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What can China's Wildlife Protection Law (WPL) Learn from US's Endangered Species Act (ESA)?

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ABSTRACT

The existence of COVID 19 again raises people's awareness of endangered species trading problems and calls for rethinking the relationship between humanity and the natural environment. This paper mentions the current problems faced by China in protecting endangered species and states the urgent need for government to revise the currently endangered species protection law with respect to the problems figured out. To better find solutions to the problems, Wildlife Protection law can find some hints and inspirations from the Endangered Species Act in America, which is a reflection of government policies and attitudes in America towards the same problems. After a detailed analysis, we can see both strengths and weaknesses in American law in different areas, and the parts that the Chinese government can learn from to improve Chinese protection law.

Keywords: *Wildlife Protection Law, Endangered Species Act, effectiveness*

1. INTRODUCTION

The outbreak of COVID-19 sounds like the alarm for all policymakers to reconsider the effectiveness of legislation in regulating illegal wildlife trading since the first official confirm the case of COVID-19 in China was founded in Huanan Seafood Market, Wuhan. Some scientific research found viruses resembling covid carried by bats, which is venison appears on the dinner table for Chinese people in some provinces. Although the amount of people with the special flavour is limited, there are still demands in the wildlife market. The Chinese government has already taken certain actions since then. On 26 January 2020, the Chinese government publicized the "notification regarding the prohibition of trade in wildlife", which is a document claiming "until the epidemic situation is resolved nationwide...all business operations including agriculture produce markets, supermarkets, food, and beverage sellers and online sales platforms shall strictly prohibit the trade of wild animals in any form" [1]. China is a country with abundant biodiversity, and it is one of the 17 megadiverse countries in the world with 7516 vertebrate species including 4 fish, 69 birds, 562 mammals, 403 reptiles, and 346 amphibian species [2]. The Wildlife Protection Law (WPL) is widely regarded as the most significant legislation in wild animal conservation due to its wide coverage and detailed management regulations, and it is also perceived as a

guiding law for other provincial and regional laws [1]. This law includes numerous stipulations in protecting wildlife and endangered species in terms of habitat protection, inhibition of wildlife illegal trading, ownership of animal resources, wildlife farming business, penalties of policy violation, and allocation of financial sources for building environmental reserves and management fees. The existence of this law is debatable. Advocates of this law believe that Wildlife Protection Law plays an irreplaceable role in guiding wildlife protection and makes a non-negligible contribution to the recovery of some endangered species in China that are near extinction. While the opponents' attitude is also determined. They argue that the enactment and amendment of the Wildlife Protection Law even terrify the current situation and add more barriers for the government to make fulfil its responsibility in protecting endangered species because of the vague listing, unreasonable financial aid, outdated protection measures, and over-optimistic government attitudes [3]. Undeniably, Wildlife Protection Law can achieve its purpose in some contexts, and we can see its progress through several revisions and amendments. But after lucubrating and comparing it with the legislation in other countries, its limitation and weakness are also apparent. In this paper, Endangered Species Act (ESA) in America will be used as an example of Wildlife Protection Law to learn from. Endangered Species Act is one of the most crucial pieces

of legislation in the United States. For some scholars, Endangered Species Act is the foundation for the US government to implement environmental protection [4]. Due to its importance of it, both pros and cons of this legislation can be a paradigm for Wildlife Protection Law to gain experience and make improvements to further complete its legislative role. In the latter part, the paper will examine the current challenges and problems in Wildlife Protection Law. At the same time, the significant strengths and weaknesses of the Endangered Species Act will be pointed out. Finally, a conclusion will be gained about the improvement that the Chinese government can make based on the evaluation of the Endangered Species Act to enhance the effectiveness of the Wildlife Protection Law and the ways to make American fitted legislation blend in well with the Chinese national condition.

2. METHODOLOGY

This paper uses content analysis and comparative analysis to gain conclusions and evaluations. The main texts used for analysis in this paper are The Endangered Species Act of 1973 and the Wildlife Protection Law of the People's Republic of China (revision draft, October 2020). By analyzing the details in the original texts, we can find some flaws and ambiguity in both legislation, which cause some problems in implementation and management. In analysis, different sections and articles in each of these two legislations are reviewed and compared to gain a relatively accurate comparison. In the two legislation, different sections are clearly listed with each section associated with one particular area. In Wildlife Protection Law, the content is split into the general description, protection of habitats, administration, legal responsibility, and supplementary provisions. In Endangered Species Act, it also involves an overview, purpose of the legislation, interstate cooperation, implementation of legislation, penalties, protection of habitats, etc. The second method used in this paper is comparative analysis. Since the role, main content, purposes of these two legislations are highly similar, while the government's policies and objectives are different, these two legislations have comparability. By comparing two cases, the differences are apparent and can be assessed for which one is better.

