CHAPTER 14

Civil Society Promoting Legislation on Protected Natural Areas

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Abstract

During the period when the draft Natural Heritage Protection Law had been sent to the Standing Committee of the National People’s Congress of China for review, a group of experts from research and conservation fields organized themselves voluntarily into the Natural Conservation Legislation Research Group and provided recommendations for drafting a comprehensive Protected Natural Area Law. The legislative proposal includes establishing a reasonable management category system and a functional zoning system, developing scientific planning of a protected natural area system, establishing an effective supervision system of the government, scientific community, and civil society, guaranteeing funding for conservation management of protected areas, and engaging local communities in conservation and ensuring they can benefit from it sustainably. The group has also been promoting this legislation through education, workshops, and high-level communication and recommendations to the government. This is an important example of civil society’s heavy involvement in promoting the development of national legislation.

Keywords

Natural Conservation Legislation Research Group – Natural Heritage Protection Law – Protected Natural Area Law – management category system

1 Promotion of Protected Natural Area Legislation by More Than One Hundred Experts

Having been implemented for nearly ten years, Regulations on Nature Reserves (1994) (自然保护区条例) has been unable to keep up with the current needs of nature reserve protection. A legislative revision is urgently needed.
Regulations on Scenic Areas (2006) (风景名胜区条例) falls short of content concerning nature protection. Other types of protected natural areas in addition to scenic areas have either only management guidelines or are entirely lacking in relevant management regulations. More than a decade ago, China noticed the urgent need to strengthen legislation of protected natural areas and called for the Environmental and Resources Protection Committee of the National People's Congress (NPC ERPC) to promote such legislation. In 2004, driven by experts, the first Nature Reserve Law (Draft) (自然保护地法)—later renamed the Protected Natural Area Law (Draft) (自然保护区域法)—was formulated, regulating all types of protected natural areas. But for various reasons it was never passed. The main reason was that the draft law did not address the overall demand of nature protection or provide scientific solutions to existing problems; instead it was trapped by the conflicting interests of different departments.

In 2008, new leadership took office in the NPC ERPC and launched another attempt at the drafting work. Unfortunately, this time the drafting deviated even further from conservation needs. Despite various expert opinions, none of the important recommendations were accepted. The Natural Heritage Protection Law (自然遗产保护法) was submitted to the Legislative Affairs Office of the State Council at the end of 2011 and has been included in the 2012 legislative plan. Having been involved in conservation-related legislative work for ten years and worked in nature protection for eighteen years as a researcher, I proposed a major revision of this draft on the internet in 2012, facilitated submissions of two NPC motions and one Chinese People's Political Consultative Conference (CPPCC) proposal during their two meetings, and urged experts to voluntarily form the Nature Conservation Legislation Research Group (NCLRG). The research group has now grown to more than 100 people, consisting of experts in ecology, law, policy research, administration, civil society promotion, news media, and other areas, along with experts with long-term research interests in China's ecological and environmental problems. The research group's goal is to facilitate legislation and promulgation of a Protected Natural Area Law (自然保护地法) and relevant supporting laws, regulations, standards, and specifications that will effectively protect China's biodiversity and ecosystem functions.

The draft of the Natural Heritage Protection Law was submitted to the NPC Standing Committee in September 2012, and was scheduled for discussion in October. The NCLRG organized over 260 experts to submit a joint letter and successfully impeded the draft's progress towards official discussion. The joint letter pointed out that the draft had serious shortcomings in terms of