in a ban; or b) adopted a proposed decision-making mechanism,<sup>33</sup> resulting in a likely resumption of trade. Both proposals were voted down, resulting in the maintenance of a ban in trade from Appendix II elephant populations at the expiration of the nine-year moratorium period in November 2017.<sup>34</sup>

The Parties also agreed to revise prior resolutions related to wildlife confiscated from the illegal trade, including recommendations to develop plans for humane care of live specimens and to pass related costs to the traffickers.<sup>35</sup> Given the increasing use of the Internet to facilitate illegal

27. *Id.*; *Draft Decisions on the African Lion*, CITES, [https://cites.org/sites/default/files/eng/cop/17/Com\\_I/E-CoP17-Com-I-29.pdf](https://cites.org/sites/default/files/eng/cop/17/Com_I/E-CoP17-Com-I-29.pdf) (last visited Oct. 30, 2016).

28. *Panthera Leo*, IUCN RED LIST OF THREATENED SPECIES, <http://www.iucnredlist.org/details/15951/0> (last visited Oct. 30, 2016).

29. *E.g.*, *id.*

30. *Summary Record of the 15th Session of Committee I (CoP14 Com. I Rep. 15 (Rev. 1))*, CITES, <https://cites.org/sites/default/files/eng/cop/14/rep/E14-Com-I-Rep-15.pdf> (last visited Oct. 31, 2016).

31. *Id.*; *Decision-Making Mechanism for a Process of Trade in Ivory (CoP17 Doc. 84.2)*, CITES, <https://cites.org/sites/default/files/eng/cop/17/WorkingDocs/E-CoP17-84-02.pdf> (last visited Oct. 31, 2016).

32. *Decision-Making Mechanism for a Process of Trade in Ivory (CoP17 Doc. 84.2)*, *supra* note 31.

33. *Decision-Making Mechanism for a Process of Trade in Ivory*, CITES (CoP17 Doc. 84.3), <https://cites.org/sites/default/files/eng/cop/17/WorkingDocs/E-CoP17-84-03.pdf> (last visited Oct. 31, 2016).

34. Rachael Bale, *A Big Day at CITES: No Ivory or Rhino Horn Trade*, NAT'L GEOGRAPHIC (Oct. 3, 2016), <http://voices.nationalgeographic.com/2016/10/03/184016/>.

35. *Draft Resolution: Disposal of Illegally Traded and Confiscated Specimens of CITES Listed Species (CoP 17 Com II 12)*, CITES, [https://cites.org/sites/default/files/eng/cop/17/Com\\_II/E-CoP17-Com-II-12.pdf](https://cites.org/sites/default/files/eng/cop/17/Com_II/E-CoP17-Com-II-12.pdf) (last visited Oct. 30, 2016).

trafficking of wildlife,<sup>36</sup> the Parties agreed to support the continued engagement of CITES with INTERPOL to combat wildlife trafficking online.<sup>37</sup>

While much good work was done in terms of both new protections for species and commitments to address pressing risks to wildlife, the threat posed by illicit trafficking seems to be growing. On-the-ground enforcement efforts in source countries, as well as demand reduction efforts in end-user countries, must be ramped up to meet this increased threat. It will take a network of states, NGOs, and dedicated people on-the-ground to solve and defeat the network of increasingly organized criminal networks trafficking in wild animals.<sup>38</sup> While this CoP may have been “a game changer” for wildlife conservation, it will have to be a significant and sustained game changer in order to fight the escalating illegal wildlife trade.

## B. ANTI-CORRUPTION RESOLUTION<sup>39</sup>

For the first time, the Parties to CITES have adopted a resolution addressing corruption.<sup>40</sup> The European Union (EU) and Senegal introduced the resolution at the seventeenth annual CITES Conference of the Parties (CoP17) in September 2016.<sup>41</sup> The document acknowledges the presence of corruption at every point in the trade chain,<sup>42</sup> and notes that CITES offers a “sector-specific” approach to addressing corruption.<sup>43</sup>

36. E.g., *Wanted – Dead or Alive: Exposing Online Wildlife Trade*, INTERNATIONAL FUND FOR ANIMAL WELFARE (Nov. 25, 2014), <http://www.ifaw.org/sites/default/files/IFAW-Wanted-Dead-or-Alive-Exposing-Online-Wildlife-Trade-2014.pdf>.

37. *Draft Decisions on Combating Wildlife Cybercrime (CoP 12 Com II 36)*, CITES, [https://cites.org/sites/default/files/eng/cop/17/Com\\_II/E-CoP17-Com-II-36.pdf](https://cites.org/sites/default/files/eng/cop/17/Com_II/E-CoP17-Com-II-36.pdf) (last visited Oct. 30, 2016).

