

The Situation and Countermeasures of Supervising and Executing Law of Soil and Water Conservation in Fujian

Chen Shanmu

Supervision Station of Soil and Water Conservation of Fujian, Fuzhou 350003, China

Abstract: The achievements on the supervising and executing law of soil and water conservation of Fujian Province were affirmed. In addition, five characteristics in the new situation and three aspects of difficulties existed therein were also analyzed. Based on the above, five points of directions or suggestions were made on the future task of the supervising and executing law of soil and water conservation, that is, establishing proper guiding ideas, strengthening the power of executing laws, broadening the task domain, setting up technique-supporting systems and perfecting the law systems.

Keywords: soil and water conservation, supervising and executing law, situation, countermeasures

There have been 12 years since supervising institution of soil and water conservation was founded by Authority Committee in Fujian Province in October, 1989. In the past years, supervising and executing institution of soil and water conservation in Fujian experienced changes, including establishment of institution, increase of personnel, and standardization of routine. As each class worked hard, the achievement of supervising and executing law of soil and water conservation was obvious. Based on incomplete statistics, we have had 86 institutions and 1,483 staffers (including 412 full time staffers), accumulatively examined and approved 16.5 thousands of soil and water conservation projects, delivered 11.6 thousands of project certificates, collected 18.39 million yuans of compensate tax and 2.824 million yuans of treatment soil and water conservation, checked and dealt with 3,299 cases, taken over more than 800 thousand yuans of penalty, put in practice 788 items of returning treatment project and 13.18 million yuans, and qualified 43 institutions to workout project of soil and water conservation (including 2 first grade and 11 second grade institutions). However, with regard to current state of affairs, supervising and executing the law of soil and water conservation is in different social and economical conditions compared with that in the early of 1990s and the late of 1980s, and faced with several difficulties. Therefore we should take corresponding measures to adapt to the developing situation.

1 Characteristics of supervising and executing law of soil and water conservation in Fujian

Compared with the early of 1990s and the late of 1980s, what changes have happened for macroscopical social and economical conditions and what is the effect on supervising and executing law of soil and water conservation? This is the questions that author recently often think about. Act of soil and water conservation is a highly integrative social systems engineering, with not only related to natural science (including agriculture, forestry, hydraulics, aerography, pedology etc.), social science (economics, law) and ecological science, but also to the fields of biology, hydraulics and land construction engineering. Thus we must comply with the orders of nature, social economy and ecology. Supervising and executing law of soil and water conservation is to restrict the action of exploitation, regulate construction and management and prevent soil loss, which is closely linked to ambient conditions at different stage. Accordingly, it is incorrect to insist on traditional sense of soil and water conservation and neglect the role of social science and social discipline. We should observe situation and consider problems from new and complete point of view, or else it is difficult for us to grasp the emphasis and work inefficiently. At present, characteristics of new situation with which supervising and executing law of soil and water conservation faced is as follows:

Economy system was changed from planned economy to market economy of socialism. Since establishment of market economy system of socialism was advanced during the fourteenth congress of

Chinese Communist, the economy system has transformed from original planned economy to market economy step by step. Thereafter the distribution of economic resource has changed with market means instead of planning means. That is to say, the regulation by means of administration is gradually weakened and that of economy is gradually strengthened for soil and water conservation.

Legal system environment has changed greatly. When the law of soil and water conservation was publicized in 1991, action of soil and water conservation enters a new stage. By “1.5”, “2.5”, “3.5” civil law popularization, especially the policy of managing the state depending on the law was put forward during the fifteenth congress of Chinese Communist in 1997, law consciousness in the society was increasingly enhanced and unparalleled advantage was created for supervising and executing law of soil and water conservation, which indicate that soil and water conservation has begun to conduct according to the law.

Entirnement construction as one of basic national policies has been recognized consistently. With the development of economy and improvement of living standard, requirement of living condition quality is increasingly advanced. Especially, since severe flood happened in Yangzi river in 1998 and recently sand and dust storm continuously attacked north China, understanding of soil and water conservation as the predominant ecological and environmental problems has reached unprecedented level by all people. Some slogans such as soil and water loss is the first environmental problem in China were not put forward in the late 1980s and the early 1990s.

