

REGULATIONS OF THE PEOPLE'S REPUBLIC OF CHINA ON NATURE RESERVES

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Regulations of the People's Republic of China on Nature Reserves

Chapter I General Provisions

Article 1 The Regulations are formulated with a view to strengthening the construction and management of nature reserves and to protect the natural environment and resources.

Article 2 For the purpose of the Regulations, nature reserves refer to such areas, on land, inland water bodies, or marine districts, which represent various types of natural ecological systems, or with a natural concentrated distribution of rare and endangered wild animal or plant species, or where natural traces or other protected objects being of special significance are situated, and so delimited out for special protection and administration according to relevant laws.

Article 3 Establishment and management of nature reserves within the territory of the People's Republic of China or the other sea areas under the jurisdiction of the People's Republic of China must comply with the Regulations.

Article 4 The state shall practice the economic and technological policies and measures favourable to the development of nature reserves, and incorporate the development planning of nature reserves into the national economic and social development plans.

Article 5 The local economic construction, the production activities and everyday life of local residents shall be properly considered when the nature reserves are established and managed.

Article 6 Nature reserves administrative agencies and their competent administrative departments may accept grants from both internal and external organizations and individuals for the establishment and management of nature reserves.

Article 7 The people's governments at or above the county level shall strengthen leadership for the work concerning nature reserves.

All units and individuals shall have the obligation to protect the natural environment and resources within nature reserves and have the right to report on or file charges against units or individuals who have destroyed or seized the nature reserves.

Article 8 The state shall practice a system which combines integrated management with separate departmental management for the management of nature reserves.

The competent department of environmental protection administration under the State Council is responsible for the integrated management of the nature reserves throughout the country.

The competent departments of forestry, agriculture, geology and mineral resources, water conservancy, and marine affairs and other departments concerned are responsible for relevant nature reserves under their jurisdiction.

The people's governments of provinces, autonomous regions and municipalities directly under the central government shall decide, according to the specific condition of the locality, on the establishment and the responsibilities of the administrative departments of nature reserves in the people's governments at or above the county level.

Article 9 The people's governments at various levels shall give awards to units or individuals who have made outstanding contributions to the establishment and management of nature reserves and the related scientific research

Chapter II The Establishment of Nature Reserves

Article 10 In the areas which meet one of the following requirements, a nature reserve shall be established:

(1) typical physiographic areas with representative natural ecosystems, and those similar areas where the natural ecosystems have been damaged to some extent, but can be restored through proper protection;

(2) areas with a natural concentrated distribution of rare and endangered wild animal or plant species;

(3) those areas which are of special protection value, such as marine and coastal areas, islands, wetland, internal water bodies, forests, grassland and deserts;

(4) natural remains which are of scientific or cultural value, such as geological structures, famous karst caves, fossil distribution areas, glaciers, volcanoes, and hot springs;

(5) other natural regions requiring special protection by the approval of the State Council or the people's governments of provinces, autonomous regions or municipalities directly under the central government.

Article 11 The nature reserves are divided into national nature reserves and local nature reserves.

National nature reserves are of typical significance in or out of the country, and have major international influence in science, or are of special value for scientific research.

Local nature reserves are those other than the national ones which are representative and significant for scientific research. Local nature reserves may be managed by local governments at separate levels. The specific measures shall be formulated by the competent department of nature reserves under the State Council or by the people's governments of provinces, autonomous regions or municipalities directly under the central government according to their specific conditions, and shall be submitted to the competent department of environmental protection administration under the State Council for the record.

Article 12 The establishment of a national nature reserve requires an application from the people's government of the province, autonomous region or municipality directly under the central government where the proposed nature reserve is located or by the competent department of nature reserves under the State Council. After the appraisal by the National Nature Reserves Appraisal Committee, the competent department of environmental protection administration under the State Council shall coordinate with relevant department to provide appraisal comments on the application and then submit it to the State Council for approval.

The establishment of a local nature reserve requires an application from the people's government of the county, autonomous county, municipality or autonomous prefecture where the proposed nature reserve is located, or from competent department of nature reserves in the people's government of the relevant province, autonomous region or municipality directly under the central government. After the appraisal by the local nature reserves appraisal committee, the competent department of environmental protection administration in the people's government of the province, autonomous region or municipality directly under the central government shall coordinate with relevant departments to provide appraisal comments on the application and then submit it to the people's government of the province, autonomous region or the municipality directly under the central government for approval, and meanwhile submit it to the competent department of environmental protection administration under the State Council and the relevant competent administrative department of nature reserves under the State Council for the record.