38. E.g., Willy Woody, Chief, Office of Law Enforcement, USFWS, Dep’t of Interior, *Stopping the Money Flow: The War on Terror Finance: Before the H. Comm. on Foreign Affairs, Subcomm. on Terrorism, Nonproliferation, and Trade, and H. Comm. on Armed Services, Subcomm. on Emerging Threats and Capabilities* (June 9, 2016), <https://www.fws.gov/laws//Testimony/displaytestimony.cfm?ID=270> (“Wildlife trafficking once was predominantly a crime of opportunity committed by individuals or small groups. Today, it is the purview of international criminal cartels that are well structured, highly organized, and capable of illegally moving large commercial volumes of wildlife and wildlife products. What was once a local or regional problem has become a global crisis, as increasingly sophisticated, violent, and ruthless criminal organizations have branched into wildlife trafficking. Organized criminal enterprises are a growing threat to wildlife, the world’s economy, and global security.”).

39. This section authored by Judith Chiarito Evans of the University of New Hampshire School of Law.

40. Wildlife Conservation Society, *WCS Cheers Adoption of CITES CoP17 Corruption Resolution*, NAT’L GEOGRAPHIC (Sept. 28, 2016), <http://voices.nationalgeographic.com/2016/09/28/wcs-cheers-adoption-of-cites-cop17-corruption-resolution/>.

41. *Prohibiting, Preventing and Countering Corruption Facilitating Activities Conducted in Violation of the Convention (CoP 17 Doc. 28)*, CITES ¶ 1, <https://cites.org/sites/default/files/eng/cop/17/WorkingDocs/E-CoP17-28.pdf> (last visited Oct. 31, 2016).

42. *Id.* ¶ 3.

43. *Id.* ¶ 5.

The draft resolution builds upon previous United Nations resolutions and conventions that address corruption, bribery, and wildlife trafficking.<sup>44</sup> The document states that the United Nations General Assembly, for example, has passed resolutions that address the influence of corruption on wildlife trafficking.<sup>45</sup> It notes that Resolution 69/80 reaffirms The United Nations Convention against Corruption (UNCAC),<sup>46</sup> and encourages Member States to address corruption that facilitates illegal wildlife trafficking.<sup>47</sup> It also mentions Resolution 70/1—the outcome document of the United Nations Sustainability Summit—which outlines targets for ending poaching and wildlife trafficking and reducing bribery and corruption.<sup>48</sup>

The resolution notes that UNCAC and the United Nations Convention on Transnational Organized Crime (UNTOC)<sup>49</sup> require criminalization of bribery and similar offenses.<sup>50</sup> For example, UNCAC Article 5 requires Parties to adopt anti-corruption policies,<sup>51</sup> and Article 13 notes the importance of participation by private individuals and groups in combating corruption and promoting public awareness.<sup>52</sup>

The Cop17 draft resolution recognizes that implementation of CITES can be compromised by corruption of implementation authorities and other government officials.<sup>53</sup> Stating that “failure to prohibit, prevent, detect and counter corruption which relates to the implementation or enforcement of CITES greatly undermines the effectiveness of the Convention,”<sup>54</sup> the resolution urges Parties to adopt measures to make corruption “associated with the administration, regulation, implementation or enforcement of CITES”<sup>55</sup> a criminal offense.<sup>56</sup> Acknowledging the need to prevent corruption in CITES implementation, enforcement, and administration, the resolution encourages Member States to properly train, equip, and pay these authorities and professionals.<sup>57</sup>

---

44. *Id.* at 4.

45. *Id.*

46. United Nations Convention Against Corruption art. 5, Dec. 9, 2003, 2349 U.N.T.S. 41.

47. Tackling Illicit Trafficking in Wildlife, GA Res. 69/L.80, at 2-3, U.N. Doc. A/RES/69/314 (July 15, 2015).

48. Transforming our world: the 2030 Agenda for Sustainable Development, GA Res. 70/1, ¶ 15.7, A/RES/70/1 (Oct. 21, 2015).

49. United Nations Convention Against Transnational Organized Crime art. 8, Dec. 12, 2000, 2225 U.N.T.S. 209 (entered into force Sept. 29, 2003).

50. *Prohibiting, Preventing and Countering Corruption Facilitating Activities Conducted in Violation of the Convention (CoP 17 Doc. 28)*, CITES 4, <https://cites.org/sites/default/files/eng/cop/17/WorkingDocs/E-CoP17-28.pdf> (last visited Oct. 31, 2016).

51. United Nations Convention Against Corruption, *supra* note 46, at art 5.

52. *Id.* art. 13.

53. *Prohibiting, Preventing and Countering Corruption Facilitating Activities Conducted in Violation of the Convention (CoP 17 Doc. 28)*, CITES 5 ¶ 1, <https://cites.org/sites/default/files/eng/cop/17/WorkingDocs/E-CoP17-28.pdf> (last visited Oct. 31, 2016).

54. *Id.* ¶ 1.

55. *Id.* ¶ 2.

56. *Id.*

57. *Id.* ¶ 5.

