

Laws Of Wildlife Protection Through Negative Relationship of People and Wildlife

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Abstract. Animals need space to live freely in their natural habitats without undue human interference or encroachment. As human development expands, habitat loss is a major threat to animal survival and reproduction. It is important to maintain safe and undisturbed refuge areas in places of migration. In turn, humans need residential and agricultural space, and it is ultimately optimal for the two to remain undisturbed by each other. The problems of animals destroying crops/property and humans harming animals in conflict should be avoided as much as possible through preventive measures and non-lethal deterrents. Laws around issues like compensation, population control, and responsibilities help foster an organized, balanced relationship with defined roles for governments, farmers. Overall, a collaborative, planned approach respecting needs on both sides leads to the most harmonious and sustainable human-wildlife interactions long term. However, unchecked expansion also disrupts ecosystems and brings humans and animals into closer contact, raising conflict risks. However, unchecked expansion also disrupts ecosystems and brings humans and animals into closer contact, raising conflict risks.

Keywords: Law, wildlife, harm, relationship.

1. Introduction

With the continuous evolution of human civilization, human civilization has entered the era of industrial civilization. In the future, human civilization should continue to develop. Therefore, under the new form of human civilization, the harmonious coexistence of human and environment should be guaranteed [1]. Objectively speaking, after years of efforts, China has initially established specific law set of wildlife conservation. Through list management with administrative law enforcement, wildlife protection and biodiversity protection have made positive progress. However, with the people's new expectations for a better life and the acceleration of the construction of ' Beautiful China ', some deficiencies in the legal system of wildlife protection have gradually been exposed [2]. People were taught that they could get compensation for damages by wildlife, as the law says. But the real problem is, how to protect crops and properties and not harm the animals was not mentioned in laws. The old ways are not practical now and might hurt those animals. People can figure out certain methods by knowing the animal's habit and their wants when they attack properties and crops. Interviewing farmers and local people who had experience of being harmed by wild animals, checking in the actual status in the field and design methods and try if they can work. Instead of trying to have fences and Sentinel positions that cannot cover the whole area, we try to understand how the warning system of the animals and try to scare them back by scents that they don't like.

2. Theory part

2.1. The scent theory

Main aim of warning animals is to depend wild animals developed olfactory system, take boars as an example, they can smell and find out food possibly 11 kilometers away, which is 2000 times stronger than humans and 2 times stronger than trained dogs. That's why people can assume that it can detect enemies far away, and since the boars are one of the species that damage crops commonly

in middle parts of China since 1200B.C., people have more understanding and knowledge about preventing the boars from invading the field by placing iron and metal things around the field.

2.1.1 Species on research

Normally, farmers in the middle part of China, here as the sample of Sichuan province, The Old Creek Reserve mainly have 2 kind of revenue sources, corn and artificial bee hives that produce honey. Accordingly, 2 kinds of animals damage them, wild boars and bears.

2.1.2 Special Characteristics

Because of using significant times of method of placing iron, boars and bears are now not afraid of iron things and had bring damage to properties for years, total damaged properties estimated per year can reach 600,000 RMB, and for the least can still reach 300,000 RMB (accounted from the Old Creek reservation, as a size of 4~5 villages).

2.2. Authentic Proof analysis

2.2.1 Experiment design

Different from on scents mentioned before, bears have more sensitivity to hearing than boars, and are especially weak in eyesight. Previous methods to stop bears from invading the beehive garden is for farmers to go on sentinel position and stay up all night to warn the bears. Since people discovered that bears have especially strong sensitivity on hearing, Infrared alarm device is a good choice. It is not limited by the environment, which means that it can be place between any two trees and can possibly stay ready for weeks. They can make loud noise too, which actually scared off the bears.

While bears have the method to apply, boars also have a special point that we can aim on. That is, bears are the predators of boars, and bears have strong territorial mind, if boars accidentally enter a certain bear's place, the bear will try to get boars out of their territory or kill them as food. And because they both use scent to communicate and survive predators, people can mimic the scent of certain bear and place clothes with the scent around the corn field to prevent the boars from coming in.

2.2.2 Results

Farmers and the manager of the Old Creek reservation had done this experiment, they reported the 2 results. The first result is from the bears, in the first week after they placed the device around the beehive garden, bears successfully triggered the alarm and got scared away, as the farmer on the sentinel position described. But people underestimated the intelligence of bears, they quickly realize that the alarm is just loud but don't have any harm, they continuously try to steal honey, though the farmer on duty stops them. Besides, the experiment on boar has no process. To mimic the scent, people have to use the wood that the bear had to make scent marks to sign their territory and placed them around the field. As expected, people cannot destroy the trees to just get the scent of bears, the plan failed in finding alternatives of the special wood.

