Study on the Legal System of Wetland Protection

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Abstract. Wetland is not only an important strategic resource for socio-economic development, but also a place where biological species live. With the increasing awareness of wetlands, how to make reasonable use of wetland resources and maintain the sustainable development of wetlands has been widely concerned by the international community. And China as a country who has the largest area wetland in Asia, second largest area wetland in world, wetland protection system has gradually become an unavoidable problem. This paper mainly analyzes China’s domestic wetland protection from the international protection of wetlands’point of view, and puts forward personal views on wetland protection.

1. Overview of Wetlands

Wetlands are ecosystems with unique hydrological, soil, vegetation and ecological characteristics that are distributed between terrestrial ecosystems and aquatic ecosystems. Although many countries, including China, have begun to study wetlands since the middle of the last century, there has been no agreement between ecologists and wetlands managers or legislators unified wetland definition.

2. Wetland Function

Wetlands are significant natural resources, human survival, reproduction, development and wetlands are closely related. Wetland is not only one of the most important living conditions of mankind, but also the most eco-diverse ecological landscape in nature. Wetland function mainly has two kinds, the ecological value function and the social economic value function.

2.1 The ecological value function of wetland

Wetlands have diverse environmental functions and huge benefits. Compare with the other ecosystems, wetlands have the irreplaceable effect in protecting biodiversity, regulating climate, resisting floods, controlling pollution, regulating runoff, flood storage and drought prevention.

First, wetlands can protect the diversity of biological inheritance. Because of the less interference from human life, the ecological system in natural wetland basically follows the law of natural succession, and has high stability and complexity, so the biological species are more abundant.

Second, wetlands can filter contaminants and purify water. Wetlands help to slow down the flow speed of water, when the wetlands upstream of the wetlands, dirt with the water through the wetlands, wetlands in the growth of a variety of floating plants, emerged plants and submerged plants and a variety of beneficial organisms, through physical filtration, biological absorption and decomposition and chemical synthesis and decomposition, etc., can be harmful poison or element degradation or transformation, to filter the role of pollutants and water purification.

Thirdly, wetlands can regulate water and regulate the climate. Wetlands are a huge reservoir that can store excess rainfall during rainstorms and river flood periods, and distribute the runoff evenly, weakening the floods that endanger the lower reaches. At the same time, because the wetland has a large area of water, vegetation and moist soil, wetland moisture through the evaporation and transpiration of plant foliage, so that the wetlands and the atmosphere between the heat exchange and moisture exchange than other terrain is more fully, it can increase the local Regional air humidity, weakened wind speed, keep the local humidity and rainfall.
Finally, the wetlands can protect the embankment, anti-wave and promote silt. Wetlands grow a variety of plants, which can weaken the impact of waves, typhoons and storms on the coast, reduce coastal erosion, while their roots can be fixed, stable embankment and coast, and protecting the coastal industrial and agricultural production.

3. An Overview of the International Law on Wetland Protection and Its Principles

Since the 19th century, human economy and society developed rapidly, the world’s or regional wetlands are large-scale development and utilization at the same time, wetland ecosystems have also suffered varying degrees of damage, especially waterfowl as the representative of wild animals and habitats, Aquatic ecosystems and biodiversity, and are severely damaged. So in 1979 by the former Soviet Union, Canada, Australia, Britain and other 36 countries signed the “the Convention on Wetlands” in the Iranian town of Ramsar [1]. Since then, the protection of wetlands has gradually into the international cooperation track with the world government, social groups, civil affairs involved.

First, the Convention on Wetlands gives a definition of wetlands and pointed out clearly that wetlands have the function of regulating hydrology and protecting the living environment of animals and plants, with significant economic, cultural, scientific and entertainment value, with non-renewable. Secondly, the Convention on Wetlands requires states parties to designate “appropriate wetlands” on their territory with “ecology, botany, zoology, lacustrine or hydrology”, which are of international interest and are included in the “List of Wetlands of International Importance” [2] and protection, management rational use them. Thirdly, the Convention on Wetlands requires each state party to establish a nature reserve in wetlands (whether or not it has been included in the Catalog) to promote the protection of wetlands and waterfowl and, when the “catalog” wetlands are damaged or the boundary is reduced, as far as possible to compensate for the loss of wetlands. Fourthly, states parties are required to work together to coordinate and support the relevant policies and regulations for the protection of wetlands and their flora and fauna from now on and to ensure the effective implementation of wetland protection.

It is based on the requirements of the Convention on Wetlands and the situation of wetlands in various countries and the re-understanding of the importance of governments in wetlands. As of September 26, 2007, 156 countries or regions have joined the convention in the world, 1676 Wetlands with a total area of more than $1.5 \times 10^8 \text{hm}^2$ are listed in the “International List of Wetlands”. In addition, the Convention on Wetlands requires states parties to actively organize wetland conservation education activities and mobilize the whole society to jointly carry out wetland protection work.

In addition to the wetland protection work carried out under the framework of the Convention on Wetlands, other international organizations have joined the ranks of international wetland protection. For example, in 1995, the World Wildlife Conservation Union (IUCN), a global non-governmental organization established by the International Wetland and Waterfowl Research Agency, the Asian Wetland Bureau and the American Wetland Organization, is also actively assisting its members and partners to explore wetlands and water resources.

4. Characteristics of Wetland Protection in China

4.1 Lack of sound national level legislation

At present, China’s legislation on the protection of wetlands at the national level is cruder. And because there is no matching loss calculation method, so in practice it is difficult to implement.

4.2 The wetland management mechanism is not perfect

(1) In accordance with the provisions of the Environmental Protection Law, the environmental protection department shall supervise and manage the environmental protection work, and the forestry department shall bear the supervisory responsibility for the management of wetland
protection. However, the protection of wetland should pay more attention to the management functions of the Forestry Bureau, and the Forestry Bureau does not have the advantages and expertise in wetland management.

