

Research on the Legal Construction of Ecological Environment in Ethnic Areas from the Perspective of Wildlife Protection

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ABSTRACT

The issue of ecological security is related to national sovereignty and interests, as well as national security. The issue of wildlife protection in ethnic minority areas in the west is related to the ecological security of the western region, which should arouse attention. Regarding the issue of wildlife protection, it is required to start with the establishment of a legal mechanism for ecological security prevention, improve the government's awareness of ecological security prevention, clarify the legislative purpose of the wildlife protection law, clarify the boundaries of ecological security prevention, and regulate wildlife trade supervision to establish and improve wildlife protection mechanism and improve the construction of the ecological environment legal system in ethnic minority areas.

Keywords: western ethnic minority areas, wildlife protection, ecological environment legal construction

I. INTRODUCTION

Ecological security is a global problem. Western ethnic minority areas are important natural areas to protect species diversity and genetic diversity, and also important areas for ecological environmental risk prevention.

The issue of ecological security is related to national sovereignty, interests, and national security. At present, ecological security has become a global problem. The inhabited areas of western minority are not only vast in territory, but also complicated in natural geographical environment and rich and diverse in ecological system. They are important natural regions to protect species diversity and genetic diversity. With the western development, the ecological security problem in the west cannot be ignored. Especially in the western ethnic minority areas, the fragile ecosystem is under the pressure of extensive economic growth, and the game between environmental protection and economic development is increasingly fierce. Although the western ethnic minority areas have taken various measures to protect ecological security, the environmental security problem is still worrying. Among them, the wildlife protection has aroused the

attention of the whole society, which has become an outstanding problem that shackles the ecological security of the western region. There are some key problems needed to solve, such as how to speed up the legalization process of ecological security in the western ethnic minority areas, how to supervise the illegal trade of wildlife and ensure ecological security. This paper will make a discussion one by one.

II. ECOLOGICAL ENVIRONMENT SECURITY IN WESTERN ETHNIC MINORITY AREAS

Ecological security is not only a global problem, but also a national security issue closely related to national interests, sovereignty and security. For the first time, the "National security strategy" released by the United States regards the environment as a part of its national interests, and believes that environmental problems have threatened the prosperity of the United States. Western countries such as the United States, Britain, Germany, as well as the European Union, NATO, the United Nations Environment Programme and other international organizations, have begun to pay close attention to and actively discuss the relationship between environment and national security. After research and discussion, a number of representative research reports were issued, such as "Environment and Security Against the International Background", "Environment, Shortages and Violence", and "Environment and Security: Preventing Crises through Cooperation". All these indicate the importance of

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environmental resources to national strategy. This paper analyzes the problems existing in the ecological environment of the western ethnic minority areas.

A. The western region is rich in natural resources and fragile in ecology

The land area and population in Western China account for 44.2% and 7.1% respectively. The per capita resources are relatively high, but the biological distribution is scattered. Although the usable natural grassland area accounts for 59% of the whole country, grassland degradation is serious. The per capita forest area and total forest stock in the western ethnic minority areas rank first in the whole country. However, large-scale deforestation leads to serious soil erosion, which often leads to natural disasters such as soil erosion and debris flow. This has resulted in the fact that the western region is rich in natural resources but fragile in ecology.

B. The lack of water resources leads to the sharp decrease of biodiversity

According to the data of 2015 China Environmental Status Bulletin, 30.6% of areas with the "poor" and "poorer" China's ecological environment quality are concentrated in the western region. The land resources in the western ethnic minority areas are vast, but the regional differences of the environment are great. The northwest is short of water resources. The annual water resource per capita is 1781 cubic meters, which is lower than the national average. Although there are abundant water resources in Southwest China, it is difficult to make the development. According to the 2014 China water resources bulletin, the average annual precipitation in the western region is 501mm, which is half of the average annual precipitation in the central region. The lack of water resources in the western region leads to ecological degradation in the minority areas in the west, which leads to a sharp decrease in biodiversity and shakes the resource base for the development of the middle and eastern regions.

C. Backward economy restricts the protection and construction of ecological environment

Western ethnic minority areas, such as Guizhou, Guangxi, Sichuan in the southwest, or Gansu, Qinghai and Tibet in the northwest, belong to economically underdeveloped areas. Due to the pressure of survival, resources are inefficiently utilized, deforestation and reclamation of land have occurred. Then, resources are exhausted and environmental problems are serious. Taking Qinghai Province as an example, the residents living on the edge of the forest land have the awareness of relying on mountains, regard the nearby woodland as private property, and cut down forests at will to meet the needs of food, clothing, housing and transportation. According to statistics, the amount of forest, grass and

vegetation used as fuel in Qinghai Province every year is 500 million grams, which is equivalent to cutting down nearly one million mu of shrubbery. These arbitrary destruction of forest resources cause large-scale soil erosion and desertification, affecting the healthy development of the local economy. Therefore, the backward economy restricts the protection and construction of ecological environment.

