RIEL, China's Premier Environmental Law Institute, Celebrates 40th Anniversary

QIN Tianbao

Director, Research Institute of Environmental Law, Co-editor-in-chief,
Chinese Journal of Environmental Law, Wuhan University, Wuhan, China
fxxyqtb@whu.edu.cn

HU Bin

Deputy Director, Research Institute of Environmental Law, Wuhan
University, Wuhan, China
riel2@whu.edu.cn

1 Introduction

As a new sub-discipline in the field of law, China's environmental law has a short history, of some forty years. The Stockholm Conference on the Human Environment (1972) and the Stockholm Declaration on the Human Environment proved to be milestones in China's environmental protection and relevant legislation as they encouraged China to incorporate itself into the worldwide prevailing trend of safeguarding the environment by beginning to address the pollution and ecological degradation caused by industrialization. The Environmental Protection Law of the People's Republic of China (for Trial Implementation) in 1979 was an indication of the national scheme to coordinate economic and social development with environmental improvement. With this as a turning point, China devised its own environmental legal system encompassing contemporary theory, new institutions, laws and regulations and more modern modes of management.

In this scenario, when China's legal infrastructure and research were pressing for a fresh start, its environmental laws remained relatively obscure. However, some pioneering scholars, led in particular by Professor HAN Depei of Wuhan University, were acutely aware that adequate environmental protection and legislation at the national level was of urgent priority, and that high-level research on environmental law was necessary. With remarkable foresight, strategic vision and courage, Professor HAN worked very hard to

develop a new frontier by setting up a section for environmental law in the Department of Law of Wuhan University in 1980. Soon after, the Research Institute of Environmental Law (hereafter 'RIEL') was co-established by the Chinese Research Academy of Environmental Sciences and Wuhan University in October 1981, with Professor HAN as its first Director. Hence, RIEL became the first and premier environmental law research and teaching institution in China and in the Asia-Pacific region. In 1985, following the establishment of the (then) State Environmental Protection Administration (SEPA), RIEL came under the co-leadership of SEPA and Wuhan University.

In 1982, RIEL began to enrol graduate students and in 1986 it became the first institution in China to grant a Master of Environmental Law degree; it remained the only one in the country until 1992. In 1998, RIEL launched its PhD program of environmental law and subsequently established its postdoctoral program, in 2001.

In 1999, RIEL was designated as one of the first 15 Key Research Institutes of Humanities and Social Sciences (one of the two for legal research) by the Ministry of Education, China. In November 1999, the Chinese Society of Environment and Resources Law was established within Wuhan University. In 2001 and again in 2007, RIEL was ranked as the sole National Key Discipline for its environmental and resources protection law program by the Ministry of Education.

2 RIEL Staff

In the 1980s, under Professor HAN's headship, RIEL engaged its early researching and teaching staff through recruiting talents all over China. Several prominent environmental law scholars were employed, including Mr XIAO Long'an, Mr CHEN Hanguang, Mr PENG Shouyue, Mr OUYANG Xin, Mr CAI Shouqiu, as well as several promising younger scholars, including Mr WANG Xi, Mr WANG Shuyi, Mr LI Qijia, Mr WANG Jin and Ms LV Zhongmei. In due course, many of these scholars became well-known professors of environmental law at Wuhan University and elsewhere.

Currently, RIEL has fifteen full-time staff, including five professors, five associate professors, two assistant professors, and one administrative deputy director, and one librarian, plus more than 30 part-time and adjunct professors.¹

1 See Research Institute of Environmental Law, <<http://www.riel.whu.edu.cn/>> and <<http://en.riel.whu.edu.cn/list/53.html>>.

FIGURE 1 RIEL Founder Professor HAN Depei, in the 1990s

3 Postgraduate Students in RIEL

In the 1980s, an early and comprehensive curriculum was designed by RIEL for its Master's program, including courses on General Environmental Law, Pollution Prevention and Control Law, Natural Resources Conservation Law, International Environmental Law, Foreign and Comparative Environmental Law, and Environmental Disputes Settlement.

Up to 2021, over 800 Masters of Law students have graduated from RIEL. Some outstanding alumni include Mr XIE Zhenhua, China's Special Representative for Climate Change and the former Minister for the State Environmental Protection Administration (SEPA), Professor LV Zhongmei, Chair of the Chinese Law Society of Environment and Resources Law, Ms LIU Fang, former Secretary General of the International Civil Aviation Organization, and Professor WANG Xi, of Shanghai Jiao Tong University and Kunming University.