3. CURRENT CHALLENGES AND PROBLEMS IN WILDLIFE PROTECTION LAW

3.1. objective

One of the key thoughts of the Wildlife Protection Law is to protect natural resources and animal species from further human utilization and exploitation [3]. In wildlife Protection Law, one of the most important reasons for animal protection is the seek of human interest and benefits. There is always one deep-rooted core thought that with the government's proper administration, management, and supervision system, animal treasure can be rationally used for human activity and productivity. This guiding principle indicates the underlying reason for the existence of the legislation. Wildlife is considered as a valuable resource instead of living organisms. The core thought itself neglects the existence significance of animals outside of the value that humans place on them [3]. As a result, the motivation for policymakers is profit-oriented rather than animal-oriented. Therefore, the effectiveness of this legislation will become questionable when economic interests contradict environmental protection. Captivity of wildlife and endangered species farming is the production of such problematic guiding thoughts. In China, bear bile can be sold by different means. Some people buy legal traditional Chinese medicine made from captive bears. While there are also some people who purchase bear bile from illegal traders who take bear bile directly from the gallbladders of wild bears. In the Chinese traditional medicine area, bear bile is believed to solve eyes diseases and liver illnesses, and it is sold for very high prices, which provides traders considerable revenues and motivation to continue their business. The technique used to extract the bear bile is cruel and will cause unbelievable pain to bears physically and psychologically [5]. In wildlife Protection Law, bear bile farming is legal and permitted by the government since bears are under the second category of protection, which means the local government has the right to offer permits to bear bile traders. In this case, when the monetary interest contrasts with animal protection, people will no doubt choose their own benefit. Even worse, the main objective of Wildlife Protection Law is protecting animals for human usage also provides a protective umbrella for those traders and even indirectly encourages more bear bile trade.

3.2. Ownership of animal resources

The revision draft of Wildlife Protection Law, October 2020 stated that "Wild animal resources shall be owned by the state. The state safeguards the lawful rights and interest of organizations and individuals engaged in the protection of wild animals and related activities, including scientific research and captive breeding" [6] In article 7, local and provincial government should take the role of providing administration and management, regulating the animal trading market, setting plans for the utilization of animals, giving licenses for animal farming and habitat usage, and burdening the financial cost in compensating the business activities that are negatively influenced in wildlife protection. The ownership stipulated in this law makes the objective of protecting endangered species hard to be achieved. First, there are no incentives for local governments to place wildlife protection as a priority [3]. Local governments are elected with the goal of improving economic growth,

ensuring employment rate, providing better social welfare, and enhancing citizens' happiness. They should create a society according to the ones they guaranteed to their supporters in the election. Thus, their top considerations and focus of work are mainly related to economic development. Maybe sometimes with the pressure from the national government, local governments will take some action. But this conservation is only limited to solving the most superficial and urgent problems instead of revising the flaws in policymaking and management effectiveness. Secondly, if the local governments shoulder the burden of conservation funds and compensation, government spending will significantly increase. The insufficiency and shortage of government budget will bring the local officials to the bay, and they will find excuses to delay paying for conservation fees or even curtail the government transfer payment in environmental protection. Some government directly states that with unsolved inequality in education, medical resources, employment, and human rights, wildlife protection shouldn't compete for the scarce financial resources. Humanity's welfare will be put aside and taxpayers will feel reluctant if they are informed that their money is spent on something with little direct relation to them. Thirdly, in Wildlife Protection Law, local governments are authorized to offer trade licenses and monitor the behaviors of businesses in following the government protection policies [3]. Penalties and subsidies are solely assessed and determined by the governments. For better operation and higher profits gain, corruption and bribery have a high potential to occur. From the government perspective, the more productive local businesses are, the higher the gross output will be produced, which further boosts economic growth. Government and business can gain mutual benefits when cooperating with each other, which further deteriorates the wildlife protection problem and weaken the effectiveness of the Wildlife Protection Law. Additionally, Since Wildlife Protection Law is a national-level guiding law, local governments will undergo a series of diffusion, adjustment, and contextualization to ensure the consistency of local law systems. The need for reinterpretation leaves space for local governments to set policies and carry out regulations by themselves [3]. When the Wildlife Protection Law is transmitted stage by stage, the original meanings and purposes of it are misunderstood and under executed, and inaccuracy and distortion take place.

