

University of Colorado Law School

Colorado Law Scholarly Commons

Proceedings of the Sino-American Conference
on Environmental Law (August 16)

1987

8-16-1987

Development of Chinese Environmental Management Structure

Zhu Zhong Jie

Follow this and additional works at: <https://scholar.law.colorado.edu/proceedings-of-sino-american-conference-on-environmental-law>



Part of the Administrative Law Commons, Animal Law Commons, Comparative and Foreign Law Commons, Environmental Health and Protection Commons, Environmental Law Commons, Natural Resource Economics Commons, Natural Resources and Conservation Commons, Natural Resources Law Commons, Natural Resources Management and Policy Commons, Science and Technology Law Commons, Water Law Commons, and the Water Resource Management Commons

Citation Information

Zhong Jie, Zhu, "Development of Chinese Environmental Management Structure" (1987). *Proceedings of the Sino-American Conference on Environmental Law (August 16)*.

<https://scholar.law.colorado.edu/proceedings-of-sino-american-conference-on-environmental-law/16>

Reproduced with permission of the Getches-Wilkinson Center for Natural Resources, Energy, and the Environment (formerly the Natural Resources Law Center) at the University of Colorado Law School.



Zhu Zhong Jie, *Development of Chinese Environmental Management Structure*, in PROCEEDINGS OF THE SINO-AMERICAN CONFERENCE ON ENVIRONMENTAL LAW (Natural Res. Law Ctr., Univ. of Colo. Sch. of Law 1987).

Reproduced with permission of the Getches-Wilkinson Center for Natural Resources, Energy, and the Environment (formerly the Natural Resources Law Center) at the University of Colorado Law School.

DEVELOPMENT OF CHINESE ENVIRONMENTAL MANAGEMENT STRUCTURE

Zhu Zhong Jie *

Environmental protection is a new cause in China. It has a short history of just over ten years. The development of environmental management structure has gone through three stages: preparation, deliberation, and gradual maturation. During different developing stages, valuable experiences on environment management were gained. Along with political stability, continuous economic development, economic structure reformation, and the position and function of environmental protection in the state, the management structure will be heightened increasingly. At the Second National Environmental Protection Conference of 1983 held by the State Council, environmental protection was formally announced to be a basic policy of the country, and guidelines were confirmed to plan, operate and develop economic, urban-rural and environmental construction simultaneously. The environmental management structure in China is developing soundly.

PREPARATION STAGE

This stage started during the 1960s. At that time, the former Premier Zhou paid great attention to environment pollution and gave many recommendations concerning this issue. In the 1970s, an office to handle industrial wastes and make comprehensive use of resources was set up by the State Planning Committee. This office was responsible for arranging pollution control projects. Later the industry ministries all organized such departments as well. This was the starting point of environmental management structure in China, and the departments and personnel have since become the foundation of environmental management.

DELIBERATION STAGE

In 1972, China sent her delegation to the Human-Environment Conference held by the United Nations in Stockholm.

* Deputy Secretary-General, The Chinese Society of Environmental Sciences

In 1973, the State Council held the First National Environmental Protection Conference. By the end of 1978, the Central Committee of the Communist Party approved and transmitted the "Report on Environmental Protection Work by Leading Environmental Protection Group Office of the State Council," which requested that government at different levels place environmental protection work into their working agenda and regard the work as an organic part of the modern construction. During that period, investigations were carried out throughout the country for industrial pollution sources, involving 3,500 big and medium enterprises. As a consequence of the investigations, these enterprises were ordered to control their serious pollution within a specific period. The country also invested money to prevent and control the pollution problems in some cities, water bodies, and industrial areas.

In 1979, the Environmental Protection law (trial implementation) was formally issued by the Standing Committee of the National People's Congress. This law clearly stipulates that the State Council and every local government must establish environmental management structures and solve environmental pollution and hazards under certain schedules. Therefore, the environmental protection work in China is primarily controlled by legislation. In 1980, the State launched an environmental education movement. Articles popularizing science, technical knowledge, and environmental protection policies were disseminated through newspapers and broadcasts to give the people an education on environmental consciousness.

PRIMARILY DEVELOPING STAGE

Along with the reformation of the state organization structure, the Ministry of Urban-Rural Construction and Environmental Protection was established in 1982. The Ministry set up the national EPA to promote the developing environmental protection cause.

The new Constitution of 1982 has much clearer stipulations on environmental protection. Article 9 says:

The State ensures the rational use of natural resources, protects the precious animals and plants, [and] restricts any organizations or individuals seizing or damaging natural resources by whatever means.

During the Fifth Session of the Fifth National People's Congress, 35 years after the founding of new China, environmental protection work was specially listed in the sixth five-year plan. For the first time the State's macro point of view put forward specific guidelines for environmental protection during the sixth five-year plan including stopping destruction of

the natural environment, preventing the development of new pollution, controlling degradation of the ecological environment, solving conspicuous environmental pollution problems aggressively, and continuing to improve the environmental conditions in Beijing and other major cities. Practice shows that these requirements have an active function in the country's environmental protection work.

