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Annex 2: Description of selected sites

Note: 1 Mu = 0.067ha

1. Wild Rice in Jinghong City, Yunnan Province

The project site is situated in Mannan village, the suburb of Jinghong City where the topography is flat. The geographic position is 100°25'E and 21°27'N with the altitude of 500 m. The site is 8 kilometers from Jinghong city and close to the Jinghong airport. The soil is fertile and fit to tropical crops such as rice, rubber, sugarcane, fruit, vegetables and so on. According to the investigation in 1980, wild rice could be found nearly at everywhere around the rice field. Since the rural economy was gradually developed, the continuous demand to the land made most wild rice distribution area has sharply decreased. At present, only one wild rice field in a pool near the wall of the airport was found and wild rice is sporadic. The total distribution area of wild rice is about 40 Mu.

There are 98 families in Mannan Village with the population of 446. The arable land area is 1030 Mu, with the average 2.31 Mu per capita. Since the population is small and the land area is large, farmers are mainly engaged in agriculture, and only 2 persons go out to cities to earn their lives. The main crops in Man Nan are cereals and some cash crops. The main food crop is rice, and the cash crops are tropical vegetables and rubbers. Because of the humid climate, high temperature and adequate sunlight, farmers can work in four seasons and they can obtain high agriculture production. Besides plantation, husbandry is also the main resources of income, mainly including fishing and feeding of cattle, sheep, pigs, chicken and duck. The gross revenue per capita is 2300 RMB per capita in 2004.

With the development of the rural economy, wild rice in Jinghong City faces several threats at present. First of all, the wild rice distribution field was once a fishpond. Because it is small and there are some large ponds nearby, farmers used other ponds for fishing first. However, as the expansion of farmers' fishing plan, they would enlarge this fishpond and meet their need for fishing. In this case, the wild rice distribution pond may be destroyed someday. Secondly, husbandry raising is an important part for increasing farmers' income. More and more cattle and sheep need more forage and farmers focus them on wild rice which is regarded as good forage and over grazing would be another key threats for wild rice. Thirdly, during the modernization of agriculture, the extension section of the county agricultural bureau encourages farmers to use herbicides to eradicate weeds in rice fields. However, after farmers finish applying herbicides in rice fields, they usually give up the residues of herbicides in anywhere outside rice fields. Therefore, the residues of herbicides may cause the death of wild rice near rice fields.

2. Wild Rice in Danzhou City, Hainan Province

The original wild rice area in Danzhou City is located in Xixia Village, Sandu town. The geographic location is 19°10'N and 108°56'E with the altitude of 60 m. There are about 150 Mu of wild rice distributing area. Most of wild rice grows in the arid and abandoned fields near a large irrigation canal. Because the soil is volcanic ash black-mud, it is rich for organic matters and good for wild rice growth. The weather in Hainan Province generally is divided into dry and rainy seasons. During the rainy season, wild rice are growing fast and maturing before the dry season comes. Wild rice in these fields is generally harvested for forage by farmers in rainy seasons and the underground stems of wild rice keep living in dry seasons. On the other hand, wild rice also distributes fragmentally on the shallow beaches along the irrigation canal, which stretches about 3 km. Whether the dry season and rainy season, wild rice on the beaches can grow very well. In order to maintain the irrigation ability of this canal, farmers often clean the canal by taking everything in the canal out. Though wild rice in the canal is dug out almost every time, the remaining roots and underground stems can make them grow later.

Danzhou city belongs to the monsoon climate in the tropics, the annual average rainfall is 1815 mm. The average temperature is 23.2℃ each year. The low temperature period is from Jan. to Feb. with the lowest temperature of 4℃. There are 936 people in Xixia Village with the arable land area of 12253 Mu. Except for growing the main food crops such as rice, farmers also planting vegetable varieties such as watermelon and capsicum and so on, which possess the very significant position of the economic income in the village. The candidate site is close to the city, the traffic and communication facilities are very well. Besides culturing the land area, farmers also engage in the transportation, trade and food process. Moreover, at least 28 families in this village are raising young shrimps and are very famous for shrimp breeding in Hainan Province. Therefore, farmers in this village are rich, the average net income per capita reached 2293 RMB in 2004.

Though wild rice in Xixia Village is abundant and grows very well, there are some main threats to them in the near future. The farmland and water conservancy project planned by local government is to harden the irrigation canal. If the plan is carried out someday, wild rice resources along the channel will be damaged. Because local farmers have the tradition of cattle and sheep raising with no solid isolation, over grazing by cattle and sheep is also one kind of the main threats for wild rice in the area. In addition, the demand of land area for shrimp breeding may also take the wetland along the channels where some wild rice resources scattered.