3.3. Natural habitat protection

Degradation and destruction of animal natural habitats caused by increasing human activities are significant causes of wildlife problems and troubles governments for many years. Due to intense population pressure, more farmlands are needed to feed the people in China. Wetland, forest, and grassland are turned to be farmlands [7]. Farmers use fertilizers and chemical compounds to increase their productivity. The increasing concentration of some elements like nitrogen, potassium, and sodium destroys the balance of ecology. Genetic modification in agriculture and artificial plant species sometimes causes unpredictable negative consequences. Overgrazing of livestock and irrational exploitation of wild plant species even accelerate the infertility of habitats [7]. To better protect wildlife and endangered species, solving the land degradation problem is an indispensable step. In Wildlife Protection Law, chapter 2 reflects the attitudes and ways the Chinese government takes in solving habitat degradation problems. According to the law, the government should conduct some surveys to give supervision and evaluation on the ecological conditions of the habitat. They need to figure out the species that rely on the ecological systems, the main threats brought to those places, and make comprehensive plans to accurately solve the problems investigated. The law claims that government should build some national reserves based on research results, and have regular reflections on the impact brought by the implementation [6]. At the first glance, all statements in this chapter associated with habitat protection are necessary and make sense. But when carefully examining the content in these sentences, some undeniable problems can be detected. To be more specific, the exact measures and concrete actions needed, the predetermined factors should consider when assessing the protection outcomes, the benchmark to classify different levels of destruction and respective recovery solutions, and the time and technologies required to achieve protection purposes are not identified in the habitat protection section.

3.4. Animal trading

Animal trading is a business with high returns and low cost in developing countries whose legislative power in punishing illegal traders is weak. In some countries, animal products exports are one important income source. China is a country with a severe problem in regulating the market of tiger bones, rhino horns, pangolin scales, elephant ivories, and many other animal products made of endangered wildlife. The first barrier is eliminating the wildlife trade is the permission of selling animal products from captivity species. The Chinese government made a wrong decision and terrifies the problem. In 2018, China government changed the law to legalize the trading of captive tiger bones [8]. In revision 2020, article 30 claimed "Anyone utilizing wild animals and the products thereof shall primarily use captive-bred populations" [6]. China has a long history of using Traditional Chinese Medicine (TCM) in healing diseases, and almost 13% of the TCM is made of animal organs, tissues, and other important body parts [9]. Tiger bones are important components in the therapy of hemiplegia and some joints problems. So some pharmacy businesses devote a large amount of time and money to finding channels to purchase tiger bones and sell them to consumers after

medicine processing. When there are demand and supply, trade can happen. At the same time, China government's undermined attitude in prohibiting the trade of tiger bone indirectly encourages business to sell tiger bone or use tiger bone as its main ingredients, and send them a signal that utilizing captive animals is acceptable and permitted by legislation. The loophole in this law undoubtedly offers illegal traders an excuse to operate commercial animal trade on large scale. To cater to the huge demand in the market, tiger bone farming increases at an exponential rate and some traders shift their target to wildlife. In China, there is no such law aiming at protecting the welfare of captive species. Unlike in some developed countries, there is no complete system to guarantee the living standard and well-being of domesticated animals [3]. The second stumbling block in controlling the wildlife trade is the complex licensing system established by the Chinese government. In Wildlife Protection Law article 23, "hunting or catching activities ... shall be in strict accordance with hunting and catching licenses or his hunting licenses with respect to the species, quantity or quota" [6]. However, government departments responsible for issuing permits sometimes make decisions without thorough scientific considerations and evaluations. Consequently, licenses and permits are distributed in the wrong way [10]. The third factor that contributes to animal trading is the listing systems. Endangered species are classified into two categories with different threatened levels and penalties for violations [3]. Article 10 stated that "the state shall carry out wild animal protection according to grading and classification" [6]. Conservation for species in the first class will be more strict and meticulous, while the conservation for species in the second category will be rigorous. However, the list of endangered species has long been considered outdated and insufficient to reflect the current situation [3]. The list didn't make any difference since 2003 even though the total populations and statuses of endangered species have changed drastically. In the listing, only about 60% of local species in China are protected about 20% of the endangered species are not protected properly under the current listing in Wildlife Protection Law [10]. In China, the procedure for identifying endangered species and including them in the list is a complex process, and the change in the level of protection is always money and time-consuming. However, data collection and analysis is almost the most fundamental stage in policymaking and legislation enactment. When some problems appear in the laws due to mistakes in the listing, wildlife traders will seize the opportunity to utilize the flaws and magnify their interests. Even worse, the wrong listing will lead the government in a completely opposite direction and waste valuable resources in protection. Hence, the listing problem on Wildlife Protection Law is a timebomb that needs to be disposed of as soon as possible.