The resolution contains measures to prevent corruption in CITES permit and certificate procedures at every stage of the trade chain, including endorsement, inspection, and clearance of authorized shipments.<sup>58</sup> Parties are encouraged to implement deterrence and detection of corrupt practices.<sup>59</sup> Acknowledging the role that corporate gifting can play in corruption, paragraph 8 urges Parties to “adopt zero tolerance policies”<sup>60</sup> toward acceptance of “CITES-listed species or products made from them.”<sup>61</sup>

The resolution encourages CITES Member States to use training and guidance materials prepared by INTERPOL, the UN Commission on Drugs and Crime, the World Bank, and similar organizations to prevent corruption among CITES personnel.<sup>62</sup> Paragraph 4 states that CITES Implementation Authorities should seek expertise from existing law enforcement agencies, anti-corruption commissions, and other organizations.<sup>63</sup> Donor communities, intergovernmental and international organizations, and non-governmental organizations should, in turn, provide funds and expertise upon request to enable anti-corruption and CITES enforcement measures.<sup>64</sup> The resolution recommends continued anti-corruption efforts by the International Consortium on Combating Wildlife Crime (ICWC),<sup>65</sup> and adoption of anti-corruption plans by regional and sub-regional Wildlife Enforcement Networks.<sup>66</sup>

The resolution further encourages regular reports on corruption-related matters.<sup>67</sup> For example, CITES Article VIII, Paragraph 7(b) requires Parties to submit “a biennial report on legislative, regulatory and administrative measures taken to enforce the provisions of the present Convention.”<sup>68</sup> The anti-corruption resolution asks Parties to help prevent CITES-related corruption by reporting instances of corruption and anti-corruption activities in these implementation reports.<sup>69</sup> Paragraph 13 of the resolution requests that the Secretariat issue reports on allegations of corruption to relevant national authorities and at every Standing Committee meeting and

---

58. *Id.* ¶¶ 6, 7.

59. *Prohibiting, Preventing and Countering Corruption Facilitating Activities Conducted in Violation of the Convention (CoP 17 Doc. 28)*, CITES 5 ¶ 7, <https://cites.org/sites/default/files/eng/cop/17/WorkingDocs/E-CoP17-28.pdf> (last visited Oct. 31, 2016).

60. *Id.* ¶ 8.

61. *Id.*

62. *Id.* ¶ 6.

63. *Id.* ¶ 4.

64. *Id.* ¶ 9.

65. *Prohibiting, Preventing and Countering Corruption Facilitating Activities Conducted in Violation of the Convention (CoP 17 Doc. 28)*, CITES 5 ¶ 10, <https://cites.org/sites/default/files/eng/cop/17/WorkingDocs/E-CoP17-28.pdf> (last visited Oct. 31, 2016).

66. *Id.* ¶ 11.

67. *Id.* ¶ 12.

68. United Nations Convention on International Trade in Endangered Species of Wild Fauna and Flora art. 7(b), Mar. 3, 1973, 27 U.S.T. 1087, T.I.A.S. No. 8249.

69. *Prohibiting, Preventing and Countering Corruption Facilitating Activities Conducted in Violation of the Convention (CoP 17 Doc. 28)*, CITES 5 ¶ 10, <https://cites.org/sites/default/files/eng/cop/17/WorkingDocs/E-CoP17-28.pdf> (last visited Oct. 31, 2016).

Conference of the Parties.<sup>70</sup> The Standing Committee is asked to “take note of instances of corruption affecting the implementation or enforcement of the Convention,”<sup>71</sup> and to issue recommendations to relevant Parties and Conference of the Parties, as well as consider measures under the Conference of the Parties Compliance Procedures.<sup>72</sup>

The CoP17 *Enforcement Matters* document states that the involvement of organized crime in wildlife trafficking “makes the officers responsible for regulating trade in specimens of these species particularly vulnerable to corruption.”<sup>73</sup> *Enforcement Matters* recommends that Parties adopt measures such as “vetting of staff”<sup>74</sup> and “recognizing and rewarding those who become aware of corrupt practices, refuse to engage in [them], and expose [them],”<sup>75</sup> and take “prompt and strict actions”<sup>76</sup> against officials who take part in corrupt practices.<sup>77</sup>

## II. Developments on Marine Conservation<sup>78</sup>

### A. THE ROSS SEA REGION MARINE PROTECTED ZONE: THE PUSH TO PROTECT ANTARCTICA’S “LAST OCEAN”

On October 28, 2016, representatives from twenty-four nations and the European Union reached an agreement to establish the 598,000 square mile Ross Sea Marine Protected Zone in Antarctica as the world’s largest marine reserve. The Ross Sea reserve encompasses the Ross Sea shelf and slope, the Balleny Islands, and the ocean around two seamounts.<sup>79</sup> It is home to thousands of species, including approximately 38 percent of the world’s Adelle penguins, 30 percent of Antarctic petrels, and 6 percent of the population of Antarctic minke whales.<sup>80</sup> According to the U.S. Secretary of State John Kerry, it is intended as “a natural laboratory for valuable scientific research to increase our understanding of the impact of climate change and fishing on the ocean and its resources” and its protection will improve collaborative marine research.<sup>81</sup>

70. *Id.* at 6, ¶ 13.

