



CHINA

The Law and the Environment

“Baode qing shan zai, bu pa mei cai shao”

“If you protect the green mountain, you need not be afraid of running out of wood.” (Chinese saying)

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Legal Issues – Duties of Citizens

- **Article 51 of the Constitution**

Exercise by citizens of their freedoms and rights may not infringe upon the interests of the state, of society, and of the collective (underlining added)

- **Article 53 of the Constitution**

Protects public property

- **Article 54 of the Constitution**

Safeguards the interests of the motherland

Legal Issues – Duties of the Government

- **Article 9 (2) of the Constitution**
Ensures the rational use of natural resources and protects rare animals and plants. The appropriation or damage of natural resources by any organization or by individual by whatever means is prohibited (underlining added).
- **Article 22 (2) of the Constitution**
Protects places of scenic and historical interest, valuable cultural monuments, and treasures and other important items of China's historical and cultural heritage
- **Article 26 (1) of the Constitution**
Protects and improves the living environment and the ecological environment, and prevents and remedies other public hazards
- **Article 26 (1) of the Constitution**
Organizes and encourages afforestation and the protection of forests

Legal Issues – Ownership of Resources

- **Article 9 (1) of the Constitution**

Mineral resources, waters, forests, mountains, grassland, unreclaimed land, beaches and other natural resources are owned by the state, that is, by the whole people, with the exception of the forests, mountains, grassland, unreclaimed land and beaches that are owned by collectives in accordance with law

Legal Issues – Environmental Laws (examples)

- **Forestry**
 - Conserving Energy
 - Flood Control
 - Pollution from Environmental Noise
- **Pollution by Solid Waste**
 - Atmospheric Pollution
 - Coal Industry
 - Water and Soil Conservation
 - Environmental Protection Law
 - City Planning Law
 - Protection of Wildlife
 - Water Law
 - Land Administration
 - Mineral Resources
 - Fisheries
 - Grasslands
- **Prevention and Control of Water Pollution**
 - Protection of Cultural Relics

Legal Issues – Criminal Laws

Crimes of Undermining Protection of Environmental Resources

Example: Article 345 (extract):

Those who, in order to make a profit, illegally purchase timber from illegal or wanton logging in a serious manner are to be sentenced to less than three years of fixed-term imprisonment or criminal detention or control and, in addition, be sentenced to a fine. They may be punished by a simple fine.

In especially serious cases, those law offenders are to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment and, in addition, be sentenced to a fine. (underlining added)

