Law of the People's Republic of China on Prevention and Control of Desertification

(Adopted at the 23rd Meeting of the Standing Committee of the Ninth National People's Congress on August 31, 2001 and promulgated by Order No. 55 of the President of the People’s Republic of China on August 31, 2001)

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Chapter I General Provisions

Article 1 This Law is enacted to prevent land desertification, rehabilitate desertified land, maintain eco-safety, and promote sustainable economic and social development.

Article 2 All activities for prevention of land desertification and for rehabilitation and exploitation of desertified land in the territory of the People's Republic of China shall be conducted in accordance with this Law.

Land desertification refers to the process of expansion of natural deserts, damage to vegetation on sandy soil, and sand and soil exposure induced by climatic variations and human activities.

Land desertification mentioned in this Law refers to the process of expansion of natural deserts, and the process of shifting sand development and of sand and soil exposure brought about by damage to vegetation or other ground covers on sandy soil, which are mainly caused by irrational human activities.

Desertified land mentioned in this Law includes land that has been desertified and land that markedly tends toward desertification. The specific scope shall be defined in the national plan for preventing and controlling desertification approved by the State Council.
Article 3 The following principles shall be observed in preventing and controlling desertification:

(1) to make unified plans, adapt measures to local conditions, implement the plans in a step-by-step manner, and combine regional prevention and control with key area prevention and control;

(2) to give priority to prevention, combine prevention with control and adopt integrated approaches in rehabilitating desertified land;

(3) to combine protection and restoration of vegetation with rational use of natural resources;

(4) to follow the law of ecology and rely on advancement of science and technology;

(5) to combine efforts to improve ecological environment with efforts to help farmers and herdsmen to extricate themselves from poverty and become prosperous;

(6) to combine government support with local self-reliance, combine organization by the government with participation by people from all walks of life, and encourage units and individuals to contract for prevention and control of desertification; and

(7) to protect the legitimate rights and interests of people engaged in prevention and control of desertification.

Article 4 The State Council and the people's governments at or above the county level located in desertified regions shall incorporate plans for prevention and control of desertification into the national economic and social development plan, guaranteeing and supporting endeavors to prevent and control desertification.

The people's governments located in desertified regions shall take effective measures to prevent land desertification, rehabilitate desertified land, maintain and improve the ecological quality in their respective administrative areas.

The State, in desertified regions, establishes a responsibility, appraisal, reward and punishment system with respect to the targets set to government leaders during their term of office. People's governments at or above the county level located in desertified regions shall report to the people's congresses and their standing committees at the corresponding level on prevention and control of desertification.

Article 5 Under the leadership of the State Council, the forestry administration department of the State Council shall be responsible for organizing, coordinating and guiding the efforts made to prevent and control desertification throughout the country.

The administrative departments under the State Council for forestry, agriculture, water conservancy, land, environmental protection and the authority of meteorology shall, according to their duties prescribed by relevant laws and the division of responsibilities defined by the State Council, assume their respective responsibilities and cooperate closely with one another in their joint efforts to prevent and control desertification successfully.
Each of the local people's governments at or above the county level shall organize and exercise leadership over its subordinate departments, so that they will, according to the division of responsibility, assume their respective responsibilities and cooperate closely with one another in their joint efforts to prevent and control desertification successfully within their respective administrative areas.

Article 6 Units or individuals that use land have the obligation to prevent the land from being desertified.

Units or individuals that use desertified land have the obligation to rehabilitate the land.

Article 7 The State supports scientific research in prevention and control of desertification and the wide use of technology in this field, giving full play to the scientific research departments and institutions, training specialists, and improving the scientific and technological level in this endeavor.

The State supports international cooperation in prevention and control of desertification.

Article 8 The people's governments shall commend and reward the units and individuals that have made noticeable achievements in prevention and control of desertification. Units or individuals that have made outstanding contributions to protection and improvement of ecological quality shall be rewarded handsomely.

Article 9 The people's governments at various levels located in desertified regions shall organize relevant departments to disseminate knowledge about prevention and control of desertification, enhance the awareness of the need to prevent and control desertification, and increase their ability to do so.

Chapter II Plans for Prevention and Control of Desertification

Article 10 Unified plans shall be made for prevention and control of desertification. All activities for prevention and control of desertification and exploitation of desertified land shall be conducted in compliance with plans for prevention and control of desertification.

In the plans for prevention and control of desertification, explicit stipulations regarding the time limit, steps, measures, etc. for curbing the expansion of land desertification, gradually reducing the area of desertified land shall be included. The detailed programmes for their implementation shall be incorporated into the five-year plan and the annual plan for national economic and social development.