In 2017, the Wuhan University-Aberdeen University Environment and Energy Law Research Centre was jointly established with RIEL. The Master's degree program in Energy Law at Aberdeen University continues to provide new opportunities for postgraduates of RIEL to obtain a second master's

degree. This initiative serves one of RIEL's purposes of cultivating practical talents with a global view. To date, three RIEL students have attained their degrees at Aberdeen. Also in 2017, RIEL began its English-language PhD program in environmental law, oriented towards overseas students. Up to 2021, four foreign students have been awarded their PhD degrees by Wuhan University. Meanwhile, more than 30 students have studied further and received their PhD/Master's degrees at prestigious global universities after graduating from the RIEL.

Aiming at cultivating more senior environmental law specialists with international vision and core competencies for China, RIEL has introduced top overseas talents and has created a distinctive teaching and training mode combined with advanced internationally accepted teaching practices and training methods. For example, to enhance the students' hands-on practical abilities, RIEL established the Environmental Law Clinic of Wuhan University in March 2018, supported by the United Nations Environment Programme² together with law firms, environmental organisations and individual sponsorship. Intended to give legal advice on environmental issues and to assist in litigation when necessary, the Clinic has improved the environmental law students' capacity through case studies and moot courts as well as interacting with potential litigants. It also works with several environmental NGOs to compile the Review of Public Interest Litigation in Environmental Protection.

4 Research in RIEL

RIEL aims to serve as a national research centre for environment and resources law research in China. Since its inception, RIEL has set up specialized research teams comprising the Legal Theory team, the Legal System Team, the Comparative Law Team, and the International Law Team. In the 1980s, RIEL published several textbooks that had a profound influence on environmental law teaching and research. A primary text was *A Textbook on Environmental Protection Law* under the chief editorship of Professor HAN, which introduces a legal methodology developed from practical legislation. *An Introduction to Chinese Environmental Policies* by Professor CAI Shouqiu is another important

2 See 'First environmental law clinic opens in Wuhan University, China' UNEP <<https://www.unep.org/news-and-stories/blogpost/first-environmental-law-clinic-opens-wuhan-university-china>>.

work. These textbooks formed the bedrock of subsequent environmental law education and studies.

In the 1990s and 2000s, RIEL staff focused their research on the following issues: the aims of environmental law; its objectives and basic principles; adaptation of the environmental legal system for sustainable development and its extension and strengthening; legal issues concerning emission trading systems and social marketing to protect the environment; legal arrangements for regional environmental protection; environmental lawsuits, including public interest litigation; and alternative dispute solution to environmental problems, etc. Following the international trend of sustainable development, some Chinese environmental legal researchers adopted a broad global view, especially taking into account concepts from western industrialized countries as reflected in their national environmental legislation. They also took account of international law, which has played an active role in worldwide scholarly communications and has resulted in great academic rewards. Such initiatives have resulted in specialized country and area studies and publications. Among them were *An Introduction to Environmental Law in the U.S.* and *International Environmental Law* by Professor WANG Xi; *Ecological Law in Russia* by Professor WANG Shuyi; *An Introduction to Environmental Law in Japan* by Professor WANG Jin; and *A Study on Environmental Policies and Law in the EU* by Professor CAI Shouqiu.

In the 2010s, the core agenda of theory and practice of environmental law of RIEL was conceived as follows: key legal theories about the concept of ecological civilization and the systematic reform it entailed legally and politically; the comprehensive revision of the Environmental Protection Law and single-sector legislation on environmental and resources issues; joint prevention and control mechanisms and regional practices of environmental protection; ecological red lines and accompanying legislation; the ecological compensation mechanism; public interest litigation and specialized courts for environmental lawsuits; enhanced administrative control and legal responsibility for environmental problems; the determination of environmental offences and criminal responsibility; public engagement and information availability; government responsibility for the environment; the assessment and accountability of leading government officials in the field of resource assets and environmental responsibility; associated economic legislation such as environmental taxes; the shared responsibility of the Communist Party and the government; and tightened supervision of all governmental decision-making processes.

5 RIEL as a Think-Tank

In 1983, at the second National Conference on Environmental Protection, environmental protection became a basic state policy. This period witnessed a growing emphasis on legislative practices when scholars joined in the drafting of the legislation and pertinent research was conducted concerning national and regional requirements, which have laid the cornerstone of China's environmental legal system. RIEL, headed by Professor HAN, took part in the revision of the 1979 Environmental Protection Law (For Trial Implementation), and its members have also led or participated in the drafting of all major environmental laws and regulations of China, including the Water Pollution Prevention and Control Law, the Atmospheric Pollution Prevention and Control Law, and the Law on the Prevention and Control of Environmental Pollution from Solid Waste.