3. Wild Rice In Zhaoping County, Guangxi Autonomous Region

This candidate site is located in Panshi Village, 70 km from the capital of the county and 8 km from the township. The geographic position is 23°39'N and 110°34'E with the altitude of 170 m. The species of wild rice in this area is *Oryza officinalis* which distributed about 4 Mu but covered more than 60 Mu land area where there are several paddy fields. Along the paddy fields, the quick growth trees are all over the slopes. These trees were planted several years ago and may be harvested in two or three years. According to the local farmers, the shallow field of the valley was occupied with dense wild rice before 1950s. Wild rice grew exuberant with its accompanied grasses. some of them could be 2 m or more. Because wild rice and accompanied grasses are the most excellent forages for livestock, farmers constantly drove their livestock to the valley for foods or harvested them for dry seasons. During 1950s, farmers trooped together to fell the original forests in the mountains and caused the loss not only the forests but also the habitats of wild rice. Therefore, the remaining wild rice is only a small part of the original resources.

The candidate site is characteristic of tropical climate with complex natural conditions such as abundant rainfall, high temperature etc., which suitable for the growth of wild rice. The population of Panshi village is 2523 farmers with 109 hectares of rice fields and 61 hectares of dry fields. The main food crop is rice with some maize, potato and food legumes. The main economic crops are medicinal plants and fast growing trees. Because of the bad transportation, there is no factory in this village. The farmers earn their life mainly by cropping and livestock raising. The average income is only 1337 YMB per capita. Moreover, the mountainous land area made the villagers receive less education and lack of information. Only about 85% children at the school age are studying in the school. The proportion of the semiliterate and the illiterate is high for adults, and the majority is women. In summary, the village is still in poor and mainly remaining traditional life ways.

At present, local people are mainly work on farming and maintaining the traditional farming systems. As the increase of population, the demand of arable land area is also increasing. Because the habitats of wild rice are suitable for planting rice, farmers are willing to plant rice in the wild rice habitats. The conversion of wild rice habitats is becoming the most dangerous issues for the disappearance of wild rice in this area.

The second threat to wild rice in this area is from the harvesting of fast-growing economic trees on the hillsides near the candidate site. Whenever the forests are felled, the trunks will be rolled down the hills. As a result, the habitats of the wild rice may be damaged greatly.

4. Wild Soybean in Tongbai County, Henan Province

The candidate site is located in Huaiyuan town of Tongbai County in Henan Province. The geographical position is 32°20'N, 113°09'E with the altitude of 270m. Belonging to the intermediate zone from north subtropical to warm temperate regions, the annual mean temperature is about 15℃, the mean temperature in the coldest month is 1.4℃, with the lowest of -20.3℃, the mean temperature in the hottest month is 27.5℃, with the highest of 41℃. The precipitation is about 1158 mm per year. The soil type of the wild soybean distribution area is mainly brown soil and shows slight-acidic. The wild soybean grows on hillside, distributing about 40 ha. In the region of wild soybean distribution area, the main vegetation types are secondary bushwoods. Wild soybean of this site that mainly grows with weed and underscrub has diverse biological characteristics, there are different types of leaf shape, leaf size, 100-seed weight et al.

Because the climate and environment are fit for many kinds of crops in this area, rice, wheat, peanut, tea, various vegetables can be seen in the village. However, the planting pattern is mainly focused on traditional ways of food crops and cash crops. Most local people live on planting crops and raising animals. About one third of the village labor forces leave for big cities such as Beijing, Shanghai, Guangzhou to make more money. Tongbai is one of the poverty counties in Henan province, people hope to improve their living standard, but the lack of knowledge, information, technology keeps them still in poverty.

Many factors are harmful to the survival of wild soybean in this candidate site. The general factors are similar to other places, such as feeding cattle and poultry, overgrazing, agricultural encroachment, gene exchange with cultivated crops, herbicide, pollution, and potential GMO crops. Moreover, wild soybean in Tongbai county is facing more dangerous threats. For instance, more and more fast-growth poplars and bamboos are planted in wild soybean distribution area, two or three years later, wild soybean may be affected seriously by shading from the poplar and bamboo. This is the main harmful factor to the survival of wild soybean in this area.

5. Wild Soybean in Bayan County, Heilongjiang Province

The candidate site is located in Fujiang town, Bayan County in Heilongjiang Province, and its geographical position is 46°02'N and 113°09'E with the altitude of 117m. Belonging to the temperate zone with continental monsoon climate, the annual mean temperature is +2.6℃, with the lowest of -40.9℃ and the highest of 35.4℃. The average precipitation is 582.2mm for many years. The soil type of the wild soybean distribution area is black soil, and the layer of humus reach to about 20 centimeters, average organic matter amount is 3.7%, and pH value is 6.7. The wild soybean in this area is distributed in the firewood. It grows luxuriantly and centralized, distributing about 74 ha. In the region of wild soybean distribution area, wild soybean that mainly grows with weed and osier has diverse biological characteristics, there are different types of leaf shape, leaf size, 100-seed weight et al.