71. *Id.* ¶ 14.

72. CITES Conf. Res. 14.3 (2013), available at <https://cites.org/eng/res/14/14-03C15.php>.

73. *Enforcement Matters (CoP 17 Doc. 25)*, CITES ¶ 17, <https://cites.org/sites/default/files/eng/cop/17/WorkingDocs/E-CoP17-28.pdf> (last visited Oct. 31, 2016).

74. *Id.* ¶ 23.

75. *Id.*

76. *Id.* ¶ 21.

77. *Id.*

78. This section authored by Emily Bergeron of the University of Kentucky.

79. *Conservation Measure 91-05*, CCAMLR, [https://www.ccamlr.org/sites/drupal.ccamlr.org/files/91-05\\_4.pdf](https://www.ccamlr.org/sites/drupal.ccamlr.org/files/91-05_4.pdf) (last visited Nov. 30 2016).

80. Matt McGrath, *Nations push to protect Antarctica’s ‘last ocean’*, BBC (Oct. 27, 2016), <http://www.bbc.com/news/science-environment-3777257>.

81. Press Release, Secretary of State John Kerry, Department of State, *On the New Marine Protected Area in Antarctica’s Ross Sea* (October 27, 2016), <https://www.state.gov/secretary/remarks/2016/10/263763.htm>.

Human activity in the Antarctic is regulated by treaties and international organizations, some specific to the Antarctic, such as the Antarctic Treaty.<sup>82</sup> This treaty was enhanced by the Protocol on Environmental Protection,<sup>83</sup> which previously designated Antarctica as a “natural reserve, devoted to peace and science” and mandated that protection of this environment be considered paramount when planning and carrying out activities there. Additionally, the 1980 Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR)<sup>84</sup> was adopted, in part, as an international response to concerns that unregulated increases in krill catches in the Southern Ocean would damage Antarctic marine ecosystems, impacting species reliant on krill for food (i.e., seabirds, seals, whales, and fish).<sup>85</sup> The CCAMLR, which oversees the waters surrounding Antarctica, created the Ross Sea reserve by a unanimous decision of Member Nations.<sup>86</sup> In addition to the reserve, the commission renewed a measure limiting krill fishing in the South Atlantic for an additional five years.

The majority of the reserve has been designated a “no-take” zone, prohibiting the removal of marine life or minerals. Although the agreement bans commercial fishing in the entire area, it does designate 28 percent of the reserve as research zones where scientists may take limited quantities of fish and krill. The total tonnage of fish that may be harvested from the Ross Sea has not been reduced; however, fishing vessels have been restricted to areas further out to sea away from ecologically significant sites such as breeding and feeding grounds for whales, large fish, penguins, and other sea birds.<sup>87</sup> Protection will begin on December 1, 2017, and continue for thirty-five years.

## B. MARINE CONSERVATION IN THE UNITED STATES AND RUSSIA

Numerous other advances in ocean conservation and the protection of marine habitats were made in 2016 with marine reserves created and

82. Antarctic Treaty, Dec. 1, 1959, 12 U.S.T. 794.

83. Protocol on Environmental Protection to the Antarctic Treaty, Oct. 4, 1991, 30 ILM 1455.

84. Convention on the Conservation of Antarctic Marine Living Resources, Aug 1, 1980, 33 U.S.T. 3476; 1329 U.N.T.S. 48; 19 ILM 841.

85. Numerous other laws and organizations governing global maritime activities impact the Antarctic seas. See, e.g., *Agreed Measures for the Conservation of Antarctic Flora and Fauna*, June 2-13, 1964, 17 U.S.T. 996, T.L.A.S. No. 6058 (prohibiting the taking of species without a permit and the introduction of non-native species, and designate specially protected species); *Convention for the Conservation of Antarctic Seals (CCAS)*, Feb. 11, 1972, 1080 U.N.T.S. 175, 29 U.S.T. 441 (establishing measures designed to conserve Antarctic seal populations, including permitting for the killing of seals); *History and Purpose*, INT’L WHALING COMM’N, <https://iwc.int/history-and-purpose> (last visited Nov. 11, 2016) (governing of Antarctica’s whales); *Introduction to IMO*, INT’L MARITIME ORG., <http://www.imo.org/en/About/Pages/Default.aspx> (last visited Nov. 11, 2016) (creates rules governing shipping).

86. *Conservation Measure 91-05*, CCAMLR, [https://www.ccamlr.org/sites/drupal.ccamlr.org/files/91-05\\_4.pdf](https://www.ccamlr.org/sites/drupal.ccamlr.org/files/91-05_4.pdf) (last modified Nov. 30 2016).

