

# New Legal Protections for China's National Parks



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# Overview

- Background and pilot national parks
- Violations and enforcement tools
- Public interest cases filed by NOGs and prosecutors
- New developments



# Background and Pilot National Parks



# Background and Pilot National Parks

- **Regulation on Natural Reserves** (revised in 2017)
- **General Plan to Establish National Parks Systems** by General Office of State Council & General Office of CCP Central Committee, September 2017
- **Guidance Opinions on Establishing Protected Natural Areas Systems with National Parks as the Center** by General Office of State Council & General Office of CCP Central Committee, June 2019



# Violations and Enforcement Tools

- Unlawful activities:
  - Mining (minerals, sands, etc)
  - logging
  - Hunting
  - Excessive development



# Violations and enforcement tools

- Civil environmental public interest litigation by NGOs or prosecutors
- Civil litigation by provincial and local governments
- Criminal prosecution by prosecutors



# Public Interest Cases (NGOs & Prosecutors)

- **Procuratorate of Qilianshan National Forest v. Zhang Jun et al.**
  - Civil public interest case against poachers
  - Notice of Intention filed on January 6, 2020
- **Procuratorate of Nanping City v. Xiao et al.**
  - Civil public interest case on illegal logging in Wuyishan National Park
  - Trial in November 2019



# Public Interest Cases (NGOs & Prosecutors)

- **Procuratorate of Chengbu Ethnic Miao Autonomous County v. Wu et al.**
  - Prosecutors filed criminal & civil public interest claims against poachers.
  - Criminal jail time & civil damage were ordered by court.
- **CBCGDF v. Nongfu Spring Co., Ltd.**
  - Filed by an environmental NGO against a bottled water company for illegal land use in Wuyishan National Park in January 2020.



# New Developments

- **Ecological and Public Interest Judicial Protection Center for Sanjiangyuan Established in August 2019**
  - A partnership among Qinghai provincial procuratorate, Department of Forestry and Grassland, and Management Bureau of Sanjiangyuan National Park
  - To coordinate administrative enforcement, criminal enforcement and civil public interest litigation concerning Sanjiangyuan National Park and Qilianshan National Park (Qinghai section)
- **National People's Congress Standing Committee permanently banned wildlife trade and consumption on February 24, 2020**





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