Bayan County is an agricultural county in a hilly section, where cultivated crops are soybean, maize and rice. The average arable land for each person is 3.9 Mu. The planting pattern is to cultivate rice and soybean in turns in two years. The planting area includes 16800 Mu of food crops, 1500 Mu of vegetable, and 3196 Mu of cash crops. The local village people also raise livestock to earn more money. The total income is 2400 RMB per capita. Most local people live on planting crops and raising animals. According to our investigation, about 10% of the village labor forces leave for big cities to earn their livings each year.

One of the most important potential dangerous factors affecting the survival of wild soybean in this place is the process for harvest of the firewood forests. If transportation facilities enter into the firewood forest during harvest, they will seriously affect the growth of wild soybean. Except for this factor, many other factors are also harmful to the survival of wild soybean in this candidate site, such as man-made damage, animals grazing, agricultural encroachment, gene exchange with cultivated crops, herbicide, pollution, and potential GMO crops.

Reasons leading to these dangers are as follows. First of all, some farmers have little knowledge about wild soybean and little awareness of protection of wild relatives of crops; Secondly, most ranchers have habits to feed their livestock freely in wild soybean land; Finally, with the increasing population and decreasing land resources, reclaim wilderness is one way for farmers to make money.

6. Wild Soybean in Longjing City, Jilin Province

The site is situated at Laotougou Town, Longjing City, Jilin Province. The geographical position is 42°21'N, 128°56'E. The climate is warm and humid in summer but cold and dry in winter, with the annual mean temperature between 6.8 and 8.7℃, and the average precipitation from 800 to 1200 mm per year. Wild soybean genetic resources in this area are distributed in the hillsides. They grow widely and centralized, distributing about 34 ha. In the region of wild soybean distribution area, the main vegetation types are secondary undergrowth and bushwoods. Wild soybean of this site that mainly grows with weed and underscrub has diverse biological characteristics, there are different types of leaf shape, leaf size, 100-seed weight et al. The unique characteristics of wild soybean in this site is that they have white flowers which haven't been found in other places.

The planting pattern of Longjing City is obviously complicated. There are food crops and cash crops planted in this area, such as rice, soybean, fruits, vegetables, mushrooms, medicinal plants, et al. Most local people live on planting crops and raising animals and medicine processing, and the living standard of this place is higher than most rural areas in China.

The main problem of this candidate site is caused by the development of stockbreeding and production of medicine plants. In this area, stockbreeding is regarded as an important economic supporting industry. It is a large-scale industry, which could make destructive damage to wild soybean. Moreover, farmers here have advantages to plant medicine plants and process the medicine materials, they may take the habitats of wild soybean as medicine planting fields due to the limited arable land. Except for these factors, many other factors are harmful to the survival of wild soybean in this candidate site, such as man-made damage, agricultural encroachment, gene exchange with cultivated crops, herbicide, pollution, and potential GMO crops.

7. Wild Relatives of Wheat in Yanchi County, Ningxia Hui Autonomous Region

The site under the survey was Dashuikeng Village, Yanchi County in Ningxia Hui Autonomous Region, which is located in the east of Ningxia Hui Autonomous Region. The geographical location is 106°56'E and 37°27'N with 1544 m above sea level. The topography is foothills. It was a typical transitional belt from grassland to dry land area, which was characterized by its flat terrain and good vegetation. The main species of wild relatives of wheat is *Agropyron mongolicum*. The total distribution area is around 1,000 Mu. It is of typical temperate zone of continental monsoon climate. There is less rain but more wind all the year round, and the weather is extremely dry. Usually, there are lots of strong windstorms, which often cause disasters for local people.

In Yanchi County, there are some species of wheat wild relatives such as *Agropyron cristatum*, *Agropyron mongolicum* and *Leymus*, *Roegneria*. *Agropyron mongolicum*, which belongs to Triticeae of Gramineae. As fine vegetation with strong adaptability, they can provide desirable genes for pasture improvement and domestication, and they are of great economic value and scientific research significance. In Yanchi, *Agropyron mongolicum* grows in the dry grassland, sand and gravel land; It is endurable to infertile land with highly developed roots and can be used for the prevention from and control of windstorm and water and soil conservancy.

There are 368 families with the total population of 1432 persons in the Dashuikeng Village at the Dashuikeng Town. The total number of laborers is 547 people, of whom 428 are agricultural farmers, which accounts for 78.2% of the total laborers. Of the total population, 30 people at the age of 50 or below are illiterate, which accounted for 2.4%. The total area in the village is 13500 Mu, of which 7285 Mu are arable land, 5.1 Mu per capita on average. The types of cultivated land are all dry land. The agricultural structure in this village is characterized with grain crops, oil crops and some cash crops. The husbandry is mainly focused on Tanyang sheep (a kind of aboriginal variety) raising, and the sheep is generally raised in enclosed fences. The total income per capita is 636 RMB. Farmers are still in poor.