87. *Id.*

expanded by various countries seeking to protect these environments from the effects of climate change, pollution, and overfishing.<sup>88</sup> On August 26, 2016, President Obama, using his authority under the Antiquities Act, issued a Proclamation expanding the Papahānaumokuākea Marine National Monument off the coast of Hawaii to include more than 582,000 square miles of remote Pacific waters known for exceptional marine life and of importance to native Hawaiian culture.<sup>89</sup> In addition to expanding the monument's boundary, the proclamation prohibited commercial fishing out to the 200-mile limit of the exclusive economic zone. Papahānaumokuākea is a sanctuary for endangered species, including blue whales, short-tailed albatrosses, sea turtles, and Hawaiian monk seals and contains some of the world's northernmost, healthiest coral reefs. On the same day, Russia expanded the Russkaya Arktika (Russian Arctic) National Park to include Franz Josef Land, the world's northernmost chain of islands, providing further protection of the habitat of Atlantic walrus, bowhead whale, polar bear, narwhal, and white gulls, making the park the country's largest specially protected natural territory.<sup>90</sup>

### III. Developments at the Tenth North American Leaders Summit<sup>91</sup>

#### A. THE NORTH AMERICAN CLIMATE, CLEAN ENERGY, AND ENVIRONMENT PARTNERSHIP AND ACTION PLAN

On June 29, 2016, Prime Minister Justin Trudeau, President Barack Obama, and President Enrique Peña Nieto held the Tenth North American Leaders Summit in Ottawa, Canada. In this meeting, the three governments announced the North American Climate, Clean Energy and Environment Partnership and Action Plan, an ambitious agreement that includes the protection of ecosystems and endangered species that live or transit through Mexico, the United States, and Canada.

Sustainable biodiversity conservation is one of the top priorities of this Partnership.<sup>92</sup> It created new commitments and confirmed a set of long-

88. For a more comprehensive list of commitments made by various countries to protect marine resources, see the proceedings of the Our Oceans conference held in September 2016 in Washington, DC. *Commitments*, OUR OCEAN, <http://ourocean2016.org/commitments/#commitments-main> (last visited Apr. 11, 2017).

89. Proclamation 9478, 81 Fed. Reg. 60226 (August 26, 2016), available at <https://www.federalregister.gov/documents/2016/08/31/2016-21138/papahama-naumoku-ama-ke-a-marine-national-monument-expansion>.

90. *Russia Expands National Park to Protect Franz Josef Land Archipelago*, NAT'L. GEOGRAPHIC (Aug. 29, 2016), <http://nationalgeographic.org/newsroom/russia-expands-national-park-to-protect-franz-josef-land-archipelago>.

91. This section authored by Mayra Cavazos Calvillo of the Law Office of Bernard Grimm.

92. Office of the Press Secretary, *Leaders' Statement on a North American Climate, Clean Energy, and Environment Partnership*, WHITE HOUSE (June 29, 2016), <https://obamawhitehouse.archives.gov/the-press-office/2016/06/29/leaders-statement-north-american-climate-clean-energy-and-environment>.

term goals. One of the old long-term commitments of the three governments is the protection of the natural habitat of the Monarch butterfly. The countries reaffirmed their continuous cooperation to achieve the “2020 Eastern Monarch population target represented by its occupation of six hectares of overwintering habitat in Mexico.”<sup>93</sup>

A second long-term commitment outlined in this Partnership is the flyway conservation of North American migratory bird species. More than 800 species are covered under the Migratory Birds Treaty Act of 1918 (MBTA),<sup>94</sup> which implemented Conventions between the United States, Canada, and Mexico in 1916 and 1936, respectively.<sup>95</sup> The Partnership Action Plan also encompasses the “conservation of key species and combat of wildlife trafficking”<sup>96</sup> through their established channels of dialogue, namely, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Last, the North American Partnership Action Plan provides that the three governments will “enhance cooperation among respective Marine Protected Areas”<sup>97</sup> and “foster complementary research on oceans, including the impacts of climate change on oceans and marine ecosystems.”<sup>98</sup>

#### IV. Developments on the International Dog Meat Trade Industry<sup>99</sup>

##### A. UNITED STATES

On May 25, 2016, House Resolution 752 was introduced by Rep. Alcee L. Hastings (D-FL-20), and referred to the House Committee on Foreign Affairs.<sup>100</sup> The Resolution had 142 Co-Sponsors, with broad bipartisan support. The Resolution condemns the Dog Meat Festival in Yulin, China, because it (1) is a spectacle of extreme animal cruelty, (2) is a commercial activity not grounded in Chinese history, (3) is opposed by a majority of the Chinese people, and (4) threatens global public health. The Resolution

93. Office of the Press Secretary, *North American Climate, Clean Energy, and Environment Partnership Action Plan*, WHITE HOUSE (June 29, 2016), <https://obamawhitehouse.archives.gov/the-press-office/2016/06/29/north-american-climate-clean-energy-and-environment-partnership-action>.