Article 11 The forestry administration department under the State Council, along with the relevant departments under the State Council in charge of agriculture, water conservancy, land, and environment protection, shall formulate the national plan for Prevention and control of desertification and submit it to the State Council for approval before implementation.

The people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall, in compliance with the national plan for prevention and control of desertification, formulate plans for prevention and control of desertification in their respective administrative areas and submit them to the State Council or the relevant departments designated by the State Council for approval before implementation.
The people's governments of cities and counties located in desertified regions shall, according to the plans for prevention and control of desertification formulated by the people's government at the next higher level, make arrangements to work out plans for prevention and control of desertification in their respective administrative areas, and submit them to the people's governments at the next higher level for approval before implementation.

Revision of the plans for prevention and control of desertification shall be subject to approval by the approving department; without such approval, no unit or individual may revise the plans.

Article 12 The plans for prevention and control of desertification shall be formulated on the basis of such natural conditions as the geographic location of the desertified land, the category of the land, the condition of vegetation, climate, water resources and extent of land desertification, as well as its ecological and economic functions, and shall be designed to provide differentiated protection and to make all-purpose rehabilitation and rational use of desertified land.

Contiguous stretches of desertified land, that do not meet the conditions for rehabilitation during the planned period or that are not suitable for exploitation because of the need of ecological protection, shall be made enclosed and forbidden reserves of desertified land for protective purposes. The boundary of such reserves shall be defined in the national plans for prevention and control of desertification and in such plans of provinces, autonomous regions and municipalities directly under the Central Government.

Article 13 The plans for prevention and control of desertification shall be dovetailed with the overall plan for land use; the use of desertified land defined in the plans for prevention and control of desertification shall conform with the overall plan for land use of the people's government at the corresponding level.

Chapter III Prevention of Land Desertification

Article 14 The forestry administration department under the State Council shall organize other relevant administrative departments to monitor, prepare statistics and make analysis of land desertification throughout the country, and release the monitoring results periodically.

The forestry or other relevant administrative departments of the people's governments at or above the county level shall, in conformity with the technical rules for monitoring land desertification, monitor desertified land and report the monitoring results to the people's government at the corresponding level and the forestry or other relevant administrative departments at the next higher level.

Article 15 When in the course of monitoring, the forestry or other relevant administrative department of the people's governments at or above the county level discovers that a stretch of land is being desertified or desertification becomes aggravated, it report to the people's government at the corresponding level without delay. The people's government that receives such report shall instruct the administrative departments concerned to put a stop to the activities resulting in land desertification and take effective measures for rehabilitation.

The meteorological institutions at various levels shall enlist efforts to monitor and forecast drought and sandstorm and shall, upon detecting the foretokens of drought or sandstorm, immediately report to the
local people's government. The people's government that receives such report shall take preventive measures, make disaster forecast whenever necessary, and make arrangements for the departments of forestry, agriculture (animal husbandry) and other relevant departments to take emergency measures to avoid or mitigate the damages inflicted by wind and sand.

Article 16 The people's governments at or above the county level located in desertified regions shall, in accordance with their plans for prevention and control of desertification, set aside a certain proportion of land for establishing windbreaking and sand-fixing forest networks or shelterbelts or planting perennial shrubs and herbaceous vegetation in light of local conditions. The forestry administration department shall be responsible for determining the survival and conservation rates, assigning specific tasks, making arrangements for implementation on a stretch-by-stretch basis, and defining responsibilities to ensure fulfillment of the tasks.

No approval shall be granted to the felling of windbreaking and sand-fixing forest networks and shelterbelts, with the exception of felling for purposes of tending and regeneration. Substituting forest networks and shelterbelts shall be formed near the windbreaking and sand-fixing forest networks and shelterbelts before felling is conducted there for purposes of tending and regeneration.

No approval shall be granted to the felling of the existing windbreaking and sand-fixing forest networks and shelterbelts in regions where forest regeneration is difficult.

Article 17 Cutting or digging shrubs, medicinal herbs and other sand-fixing plants in desertified land is prohibited.

The people's government at the county level located in a desertified region shall establish a vegetation protection and control system for strict protection of vegetation, set up vegetation protection and control organizations in townships (towns) and villages wherever necessary and designate people to conduct the protection and control.

In areas of desertified land, contracts concerning all categories of land shall include responsibilities for vegetation protection.