III. DISTRIBUTION CHARACTERISTICS AND PROTECTION STATUS OF WILDLIFE RESOURCES IN WESTERN ETHNIC MINORITY AREAS

A. Distribution characteristics of wildlife resources

The horizontal distribution of national key protected wild plants in China is extremely uneven, most of which are distributed in the western mountainous minority areas. For example, there are 34 species most threatened in the world in the southwest mountain area, which is identified as one of the hot spots by Conservation International. Southwest mountainous area has the characteristics of wild plant species diversity, which provides necessary natural conditions for the survival, habitat, reproduction and evolution of wildlife. However, because the wild plants are currently distributed in the extreme habitats that are hard to reach, such as deep mountains, cliffs and high altitudes, and some wild animals decline or die out due to lack of food.

B. Living status of wildlife

Due to the rapid growth of population and the rapid development of economy in China in recent decades, the area of natural forest is gradually reduced, and the fragmentation of wildlife habitat is becoming more and more serious. The pressure of ecological environment makes wildlife face serious survival threat. The English word for "farewell" is "Asdeadasdodo" (to die like a dodo). The expression comes from an extinct bird, the Dodo, which died out as an alien species expanded. The dodo's extinction opened the door to the extinction of modern species.

According to statistics, there are 128 species of endangered birds in China, accounting for 14.6% of China's birds, 96 species of reptiles, accounting for 24.6% of China's reptiles, and 96 species of amphibians, accounting for 10.4% of China's amphibians^[1]. Some wild animals have disappeared. More than 300 terrestrial vertebrates in China are in an endangered state, and the most endangered vertebrates are giant pandas, golden monkey, Tibetan antelope, etc. At the same time, it was accompanied by the extinction of a large number of plants. ¹For example, wild orchids

¹ According to the estimation of the species protection monitoring center of the World Conservation Union, 10% of the

have been over-mined in a manner of "draining the pond to get all the fish", making many western ethnic minority areas in Yunnan, Sichuan, Guizhou, Guangxi and other provinces lane-free in a few years. The decrease or even disappearance of a large number of wild plants has posed a great threat to the survival of wild animals.

C. Impact of ecological environment security risk on wildlife survival in western ethnic minority areas

The risk of ecological environment security in western ethnic minority areas can be divided into endogenous ecological environment security risk and external ecological environment security risk.

1) Endogenous ecological environment security risk:

The main risk comes from three aspects. The first is soil erosion and land degradation. In the western region, the soil is loose, the vegetation cover is less, and the soil erosion is serious. The vicious circle between the lack of vegetation coverage and soil erosion for a long time makes the land productivity in the western region decline seriously, and the ecological environment deteriorates, which directly affects the survival and breeding of wild animals. The second is land desertification. Land desertification is a sign of environmental degradation, which affects the habitat and reproduction of local wildlife. The third is grassland overload, and grass lost the ability to regenerate. Grassland and pasture overload not only causes grassland degradation, but also directly causes local ecological deterioration, which directly affects the living space of wild animals.

2) Exogenous ecological environment security risk:

Exogenous eco-environmental security risks are generally generated by factors outside the region, such as the invasion of alien species, causing harm to the local ecological environment or environmental pressure. The biggest threat is that the invasive alien species may destroy the ecosystem, endanger the diversity of animals and plants, affect the genetic diversity, and ultimately significantly affect the local ecological environment. The harm of exogenous ecological environment security risk to local wildlife is also obvious.

world's plants are facing extinction. By the end of the 20th century, 50,000 and 60,000 species, or about one-fifth of the world's plant species, are under threat to varying degrees. Regional species are now disappearing at the rate of one species per day, and the extinction of one plant often leads to the survival crisis of another 10-30 species.

IV. CONSTRUCTION OF LEGAL MECHANISM OF ECOLOGICAL SECURITY IN WESTERN ETHNIC MINORITY AREAS — TAKING WILDLIFE PROTECTION AS AN EXAMPLE

In view of the ecological security prevention in western ethnic minority areas, it takes wildlife protection as an example to discuss how to construct the legal mechanism of ecological security prevention. At present, China implements a hierarchical protection system for wildlife protection. In the process of legalization of wildlife protection, it is required to improve the following aspects:

A. Improving the government's awareness of ecological security and clarifying the legislative purpose of wildlife protection

The wildlife protection law of the People's Republic of China was revised by the Standing Committee of the National People's Congress in 1988, and then revised by the Standing Committee of the National People's Congress in 2018.² In the legislative statement, too much emphasis is placed on the resource attribute and utilization value of wild animals. Wild animals are not regarded as the main body of life of nature, lacking the awe for nature and life. In the current situation of COVID-19 epidemic, many people are reflecting on human behavior. What are wild animals? Are they just food sources? Is it a trial of human challenging nature? It is unbearable to regard wild animals as their food at will. Human beings should have the emotion of reverence for nature and life. When people revise the wildlife protection law, it is necessary to actively highlight the concept of harmonious coexistence between human and life, human and nature, and put the legislative goal at the height of maintaining ecological security.