94. *Migratory Bird Treaty Act*, U.S. FISH & WILDLIFE SERV., <https://www.fws.gov/birds/policies-and-regulations/laws-legislations/migratory-bird-treaty-act.php> (last visited Nov 19, 2016).

95. *Id.*

96. *North American Climate, Clean Energy, and Environment Partnership Action Plan*, *supra* note 93.

97. *Id.*

98. *Id.*

99. This section authored by Linda M. Lowson of the Global ESG Regulatory Academy.

100. *See*, H.R. Res. 752, 114th Cong. (2015), *available at* <https://www.congress.gov/bill/114th-congress/house-resolution/752/all-info>; 789 Cong. Rec. Extension of Remarks (daily ed. May 25, 2016) (statement of Hon. Hastings) (plans to introduce additional legislation urging all nations to end the dog meat trade and its inhumane practices).

urges the government of China and the Yulin authorities to ban the killing and eating of dogs as part of Yulin's festival, and to enforce China's food safety laws regulating the processing and sale of animal products and the 2011 Agriculture Ministry of China Regulation on the Quarantine of Dogs at the Place of Origin requiring one certificate for one dog on trans-provincial transport trucks. It further urges the National People's Congress of China to enact an animal anticruelty law that bans the dog meat trade. Lastly, the Resolution affirms the commitment of the United States to the protection of animals and to the progress of animal protection. On September 7, 2016, the Bill was referred to the House Committee on Foreign Affairs Subcommittee on Asia and the Pacific.<sup>101</sup>

## B. UNITED KINGDOM

Following a House of Commons Resolution passed on November 5, 2015,<sup>102</sup> a House of Commons Debate on the South Korean illegal dog meat trade was held on September 12, 2016. The attending MPs unanimously called for an end to South Korea's atrocious factory farming of dogs for human consumption, and pressed the U.K. government to engage in a dialogue with the South Korean government now on this issue.<sup>103</sup>

## C. SOUTHEAST ASIA

Investigation and exposing of the horrific and expanding illegal dog meat trade in Southeast Asia continued in 2016 with strong vigor and determination by numerous prominent NGOs (most notably Humane Society International), calling for a complete ban on the dog meat trade, governmental enforcement of existing laws, and enactment of amendments to animal protection laws.<sup>104</sup>

101. *Id.*

102. 601 Parl Deb HC (6th series) (2015) col. 1226-1227 (UK), available at <https://hansard.parliament.uk/Commons/2015-11-05/debates/15110531000003/DogMeatTrade>.

103. See, *E-Petition 120702*, PARLIAMENT LIVE.TV, (Sep. 12, 2016), <http://www.parliamentlive.tv/Event/Index/e5c0e472-edfa-421d-ad27-5b04760cdd5e> (the Petition urged U.K. government action now as the 2018 Winter Olympics will be held in South Korea in 18 months); *Nagaland, India dog meat media footage*, HUMANE SOC'Y, <http://newsroom.humanesociety.org/video/video.php?bctid=5030678792001> (last visited Nov. 21, 2016).

104. There are an estimated 30 million dogs brutally and illegally killed every year for human consumption in Southeast Asia, with the dog meat trade most prevalent in China, South Korea, Vietnam, the Philippines, Thailand, Laos, Cambodia, and India's State of Nagaland. The dogs are kidnapped from homes, caught on the streets, and raised on thousands of illegal dog farms scattered around the country, ranging from small backyard enterprises to large-scale industrialized farms with more than 1,000 dogs. This illegal trade represents a US\$2 billion industry in South Korea alone. See *The Dog Meat Trade*, ANIMAL WELFARE INST, <https://awionline.org/dogmeat> (last visited Nov. 21, 2016); *Dog Meat Trade*, HUMANE SOC'Y INT'L, [http://www.hsi.org/issues/dog\\_meat/](http://www.hsi.org/issues/dog_meat/) (last visited Nov. 21, 2016); *India's brutal dog meat trade exposed as Humane Society International launches campaign to end "Nagaland Nightmare"*, HUMANE SOC'Y INT'L (July 13, 2016), [http://www.hsi.org/news/press\\_releases/2016/07/nagaland-india-](http://www.hsi.org/news/press_releases/2016/07/nagaland-india-)

## D. CHINA

In China, where more than 18 million dogs are killed each year for their meat or fur, a ground-breaking legislative proposal was introduced to the National People's Congress in March 2016 by a deputy to the Congress, Zheng Xiaohu. The proposal calls for a ban on the transport, trade, slaughter, manufacture, and sale of dogs and cats for the purpose of eating, including for use in food processing materials, as "a clear violation of the purpose and mission of China's Food Safety Law and Animal Epidemic Prevention Law." In an online voting poll, 8.6 million Chinese people backed the proposal.<sup>105</sup>