4. ENDANGERED SPECIES ACT IN AMERICA

Endangered Species Act is the wildlife protection legislation enacted by the American federal government. With the same status and importance as the China Wildlife Protection Law in terms of its authority and field of protection. Due to the difficulty in accurately measuring and judging the success of the legislation, Endangered Species Act is widely considered a controversial piece of law [4]. Regardless of the different voices toward it, Endangered Species still has a lot for Wildlife Protection Law to learn based on its success and failure of it. In the later part, the paper will examine the US government's attitudes and policies from the aspects in the above part, and make comparisons to show the distinct reactions when both facing endangered species problems.

4.1. Objective

As stated in Endangered Species Act, it "Provides a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species, and to take such steps as may be appropriate to achieve the purpose of the treaties and conventions outlined in subsection (a) of this section" [11] The objective of the Endangered Species Act is to protect the threatened species in living and surviving and the ecosystem these animals rely on. The ultimate expected ending for animals listed in Endangered Species Act is to be delisted and recover to a stable population level [12]. The objective is completely different in Wildlife Protection Law which is to protect wildlife from human utilization. With appropriate management, supervision, and regulation, animal resources and be effectively used. The different objective statements reflect the different attitudes of the government viewing this problem. Thus the following policies revolving around the core thoughts of this legislation place more attention and focus on the ways to wipe species on the name list and improve the current situation. For the Chinese government, more effort is needed to maintain economic growth and human benefit at the same time when protecting the species and ecosystems. It is not saying that the Chinese objective is less ideal since different countries have different national orientations and conditions. It is difficult for a developing country to place wildlife protection as a priority and ignore all economic impacts and cost when economic development and human welfare is the most urgent issues waiting to be solved. But the policymakers should always be aware that the current core thought in Wildlife Protection Law gives some incentives for animal exploitation, and the effectiveness of this legislation will be undermined. So if the Wildlife Protection Law can add more elements emphasizing the value of protecting

endangered species outside of human interests and natural rights for animal species to survive and thrive, the policies can achieve their real purpose of protecting endangered species more successfully.

4.2. Listing

The listing part of the Endangered Species Act is generally perceived to be mature. Based on the extent of being threatened, species on the list are classified as endangered and threatened. In each category, the name listed can be further divided into different levels, including the whole species, subspecies, or distinct population segments (DPS) of a subspecies. Each level of listing has particular strategies to precisely offer protection. The complex listing categories enable different strategies for different species [12]. The goal of legislation will be more effectively achieved if each problem can find an appropriate solution completely corresponding to it. Also, the species were chosen all base on the latest scientific research and data [12]. Advanced technologies are employed in the listing process instead of defining endangered species based on subjective factors. The scientific data and information are collected by both the public sector and private sectors. After data collection, experts working for the government will analyze the data and synthesize conclusions on the species whose population shows negative trends. The listing delisting and reclassifying is also a time-consuming project which needs petitions. Endangered Species Act clearly states the timelines in the petition process. The rigorous legislation also considers the protection of species staying on the waitlist yet hasn't been included in the list due to complex procedures [12]. The statuses of those species will even be examined at a higher frequency to ensure their safety. At the same time, the plans for future recovery will be projected in advance which is proved to be very effective in saving future costs and improving work efficiency in later protection [12]. Only listing the species is not enough to ensure successful protection. Unlike the Chinese Wildlife Protection Law, the listing in Endangered Species tries to avoid the problem of outdated and requires the government to check the status and situations for each endangered species at least once per five years [12]. After checking, the newest information on the species will be updated and acts as for benchmark for government to make decisions on changing protection levels, adding new species, or removing the recovered ones. Endangered Species Act points out that "The secretary shall develop and implement plans (hereinafter in this subsection referred to as "recovery plan") for the conservation and survival of endangered species and threatened species listed..." [11]. In the recovery plan, a detailing plan including planned time, finance, expected outcome, and practical management strategies should be created for each of the species listed on the legislation [12]. In the planning, policymakers should clearly identify the challenges and