Environmental conditions have changed profoundly in Fujian. In the past ten years, under common effort of all related departments, our province had gained achievements in the environment construction. Soil and water loss area has decreased from 21,130km² in 1987 to 13,134km² in 2000, the rate of soil and water loss declined 8% from primary 17.4% to current 9.4% and forest coverage increased 14.2% from 46.3% in 1988 to 60.5% in 1998. With the replacement of firewood by fuel in countryside, phenomena of digging grass root and cutting firewood has reduced in littoral countryside. This is advantageous for soil and water conservation.

Joining into WTO provide a good opportunity for environment construction. After entering world trade organization, important and profound impact was formed not only in economic development but also in environment construction. In general, soil and water conservation was promoted by using legal, economic and executive means and international convention to standardize the economical behavior of exploitation and construction.

2 Primary difficulties and problems of supervising and executing the law of soil and water conservation in Fujian

Law and rule are not perfect. When the first law of soil and water conservation was enacted in China in 1991, it was in accordance with temporal situation because each item was constituted by virtue of temporal social and economic conditions. But with the development of economy and practice of soil and water losses control, the law appeared to be incomplete. For instance, the nineteenth item of the law only prescribed the areas in which the project of soil and water conservation was required (i.e. coteau, hill and region where wind and sand prevail), indicating the emerged problem whether the project should be advanced in the plain or city. In addition, current law of soil and water conservation is too principled, general and lack of maneuverability. With respect to the implementary byelaw of soil and water conservation publicized by the People’s Congress of Fujian province, which is also lack of maneuverability, there are great difficulties during supervising and executing law of soil and water conservation. For example, it is unclear to recognize the importance of examination of soil and water conservation project during whole project establishment. Soil and water loss is actually the most important environmental problem caused by some projects, such as speedway construction and mine exploitation. Therefore, the limitation mentioned above is obvious. Collecting compensatory expenditure of soil and water conservation is an action of accommodating exploitation and production and protecting ecological environment by the government in market economy system through economic lever, but it was not prescribed concretely in byelaw of soil and water conservation in Fujian. In the last year, provincial government distinctly regulated charge item for foreign capital enterprise via [2000] No. 5 document, but

did not mention compensatory expenditure. This brings more difficulties in supervising and executing the law of soil and water conservation.

Circumstance of exterior executing the law is still not perfect. As the same as other department of executing the law, primary difficulties and problems of supervising and executing law of soil and water conservation are as follows: firstly, all kinds of special projects such as “leader project”, “key or achievement engineering” are difficult to be supervised and executed law of soil and water conservation due to incomplete law and inconsistent attitudes of leaders. They often start working before performing the proceeding of application and authorizing. Even if we interposed, undertake department usually refuse to carry out the obligation of soil and water conservation for the sake of item, time and outlay. Secondly, some “relationship project” is also managed difficultly. The private owners rely on their unusual relationship with superior leaders and neglect the law of soil and water conservation, which increases the obstacles in executing the law. Thirdly, “protected projects” are generally carried out by the organization of gangdom that made a monopoly of some resource exploitation and caused soil and water loss. The three instances are sometimes combined.

The self-construction of system of supervising and executing law of soil and water conservation is unadapted. We should adequately recognize the achievement of supervising and executing law of soil and water conservation taken in the past years, at the same time, must definitely realize difficulties and problems that had existed. Firstly, idea is conservative. Some comrades consider the action of soil and water conservation as the pure soil and water loss control. Even someone thinks that defending and supervising are equal to charging. Secondly, principal part of executing the law is not definite. According to current local situation, the institution of soil and water conservation is equal to that of supervising and executing law. Some stations of supervising and executing law were short of the principal for a long time. Thirdly, the procedure of executing law is not canonical. From the result of examination, when some local institutions of supervising and executing law of soil and water conservation performed three basal functions, viz. examine and approval, charge and supervising, there still existed shortage that including not only main aspects like process of executing the law and use of appropriate item, but also details such as standard of compensation charge and management of data and archives. Fourthly, qualities of tipstaffs are relatively low. There are primary problems as follows: deficient amount of tipstaff and their low qualities of culture and operation. Fifthly, equipment of executing the law is poor. Especially in mountainous and depressed area, vehicle, apparatus and tools are often old and even absent. This is disadvantageous to the development of supervising and executing law of soil and water conservation.