On February 5, 1982, the State Council dispatched a notice to implement the system of imposing discharge fees on polluting sources in the country to promote the environmental protection work. The State's use of economic means to manage the environment is an important measure and can improve environmental protection work in China. Presently, fees are imposed on 40 percent of pollution sources. By the end of 1986, 110,000 enterprises paid 4.62 billion RMB in discharge fees. The imposition of discharge fees strongly encourages the improvement of environmental management in enterprises, collects funds for environmental protection, speeds up control of pollution sources, and improves the management structure of EPA.

NEW DEVELOPING STAGE

By the end of 1983, ten years after China set up her environmental protection cause, the State Council held the Second National Environmental Protection Conference. In 1984, the State Council established the Environmental Protection Committee which is led by Vice Premier Li Peng and includes ministers from concerned departments. The main duties of the committee are to organize and harmonize the environmental protection work in China, and make corresponding laws and regulations. The working organization of this committee is the National EPA, and the committee has decided that there should always be a quarterly meeting presided over by the Chairman, Mr. Li Peng.

The task at this stage is to clarify the duty of the State Council Environmental Committee. The duties consist of four aspects:

1. Manage the environmental pollution problems caused by production and living activities;
2. Manage the environmental impact and damaging problems caused by construction and development activities;
3. Manage the marine pollution problems caused by economic activities; and
4. Manage the natural environment which has special values, and manage or direct the departments concerned to manage the protection and export control of wildlife and plant resources as well as precious species.

Our working practice uses "planning, harmonizing, supervising and guiding" as the primary duty of the environmental protection management structure. After a period of time, people gradually realize that the central task of the environmental management is supervision management. Only by successful completion of this task will the other duties satisfy their functions.

The corresponding environmental protection laws and regulations in China clearly stipulate the supervision duty and power of environmental management structure at different levels.

Entering into the seventh five-year plan period, the drafting of the Chinese environmental protection plan becomes more scientific, systematic and standardized. Authorized by the Central Government, Chinese Environmental Science Society organized scientists, experts and scholars from different fields to scientifically review the plan draft and then hold a board meeting to make amendments. The draft was approved in principle by the 9th Meeting of the Environmental Protection Committee of the State Council. On April 4, 1987, the National Planning Committee and the Environmental Protection Committee of the State Council jointly dispatched the plan to all ministries, organizations and provinces. This is a new breakthrough to strengthen environmental management in drafting environmental protection plans in China. The planning departments of provinces and cities should also make corresponding environmental protection plans for the period of the seventh five-year plan of the State. Making environmental protection plans is a big step towards the requirement of quality control.

The environmental protection plan in China still remains as a macro-controlling and guiding plan. The seventh five-year plan period is a critical time during which the Chinese economic development strategy and economic system will further reform the old model to a new one. It is also an important period to control environmental pollution and ecosystem damage, and to comprehensively protect the environment as well. During this period, the environmental task consists of four aspects:

1. Control the development of industrial pollution;
2. Slow down the trend of ecological environmental degradation;
3. Control and improve the environmental quality in some water bodies and other areas; and
4. Improve the environmental quality in some major cities, scenic spots and travelling areas.

To achieve the above mentioned task and to further complete the system and structure of environmental protection management, the supervision function of the environmental protection structures must be strengthened, including:

1. Extensively practice the system of environmental protection responsibilities;
2. Enhance legal construction and make corresponding environmental laws and standards;
3. Pay more attention to construction of environmental management technical data and information systems, and make more use of monitoring nets;
4. Reform the system of imposing fees on excess discharges, and gradually establish the system of environmental protection funds;
5. Strictly enforce the system of "three at the same time," and eliminate new pollution sources;
6. Gradually designate environmental protection areas; and
7. Make favorable economic policies on protection and make rational use of natural resources and impose economic punishment to those parties damaging the resources.

CONCLUSION

Constructing a modern socialist country with Chinese features, and finding a suitable road for environmental management according to the actual conditions of China are the arduous tasks in front of the Chinese environmental protection workers.

In the 1970s, the environmental protection work in China was mainly to control pollution, especially point source pollution. In the early 80s, the slogan was to promote control by management. By the end of 1983, the Second National Environmental Protection Conference confirmed that the central goal of environmental protection was to strengthen environment management. Practice shows such policy is correct. Regulatory emphasis has moved from point sources to area sources and from single purpose control to comprehensive control. With regard to management measures, the original administrative management was gradually changed to a multiple structure of management including administration, economic, legal and educational measures. In scope, the management was expanded from industrial pollution to the management of agricultural environments and ecosystems. These changes indicate that the strategic ideas and the guiding policies of Chinese environmental protection have gradually become mature.