Article 18 The people's governments at various levels located in grassland areas shall tighten control and redouble their effort in developing the grasslands. The agriculture (animal husbandry) administration department shall be responsible for providing guidance and getting the farmers and herdsmen organized to build artificial pastures, control the livestock-carrying capacity, readjust the mix of livestock, improve the breed of livestock promote stall feeding and rotational grazing, and wipe out rodent and insect pests on the grasslands, so as to protect grassland vegetation and prevent degradation and desertification of grasslands.

The system of determining livestock-carrying capacity according to grass production shall be applied in grassland. The agriculture (animal husbandry) administration department shall be responsible for determining the rate of livestock-carrying capacity and formulating related regulations, making arrangements for their implementation level-by-level and defining responsibilities to ensure accomplishment.
Article 19 The administrative department for water resources of the people’s governments at or above the county level located in desertified regions shall improve unified allocation and control of the water resources in river basins and regions; when formulating plans for the exploitation of water resources in river basins and regions and for water supply, it shall take into account the water demand for vegetation protection in the whole river basin and region, so as to prevent damage to vegetation and land desertification resulting from excessive exploitation of underground water and water resources at the upper reaches of a river. Once approved, the plans shall strictly be implemented.

The people’s governments at various levels located in desertified regions shall economize on the use of water, develop water-efficient agriculture, animal husbandry and other industries.

Article 20 No people’s government at or above the county level located in desertified regions may grant approval to land reclamation along the periphery of deserts or on forest land and grassland. Where land has been reclaimed with adverse impacts on the ecosystems, plans shall be made for conversion of the reclaimed farmland into forests or grasslands.

Article 21 Where exploitation and construction activities are to be carried out in desertified land, the potential environmental impact made by the project on the ecology of the locality and related regions shall be assessed in advance and a report on the environmental impact shall be submitted according to law, which should include efforts to be made for prevention and control of desertification.

Article 22 In the enclosed and forbidden reserves of desertified land, all the activities damaging the vegetation are prohibited.

Relocation of immigrants in enclosed and forbidden reserves of desertified land is prohibited. The local people's governments at or above the county level shall make plans to help the farmers and herdsmen living in the enclosed and forbidden reserves of desertified land move out of the areas and settle down appropriately. With regard to production and everyday life of the farmers and herdsmen still living in the enclosed and forbidden reserves of desertified land, the authority there shall make proper arrangements for them.

Without approval of the State Council or the authority designated by the State Council, no railways, highways, etc. may be constructed in enclosed and forbidden reserves of desertified land.

Chapter IV Rehabilitation of Desertified Land

Article 23 The people's governments at all levels located in desertified regions shall, in accordance with plans for prevention and control of desertification, make arrangements for the relevant departments, units and individuals to take measures, in light of local conditions, to plant trees and grass artificially, sow seeds by plane, enclose sandy land to facilitate the growth of trees and grass, and properly allocate water for ecological purposes - all in order to restore or increase vegetation and rehabilitate desertified land.

Article 24 The State encourages units and individuals, on a voluntary basis, to donate or, by other means, to take part in public welfare activities, for rehabilitating desertified land.
The forestry administration departments or other relevant administrative departments of the local people's governments at or above the county level shall allocate stretches of desertified land to and provide free technical guidance for units and individuals that undertake to rehabilitate such land for public welfare.

The units and individuals that engage in rehabilitation of desertified land for public welfare shall do so in compliance with the technical requirements set by the forestry administration departments or other relevant administrative departments of the local people's governments at or above the county level. They may entrust the trees and grass they have planted to other persons or the relevant administrative departments of the local people's governments for protection and control.

Article 25 Persons who enjoy the right to the use of desertified State-owned land or contractors who have the right to the management of land owned by the collectives of farmers shall take measures to rehabilitate such land in order to improve the soil quality. Those who are really not capable of accomplishing the task may entrust, or enlist the cooperation of, other persons to rehabilitate the desertified land. In this connection, an agreement shall be signed to define the rights and obligations of each party.

The people's governments, the relevant administrative departments and technical advice stations located in desertified regions shall provide the persons enjoying the right to the use of the land and the contractors for managing the land with technical guidance in their efforts to rehabilitate the desertified land.

When persons enjoying the right to the use of land and contractors, in their efforts to rehabilitate desertified land, take measures to convert reclaimed land into forests or grasslands, plant trees and grass, or enclose areas for tending purposes, they shall, in accordance with relevant State regulations, be entitled to preferential policies adopted by people's governments.

Article 26 Units or individuals that do not have land ownership or the right to the use of land but wish to engage in profit-making rehabilitation activities shall sign an agreement in advance with the landowner or the person that has the right to the use of the land in order to acquire such right in accordance with law.