Because wild relatives of wheat generally grow in grassland in northwest part of China, the climate is dry with little precipitation. Therefore, natural disasters such as drought, sandstorm and windy weather frequently occur are the main threats to wild relatives of wheat there. Secondly, due to the reckless cultivation, reckless herding, excessive exploration and long time wind erosion, desertification of most grassland is serious. Generally, the layer of grass is 10-20 cm with the coverage of 35%-50%. Furthermore, because of over herding and trampling by cattle, gnawing by wild rabbits, marmots, mice and other wild animals, as well as the deteriorating climate condition, wheat wild relatives are confronted with the unprecedented destruction of their habitat.

8. Wild Relatives of Wheat in Wulumuqi County, Xinjiang Autonomous Region

The candidate site is located in Zhongliang Village, Banfanggou Town at Wulumuqi County. The geographical location is 87°20'E and 43°30'N. It belongs to the temperate zone of continental dry climate. The main species of wild relatives of wheat in this area is *Eremopyrum orientale* which belongs to *Eremopyrum* of Gramineae. Because wild relatives are distributed in the slopes with the gradient of 15-30°, the soil is gritty with low fertility and organic substances. The temperature ranges from 6°C to 35°C with the lowest of -28°C. The annual average precipitation is about 400 mm. The ecological system is composed of dry and semi-dry foothills, plains, and hills with a certain degree of humidity.

There is one village committee in Zhongliang Village at Banfanggou. This village has 427 families with a total population of 2,300. The total number of laborers is 995 people, of whom 895 are agricultural laborers and 100 work on fishing. In addition, 125 people work outside the village. The farmland is about 12,000 Mu, with the average of 3.5 Mu per capita. The planting crops are mainly focused on grains and vegetables. The cash crops take about 50% of the arable land. Because of the development of cash crop planting and cattle raising, farmers in this village is relatively rich. The total income per capita in 2004 reached 3691 RMB.

Due to over herding in the past several years, *Eremopyrum orientale* has dramatically reduced compared with those of previous years. The weak awareness of protection of local government and farmers and incomplete implementation of relevant policies, regulations and laws, wild relatives of wheat are only recognized to be excellent forage for livestock. As the development of livestock in the village, the wild relatives of wheat are now distributed in sporadic status. More importantly, wild rabbits, marmots, mice and other wild animals are now becoming disasters to the local farmers. They propagate very quickly and the

populations become bigger and bigger. Their increasing needs for food resulted in the decrease of grassland and therefore wild relatives of wheat become less and less.

Annex 3: Matrix of legal instruments and their shortcomings

Title	Type	Administrative organization	Shortcomings
<p>Constitution of the People's Republic of China [Dec., 1982]</p>	<p>Law</p>	<p>Enacted by the National People's Congress</p>	<p>The Constitution defines the state ownership of the natural resources, such as mine, forest, grassland, river and wild land as well as the state obligation to protect precious plants. Yet, not the same as the clear definition of the state ownership of wild animals in the Law of Wild Animals Protection, in the Regulation of the People's Republic of China on Wild Plants Protection enacted by the State Council, the ownership of wild plants isn't clearly defined, which directly leads to the lack of legal basis for wild plants protection and utilization restriction. Therefore, it is suggested that the Law on Wild Plants Protection should be formulated, explicitly prescribing the ownership and access of wild plants.</p>
<p>Criminal Law of the People's Republic of China [Oct., 1997]</p>	<p>Law</p>	<p>Enacted by The Standing Committee of the National People's Congress</p>	<p>The Law sets corresponding charges to illegal mining, illegal occupation of arable land, illegal felling of trees, damage of precious trees, illegal catching of aquatic resources, precious or endangered wild animal hunting, acquisition and selling, or smuggling of rare plants and relative products etc., from the prospective of national obligation to protection public resources, however, the damage or illegal export of terrestrial wild herbaceous plants and aquatic wild plants as well as their propagation materials isn't included in the regulating scope of the Law. Thus, during the law enforcement for wild plants protection, only the administrative penalty can be given to punish the behavior to damage or illegally export the wild plants or their propagation materials except the forest and rare tree species, which is unfavorable for striking the damage of agricultural wild plants by means of criminal penalty. Therefore, it is suggested increase of terms prescribing that the behavior leading to seriously damage or threat to the safety of wild plants should be prosecuted for the criminal responsibility.</p>
<p>Environmental Protection Law of the People's Republic of China [Dec., 1989]</p>	<p>Law</p>	<p>Enacted by The Standing Committee of the National People's Congress. State Environmental Protection Administration conducts unified supervision and management of the environmental protection. The competent administrative departments of Land, Minerals, Forestry, Agriculture and Water Resources, in accordance with the provisions of relevant laws, supervise and control the protection of natural resources.</p>	<p>The Law is a fundamental one of environmental protection in terms of protection and management of environmental elements like atmosphere, soil and water etc. and prevention of environmental pollution. The concern of wild plants and their original inhabit environment mainly reflects in the Law as follows: (1) counting clearly wildlife as an environmental element protected by the Law; (2) requiring the People's Governments at all levels to establish nature reserves at the natural distribution areas of rare and endangered wild plants; (3) indicating the People's Governments at all levels to strengthen agricultural environmental protection, to rationally use fertilizers, pesticides and auxin, and to prevent vegetation destruction and extinction of species.</p>
<p>Forestry Law of the</p>	<p>Law</p>	<p>Enacted by the Standing</p>	<p>The Law is national law regarding forest operating control, forest protection, forest</p>

