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ДОСТИЖЕНИЯ СИСТЕМЫ ЭКОЛОГИЧЕСКОГО НАДЗОРА КИТАЯ ПОСЛЕ РЕФОРМЫ И ОТКРЫТОСТИ

В этой статье автор анализирует основное содержание «Системы экологического надзора Китая» и объясняет процесс ее развития. Достижения системы экологического надзора Китая после реформы и открытости в основном включают три аспекта: система экологического надзора Китая становится все более совершенной, институты и персонал китайского экологического надзора становятся все более надежными, а наказание за экологические нарушения постоянно ужесточается. Кроме того, основываясь на нынешней новой ситуации и новом прогрессе в экологическом управлении Китая, автор считает, что нынешняя система экологического надзора Китая все еще имеет недостатки, такие как неспособность скоординировать противоречие между соблюдением экологического законодательства и экономическим развитием в некоторых областях, а также относительно отсталые возможности обеспечения соблюдения природоохранного законодательства в некоторых областях.

Ключевые слова: Китай, системы экологического надзора, экологическое право, правоприменение в области охраны окружающей среды, экологическое управление, результаты, проблема.

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ACHIEVEMENTS OF CHINA'S ENVIRONMENTAL SUPERVISION SYSTEM AFTER REFORM AND OPENING UP

In this article, the author analyzes the main contents of «China's Environmental Supervision System» and explains the process of its development. The achievements of China's environmental supervision system after reform and opening up mainly include three aspects: China's environmental supervision system is becoming more and more perfect, the institutions and personnel of China's environmental supervision are becoming more and more reliable, and the punishment for environmental violations has been continuously strengthened. In addition, based on the current new situation and the new progress in China's environmental governance, the author believes that China's current environmental supervision system still has shortcomings, such as the inability to coordinate the contradiction between environmental law enforcement and economic development in some areas, and the relatively backward enforcement capacity of environmental law enforcement in some areas.

Key words: China, environmental supervision systems, environmental law, environmental law enforcement, environmental management, results, problem.

After the end of World War II, against the background of overall world peace and stability, human society developed unprecedentedly, the level of industrialization gradually increased, the world economy progressed rapidly, and the global environment was gradually destroyed. With the rise of the world environmental movement in the 1960s, environmental issues gradually attracted the attention of governments around the world, and in the subsequent period, departments directly responsible for environmental protection were established. For the environmental protection departments of various governments, with the goal of environmental improvement, how to formulate environmental protection laws and how to carry out environmental law enforcement have become their key areas of work.

Since China's reform and opening up (December 1978 – present), with the full development of economic construction, some local governments have unilaterally emphasized economic development and ignored the impact of industry on the environment, which has led to the intensification of environmental problems in some areas. According to the China The «1989 China Environmental Situation Bulletin» issued by the environmental protection administrative department of the State Council of the People's Republic of China in 1990 shows that in 1989, the proportion of cities in China

with annual average sulfur dioxide exceeding the standard rose to 16%, and most cities had serious sulfur dioxide pollution in winter. More than 6 million hectares of farmland in China are polluted by industrial «three wastes». The river sections of China's major rivers flowing through cities are highly polluted, and water pollution mainly comes from industrial wastewater [8]. In order to solve these environmental problems and improve people's living environment, China has formed an environmental supervision system in its environmental governance practice. In the «Environmental Supervision Measures» promulgated by Order No. 21 of the Ministry of Environmental Protection of the People's Republic of China on July 25, 2012 and effective from September 1, 2012, «Environmental supervision refers to the environmental protection authorities based on the environmental protection regulations. Administrative law enforcement activities for the implementation of laws, regulations, rules and other normative documents» [9]. According to the specific content in the «Environmental Supervision Measures», it can be seen that the environmental supervision system is one of the main measures for the Chinese government to carry out environmental law enforcement. The execution subjects of this system are the environmental supervision agencies at all levels of the Chinese government. The main work contents of the environmental supervision agencies include:

- 1) Supervise the implementation of laws and regulations related to environmental protection within the jurisdiction.
- 2) Declaration and registration of pollutants discharged within the jurisdiction, and assessment and collection of pollutant discharge fees.
- 3) Handle environmental violations, disputes caused by environmental problems, environmental emergencies and serious environmental problems within the jurisdiction [9].