## V. China's 2016 Revised Wildlife Protection Law: A Law of Economic Benefit Not Conservation<sup>106</sup>

### A. INTRODUCTION

The Wildlife Protection Law (WPL) of the People's Republic of China is the primary law in China that relates to the protection of wildlife. The legislation was originally enacted in 1989<sup>107</sup> and has long been criticized for the lack of protections given to wild animals. The 1989 WPL characterized wildlife as a resource for human use, promoting utilization for human gain rather than protection. On July 2, 2016, the Standing Committee of the National People's Congress in China passed new amendments to the WPL.<sup>108</sup>

The revised WPL of 2016 states that the purpose of the law is to protect rare and endangered wildlife, preserve biodiversity and ecological balance,

---

dog-meat-trade.html; *Nagaland, India dog meat media footage*, *supra* note 103; Peter Shadbolt, *Smugglers drive Thailand's grim trade in dog meat*, CNN (June 3, 2013), <http://edition.cnn.com/2013/06/02/world/asia/thailand-dogs/index.html>. Animal welfare acts in Hong Kong, Taiwan, and the Philippines have banned the slaughtering and the sale of dogs for human consumption, but these laws are not being enforced, despite the significant public health risks (including rabies transmission), which are well documented. See, Merritt Clifton, *More medical warnings link dog meat to rabies*, ANIMALS 24-7 (Mar. 18, 2015), <http://www.animals24-7.org/2015/03/18/more-medical-warnings-link-dog-meat-to-rabies/>; *Introduction and Purpose of Report*, SIRIUS.ORG, <http://www.siriusingao.org/submission/Submission%20-%20International%20Ban%20on%20Dog%20Meat%20Products%204.pdf> (last visited Nov. 21, 2016) (a 2007 Sirius NGO Report to World Health Organization calling for an international ban on dog meat products).  
105. See *SPECIAL REPORT: Almost 9 million Chinese back bill to end cat and dog meat eating*, ANIMALS ASIA (Mar. 23, 2016), <https://www.animalsasia.org/us/media/news/news-archive/special-report-almost-9-million-chinese-back-bill-to-end-cat-and-dog-meat-eating.html>.

106. This section was authored by Laura Schierhoff and Marcy Strass of Cozen O'Connor, and Linda M. Lawson of the Global ESG Regulatory Academy.

107. Law of the People's Republic of China on the Protection of Wildlife (promulgated by the Standing Comm. Nat'l Cong., Nov. 8, 1988), rev'd Aug. 28, 2004) chap. 1, art. 2 (2004) (China).

108. Adopted at the Twenty-First Meeting of the Standing Committee of the Twelfth People's Congress.

and promote the construction of an ecological civilization.<sup>109</sup> But the new law carves out exemptions that maintain the status quo. For instance, captive breeding for commercial purposes under the revised WPL is still allowed, as long as a license is obtained from the government. Unfortunately, the revisions make it clear that wildlife in China is still considered a resource, and there can be little doubt that these animals will continue to be exploited instead of protected.

## B. THE WILDLIFE PROTECTION LAW REVISED

The revised law will take effect on January 1, 2017 and while the new WPL contains language and provisions promoting the protection of wildlife, it advances the use of wild animals as a resource into regulation. The revised WPL came after years of review, public input, and consultation. Many scientists, conservation and animal welfare NGOs weighed in on the process and encouraged a shift from the WPL's original paradigm—of breeding, domesticating, and utilizing wildlife—to conservation. And while it may appear that China took conservation into consideration, as the revised WPL does contain updated language on conservation, in reality many significant changes that had been advocated for are absent.

### 1. *Authority*

The departments of forestry and fisheries under the State Council continue to authorize the protection of both terrestrial and aquatic animals respectively.<sup>110</sup> The law also continues to identify wildlife as a “resource” belonging to the state.<sup>111</sup> The revised WPL gives significant authority to provincial governments who will oversee many of the protection plans and measures, which could mean less oversight at the Central level of government.

### 2. *Wildlife Habitats*

The revised WPL directs the state to protect wildlife and their habitats.<sup>112</sup> Human activity in protected wildlife habitats will be restricted, which includes construction projects such as airports, railways, and roads.<sup>113</sup> Further, the law states that if construction projects cannot be avoided on nature reserves or wildlife migration routes, the projects should build wildlife passages or take other measures to allow for wildlife migration and to avoid an adverse impact on wildlife.<sup>114</sup>

---

109. Law of the People's Republic of China on the Protection of Wildlife (promulgated by the Standing Comm. Nat'l Cong., Jul. 2, 2016) chap. 1, art. 1 (2016) (China).

110. *Id.* art. 7.

111. *Id.* art. 3.

112. *Id.* art. 5.

113. *Id.* chap. 2, art. 13.