3. Afterward research of legal expressions

3.1. New changes of protection law of wildlife in China

As the new law in 2023 comes out, researchers discovered that the government have realized that the harm by protected wild animals is nonnegligible. Seen in the Wildlife Protection Law of China:Article 19 Compensation is given from local government for casualties, crop or other property losses caused by the protection of wild animals protected by this law. The concrete precautions will be formulated by the people 's governments of provinces, autonomous regions and centrally administered municipality. Associated local departments can promote safety agencies to carry out wildlife damage compensation insurance business.

Local governments in relevant areas are responsible for putting in place strategies to stop and handle any damage made by national key protected wild animals and other terrestrial wild animals that cause serious harm, and the funds needed for compensation should be subsidized by the highest administration. The specific measures shall be formulated by the financial department of the State Council in conjunction with the wildlife protection department of the State Council. In an emergency situation where wildlife endangers personal safety, if measures are taken to cause wildlife damage, it shall not bear legal liability according to law [3].

In view of the actual problems such as the harm caused by wild animals in some places, the relevant system measures of population regulation and control are refined, and it is clear that governmental department in charge of wildlife protection at the local level at or above the county level can adopt population regulation and control measures such as ex-situ protection and hunting for species whose population quantity obviously exceeds the environmental capacity according to the investigation, surveillance and appraisal of wild animals and their habitats. Specific measures for population regulation and control are established by the wildlife protection department of the State Council in conjunction with the applicable administrative organs to prevent the possible harm caused by wild animals to the people.

3.2. Relationship between laws and human and animal activities

The original purpose of setting the laws while protecting and killing wild animals may seem controversial. In the construction of the legal system for wildlife protection, legislation is in the primary position. Scientific and reasonable laws and regulations are important prerequisites for orderly wildlife protection. For this reason, Xi Jinping's thought on ecological civilization should be used as a guide, and the legislative principles of ecological priority and prevention should be adhered to, so as to improve the Legislation and rules on wildlife protection in order to establish a systematic legal system for wildlife protection. First, adhere to the principle of ecological priority. In the process of economic and social transformation, the scope of people's production and life is expanding, which affects the habitat of wild animals, coupled with the excessive consumption of biological capital and degradation of the natural world the survival of wild animals is threatened. Therefore, in wildlife protection, we should correctly deal with the relationship between economic interests and ecological environmental protection, when the two are in conflict should first consider ecological environmental protection and guide the revision of laws and regulations involving wildlife protection with the idea of the community of life between human beings and nature, so as to promote the better protection of wild animals and the better maintenance of ecological balance. Secondly, abide by the rule of anticipatory measures. The destruction of the ecological environment, the extinction of wildlife species and the loss of biodiversity will have serious consequences for the functioning of the ecosystem. In view of this, in the process of wildlife protection, the precautionary principle should be infiltrated into the relevant laws and regulations, so as to prevent ecological damage, species extinction and other problems in a timely manner before they occur, and to foresee and appraise the total consequences that executing the intended course of action may have for the preservation of wild animals and the environments where they reside [4]. Therefore, it's not hard to see that relationship between human and animals need the peace brought by the strict law, though it is for better protection of the earth.

3.3. Department pays the bill

Little heading away from the main idea, researchers focus back on the harm of wildlife animals the compensation in law. First, the department which shall pay compensation to the victims, which is the question of the obligatory authority for compensation of wild animals. In civil litigation, due to the main possessor of wild animals for wild animals or domesticated breeding farms, etc., from the practical point of view, most of them are practicing independent economic accounting, so the obligation to pay compensation for the main wildlife parks or other wildlife possessors, operators. In the administrative compensation litigation. China's "wildlife law," although article 3 of the wildlife

resources belong to the state, but in the "wildlife law" of article 7 is a clear authorization; "the state council forestry, fisheries, administrative departments in charge of the national terrestrial, aquatic wildlife management, provinces, autonomous regions and centrally administered municipality forestry department in charge of the administration of inland wildlife in the administrative region. Management". Therefore, the author believes that the administrative compensation lawsuit of terrestrial wildlife damage to the State Forestry Administration and the provinces, autonomous regions and municipalities directly under the Central Forestry Bureau of aquatic wildlife damage to the compulsory compensation for the fisheries authorities.