The establishment of a nature reserve involving more than two administrative divisions, requires an application from the people's government of relevant regions after their consultation. Then the application goes through the same procedures described in the preceding two paragraphs.

The establishment of maritime nature reserves must be approved by the State Council.

Article 13 In applying for the establishment of nature reserves, it is necessary to complete the nature reserve establishment report according to the relevant regulations of the state.

Article 14 The range and boundary of nature reserves shall be determined by the people's government responsible for the approval of the establishment. The boundaries of nature reserves shall be indicated and announced to the public.

The determination of the range and boundaries of nature reserves shall be given consideration to the integrity and suitability of the protected object as well as the needs of local economic construction, the production activities and the everyday lives of local residents.

Article 15 The cancellation of nature reserves or any change or adjustment made in its property, range or boundaries shall be approved by the people's government responsible for the approval of the establishment of the nature reserves.

No units or individuals shall move the landmarks of nature reserves without authorization.

Article 16 Nature reserves shall be named in the following ways:

National nature reserves: Name of the location + "National Nature Reserves".

Local nature reserves: Name of the location + "Local Nature Reserves".

If a nature reserve has its own special protected object, the name of the object may be added after the name of the location.

Article 17 The competent department of environmental protection administration under the State Council shall, together with the competent administrative department of nature reserves under the State Council, formulate programs for the development of national nature reserves based upon the detailed investigation and evaluation of the natural environment and resources of the whole country. After the overall balancing by the competent planning department under the State Council, these programs shall be submitted to the State Council for final approval and implementation.

The nature reserves administrative agencies or competent administrative department of a particular nature reserve shall draw up the construction plans for nature reserves, which shall be included in the national, local or departmental investment plans according to certain stipulated procedures, and organize their implementation.

Article 18 Nature reserves may be divided into three parts: the core area, buffer zone and experimental zone.

The intact natural ecosystems and the areas where the rare and endangered animals or plants are concentratedly distributed within nature reserves, shall be included in the core area into which no units or individuals are allowed to enter. Scientific research activities are generally prohibited in the core area except for those approved according to Article 27 of the Regulations.

Certain amount of area surrounding the core area may be designated as the buffer zone, where only scientific observations and other research activities are allowed.

The area surrounding the buffer zone may be designated as the experimental zone, where may be entered for various activities such as scientific experiment, educational practice, visit and investigation, tourism, and the domestication and breeding of rare and endangered wild animal or plant species.

If the people's government responsible for the approval of the establishment of the nature reserves thinks it necessary, certain amount of area surrounding the nature reserve may be designated as the outer protection area.

Chapter III Management of Nature Reserves

Article 19 The competent department of environmental protection administration under the State Council shall organize relevant administrative departments of nature reserves under the State Council to formulate national technical regulations and standards for the management of nature reserves.

The relevant competent administrative departments of nature reserves under the State Council shall, within the field of division of work, formulate the technical regulations on the management of various types of nature reserves, and submit them to the competent department of environmental protection administration under the State Council for the record.

Article 20 The competent departments of environmental protection administration in the people's governments at or above the county level shall have the right to conduct supervision and inspection on the management of all the nature reserves within their administrative division. The relevant competent administrative departments of nature reserves in the people's government at or above the county level shall have the right to conduct supervision and inspection on the management of the nature reserves they are responsible for. The units subject to inspection shall truthfully report the situation to them and provide them with the necessary information. The inspectors shall keep confidential technological know-how and business secrets of the units inspected.

Article 21 The competent administrative departments of the nature reserves of the people's governments of provinces, autonomous regions and municipalities directly under the central government or the competent administrative department of nature reserves under the State Council shall be responsible for the management of the national nature reserves. The competent administrative department of nature reserves in the people's governments at or above the county level shall be responsible for the management of the local nature reserves within their administrative divisions.

The relevant competent administrative departments of nature reserves shall set up a special administrative agency in each nature reserve, provide specialized technical staff who shall be responsible for the management of the nature reserves.

