



# **The Main Track of the Development of Environment Framework law**

- **From the Conference on the Human Environment to the Conference on Environment and Development**
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**Zhiping Li**

**Professor of Law School of Sun Yat-Sen University**



# What is Environmental Framework Law

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**Environmental Framework Law (also known as Environmental Basic Law):**

- **refers to the comprehensive legislation about the general issues of environmental protection in a country;**
- **includes regulations about basic policies, principles, mechanisms, rights and obligations of environmental protection;**
- **functions as the core of environmental law system which leads, guides, and coordinates environmental sectional laws.**

# General Developments of Environmental Law

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**The two phases of law reactions to environmental problems:**

- **Phase One: Solving environmental problems via enlarging the traditional legislations**

**For example, adding the regulation in the property law that properties should be protected away from pollution, providing relative relieves on property benefits and personal rights after pollution damage in the tort law, limiting behavior external influences in the adjacent relationship law, imposing criminal sanctions to environmental destructions in the criminal law.**

# General Developments of Environmental Law

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- **Phase Two: Solving environmental problems via enacting new environmental laws (specifically divided into two sub-phases)**

**----Sub-phase one: Environmental sectional law-based period (since 1940s)**

**Due to the complexity of environmental problems, as well as people's insufficient knowledge about the reasons of and interrelations between different environmental problems, usually legislatures adopt separate reactions by classifying different problems and then enacting different laws and regulations according to their different characteristics.**

# General Developments of Environmental Law

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**---Sub-phase two: Environmental framework laws appear rapidly (since 1970s ).**

**Reasons:**

- integral protection instead of separate protection;**
- reaction to increasingly serious environmental threats;**
- promotion of national environmental protection principles and environmental policies;**
- in order to integrate, lead, coordinate, and simplify environmental single laws.**

# Developments of Environmental Framework Law


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- The two peaks of modern environmental framework law development**
- **The 1<sup>st</sup> peak(1972 to mid- 1980s) – Environmental framework law during Stockholm period.**
- **The 2<sup>nd</sup> peak(1992 to early 21 century)— Environmental framework law during sustainable development.**

# **Influence from Stockholm Conference on Environmental Framework Law**

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- **Treating environment and environmental protection through systematic viewpoint;**
- **Proposing people's basic rights in environment;**
- **Clearly specifying national and social environmental responsibilities;**
- **Forwarding national strategies on solving environmental problems;**
- **Demonstrating fundamental environmental protection principles.**

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- **During this period, environmental basic laws sprouted from scratch, which promoted qualitative leap of environmental legislations. However, the environmental basic laws in this phase displayed the relatively simple and policy law-based characteristics, which mainly included: national environmental protection targets and policies, demonstration of country's and enterprises' environmental protection responsibilities, establishing national environmental supervision and administrative system and the environmental law system which took the Environmental Impact Assessment as the core mechanism.**





# **Influence from Rio conference on Environmental Framework Law**

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- **The most important contribution is to establish the sustainable development strategy.**
- **Many countries enacted new environmental framework laws or modified their original environmental framework laws in order to realize the sustainable development strategy. This is another qualitative leap for the development of environmental framework law.**

# Influence from Rio Conference on Environmental Framework Law

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- **Environmental framework law system became more comprehensive and broad, with increasingly diverse forms.**
- **Sustainable development strategy became the basis and also the top target for environmental framework law;**
- **Citizens' environmental rights developed into the core right in the environmental law; the system of environmental law subject's rights and obligations was essentially mature.**
- **Established the framework for environmental governance and strongly advocated social participation by plural subjects**
- **More economic measures on the basis of market mechanism were adopted;**
- **Legal liability and judicial relief mechanisms were improved;**



# Basic Conditions for Development of Environmental Framework Law

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- Ideological preparation
- Elevation in understanding
- Promotion of the international society
- Stress from domestic environmental crisis

# Developments in Contents of Environmental Framework Law

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- **Technology Centrism → Interest Balance Centrism**
- **Government dominated → Social participation by all kinds of subjects**
- **Mandatory control-based governance → Multiple control measures**
- **Emphasizing beforehand and process supervision → Comprehensive control in beforehand, process, and afterward stages and relief measures.**



# Environmental Framework Law in Different Countries

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- **Asian countries—environmental policy law group**
- **Africa countries—environmental management law group**
- **European countries—environmental codification and semi-codification group**



# Intercommunity in Different Countries

## Environmental Framework Law

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- **Common goal, concept, principles, systems, liabilities, etc., have emerged.**

# Environmental Framework Law in the Background of Global Warming

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- **Low-carbon development become the main theme and its influence not only to industries but to all aspects of human activities;**
- **Consider environmental equity and environmental justice in a deeper level;**
- **Harmony between human and nature is an important goal;**
- **Reforms to environmental framework law mainly emphasize on renewing energy basis and innovating developing modes;**
- **Enhance the development and regulation of NGO participation;**

# Development of Environmental Framework Law in China

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- **The first environmental framework law in China, *Environmental Protection Law of PRC (for trial implementation)*, was issued in 1979 and the existing *Environmental Protection Law* entered into force from 1989. Ever since 1989, there has not been any amendment to the environmental framework, making it far behind social development and the general level of global environmental framework law. Thus the environmental framework law in China caught the first peak but missed the second peak.**



# Development of Environmental Framework Law in China

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**The reasons for the slow development in China:**

- **The Fierce competition between economy and environment;**
- **The power competition between different government agencies;**
- **National's environmental policies and sectional legislation's have replace its place in some extent.**

# Development of Environmental Framework Law in China

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- **However, opportunities for great strides of China's environmental framework law still exist. In order to solve the dilemma between environment and economic developments, the Chinese Government proposes thoughts such as implementing the scientific development concept, building a resource-saving and environment-friendly society, and constructing ecological civilization. The results of these thoughts may promote vigorous developments of environmental framework law. Now the key is to grasp these opportunities and modify the Environmental Protection Law of China as soon as possible.**



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Thank you!