RIEL continues to play a leading role as a major 'think-tank' for the environmental rule of law in China. It provides legislative support, policy advice and decision-making on a consultative basis to the legislative, executive, and judicial branches at national and local levels, as well as other practical research, to build an advanced environmental law system, promote fair and efficient environmental enforcement, and deepen reform of environmental justice and environmental rights, thereby boosting the effectiveness of the environmental rule of law in China.

In 2015, RIEL was authorized as the Research Centre on Environmental-related Judicial Theory of the Supreme People's Court, China. In 2017, RIEL became one of the top 10 legal Think Thanks in the Chinese Think Tank Index (CTTI). RIEL was rated at the top of 100 university-affiliated think tanks in China and ranked seventh in the legal and public security category. In 2018, it joined the top 100 list again at the 'A' level and remains at the top 10 in its category.

Professor QIN Tianbao and many other scholars in RIEL serve as legal advisors and legal consultants to national and local legislatures, governments, and judicial organs. In addition, RIEL pays close attention to international trends, offering advice for Chinese environmental diplomacy, negotiation, and international compliance. Since 2014, Professor QIN, as the principal legal expert of the Chinese delegation, participated in Conferences of the Parties of the Convention on Biological Diversity, and negotiation meetings regarding the proposed Convention on the Conservation and Sustainable Use of Marine Biological Diversity Beyond National Jurisdiction (BBNJ).

6 RIEL Exchange Programs

From its foundation in 1981, RIEL became the hub of China's environmental law research. The Chinese Society of Environment and Resources Law, founded in 1999, as noted above, has provided a suitable platform for academic exchanges for environmental law academics and has greatly enhanced dialogue and communication among scholars in China.

RIEL thus functions as a significant force in internationalizing China's environmental law. All RIEL staff have experience of both long- and short-term overseas study, some of whom are well-known all over the world. For example, Professor QIN Tianbao has served as a member of the Governing Board of the International Union for Conservation of Nature (IUCN) Academy of Environmental Law, and Professor Ben BOER has served as the Deputy Chair of the IUCN World Commission on Environmental Law as well as Co-Director of the IUCN Academy of Environmental Law.

Back in the 1990s, RIEL began cooperating with the University of Sydney in developing a master's program 'Sustainable Development Law in China', which was conducted until 2012. During the six sessions at RIEL, around 200 undergraduates and graduates from the University of Sydney attended the program.

RIEL has become one of the global centers of academic exchange, enjoying a growing reputation around the world. It has established partnerships and has close ties with prestigious universities and institutes, including in Australia, Belgium, Brazil, Canada, France, Germany, the Netherlands, Pakistan, Singapore, South Africa, the United Kingdom, and the United States. It also has links to the United Nations Environment Programme, the United Nations Development Programme, the Asian Development Bank, and several other international organizations.

RIEL has been closely involved with the IUCN Environmental Law programme, hosting the IUCN Academy of Environmental Law Annual Colloquium in Wuhan in 2009. Authorized by the IUCN Academy of Environmental Law, RIEL became the first Advanced Training Centre for Environmental Law Teaching and Research in 2011 and co-organized the 'Training the Teachers' Programme in Wuhan with the IUCN Academy of Environmental Law in that year. In 2015, RIEL hosted the 'Protected Areas Law Workshop for Teachers and Trainers in Wuhan', together with the IUCN World Commission on Environmental Law and the IUCN Environmental Law Centre. The workshop enrolled participants from countries across Asia, including China, India, Indonesia, Mongolia, Myanmar (Burma) and Pakistan.

FIGURE 2 Participants at the 7th Annual Colloquium of the IUCN Academy of Environmental Law in 2009, hosted by the Research Institute of Environmental Law

With the establishment of high-level academic platforms, such as the ‘Luoja Forum on Environmental Law’, ‘Luoja Lecture Series of Environmental Law’ and the ‘RIEL Alumni Salon’, RIEL is dedicated to building mechanisms for exchanges in environmental law. In recent years, RIEL has attracted many domestic and international leading experts and scholars to carry out a wide variety of academic research activities, conferences, and capacity-building programs. For example, since the establishment of the formal cooperation relationship between Wuhan University and Ghent University in 2006, fruitful achievements have been made in teaching staff exchange, student exchange and cooperative research. Since 2010, five EU-China Environmental Law Workshops have been successfully held, making this a high-level and regular academic exchange platform. The next of these events will be the Sino-European Conference on ‘Water Law as Environmental Law’ in 2022, organised by Otto SPIJKERS and QIN Tianbao (RIEL), KONG Lingjie (China Institute of Boundary and Ocean Studies, Wuhan University), Ben BOER (University of Sydney and RIEL), and Frank MAES of Ghent University.