Article 22 The major functions of administrative agencies of nature reserves shall be as follows:

(1) to implement relevant laws, regulations, guidelines and policies formulated by the state on nature conservation;

(2) to formulate various management regulations so as to exert unified management on the nature reserves;

(3) to investigate into the natural resources and set up necessary records accordingly and organize environmental monitoring in order to protect the natural environment and resources in the nature reserves;

(4) to organize or assist relevant departments to make scientific researches on the nature reserves;

(5) to carry out education and public programs on nature conservation;

(6) to organize activities such as visiting and sightseeing tour in the nature reserves on the presupposition that the natural environment and resources of the nature reserve shall not be affected by such activities.

Article 23 The expenses needed for the management of the nature reserves shall be arranged by the people's government at or above the county level of the region where the nature reserves are located. The state shall subsidize the management of national nature reserves appropriately.

Article 24 The public security agency of the region where the nature reserves are located may, according to the necessity, set up representative office within the nature reserves to maintain public order in the areas.

Article 25 The units, residents inside the nature reserves and the personnel allowed to enter into the nature reserves shall comply with various regulations of administration, and subject themselves to the management of the administrative agency of the nature reserves.

Article 26 In nature reserves, such activities as felling, grazing, hunting, fishing, gathering medicinal herbs, reclaiming, burning, mining, stone quarrying and sand dredging etc., shall be prohibited unless it is otherwise provided by relevant laws and regulations.

Article 27 Nobody shall be allowed to enter the core area of nature reserves. Where scientific observations and investigation thereto are necessary for scientific research, the unit concerned shall submit the applications and activity plans to the administrative agency of the nature reserves in advance, and shall be approved by the competent administrative department of nature reserves in the people's government at or above the provincial level. The entrance into the core area of national nature reserves shall be approved by the competent administrative department of nature reserves under the State Council. For residents living in the core area of the nature reserve who are necessitated to move out, the local people's government shall see to the proper settlement for them.

Article 28 Tourism, production and trading activities are prohibited in the buffer zone of nature reserves. In buffer zone of nature reserves, the non-destructive activities such as scientific research, educational practice and specimen collection for teaching or scientific research, applications and activity plans shall be submitted to the administrative agency of the nature reserves in advance, and be approved by the same agency.

All units and individuals who participate in such activities described in the preceding paragraph shall submit a copy of the report of the activity result to the administrative agency of the nature reserves.

Article 29 With respect to the visiting and sightseeing tourist activities in the experimental zone of national nature reserves, the administrative agency of the nature reserves shall put forward the activity program. After it is reviewed by the competent administrative department of nature reserves of the people's government of the province, autonomous region or the municipality directly under the central government, the program shall be submitted to the competent administrative department of nature reserves under the State Council for final approval. With respect to the visiting and sightseeing tourist activities in the experimental zone of local nature reserves, the administrative agency of the nature reserve shall put forward the activity program, and submit it to the competent administrative department of nature reserves of the people's government of the province, autonomous region or the municipality directly under the central government for final approval. Visiting and sightseeing tourist activities in nature reserves shall be conducted according to activity program approved. The management of such activities shall be strengthened. All units and individuals who enter the nature reserves for visiting or sightseeing tour shall submit themselves to the management of the administrative agency of nature reserves.

The visiting and sightseeing tourist projects that violate the protection guidelines of nature reserves shall be prohibited.

Article 30 Where there are no divisions within the nature reserves, that nature reserves shall be managed in accordance with the stipulation concerning the core area or buffer zone in the Regulations.

Article 31 In cases when foreigners wish to enter a local nature reserve, the host unit shall apply in advance for approval by the competent administrative department of nature reserves of the people's government of the province, autonomous region or the municipality directly under the central government. In case of national nature reserves, the host unit shall apply for approval by the competent administrative department of nature reserves under the State Council.

All foreigners who enter nature reserves shall abide by the relevant laws, regulations and rules concerning nature reserves.

Article 32 No production installations shall be built in the core area and buffer zone of nature reserves. In the experimental zone, no production installations that cause environmental pollution or do damage to the natural resources or landscapes shall be built. Other installations to be built in these areas must not exceed the discharge of pollutants prescribed by national or local discharge standards. If the installations that have been built discharge more pollutants than are specified by the national or local discharge standards in the experimental zone of nature reserves, such pollution shall be eliminated or controlled within a prescribed period of time. Remedial measures shall be adopted to the damage caused.