<p>People's Republic of China □ April, 1998□</p>		<p>Committee of the National People's Congress State Forestry Administration is responsible for management of forest-related affairs.</p>	<p>harvesting and plantation management. The following terms apply to the protection of wild plants: (1) The competent administrative department of forestry of the State Council or the People's Governments at the provincial level should establish nature reserves at the typical forest ecotopes, forest regions and natural tropical forest where the rare plants grow and propagate; (2) The plant resources with particular value in the forest regions should be carefully protected and not be gathered without permission. It needs to be noted that the regulating object emphasized in the Law is natural or artificial forest resources.</p> <p>The Law is formulated in regard to the management of the planting materials or propagation materials of crops and forest. The Law defines that the state protects the germ plasm resources including propagation materials of wild species in accordance with the laws, no individual or organization shall encroach and damage the germ plasm resources, and gathering or cutting of the national key protected natural germ plasm resources is prohibited; it also prescribes that the state possesses the ownership of the germ plasm resources, and any individual or organization who provides germ plasm resources overseas should be approved by the competent administrative department of agriculture and forestry of the State Council. The Law is the supreme specialized law of the current legislation of China, in terms of protection of biological genetic resources. However, as a law enacted by the National People's Congress, the punishment defined in the Law for the behavior restricted or prohibited as required above remains just the administrative penalty. No robust means of criminal penalty is stipulated in the Law regarding the behavior to damage or illegally export the germ plasm resources of wild plants of key significance to the nation and makes the national economic interests or biosafety suffer a serious loss.</p>
<p>Seed Law of the People's Republic of China □ Dec., 2000□</p>	<p>Law</p>	<p>Enacted by The Standing Committee of the National People's Congress State Agriculture Administration is responsible for management of crop seeds-related affairs. State Forestry Administration is responsible for management of forest seeds-related affairs.</p>	<p>The Law is a national law regarding grassland ownership as well as the programming, construction, employment and protection of grasslands. In terms of protection of grassland wild plants, the Law directly formulates: (1) the grassland as a natural habitat of national key protected plants should be identified as the basic grassland area for management; (2) the competent administrative department of grassland should establish grassland nature reserves at natural distribution areas of rare and endangered wild plants. Thanks to the dependence relationship between the wild plants and grassland, the terms about the introduction, grazing prohibition, cease of grazing, rotation grazing and prohibition of grassland exploitation etc. also apply to the living environmental protection of grassland wild plants. The Law reiterates the state ownership or corporate ownership of grassland of different regions. But according to the classification of lands in the Law of Land Administration of the People's Republic of China, grassland (or pasture) is only one of the land types, so the identification of grassland ownership doesn't mean the identification of grassland wild plants.</p>
<p>Grassland Law of the People's Republic of China □ Dec., 2002□</p>	<p>Law</p>	<p>Enacted by The Standing Committee of the National People's Congress State Farming and Animal Husbandry Administration is responsible for management of the affairs concerning the grassland.</p>	<p>The Law is a national law developed regarding standardized management of agricultural production operating system, agricultural production, agricultural product circulation and processing, food safety, agricultural input, protection of agricultural</p>
<p>Agriculture Law of the People's Republic of China</p>	<p>Law</p>	<p>Enacted by The Standing Committee of the National People's Congress.</p>	<p>The Law is a national law developed regarding standardized management of agricultural production operating system, agricultural production, agricultural product circulation and processing, food safety, agricultural input, protection of agricultural</p>