In the more than 40 years since China's reform and opening up, the Chinese government's environmental governance capabilities have been continuously improved, and China's environmental supervision system has gradually improved and played an important role in the Chinese government's exploration of environmental governance. By reviewing historical data and related data, it can be found that China's environmental supervision system has achieved the following results in its development after reform and opening up:

1. China's environmental supervision system is increasingly improving. As China's environmental governance continues to deepen, laws and regulations related to China's environmental supervision have been promulgated one after another. These laws and regulations have formed China's current environmental supervision system. On September 13, 1979, the Eleventh Meeting of the Standing Committee of the Fifth National People's Congress of the People's Republic of China passed in principle the «Environmental Protection Law of the People's Republic of China (Trial)» [10], which is the first environmental law of the People's Republic of China. Chapter 4 of the «Environmental Protection Law of the People's Republic of China (Trial)» requires the State Council of the People's Republic of China and local governments at all levels to establish environmental protection agencies to supervise the implementation of

national environmental protection guidelines, policies, laws and decrees within their jurisdiction [10]. The current Environmental Protection Law of the People's Republic of China was adopted at the 11th meeting of the Standing Committee of the Seventh National People's Congress on December 26, 1989, and has been revised eight times, the latest one being on April 24, 2014. It was revised at the eighth meeting of the Standing Committee of the Twelfth National People's Congress [1]. These eight revisions have continuously improved the environmental supervision system.

In order to further strengthen environmental supervision and regulate and guide environmental supervision, the environmental protection administrative department of the State Council of the People's Republic of China (the current environmental protection administrative department of the People's Republic of China is the Ministry of Ecology and Environment of the People's Republic of China, formerly known as the Ministry of Ecology and Environment of the People's Republic of China, the State Environmental Protection Administration of the People's Republic of China) have promulgated relevant departmental regulations many times. The State Environmental Protection Administration of the People's Republic of China promulgated the «Interim Measures for Environmental Supervision» on August 29, 1991. The State Environmental Protection Administration of the People's Republic of China promulgated the «Environmental Supervision Work System (Trial)» and «Environmental Supervision Work Procedures (Trial)» on November 14, 1991. On January 19, 1999, the State Environmental Protection Administration of the People's Republic of China promulgated the «Environmental Supervision Government Affairs Disclosure System». In 2012, the Ministry of Ecology and Environment of the People's Republic of China promulgated the «Environmental Supervision Measures» based on the above series of departmental regulations. This is the latest systematic departmental rule of the Ministry of Ecology and Environment of the People's Republic of China in the field of environmental supervision. The working principles, work tasks, working institutions and personnel, and work content of environmental supervision work within the scope have been standardized.

2. China's environmental supervision agencies and personnel are increasingly improving. With the passage of China's first environmental law in 1979 and the increasingly obvious environmental problems in China, the Chinese government gradually strengthened the construction of environmental supervision agencies and personnel. According to public information, as of the end of 2003, China had 3,063 environmental supervision agencies and nearly 46,000 environmental law enforcement personnel [2]. On October 21, 2022, at the fifth press conference held by the 20th National Congress of the Communist Party of China, Zhai Qing, a member of the Party Leadership Group and Vice Minister of the Ministry of Ecology and Environment of the People's Republic of China, stated that «The ecological and environmental law enforcement team has officially been included in the national comprehensive administrative law enforcement sequence... Over the years, more than 80,000 law enforcement officers have been working at the forefront of pollution prevention and control...» [5]. China has also established a cross-departmental and cross-regional environmental law enforcement

collaboration mechanism, which plays an important role in the governance of regional environmental problems and river basin environmental problems. In the process of environmental law enforcement, the Chinese government continues to strengthen cooperation and cooperation among environmental protection departments at all levels, which plays an important role in the investigation and handling of major environmental issues.

In addition, while the Chinese government continues to increase the number of environmental law enforcement personnel, it also continues to conduct various trainings for environmental law enforcement personnel to enhance their work capabilities. These trainings further ensure that environmental supervision work is carried out in an orderly manner in accordance with laws and regulations, and improve the quality of environmental supervision work. From 2015 to 2020, China's Ministry of Ecology and Environment has organized various training courses of 144 training sessions, with a training of 38,000 person-times, and China's provinces have organized a total of 837 training courses with 110,000 person-times of training, and have realized the full coverage of qualification training and licensing of environmental law enforcement personnel at all levels [6]. In order to further strengthen the construction of the ecological and environmental law enforcement team and promote strict, standardized, fair, civilized, and clean law enforcement, the Ministry of Ecology and Environment of China issued the «Code of Conduct for Ecological and Environmental Law Enforcement Personnel» on January 3, 2024 [7]. This document has strict regulations on ecological and environmental law enforcement. There are strict regulations on how law enforcement officers carry out their work properly.