Since 2015, RIEL has organized the National Environmental Law PhD Students Forum. This significant forum provides an academic event for environmental law students both in China and abroad, widening the academic horizon of our PhD students, inspiring more innovative thinking and improving the quality of their dissertations. This forum has been held six times and is widely valued and highly praised by domestic and participants.

Further, RIEL has established two academic journals on environmental law: the Chinese Journal of Environmental Law, published by Brill/Nijhoff in cooperation with RIEL in English; and the Wuhan University Environmental

FIGURE 3 Ms BIAN Jinluan, Deputy Director of the Department of Human Resources, Ms WU Yan, Deputy Director of the Academy of Human and Social Sciences, Professor LI Fei, Vice President of Wuhan University, Professor Ben BOER, Professor QIN Tianbao, Professor FENG Guo, Dean of Wuhan University School of Law

Law Review, in Chinese. The Chinese Journal of Environmental Law, founded and edited by Professor QIN Tianbao and Professor Ben BOER, was launched by Brill/Nijhoff in 2017 as the first English-language academic journal of environmental law in China. In 2021 it was selected for citation indexing by the Web of Sciences as well as by SCOPUS. The Wuhan University Environmental Law Review was launched in April 2018 by China Social Science Press and was included by the China Journal Net Index in 2020. Professor QIN is the chief editor, and Professor KE Jian is the executive chief editor. The two journals have rapidly grown since their establishment, both in strength and reputation.

RIEL boasts the largest and most extensive environmental law library in China, comprising more than 10,000 books in Chinese and more than 2,000 in foreign languages, over 140 journals in Chinese and more than 40 in foreign languages. It has also designed and maintained the first specialized environmental law website in China – www.riel.whu.edu.cn. Moreover, RIEL continues to build its environmental and resources legal database in collaboration with the Wuhan University Library. In 2015, RIEL started operating its social media account through WeChat, which has attracted more than 20,000 subscribers.

FIGURE 4 Participants at the 40th Anniversary of RIEL and the Seminar on Environmental Law in China in the New Era, 25 September 2021

7 Conclusion

The Research Institute of Environmental Law celebrated its 40th anniversary on 25 and 26 September 2021. The celebration was attended by a wide range of professors and students from almost all environmental law programs in China. Major speeches were delivered by Vice Minister ZHAO Yingmin on behalf of the Ministry of Ecology and Environment, Professor LV Zhongmei as Chair of the Chinese Society of Environment and Resources Law, and Professor WANG Canfa from the China University of Political Sciences and Law. The RIEL also received many congratulatory letters from governmental organizations, international institutions, universities, and individuals. These included China's Supreme Court, the Supreme Procuratorate, Ms Elizabeth MREMA, Executive Secretary of the Convention of the Biological Diversity; Emeritus Professor Luc LAVRYSEN, Ghent University, President of the Constitutional Court of Belgium and President of the EU Forum of Judges for the Environment; Professor Christina VOIGT, newly elected Chair of the IUCN World Commission on Environmental Law; Professor Jorge E Viñuales, Oxford University, Dean Beth McCORMACK, Vermont Law School; Professor Alexander PATERSON, University of Cape Town; Emeritus Professor KOH Kheng Lian, National University of Singapore; Professor Frank MAES, Ghent University; Professor Ben BOER, Professor WANG Xi, Kunming University of Science and Technology, and Professor Alex GARDNER, University of Western Australia.³

3 These letters can be viewed at Research Institute of Environmental Law, <<http://www.riel.whu.edu.cn/>>.

As indicated above, RIEL has achieved a great deal over the past four decades. However, we are very much aware that on a global, regional, and national basis, the protection of the environment and the conservation and wise use of natural resources continues to present very serious challenges, particularly in terms of the effects of climate change, the loss of biodiversity, and the pollution of the atmosphere, and marine and riverine environments, as well as the degradation of the land. The research, capacity-building and teaching required for the further development of strong environmental laws and implementation of those laws both in China and elsewhere will certainly occupy the attention of our Research Institute, its staff and its students for many years to come.