<p>□ Dec., 2002]</p>	<p>resources and agricultural environment, protection of peasants' rights and interests as well as development of rural economy. In terms of wild plants protection, the Law not only stipulates that the forest, grassland and wild animal and plant resources must be protected during development of agricultural production and rural economy, but defines that the state should develop the mechanism for protection of agricultural biological species under key protection of rare, endangered and precious biological resources and their original habitats. It also regulates that the biological species imported must be registered and applied for approval in accordance with the laws.</p> <p>Obviously, the Law provides a fundamental legal basis for protection and management of agricultural wild plants, from the perspectives of protection of agricultural wild plants and their original habitats.</p>	<p>State Agriculture Administration is responsible for management of affairs related to agricultural and rural economic development.</p> <p>The competent administrative department of forestry of the State Council as well as other relative departments is responsible for the agricultural and rural economic development within their respective responsibility areas.</p>	<p>resources and agricultural environment, protection of peasants' rights and interests as well as development of rural economy. In terms of wild plants protection, the Law not only stipulates that the forest, grassland and wild animal and plant resources must be protected during development of agricultural production and rural economy, but defines that the state should develop the mechanism for protection of agricultural biological species under key protection of rare, endangered and precious biological resources and their original habitats. It also regulates that the biological species imported must be registered and applied for approval in accordance with the laws.</p> <p>Obviously, the Law provides a fundamental legal basis for protection and management of agricultural wild plants, from the perspectives of protection of agricultural wild plants and their original habitats.</p>
<p>Regulation of the People's Republic of China on Wild Plants Protection □ Sept., 1996]</p>	<p>Enacted by the State Council.</p> <p>State Forestry Administration is responsible for managing of affairs related to the wild plants in forest areas and rare trees outside forest areas.</p> <p>State Agriculture Administration is responsible for the management of affairs related to other wild plants excluding those under the management of the Forestry Administration.</p> <p>State Construction Administration is in charge of supervising affairs on the wild plants living in urban gardens and scenery areas.</p> <p>State Environment Protection Administration is in charge of arranging and</p>	<p>The Regulation is a symbolic one for establishment of the legal system on wild plants protection, which defines the basic principles and codes of conduct for wild plants protection, employment and management. On the premises of the stipulation of the Constitution "the state protects precious plants", the Regulation defines the national/local key protected wild plants as the subjects of application.</p> <p>However, the following shortcomings of the Regulation prevent the implementation of the related articles of the Regulation and the execution of their legal effects.</p> <p>(1) Inter-department contests for wild plants jurisdiction during the real work are serious, while the advantages of each department are given play to protect and manage the wild plants in the form of multi-department management with the administrative departments of agriculture and forestry as the main authorities of management.</p> <p>(2) In regard to the management of gathering, acquisition and selling of wild plants, the administrative approval process stipulated in the Regulation isn't specific, which gives rise to the poor operability in actual implementation.</p> <p>(3) The Regulation takes little consideration into some key issues related to the safety of wild plants and their original environment, for example, construction and management of peripheral protection belt of wild plants original environment, qualification of subject of construction and management of original environment conservation zones, control of exotic plants in the original environment and measures for protection of wild plants transplant etc.</p> <p>(4) Little consideration is given in the Regulation into problems of acquisition, employment and benefit sharing of wild plant resources that have been raised in the practical protection of wild plants.</p> <p>It is suggested that researches on the problems mentioned above should be conducted, and the findings would be used as the background for development of the proposal of Law of the People's Republic of China on Wild Plants Protection as well as</p>	<p>State Agriculture Administration is responsible for management of affairs related to agricultural and rural economic development.</p> <p>The competent administrative department of forestry of the State Council as well as other relative departments is responsible for the agricultural and rural economic development within their respective responsibility areas.</p>

<p>Regulation on New Plant Variety Protection of the People's Republic of China □ March, 1997</p>	<p>Regulation</p>	<p>supervising environment protection with relation to wild plants. Other State Gov. is in charge of affairs correlative with wild plants according to their responsibility granted by State Council.</p> <p>Enacted by the State Council.</p> <p>State Agriculture Administration and State Forestry Administration are responsible for management of affairs on new plant varieties protection respectively according to their responsibility granted by the State Council.</p>	<p>the material of the legislation feasibility.</p>
<p>Regulation of the People's Republic of China on Nature Reserves □ Sept., 1994</p>	<p>Regulation</p>	<p>Enacted by the State Council.</p> <p>State Environment Protection Administration is responsible for management of general affairs on nature reserves.</p> <p>State Forestry, Agriculture, Land and Resources, Water Resources, Oceanic Administration and etc. are responsible for management of affairs related to nature reserves according to their responsibility granted by State Council respectively.</p>	<p>The Regulation is an administrative one formulated for protection of plant breeders. Influenced by Convention on the International Protection of New Plant Varieties, the Regulation only considers the protection of the rights and interests and the party of new variety other than that of wild plants protectors or providers, regarding new variety breeding by use of wild plant materials, and wild plants exploration and employment.</p> <p>Other laws or regulations don't concern any content on protection of the latter's rights and interests related to the new variety too. There are two main defects in the current legislation: firstly, unfavorable for mobilization of the initiatives of communities and local residents to protect wild plants; secondly, apt to cause resource abuse and public resource privatization through registration of variety rights. Therefore, it is suggested that reallocation of the interests acquired through new variety breeding by use of wild plants or wild plants development and employment should be done, in combination with the legislation on wild plants protection.</p> <p>Currently, the Ministry of Agriculture has set out to research on the above-mentioned problems in light of Convention on Biological Diversity and International Treaty on Plant Genetic Resources for Food and Agriculture, and prepare for the modification of the Regulation or development of a national law by the state.</p>
<p>Regulation of the People's Republic of China on Nature Reserves □ Sept., 1994</p>	<p>Regulation</p>	<p>Enacted by the State Council.</p> <p>State Environment Protection Administration is responsible for management of general affairs on nature reserves.</p> <p>State Forestry, Agriculture, Land and Resources, Water Resources, Oceanic Administration and etc. are responsible for management of affairs related to nature reserves according to their responsibility granted by State Council respectively.</p>	<p>The Regulation is an administrative one developed regarding establishment and management of nature reserves exclusively. Although the Regulation isn't the one exclusively for wild plants protection, yet, its stipulation "nature reserves should be set up in the areas where rare and endangered wild plant species are gathered naturally" is closely connected with the protection of wild plants and their original environment.</p> <p>Although the Regulation stipulates explicitly that medical herbs gathering is prohibited within the nature reserves, it doesn't indicate that all wild plants gathering activities are prohibited, particularly the Regulation permits moderate productive activities in the experiment area, and it doesn't stipulate that the competent administrative departments of agriculture and forestry exercise the supervision and management function of the wild plants in nature reserves, all of which cause that the agriculture and forestry departments are unable to supervise and manage the wild plants in the reserves built by other departments, under the situation of separate management by different departments.</p> <p>Based on the above-mentioned situation, it is suggested that through development of Law of Wild Plants Protection, it should be defined that gathering of any national or local key protected wild plants in the reserves is prohibited, or the administrative department of agriculture or forestry has the right of management of the wild plants gathering activities in the reserves.</p>