3. Punishment of environmental violations continues to be strengthened.

Since the promulgation of the first environmental law of the People's Republic of China, as the Chinese central government has gradually strengthened environmental governance, the central government's supervision of environmental issues has mainly gone through three stages:

1) The «enterprise supervision» stage (1989-2014), relevant environmental management departments carried out key supervision and management of enterprises to rectify environmental problems caused by enterprises.

2) The «supervisory government» stage (2014-2016), shifting from focusing on supervision of enterprises to focusing on supervision and inspection of local governments.

3) The «party and government have equal responsibilities» stage (after 2016), supplements the supervision and inspection of local party committees' environmental responsibilities, and clarifies that the central environmental inspection has «the party and government have equal responsibilities, and one position has dual responsibilities» [4. P. 27-32].

As China's environmental governance continues to unfold, the Chinese government's environmental supervision departments have continued to strengthen their efforts to punish local governments, enterprises and individuals for environmental

violations. On November 22, 2014, the General Office of the State Council of China issued the «Notice of the General Office of the State Council on Strengthening Environmental Supervision and Law Enforcement», which requires «zero tolerance» for all types of environmental violations, increased punishment, and resolutely correcting the problem of insufficient law enforcement. Adhere to the heavy punishment, iron fist and iron rules to control pollution, to take comprehensive means, always maintain a severe crackdown on environmental violations of the high-pressure situation [3].

In the process of environmental law enforcement, environmental supervision departments closely cooperate and connect with procuratorates, courts and other relevant departments. For local governments, enterprises, and individuals that violate relevant laws and regulations, the environmental supervision department actively investigates the relevant violations and imposes penalties in accordance with applicable laws and regulations or has other relevant departments initiate proceedings in advance. According to data from the Supreme People's Court, from January 2018 to September 2023, a total of 1.47 million first-instance cases involving various environmental resources were concluded, including 186,000 criminal cases, 983,000 civil cases, and 278,000 administrative cases. 23,000 environmental public interest litigation cases were filed. The number of first-instance environmental resources cases accepted from 2018 to 2022 increased by 76.7% compared with the previous five years [11].

After the reform and opening up, China's environmental governance situation has undergone significant changes. Over the past 40 years of reform and opening up, China has promulgated a large number of environment-related laws and regulations. These laws and regulations clarify the environmental protection responsibilities of governments at all levels and enterprises, provide legal basis for effective environmental law enforcement, and play a fundamental guarantee role. At the same time, in order to further leverage the power of the public in supervising environmental issues, the Chinese government has established online and offline reporting and complaint mechanisms for environmental violations. Through convenient reporting channels and comprehensive incentive measures, China can not only strengthen China's democratic construction in the environmental field, but also effectively strengthen the supervision of environmental violations and deter major environmental violations such as illegal pollutant discharge and excessive discharge.

Although China has established a relatively complete environmental supervision system and has made significant progress in environmental law enforcement, there are still some problems in the current environmental supervision system that need further optimization. For some areas, the contradiction between environmental supervision and economic development still exists, and local governments still need to properly coordinate the economy and the environment. Local governments must not only maintain the sustainable development of the local economy, but also ensure the continued improvement of the local natural environment. This is particularly important for parts of China that once relied mainly on highly polluting enterprises to develop their economies. For the western region of China, where the economy is relatively backward, the number, capabilities and quality of law enforcement personnel still need to be further

improved, and environmental monitoring-related equipment still needs to be further popularized and updated.

In general, after the reform and opening up, environmental protection has become one of the important administrative tasks of the Chinese government, and China has made great progress in environmental governance. The current environmental supervision system has played an important role in environmental protection, but it still needs to continue to be strengthened and improved based on new problems exposed in the environmental governance process. Then, while maintaining the existing environmental governance results, we will continue to promote the good development of China's environment and make «China's contribution» to the world's environmental protection cause.

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