The Legal Context

National Laws

Discretion

Flexibility

Finality

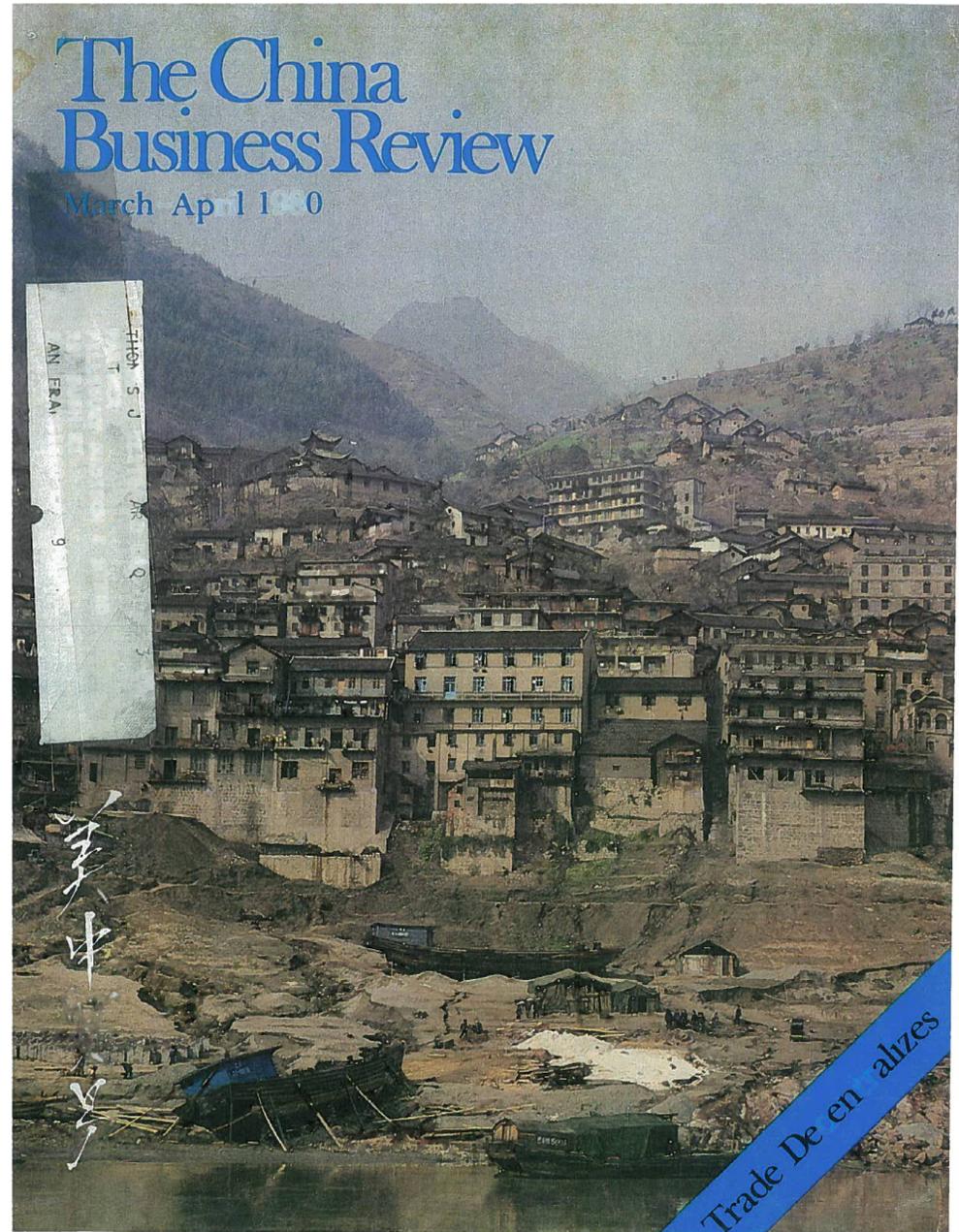
Conclusion

Structure First

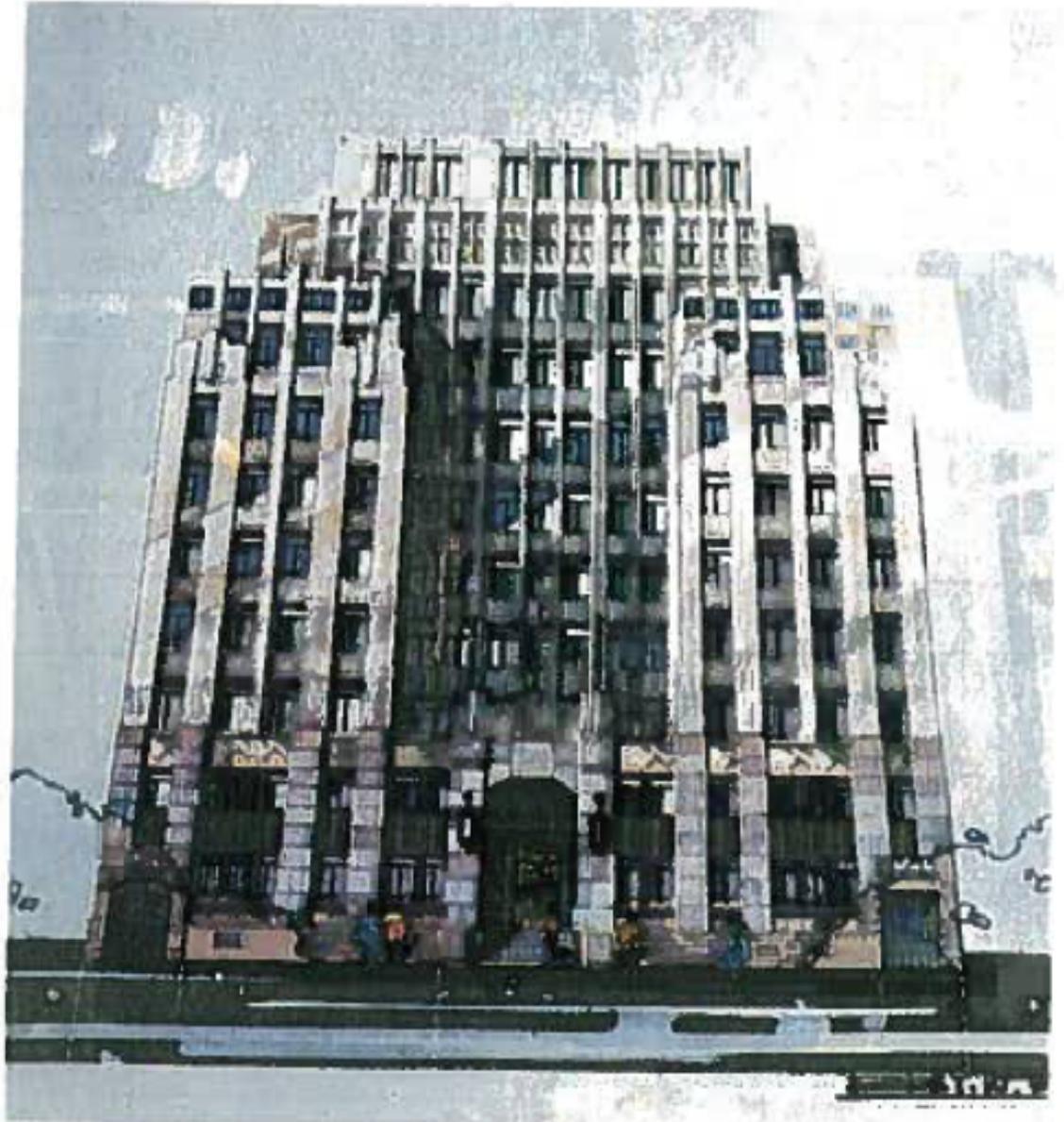
Learning from Global Experience

International Standards

Past



Present



Future



Present



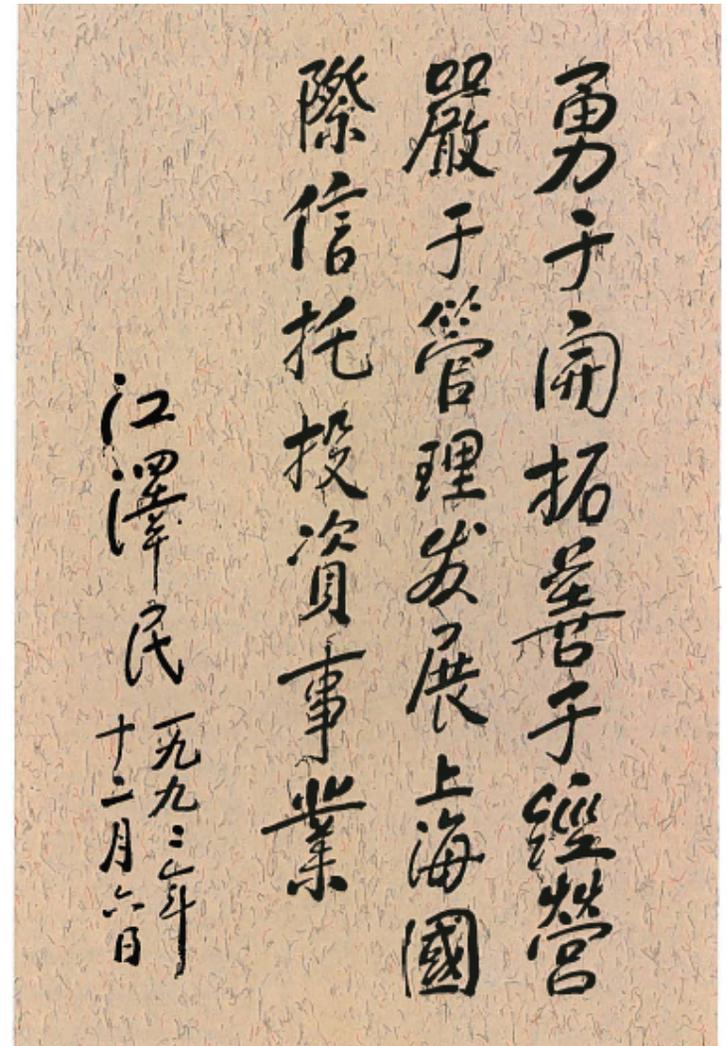
The Memory (Shanghai 1930's)



Exhortation of Jiang Zemin, President

“Be aggressive in exploring untried approaches, be adept in business operation and be rigorous in corporate administration for the promotion of Shanghai’s international trust and investment undertakings.”

1992



Stork Tower Poem

3-story building overlooking Yellow River. It seemed possible to see the end of the Yellow River over 1,000 miles away. This poem encourages young people to try harder and achieve more in life.

Climb Stork Sparrow Tower

- *White sun sets behind the mountain*
- *The Yellow River enters the ocean*
- *If you want to extend your views to another thousand miles.*
- *You will have to climb one story more*



dēng guàn què lóu
登 鶴 雀 樓

bái rì yī shān jìn
白 日 依 山 盡，
huáng hé rù hǎi liú
黃 河 入 海 流。

yù qióng qiān lǐ mù
慾 窮 千 里 目，
gèng shàng yì céng lóu
更 上 一 層 樓。

*“Mo Chu Cheng
Zhen”
Grind the pestle
becomes a
needle*



Take Away on China

**“Bu Pa Man, Jiu Pa Zhan”
(Chinese saying)**

**“Do not be afraid of going slow, just be
afraid of standing still”**

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