difficulties faced by the species and foresee the future efforts needed. The recovery plans can actually be a good paradigm for the Chinese government. Currently, the listing process stops at claiming and recognizing the species in trouble without detailed and effective solutions, which means the policy executors will repeatedly stress the problem without giving concrete plans and reactions. Using the recovery plans as a reference, Wildlife Protection Law should also establish a system requiring plans following listing. Also, the Chinese government should renew the listing with higher frequency to keep the same path with a dynamic environment and species statuses. Problems should not only be found but also should be solved. With listing in higher reference value and plans with targeted goals and assessment criteria, Wildlife Protection Law can better achieve its existing purpose.

4.3. The state or local government

In Endangered Species Act, Secretary takes the central role in making the legislation and supervising the level of implementation. The distribution of responsibility and power strengthens the working mechanism that states cooperate and work together with the federal government taking the leading position. The Secretary signs two agreements with states, including a management agreement and a cooperative agreement [12]. In the management agreement, the reserves and space used for endangered species protection are supervised and regulated by the Secretary. In a cooperative agreement, the states will be monitored for whether they are using national funds properly to carry out some concrete reactions and whether they are conserving the species in the way they promise to. The Secretary has the authority to grant funds to local governments and relieve their burden in shouldering the high conservation expenses [12]. As analyzed in the former part, one important factor impeding local government from carrying out protection actions is the lack of sufficient funds. So when the economic benefit contradicts the wildlife protection, and conservation even generates more cost and imposes a heavier burden, the local governments become reluctant due to the lack of incentives and incapacity in affording the costs. But if the Chinese central government can initially share some responsibilities and provide some financial help, the relationship between the national and provincial governments will be altered. At that time, the two levels of government are no longer segmented. Instead, they can cooperate and together enhance the effectiveness of legislation [12]. Also, consultation is stressed in Endangered Species Act [12]. If there are any new decisions associated with protecting endangered species like purchasing privately owned lands for conservation purposes, the state government should state their plans and consult the federal government for approval. If there is any confusion about the legislation itself or there is a

demand for strong scientific and technological help, the state government can also do the consultation. Under such a system, every movement of the state is under the control of the federal government. Misinterpretation and mistakes caused by diffusion and local adoption are less likely to take place. The consultation regime is also created for closer cooperation between the Secretary and the states.

4.4. Habit protection

Designating critical habitat is a representative character of habit protection of the Endangered Species Act. In the legislation, critical habitat can be defined by the ecological environment that is occupied or unoccupied by endangered species and are necessary and fundamental resources for wildlife protection [12]. Until the end of 2020, more than 60% of the endangered species on the list have their own critical habitats [12]. The critical habitat can be considered effective to some extent since the benefit of endangered species is further guaranteed with the resources they rely on to survive, and the inclusion of habitat not instantly shown to be habitat for endangered species help to reduce the potential future difficulty and high cost. However, the problems in critical habitats are still apparent. Some critics argue that the establishment of critical habitats exposes the hiding place of endangered species to illegal traders and haunters. They are more likely to pay attention to those habitats and operate illegal business activities when there is a loophole. Also, the expenses for building such habitats are very huge, which will create more financial burden for the government [12]. Critical habitats' function in conservation is limited and restricted since the only species it can protect are the ones suffering from habitat destruction [12]. But for some species who are heavily harmed by illegal traders, the critical habitats will even have an adverse effect. So for the Chinese government, careful assessment and evaluation should be taken to see whether the critical habitat is a pragmatic solution and whether it is worthwhile for the government to invest a large number of funds just indirectly protect species through establishing habitat protection.

4.5. Trading

In controlling and regulating the animal trade market, Endangered Species Act is implementing legislation for the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). CITES is a treaty and agreement with 183 country participants. Members of this agreement should take the responsibility for implementing the agreement and include the requirements and goals in CITES to domestic legislation systems [12]. The listing for Endangered Species Act is different from the one in CITES. CITES divides the endangered species into three appendixes depending on the risk of extinction and level of over and illegal trading.