<p>Regulation on Wild Medicinal Material Resources Conservation and Management □ Dec., 1987□</p>	<p>Regulation</p>	<p>Enacted by the State Administration of Traditional Chinese Medicine is responsible for management of affairs on wild medicinal material resources together with State Forestry Administration and State Agriculture Administration.</p>	<p>The Regulation is formulated regarding the management of wild medicinal material resources including wild plant medicinal materials. The key feature of the Regulation in terms of administrative management of wild plant medicinal material resources is that development of the category of critical wild plant medicinal materials, plans of wild plant medicinal materials gathering or acquisition and the category of wild plant medicinal materials for export as well as inspection and approval of wild plant medicinal materials gathering or acquisition should be done by the administrative department of medication together with the administrative departments of wild animals/wild plants and other relative departments. The feature facilitates the administrative department of wild plants to exercise the supervision and management function during the management of wild plant medicinal materials. Meanwhile, the Regulation also stipulates that the contents of the Regulation are interpreted by the State Pharmaceutical Administration. Such stipulation of the exclusive interpretation by the State Pharmaceutical Administration may lead to declination in the use of articles when there are any disputed issues during the actual execution of the Regulation.</p>
<p>Measures on Management of Nature Reserves of Forestry and Wild Animals □ July, 1985□</p>	<p>Regulation</p>	<p>Approved by the State Council. Promulgated by the Ministry of Forestry</p>	<p>The Measures is an administrative regulation regarding exclusively the protection of forest and wild animals as well as their habitats, which was executed before the development of Regulation of the People's Republic of China on Nature Reserves. The Measures realizes the protection of wild plants original environment by means of establishment of nature reserves. The administrative department of forestry of the State Council is responsible for the publication and execution of the Measures. The types of wild plants adaptive to the Measures are the same with those managed by the administrative department of forestry as stipulated in Regulation on Wild Plants Protection. Although the Measures clearly requires that the local residents' vital interests should be taken into consideration during establishment of the nature reserves, no clear stipulation is made on the compensation for the losses of the residents' economic interests caused by the establishment of reserves.</p>
<p>Measures on Protection of Agricultural Wild Plants □ Oct., 2002□</p>	<p>Rule</p>	<p>Enacted by the Ministry of Agriculture Agriculture Administration is responsible for management of affairs on agricultural wild plants.</p>	<p>The Measures is a supporting rule of the Ministry of Agriculture for protection of wild plants, which is developed by the Ministry of Agriculture so as to perform its responsibility to protect and manage the agricultural wild plants, in accordance with Regulation of the People's Republic of China on Wild Plants. In comparison with Regulation on Wild Plants Protection, the Measures refines further the control process of gathering, buying /selling and import/export of wild plants, to counter the problems where solutions are in urgent need, such as illegal gathering cutting, illegal buying/selling and illegal export of national key protected agricultural wild plants. However, the Measures has defects in terms of exotic plant management, wild plants transplant protection, benefit sharing of genetic resources and peripheral protection belt etc or concern no such content. Therefore, it is suggested that further researches on the above-mentioned problems should be conducted.</p>
<p>Measures on Management of Crop Germ Plasm Resources</p>	<p>Rule</p>	<p>Enacted by the Ministry of Agriculture</p>	<p>The Measures is a department rule in support of the terms on germ plasm management in Agriculture Law of the People's Republic of China and the Seed Law of the People's Republic of China, developed by the Ministry of Agriculture for protection</p>