B. Strengthening the legal construction of ecological security and standardizing the supervision of wildlife trading

When the pneumonia epidemic caused by the new coronavirus brings the whole society crisis, it is required to make the reflection on the problems of wildlife trading and eating related to the source of the virus. After investigation, there are many vacuum zones in the regulation of wildlife trading, and the consequences are obvious. Now, the supervision of wildlife trading is no longer a purely ecological resource protection issue, but has risen to a higher-level public security.

² The legislative purpose of "Wildlife protection law of the people's Republic of China" is to protect and save rare and endangered wildlife, protect, develop and reasonably utilize wildlife resources and maintain ecological balance.

At present, wildlife protection law focuses on the regulation of hunting, trafficking, transportation and processing. For example, if the state stipulates that hunting animals not under state key protection should obtain a hunting license and obey the quota management. However, there is a lack of supervision and protection on the trade and consumption of wild animals. For example, the wildlife protection law stipulates that "those who sell and utilize wildlife under state non-key protection shall provide legitimate certificates, such as hunting, import and export, and quarantine certificates". It is difficult to eliminate the trading and eating behaviors of that wildlife not under state key protection. According to the wildlife protection law, the production and marketing of foods made of wildlife under state key protection and their products are prohibited. However, there is no comprehensive prohibition on the trade and consumption of wildlife not under state key protection. The wild animals involved in the novel coronavirus epidemic that is breaking out today are not under national priority protection. Due to the absence of prohibitions, these wild animals have entered the dining tables of citizens, causing a public health safety crisis.

With the coordination between the Law Enforcement Inspection Bureau of the State Administration of Market Supervision and Administration, the Central Network Information Office and the Ministry of Public Security, the following countermeasures have been put forward for the pneumonia epidemic caused by the new coronavirus. First is to strengthen the supervision of grass-roots agricultural markets, catering units and even e-commerce platforms, crack down on illegal trading of wild animals from the source, carry out special law enforcement actions, and control major public health risks. The government departments involved include the General Administration of Market Supervision, the Ministry of Public Security, the Ministry of Agriculture and Rural Areas, the General Administration of Customs and the State Administration of Forestry and Grassland. The second is to rectify the wildlife trading market and investigate and deal with illegal wildlife trading cases. The national market supervision departments inspect the business premises, monitor the e-commerce platforms, and isolate breeding places. The government departments involved include the Ministry of forestry and grassland, the Ministry of agriculture, and the forest public security department. The third is to publicize civilized diet and advocate consumers not to eat wild animals. It is to regulate wildlife trading supervision through the above measures. On February 24, 2020, the 16th meeting of the Standing Committee of the 13th National People's Congress voted and passed the decision on comprehensively banning the illegal wildlife trade, getting rid of the bad habit of

eating wildlife, and effectively ensuring the life, health and safety of the people.

C. Making clear the boundary of ecological security and revising the list of wildlife

People have examined the provisions of Article 2 of the Wildlife Law: the wildlife protected by this law refers to rare and endangered terrestrial and aquatic wildlife and terrestrial wildlife of important ecological, scientific and social value. From the legal provisions, the wildlife protected in the "Wildlife protection law" is conducive to scientific research and economic interests. In summary, it can be seen that only rare and endangered animals and "three haves" animals are protected. Most of the wild animals are not included in the protection list. Many ordinary animals in the protection list of the "Wildlife protection law" are not protected by any law and are isolated from their rights. For example, wild birds, terrestrial and aquatic organisms, and bats, the king of viruses, are not covered by the "Wildlife protection law". In view of this, it is necessary to consider expanding the "List of national key protected wildlife" and the "List of national key protected terrestrial wildlife with artificial breeding", and add the list of prohibited hunting, trading, transportation and food wildlife in the "Prohibition of illegal wildlife trade and severe punishment of edible wildlife", so as to clarify the scope of livestock and poultry. The "three haves" animals mentioned in the legislative purpose of the "Wildlife protection law" are listed separately. Finally, the principles of protection priority, standardized utilization and strict management in "Wildlife protection law" can be implemented.

V. CONCLUSION

Ecological security is not only related to national sovereignty and interests, but also to national security. Ecological security is a global problem. The species diversity of wildlife in the western ethnic minority areas shows that the western region is an important natural region, and also an important area for ecological environment risk prevention. Therefore, it is the top priority of the government and the direction of efforts to consider how to protect the wildlife in the western ethnic minority areas and maintain the ecological safety of the western region from the perspective of legalization. At the same time, under the guidance of people-centered ideology, the construction of ecological civilization in ethnic minority areas is the inherent requirement of China's sustainable economic and social development.[2]

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