3 The direction and advice for supervising and executing law of soil and water conservation in the future

Compared with other institutions of executing the law, the action of supervising and executing law of soil and water conservation starts relatively late and its foundation and equipment are poor. Thus it is not practical to settle above-mentioned difficulties and problems within a short period. In the face of new situation, we should grasp emphasis of work based on practice to get twice the result with half the effort.

3.1 Conception transition and establishment of directive idea in supervising and executing law of soil and water conservation

Facing new situation of environmental construction, we should abandon the old conception of soil and water conservation, and change the directive idea from three aspects, viz. pattern from dominant control of soil and water loss to prior prevention and supervisal, supervisory emphasis from countryside to town, and object of supervising and executing law from point to face, especially for the item of exploitation and construction. In the course of supervising and executing the law, we must deal with three relationships rightly. Firstly, the relationship between economy construction and ecology construction should be coincident with construction combined organically with protection. Next, relationship of strip and block is namely the conflict between the department of supervising and executing law and the government because their pursued value and goals are different. Therefore, for searching common ground of the two institutions, communication with local government should be strengthened under current

management system. Finally, the relationship between superior and junior should be enhanced in order to form a resultant force. In the meanwhile, classification of supervising and executing law of soil and water is also necessary because of batch-examination and management for the exploitation and construction item in China.

3.2 Strengthening the power of executing the law in the base of foundation and stressed emphasis

This is an important and long-term question related to overall situation and fundamentality of soil and water conservation. Implementation of responsibility, degree of executing the law and social effect depend on the construction of the power of executing the law. Since our institution was set up relatively late and inefficient in executing the law, we should attach importance to this problem from now on. In the first place, education and training of persons are essential. Especially training of executing the law on spot to accumulate the experience and improve the ability of meeting an emergency should be strengthened. In the second place, superior equipment should be prepared perfectly. For enhancing the power of executing the law, we should collect funds through different channels and equip vehicle, computer, communication and investigation facilities. In the third place, standardization is the rule of the construction of the power of executing the law. This task was arranged by soil and water conservation section, Ministry of Resources in 1999. Based on experimental unit, the construction to improve the level of executing the law will conduct in the wide range of Fujian in 2003 with focus on principal part, procedure of executing the law and data pigeonhole.

3.3 Continuously broadening the field of supervising and executing law of soil and water conservation

Since the action of supervising and executing law of soil and water conservation is related to many sections and industries, we must strengthen transverse combination and actively strive for support and assistance of concerned department to get twice the result with half the effort. Next year, relations with many departments including plan, construction, road, electric power, coal, environmental protection and land should be further strengthened. In accordance with the law of soil and water conservation, Office of Resources and related departments should definitely prescribe application procedure and content of soil and water conservation project for the item of exploitation and construction in united style to supervise and urge the owner to perform the obligation of soil and water conservation. Based on current situation of neglect of supervisal, especially lack of dynamic supervisal, we should manage and supervise some establishments of soil and water conservation frequently next year. And related systems ought to be worked out in Fujian.

3.4 Depending on science and technology, extensively collecting information, establishing technique supporting system of supervising and executing law of soil and water conservation

Science and technology is the most key factor determining the development of an industry. In the future, we must acceleratively establish three main technical supporting systems based on our system characteristics. Firstly, executing the law is a dynamic information management system based on human. For supervised objects, we should roundly investigate and track them, then establish computer management information system. Secondly, information management system of soil and water conservation project consists of the conditions of qualified units that establish items, project application and approving and execution of tracking. Finally, science and technology information management system of supervising and executing the law includes scientific research, design, agency institution and technologist and so on.

3.5 Strengthening investigation and research and improving the rule and law of soil and water conservation

With the development of situation, especially taking part in WTO, the circumstances of society,

economy and law have changed profoundly. Accordingly, the improvement of the law of soil and water conservation will be listed on the schedule. From now on, we must make great efforts based on current conditions. Above all, first-hand data should be collected through investigation. At the same time, experience communication about supervising and executing law of soil and water conservation between provinces should be enhanced. At an appropriate occasion, advice on the modification of the law of soil and water conservation will be put forward.

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