In CITES, the activities prohibited and the level of protection is stated. There is no executive department for CITES. So the member countries should develop their own policies and measures to achieve the goals and objectives claimed in CITES. The listings of CITES and the Endangered Species Act are similar and overlapping, but Endangered Species Act covers wider areas. Other than trading of animals and their products, Endangered Species Act also lists species threatened by other factors like habitat destruction, invasive species, and many other aspects, which means the listing will be stricter than that in CITES [12]. However, since America is not the main importer or exporter of animal products, the illegal trading problem is not that severe in America. Due to distinct country cultures and conditions, the section in Endangered Species Act regulating the trading activities cannot be instructional material for the Chinese government to improve on Wildlife Protection Law.

5. WEAKNESS OF ENDANGERED SPECIES ACT

Despite the advancing parts of the Endangered Species Act that China government can use for reference, the weaknesses and flaws still exist in this legislation. Wildlife Protection Law should consider both effective parts and drawbacks of the Endangered Species Act to create a relatively rigorous legislation amendment that fits Chinese national conditions. First of all, the listing system in Endangered Species Act is highly dependent on how long the species is listed [13]. The longer the species stayed on the list, the higher the possibility that species is going to recover. So if the Chinese government plans to have a similar listing system as Endangered Species Act, make sure that the species are listed long enough and measure their statuses at a more frequent level to ensure their stability before the species is delisted from the list. Other than the time, the funding for listed species should also be considered [13]. According to qualitative analysis, the listing system can only take function in the protection of these species when sufficient funds are invested in the recovery plans. Proportional funding is better than funding with a determined amount [13]. Without sufficient funds and budgets, the listing's effectiveness will be restricted to a great extent. The recovery plans designed to achieve recovery objectives should also be improved. After a long time of empirical practices, the recovery plans should be more focused on one particular species instead of covering multiple protecting objects [13]. The species listed can only be better conserved with a customized recovery plan that specially targets the problem that the species is undergoing. Also, in terms of habitat protection, the Endangered Species Act has some loopholes and negligence. For example, the designation of critical habitats will expose the living locations of endangered species and provides a map for the illegal traders and poachers [12]. The following regulation and protective safeguards are not clearly defined. The

management policies following the critical habitat establishment are especially important. Especially in China whose, the animal trading problem is severe, more systematic and strictly prescribed administrative and monitoring regimes should be established. At the same time, effective compensation systems are needed. To better carry out recovery plans on critical habitats, private landowners have to sacrifice parts or whole or all lands [13]. If they are not compensated fully, they will lose incentives and feel discouraged to protect wildlife and critical habitats [14]. In Endangered Species Act, critical habitats are defined as natural environments essential and necessary for endangered species protection. They can be either occupied or unoccupied by the species [12]. The definition of critical habitats indeed gives some criteria to determine whether some places can be regarded as critical habitats. However, the statement still includes some ambiguity and confusion [14], which save some places for local government to make decisions. So there may be other alternative standards to give a better definition of critical habitats and make the designation of critical habitats more objective and scientific. Thirdly, the complex procedures for listing are widely argued. It takes a long time for the Sectary to check the statuses of species and give approval for the listing [13]. After that long time, the candidate species have already turned to be endangered or even extinct. Improvement should focus on establishing a system that considers both giving accurate listing and lowering the time required to pass the audit. Despite the limitation stated above, Endangered Species Act can still be considered a valuable study material for Wildlife Protection Law to make improvements and does a better job to protect endangered species in China.

6. CONCLUSION

The Wildlife Protection Law in China and Endangered Species Act in America both take mainstay role in endangered species protection. Under the background of COVID 19, lawmakers in China should reconsider the effectiveness of the wildlife protection legislation and try to control the problems in the law as soon as possible. This paper reviews the main points that most criticisms target, and highlights the importance of cross country learning from other countries. As mentioned in the above parts, the main obstacles to China's endangered species protection are inappropriate legislation objectives, ineffective resources ownership, incomplete natural habitat conservation, and an unregulated trading market. After figuring out the problem, the actions of the American government in these aspects are examined. For example, its strengths in customized recovery plan, widely covered critical habitats, and sufficient central government's aid. Also, its weaknesses including ineffectiveness of listing, vague definition of protection policies, incomplete compensation systems, and complex listing procedure of

the Endangered Species Act are pointed out. The Chinese government can spend more effort carefully assessing what they can learn from the legislation in America and try to figure out a legislative mechanism protecting endangered species more effectively.

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