Before starting rehabilitation, the units or individuals engaged in profit-making rehabilitation shall submit an application for rehabilitation, with the following documents attached, to the forestry administration department of the people's government at or above the county level located in the place where the rehabilitation project is to be launched or the relevant administrative department designated by the said government:

(1) lawful document of the land ownership or the right to the use of the land and rehabilitation agreement;

(2) the rehabilitation proposals conforming to the plan for prevention and control of desertification; and

(3) certificate of funds needed for rehabilitation.
Article 27 The rehabilitation proposals mentioned in Subparagraph (2) of the second paragraph in Article 26 of this Law shall include the following:

(1) the rehabilitation scope and boundary;

(2) phased goals and time limit for rehabilitation;

(3) major rehabilitation measures;

(4) sources and quota of water supply approved by the local water resources administration department;

(5) purpose of land use and measures for vegetation protection and control after rehabilitation; and

(6) other particulars needed to be stated clearly.

Article 28 The units and individuals enjoying in profit-making rehabilitation shall act in conformity with the rehabilitation proposals.

The State protects the legitimate rights and interests of the units and individuals that are engaged in rehabilitation of desertified land. Without their permission, no unit or individual may carry out rehabilitation or exploitation on the land of which they have acquired lawful ownership or the lawful right to the use.

Article 29 After completing the rehabilitation task, the units or individuals concerned shall submit applications for inspection and acceptance to the administrative department that accepts the rehabilitation applications. The said department shall issue rehabilitation qualification certificates to those who pass the inspection. Those who fail shall continue rehabilitation of the desertified land.

Article 30 Along both sides of railways, highways, rivers and water channels, and around cities, towns, villages, factories, mines and reservoirs in regions where land has been desertified, a responsibility system for rehabilitation on a unit basis shall be applied. The local people's government at or above the county level shall issue letters of rehabilitation responsibilities to the units. The said units shall be responsible for enlisting efforts to plant trees and grass or taking other rehabilitation measures.

Article 31 The people's governments at various levels located in desertified regions may get the local rural collective economic organizations and their members organized, on a voluntary basis, to concentrate their efforts on rehabilitating the desertified land. The funds and labor put in by the said organizations and their members may be converted into shares or capital funds for the rehabilitation projects, or be compensated by other means.

Chapter V Supporting Measures

Article 32 The State Council and the people's governments at various levels located in desertified regions shall, on the basis of their plans for prevention and control of desertification, allocate funds from their respective budgets to the budgeted projects, to be used on the projects determined by them. When
making plans for projects in respect of poverty alleviation, agriculture, water conservancy, road construction, minerals, energy resources and all-purpose exploitation of agriculture, they shall, in light of the specific conditions, plan for a number of sub-projects for prevention and control of desertification.

Article 33 The State Council and the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall formulate preferential policies to encourage and support units and individuals in their efforts to prevent and control desertification.

In conformity with relevant State regulations and on the basis of the area under prevention and control and the degree of difficulty, the local people's governments at or above the county level shall, where the units and individuals engaged in prevention and control of desertification are concerned, apply preferential policies such as financial subsidy, interests which will be paid by budget and tax and fee reduction or exemption.

Units and individuals investing in prevention and control of desertification shall be exempted from all kinds of taxes during the period of investment. Certain taxes may be exempted or reduced when they begin to earn a specified amount of profits.

Article 34 Any unit or individual that apply for rehabilitating desertified State-owned land shall, upon approval given by the people's government at or above the county level in accordance with law, enjoy the right to the use of the land for a maximum of 70 years. The specific number of years and the measures for management shall be formulated by the State Council.

Any unit or individual that intend to rehabilitate collectively owned desertified land shall sign a contract with the owner of the land. The specific number of years for the contract and obligations of the parties shall be laid down by the parties in the land-contracting agreement pursuant to law. The county people's government shall, in accordance with law, issue to the unit or individual a certificate of land use right in order to protect the right of the unit or individual to the use of the desertified land owned by the collective.

Article 35 Where, for the special need of ecological protection, rehabilitated land is designated, upon approval, as natural reserve or enclosed and forbidden reserve of desertified land, the approving authority shall give reasonable financial compensation to the units or individuals that have rehabilitated the land.

Article 36 The State, in light of the need for prevention and control of desertification, makes arrangements for launching key scientific research projects and demonstration and popularization projects for prevention and control of desertification, and adopts preferential policies such as financial subsidy, reduction or exemption of taxes in respect of scientific research and technology popularization in prevention and control of desertification, energy resources in the desertified land area, cultivation of desert economic crops, water-efficient irrigation, prevention of grassland degradation, non-irrigated farming in sandy land, etc.