3.4. The proof of guiltless

On the issue of burden of proof, since wild animals are dangerous and ferocious by nature, the establishment of the burden of proof, whether in civil or administrative proceedings for damage caused by wild animals, should focus on the protection of the interests of the victim, in line with the modern concept of human rights and the rule of law. Therefore, in both civil and administrative litigation, if the possessor-manager of the wild animal cannot prove that the damage was caused in whole or in part by the fault of the victim, the intention or negligence of a third party, the consent of the plaintiff or the victim's own risk, then it is presumed that the possessor-manager of the wild animal bears the risk of losing the lawsuit.

There are also circumstances where wildlife was harm or hurt in the name of threatening human life, that is when the manager of the wildlife was asked to compensate the victim without doing illegal things. It relates to 3 ways to prove the manager is not sinful: Fault of the victim. According to the British Animals Act of 1971: "The owner of a wild animal is not liable if the intrusion is due to the fault of the victim." Article 127 of China's Civil Code states: ... If the damage is caused by the fault of the victim, the keeper or manager of the animal shall not be held civilly liable." At the same time, the victim's fault includes both intentional and negligent, such as teasing monkeys when being scratched, in the safari park without authorization to get off. From another point of view, the victim's fault can be divided into two kinds: one is the victim's fault for animal damage to the front cause, that is, the victim should have avoided the results of animal damage, but due to their own intent or negligence and failed to avoid, such as the victim's intrusion: two is the victim's fault for animal damage to the subsequent cause, that is, the victim was injured by animals, did not take the necessary measures to cause the injury to deteriorate. Whether the cause is prior or subsequent, intentional or negligent, it can be the cause of total or partial exemption from liability for the animal operator or possessor. The victim's fault whether in the civil or administrative litigation of wildlife damage is indisputable all or part of the defense. The willfulness of the third party. Due to the third party's fault caused by the damage, the third party shall bear civil liability". The third party's fault includes both intentional and negligence and in judicial practice, mostly negligence. From the causal relationship, mostly refers to the positive behavior of the third party is the animal damage to the antecedent cause. In the administrative litigation of wildlife damage, due to the third party's fault behavior and cause the wildlife frightened and lead to the victim suffered losses, is also the wildlife possessor's defense.

Consent of the plaintiff and the victim's self-inflicted risk. According to Section 5 of Chapter 6 of the Animals Act 1971 of the United Kingdom, the plaintiff's consent to the entry of animals onto the land or the victim's willingness to take risks is an absolute defense. In the author's opinion, this defense is worthy of our reference. Also, the definition of the manager of the wildlife is considerable, so that the real situation when animal do harm is different.

In judicial practice, due to the survival of wild animals or different possessors, the nature of the legal responsibility is also different. For the survival of wild animals in zoo breeding farms or wildlife parks caused by other people's personal property damage, due to the wild animals of the right of possession, the right of management of the zoo breeding farms or wildlife parks, and wildlife breeding more than the wild, so the legal responsibility arising from this is a civil legal responsibility. For wild animals living purely in the wild, wild animals living in the national nature reserve, because of its possession right belongs to the state. The principle of "if wild animals hurt people, the state pays the

bill" should be established, i.e., the state bears the administrative legal responsibility. By a person or a group of people in possession of the wildlife and then was "released" because of its complete separation from the original possessor, back to nature, "possession" has been transferred to this type of wildlife should be attributed to the pure survival of wildlife in the wild, and its legal responsibility should be administrative legal responsibility. This kind of wild animals should be classified as pure wild animals surviving in the wild, and the legal responsibility arising from it should also belong to administrative legal responsibility. According to the lawfulness of public behavior administrative liability is divided into administrative compensation liability and administrative liability. So, does the damage caused by wild animals belong to administrative compensation liability or administrative liability? Article 14 of China's Wildlife Protection Law states that local governments are required to provide compensation for damages to crops or other property resulting from the conservation of nationally or locally designated protected wildlife species". "State compensation is an effective way to both protect the living space of wildlife and to bring relief to people's violated rights"[4-10].

4. Conclusion

Maintaining a good relationship between humans and animals is very important, and the support of law plays a key role in achieving that. Laws play many roles in the coexistence of human and animals. Rather than seeing animals and humans as totally separate, laws facilitate recognition that mutual coexistence is needed within shared environments and resources. Having the force of law gives authorities powers to intervene in serious conflicts, enforce deterrents, or take action against illegal behaviors disrupting the relationship, such as illegal hunting.

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