(2) Sub-sector management is contrary to the principle of comprehensive management.
(3) China’s wetland protection is facing the problem of shortage of funds.
(4) The types of wetlands, large area, widely distributed, easy to manage. Including Qinghai-Tibet Plateau wetlands, this is unique in China.
(5) Wetlands are located and the surrounding population is densely populated.

China’s population base is large, terrain rich, a large number of population is concentrated in the southeast along the river. This puts a lot of pressure on wetland protection in the area.

5. China’s efforts to implement the Convention on Wetlands

5.1 Construction of wetland protection and management institutions

Since the accession of the Convention on Wetlands in 1992, China’s seven nature reserves have been included in the “List of International Important Wetlands”. The State Forestry Administration, the Ministry of Agriculture, the Ministry of Water Resources, the Ministry of Land and other departments have increased their own work in the work of wetland protection related content.

In 2007, China established the People’s Republic of China International Wetland Convention Implementation Office. Since then, the implementation of wetland protection in China has a special body supervision and coordination.

In addition, there are departments corresponding to the central government, and accept the central guidance, so that the region’s wetland protection and management more professional coordination.

China’s wetland protection agencies also pay great attention to cooperation with academia and civil society. This includes both Chinese civil society and international non-governmental organizations, such as China’s Environmental Society and the International Wetland International China Office.

5.2 Improve wetland protection laws and regulations and make important planning

China’s wetland legislation is based on the development of environmental law to achieve a certain development on the basis of the development. Prior to the enactment of the relevant legislation on wetlands, China first promulgated the Environmental Protection Legislation such as the Forest Law of the People’s Republic of China and the Environmental Protection Law of the People’s Republic of China. Localities have also promulgated a series of local legislation on wetland protection, such as the Heilongjiang Wetland Protection Regulations. In the planning, China promulgated the “China’s Agenda 21”, “China Wetland Conservation Action Plan” and other national important planning

5.3 Establish a nature reserve

As of 2016, China’s nature reserve area has reached 14.83% of the land area, more than the world average, the number of nature reserves reached 2740.

5.4 Research on Wetland

China’s wetland survey on the whole country began in 1997, the data obtained from the survey for the follow-up of China’s wetland wildlife protection and wetland ecological management provides a lot of data support.

5.5 Promote cooperation between countries on wetland protection

Learn from the wetland protection legislation to learn more mature wetland protection legislation, can promote the development of China’s wetland protection legislation.

Through cooperation between countries, we promote the exchange of basic disciplines between countries; improve the environmental monitoring and other aspects of wetland research. In addition,
the protection of wetland ecosystems can only be more effective in promoting wetland conservation cooperation among countries.

5.6 Wetland restoration works

China has provided 4 billion supports in wetland restoration projects, and a number of wetland restoration projects have been developed on the basis of the results of the wetland survey.

5.7 Carry out science work on wetland protection

Through radio, television, network, etc., China has carried out a variety of wetland protection science work. And constantly improve the people’s awareness of wetland protection.

It can be seen that China has invested a lot of manpower and material resources in the field of wetland protection. Through the policy guidance, it has also reversed the disadvantages of wetland protection in our country, and has effectively controlled the serious pollution of wetland in China. But for the further development of wetland protection, we still have a long way to go.

6. Several Predictions on Chinese Wetland Legislation Direction

6.1 Feng Xiamei

Professor Feng Xiaomei thought the improvement of wetland protection in China should focus on legislation to improve. He stressed that the wetland resources paid use system, in the wetland property rights, wetland sewage treatment fees, wetland ecological compensation and wetland licensing and other aspects of the development of wetland resources paid use system. China also need to improve the wetland resources management and coordination system, is currently known to wetland things completely attributed to any department of management methods are not reasonable, wetland management should be different departments to work together to complete. This requires us to coordinate the interests of various departments. Scientific technical policies and a sound wetland monitoring system can also effectively promote the protection of wetlands.

While improving the wetland management policy, we should also improve the specialized legislation on wetland protection. Among them, Professor Feng Xiaomei’s ecological priority and the principle of prevention is more characteristic. The value of wetland includes ecological value, social value and economic value. Most scholars believe that a balance value should be taken between ecological value and the latter, and the value of wetland protection should be accumulated through the economic value of wetland, so as to achieve the greatest value of wetland resources. However, Professor Feng Xiaomei that these three values there is a certain contradiction, we must adhere to the principle of ecological priority in order to produce contradictions between the different values of wetlands, the ecological value of the main. The principle of prevention refers to the international environmental law, the wetland pollution and wetland environmental damage as a basic principle, can maximize the burden of reducing wetlands. In addition, wetland protection legislation also needs to adhere to the principle of comprehensive legislation at the same time, according to local conditions which stressed the principle of wetland [3].

6.2 Zhou Xunfang

Professor Zhou Xunfang believes that wetland protection has the ecological trend. But he opposed the simple ecological priority principle. He believes that the protection of wetland ecology needs to be based on social recognition. Only by means of economic stimulus, so that people in the process of wetland protection in order to promote the sustainable development of wetland protection. In order to achieve this goal, he supports the management of the wetland environment within the limits of the ecological environment, the appropriate development of aquaculture and other industries [4].
Conclusion

With the rise of the global environmental protection wave and the development of the protection mechanism of wetland international law, more and more countries are beginning to realize the value and importance of wetlands, and actively participate in the process of wetland protection; China’s wetland protection legislation is also rapid development. But because of the late start, legislation is not yet sound. We should combine the current international organizations on the protection of wetlands, reference to developed countries, wetland legislation, the continuous development of China’s wetland protection mechanism.

References