114. *Id.*

### 3. *Breeding Wildlife*

The revised WPL does not encourage the domestication and breeding of wildlife like the old WPL.<sup>115</sup> But the 2016 WPL does encourage breeding programs that support relevant scientific research institutions in conducting captive breeding of wildlife under special state protection.<sup>116</sup> Anyone involved with captive breeding of wildlife for reasons other than scientific research, may do so after receiving a permit.<sup>117</sup> The only stipulation for captive breeding is that it may not damage wildlife populations.<sup>118</sup>

### 4. *Hunting*

The revised WPL prohibits certain hunting methods, including hunting with poisons, explosives, electric devices, snares, and leg-hold traps.<sup>119</sup> Night-time hunting with lights, guerrilla-style hunting, destroying nests or dens, using fire, smoke or nets are also prohibited.<sup>120</sup> An exception is made for net or electric hunting if necessary for scientific research.<sup>121</sup> Hunting permits and licenses are required, as well as a gun license if hunting with a gun.<sup>122</sup>

### 5. *Trade in Wildlife*

The revised WPL generally prohibits the sale, purchase, and use of endangered wildlife species.<sup>123</sup> But it carves out large exemptions, including where the sale is necessary for: (1) scientific research, (2) captive breeding, (3) public exhibition or performances, and (4) heritage conservation or other special purposes.<sup>124</sup> Under these exemptions, an approval must be obtained from the provincial-level government.<sup>125</sup> Utilizing wildlife and wildlife products for medicine is also allowed, the only rule is that one shall abide by relevant laws and regulations relating to the administration of medicines.<sup>126</sup>

---

115. Law of the People's Republic of China on the Protection of Wildlife (promulgated by the Standing Comm. Nat'l Cong., Nov. 8, 1988) chap. 1, art. 2 (1988) (China).

116. Law of the People's Republic of China on the Protection of Wildlife (promulgated by the Standing Comm. Nat'l Cong., Jul. 2, 2016) chap. 1, art. 1 (2016) (China).

117. *Id.*

118. *Id.* chap. 3, art. 25.

119. *Id.* art. 24.

120. *Id.*

121. *Id.*

122. *Id.* art. 23

123. *Id.* art. 27.

124. *Id.*

125. Law of the People's Republic of China on the Protection of Wildlife (promulgated by the Standing Comm. Nat'l Cong., Jul. 2, 2016) chap. 1, art. 1 (2016) (China).

126. *Id.* art. 29.

### C. CAUSE FOR CONCERN

While the revised WPL is an improvement over the old law that defined wildlife as species “which are beneficial or of important economic or scientific value,”<sup>127</sup> it still does little for the humane treatment of wildlife and conservation. The stated purpose in the 2016 revision may be to protect and conserve wildlife, however it essentially carries over the worst elements of the old law by regulating captive breeding of wild animals and the trade in commercial wildlife for scientific purposes and other exceptions.

One of the most significant causes for concern is the breeding of wildlife species. The revised WPL mandates that the breeding of wildlife must be carried out for the purpose of protecting the species.<sup>128</sup> While the language focuses more on the ecological value of wildlife and cuts out much of the utilitarian approach, there are still huge loopholes that allow for the exploitation of wildlife to continue for scientific research and other exceptions and through obtaining a permit.

Another huge concern is that the revised WPL fails to ban the commercial exploitation of wildlife. The law generally prohibits the sale, purchase, or use of endangered wild animals and their products; however the exemptions ultimately cancel out those prohibitions in practice. Again, one must only obtain approval from the government to fall under one of the exempted categories.<sup>129</sup> Legalizing trade in wildlife will only fuel demand, and will lead not only to more captive breeding, but will also drive up poaching for the scarce wildlife populations that still exist.

The revised WPL also failed to ban farmed wild animal products—like tiger bone or bear bile—and includes language that sets the legal basis for allowing commercial breeding and trade in endangered species. One need only obtain a captive/artificial breeding permit in order to continue the practice.

A potential positive change is the revised WPL states that captive bred wildlife should have the necessary living space and conditions for movement, as well as hygienic and adequate facilities, which would be a vast improvement over where these animals are kept now.<sup>130</sup> The law also states that wildlife should not be abused.<sup>131</sup> The tigers and bears that are kept on “farms” today are kept in deplorable and appalling conditions and would benefit from this revision. But there are thought to be hundreds of tiger and bear farms with thousands of animals and it is hard to imagine all these farms converting their facilities to meet this requirement. Further, the law still

---

127. Law of the People’s Republic of China on the Protection of Wildlife (promulgated by the Standing Comm. Nat’l Cong., Nov. 8, 1988) chap. 1, art. 2 (1988) (China).

128. Law of the People’s Republic of China on the Protection of Wildlife (promulgated by the Standing Comm. Nat’l Cong., Jul. 2, 2016) chap. 1, art. 1 (2016) (China).

129. *Id.* at 27.

130. *Id.* at 26.

131. *Id.*

enshrines use of captive wildlife for economic gain and banning the farms outright would be the only way to ensure that these animals are not abused.

While the revised WPL took years to complete and there were high hopes for a shift in the way China handles conservation and views wildlife, the changes have fallen far from the stated goal of protecting wildlife. Not only will the commercial exploitation of wildlife continue under the new WPL, the exploitation is now regulated and sanctioned. This is a major step back for the humane treatment of animals and conservation in China.