Article 37 No Unit or individual may withhold or misappropriate the funds earmarked for prevention and control of desertification.
The audit offices of the people's governments at or above the county level shall, pursuant to law, audit and supervise the use of funds earmarked for prevention and control of desertification.

Chapter VI Legal Responsibility

Article 38 Anyone who, in violation of the provisions in the first paragraph of Article 22 of this Law, engages in activities damaging the vegetation in the enclosed and forbidden reserves of desertified land, shall be ordered by the forestry or agriculture (animal husbandry) administration department of the local people's government at or above the county level, within the limits of its duties, to desist from the unlawful act, the illegal gains, if any, shall be confiscated; if a crime is constituted, criminal responsibility shall be investigated in accordance with law.

Article 39 Where persons who enjoy the right to the use of State-owned land or contractors who have the right to the management of the land owned by the collectives of farmers, in violation of the provisions in the first paragraph of Article 25 of this Law, fail to take measures to prevent and control desertification, thus causing serious desertification of land, the agriculture (animal husbandry) or forestry administration department of the people's government at or above the county level shall, within their respective limits of duties, order them to rehabilitate the land within a time limit; where State-owned land is seriously desertified, the people's governments at or above the county level may take back the right to the use of the State-owned land.

Article 40 Anyone who, in violation of the provisions of this Law, engages in prevention and control of desertification for making profits, thus aggravating land desertification, the administrative department of the local people's government at or above the county level which is responsible for accepting applications for profit-making prevention and control of desertification shall order him to desist from the unlawful act and may also impose on him a fine not less than RMB 5,000 yuan but not more than 50,000 yuan per hectare.

Article 41 Any unit or individual that, in violation of the provisions in the first paragraph of Article 28 of this Law, fails to rehabilitate desertified land in conformity with the rehabilitation proposals or that, being unqualified by inspection and in violation of the provisions in Article 29 of this Law, go on with the rehabilitation at variance with the requirements, shall be ordered by the administrative department of the local people's government at or above the county level which is responsible for accepting applications for profit-making prevention and control of desertification to desist from the unlawful act and to make rectification within a time limit, and may also be imposed a fine not less than the amount of the rehabilitation cost but not more than three time the amount.

Article 42 Anyone who, in violation of the provisions in the second paragraph of Article 28 of this Law and without permission of the unit or individual concerned, carries out rehabilitation or exploitation in the area the said unit or individual is rehabilitating shall be ordered by the administrative department of the local people's government at or above county level which is responsible for accepting applications for profit-making prevention and control of desertification to desist from the unlawful act and, where losses are caused to the unit or individual, compensate the losses.
Article 43 Where any of the following acts is committed in violation of the provisions of this Law, the persons chiefly in charge and the other persons directly responsible shall, in accordance with law, be given administrative sanctions by the unit they belong to, the supervisory authority or the administrative department at a higher level:

(1) in violation of the provisions in the first paragraph of Article 15 of this Law, failing to report promptly when discovering that land is being desertified or desertification becomes aggravated or, after receiving the report, failing to order the administrative department concerned to take measures;

(2) in violation of the provisions in the second and third paragraph of Article 16 of this Law, giving approval to felling of trees in the windbreaking and sand-fixing forest networks or shelterbelts;

(3) in violation of the provisions in Article 20 of this Law, giving approval to land reclamation along the periphery of deserts, or on forest land or grassland;

(4) in violation of the provisions in the second paragraph of Article 22 of this Law, relocating immigrants in endorsed and forbidden reserves of desertified land; or

(5) in violation of the provisions in the third paragraph of Article 22 of this Law and without approval, constructing railways, highways, etc. in the endorsed and forbidden reserves of desertified land.

Article 44 Where, in violation of the provisions in the first paragraph of Article 37 of this Law, funds earmarked for prevention and control of desertification are withheld or misappropriated, the persons chiefly in charge and the other persons directly responsible shall, in accordance with law, be given administrative sanctions by the supervisory authority or the administrative department at a higher level. If a crime is constituted, criminal responsibility shall be investigated pursuant to law.

Article 45 Where a person in charge of supervision over prevention and control of desertification abuses his power, neglects his duty or engages in malpractice for personal gain, which constitutes a crime, he shall be investigated for criminal responsibility pursuant to law.

Chapter VII Supplementary Provisions


Article 47 This Law shall go into effect as of January 1, 2002