<p>□ Oct., 2003</p>		<p>National Committee of Crop Germ Plasm Resources is responsible for management of affairs on Crop germ plasm resources.</p>	<p>and management of crop germ plasm resources. Based on the relevant terms of Seed Law, the Measures make a supplement to it as follows: (1) to involve in the species of which the gathering is prohibited the propagation materials of endangered/rare species as well as the tissues, cells, DNA, DNA segments and genes of the propagation materials; (2) to involve the wild relatives and endangered and rare species of crops in the species of which the gathering is prohibited; (3) to emphasize that no unfavorable impact should be brought to the original status of the species during gathering of crop germ plasm resources; (4) to define that the germ plasm resources obtained from the state should not be used directly to apply for new variety protection or other intellectual property.</p>
<p>Measures on Management of Aquatic Animal and Water Plant Reserves of the People's Republic of China. □ Oct., 1997</p>	<p>Rule</p>	<p>Enacted by Ministry of Agriculture State Fishery Administration is responsible for management of affairs on aquatic animal and water plant reserves</p>	<p>The Measures is a department rule in support of the Regulation on Nature Reserves, developed by the Ministry of Agriculture for establishment and management of the nature reserves of aquatic life. The means of classification compartmentalization are taken in the Measures to protect the original environment of aquatic wild plants and to restrict the behavior to damage the environment of the reserves. However, in terms of the management of the wild plants in the reserves, the Measures only stipulates that “medicinal herbs gathering” is prohibited, and no relative terms is made to restrict the behavior to gather the wild plants of other functions.</p>
<p>Provisional Measures on Investment Direction of Foreign Businessman □ June, 1995</p>	<p>Rule</p>	<p>Enacted by the National Plan Committee, National Economic & Trade Committee, and Ministry of Foreign Trade and Economic Cooperation</p>	<p>The Provisional Measures is a joint department rule for normalization of foreign businessmen's investment direction in China. It explicitly defines in the attachment Foreign Investment Industry Category that the projects related to national key protected wildlife resources, rare/precious/quality varieties of China and construction of nature reserves belong to the ones to which foreign investment is prohibited. The restriction provides a legal basis for preventing the outflow of the wild plant resources of China.</p>
<p>National Ecological Environment Protection Program □ Nov., 2000</p>	<p>Policy</p>	<p>Enacted by the State Council.</p>	<p>The Program advances a short-term objective “to lose no time to establish a group of new nature reserves so as to effectively protect key species” and a long-term objective “to fully prevent the degradation of ecological environment so as to effectively protect the ecological environment of the regions with abundant species” to counter the severe situation that the regions with abundant species of wildlife around China are shrunk, the environment of rare wildlife habitats is deteriorated, the number of rare medicinal wild plants is reduced sharply, and the gross amount of biological resources is decreased.</p>
<p>Program of Action for Sustainable Development in China in the Early 21st Century □ Jan., 2003</p>	<p>Policy</p>	<p>Enacted by the State Council.</p>	<p>In light of the serious situation that the wild plants of China are faced with damage and outflow, the Program particularly emphasizes that the supervision and management of agricultural wildlife resources protection should be strengthened, the agricultural wildlife resources in the key regions should be gathered for resource saving, and the demonstration plot or protection point for protection of agricultural wildlife original habitat should be established.</p>
<p>Decision of the Central Committee of CPC and the State Council on</p>	<p>Policy</p>	<p>Enacted by the Central Committee of CPC and the State Council</p>	<p>The Decision emphasizes that much attention should be paid to wildlife protection and nature reserve construction; the salvage of endangered and rare species should be done with no time losses; the wildlife resources, wetland resources and biological</p>

<p>Acceleration of Forestry Development [June, 2003]</p>			<p>diversity of China should be practically protected; management of forest and wildlife resources protection should be rigorously normalized; random gathering and digging of wild plants should be prohibited.</p>
<p>Circular of the General Office of State Council concerning Strengthening Biological Species Resources Protection and Management [March, 2004]</p>	<p>Policy</p>	<p>Enacted by the State Council.</p>	<p>The Circular emphasizes on strengthening the construction of basic protection capability of biological species resources, strengthening in situ conservation of wildlife species resources as well as their original environment and wild plant relatives cultivated, well protecting transplant of biological species resources, perfecting the approval system of export of biological species resources, strengthening the management and supervision of export of biological species resources, strengthening foreign cooperative management of biological species resources, guaranteeing the accomplishment used in research, like the intellectual property etc. , ensuring the sharing of interests and practically protecting the national rights and interests.</p>

Annex 4: Terms of reference (to be completed before CEO endorsement)