The projects constructed in the outer protection zone of nature reserves must not affect the environmental quality inside the nature reserves. If the damage has been done, the relevant units shall be ordered to eliminate and control the pollution within a prescribed period of time.

The decision to eliminate and control pollution within a prescribed period of time shall be made by the agencies specified by relevant laws and regulations. Any enterprise or institution receiving such an order shall complete its tasks of eliminating and controlling pollution on time.

Article 33 If any accident or accidental event takes place, the unit or individual that has caused, or is likely to cause any damage to the nature reserves must adopt immediate remedial measures, and inform the units or residents that are likely to be affected by the accident, and report to the administrative agency of the nature reserves, the competent department of environmental protection administration in the locality and that of the nature reserves to accept necessary investigation and possible disciplinary actions.

Chapter IV Legal Liability

Article 34 Any unit or individual who has violated the Regulations in one of the following manners shall be ordered by the administrative agency of the nature reserves to correct their mistakes, and the fine between 100 to 5,000 RMB yuan, according to circumstances of case, may be imposed:

- (1) moving or doing damage to the landmarks of nature reserves without approval;
- (2) entering the nature reserves without approval, or failing to meet the requirements of the administrative agency while in the nature reserves;
- (3) carrying out scientific research, educational practice and specimen collection in the buffer zone of nature reserves with the approval by relevant department but failing to submit a copy of the report of their activity results to the administrative agency of the nature reserves.

Article 35 Any unit or individual who has violated the Regulations in felling, grazing, hunting, fishing, gathering medicinal herbs, reclaiming, burning, mining, stone quarrying and sand dredging etc., shall be punished according to relevant laws, administrative regulations and rules. Besides, the competent administrative department of nature reserves in the people's government at or above the county level or its authorized administrative agencies of the nature reserves may confiscate the violators' illegal gains, order the violators to stop illegal actions, and to restore the original state or adopt other remedial measures within a prescribed period of time. Whoever has caused damage to the nature reserves, the fine between 300 to 10,000 RMB yuan shall be imposed.

Article 36 The administrative agencies of the nature reserves which violate the Regulations, refusing to be supervised and inspected by competent departments of environmental protection administration or the competent administrative department of nature reserves, or failing to provide truthful information during the inspection, shall be fined between 300 to 3,000 RMB yuan by the competent department of environmental protection administration or the competent administrative department of nature reserves in the people's government at or above the county level.

Article 37 Any administrative agency of the nature reserves which violates the Regulations by one of the following acts shall be ordered to correct their mistakes within a prescribed period of time by the competent administrative department of nature reserves in the people's government at or above the county level. Whoever directly responsible for such violations shall be given disciplinary sanctions by the agency to which he belongs or by the organ at the higher level:

- (1) taking visit and sightseeing tour in nature reserves without approval;
- (2) setting up visit and tourist projects against the general guidelines of the conservation of nature reserves;
- (3) taking visit and sightseeing tour failing to accord with the activity plans approved.

Article 38 Whoever violates the Regulations by causing damage to the nature reserves, shall be ordered to pay reparations for the loss by the competent administrative department of nature reserves in the people's government at or above the county level.

Article 39 Whoever hinders the work of the administrative staff of the nature reserves shall be punished by the public security organ in accordance with Regulations of the People's Republic of China on Administrative Penalties for Public Security. If the circumstances are serious enough to constitute a crime, he shall be prosecuted for criminal responsibility according to law.

Article 40 If a violation of the Regulations causes serious pollution or destructive accidents to the nature reserves, leading to the grave consequences of heavy losses of public or private property, or human casualties, and resulting in a criminal offense, the person in charge directly responsible and other person directly responsible for the violation shall be investigated for criminal responsibility according to law.

Article 41 Any person conducting management of nature reserves who abuses his power, neglects his duty or engages in malpractice for personal gains, shall, when a crime is constituted, be investigated for criminal responsibility according to law, or when the circumstances are not serious enough to constitute a crime, be given disciplinary sanctions by the unit to which he belongs or the competent higher authorities.

Chapter V Supplementary Provisions

Article 42 The competent administrative department of nature reserves under the State Council may, in accordance with the Regulations, formulate the administrative rules for different types of nature reserves.

Article 43 The people's governments of provinces, autonomous regions and municipalities directly under the central government may, in accordance with the Regulations, formulate the implementation measures.

Article 44 The Regulations shall enter into force on December 1, 1994.