

Desertification Prevention and Control Law of the PRC

Dan Young Business Consultancy — www.danyoungcpa.com
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amended in accordance with the Decision on Amending Fifteen Laws including the Law of the People's Republic of China on the Protection of Wildlife adopted at the 6th Session of the Standing Committee of the 13th National People's Congress on October 26, 2018
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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of preventing land desertification, controlling desertified land, safeguarding ecological security, and promoting sustainable economic and social development.

Article 2 — This Law shall apply to activities related to the prevention of land desertification and the control of desertified land within the territory of the People's Republic of China.

"Land desertification" as used in this Law means the encroachment and expansion of desert-like landscapes and the degradation of land productivity due to climate change, human activities, and other factors in arid,

semi-arid, and some sub-humid areas.

"Desertified land" as used in this Law means land that has already shown desertification characteristics.

Article 3 — The prevention and control of desertification shall adhere to the following principles:

- (1) Unified planning, tailored measures adapted to local conditions, and categorized guidance;
- (2) Giving equal emphasis to prevention and control with priority given to prevention;
- (3) Combining nationwide mobilization with participation of the entire populace;
- (4) Integrating ecological, economic, and social benefits.

Article 4 — The State Council and the people's governments of desertified areas shall incorporate the prevention and control of desertification into their national economic and social development plans and guarantee and support the development of desertification prevention and control undertakings.

Article 5 — The use of land in desertified areas shall comply with the requirements for desertification prevention and control.

Within desertified areas, the exploration and exploitation of resources such as minerals, water, and biological resources, as well as construction projects, shall comply with desertification prevention and control requirements.

Article 6 — The state shall encourage entities and individuals to participate in the prevention and control of desertification, protect the lawful rights and interests of entities and individuals participating in desertification prevention and control, and provide rewards to entities and individuals that have achieved outstanding results in desertification prevention and control.

Article 7 — The state shall support scientific research and technological promotion related to desertification prevention and control, bring into play the role of scientific research institutions and scientific and technical personnel, and enhance the scientific and technological level of desertification prevention and control.

Article 8 — All entities and individuals shall have the obligation to prevent land desertification. The people's governments of desertified areas shall organize the military, civilian, and various social forces to carry out desertification control activities.

Article 9 — People's governments at all levels shall strengthen publicity and education on desertification prevention and control, raise citizens' awareness of desertification prevention and control, and enhance their ability to participate in desertification prevention and control.

Chapter II — Planning for Desertification Prevention

Article 10 — The competent forestry department under the State Council shall, jointly with other relevant departments under the State Council, organize the preparation of a national plan for desertification prevention and control, which shall be submitted to the State Council for approval and implementation.

Article 11 — The people's governments of provinces, autonomous regions, and municipalities directly under the Central Government in desertified areas shall, in accordance with the national plan for desertification prevention and control, prepare plans for desertification prevention and control within their respective administrative regions and submit them to the State Council or the relevant department designated by the State Council for approval and implementation.

Article 12 — Plans for desertification prevention and control shall specify the scope of desertified land, determine the objectives and tasks of desertification prevention and control, specify the measures for prevention and control, and indicate key construction projects.

Article 13 — Plans for desertification prevention and control shall be coordinated with the overall land use plan, water resources plan, and other relevant plans.

Chapter III — Prevention of Land Desertification

Article 14 — The competent forestry department under the State Council shall organize and carry out the monitoring of land desertification and establish a monitoring system. The monitoring results shall be made public to society on a regular basis.

Article 15 — People's governments at or above the county level in desertified areas shall take measures to protect vegetation, strengthen the management of forestation and grass cultivation, and organize the closure of mountains (sand areas) for afforestation and grass cultivation.

Article 16 — People's governments at or above the county level in desertified areas shall, in accordance with the plan for desertification prevention and control, delineate and publish closed protection areas where desertification is severe or where the ecology is fragile and temporarily unsuitable for exploitation and utilization.

Grazing, firewood cutting, and the gathering of medicinal herbs are prohibited in closed protection areas.

Article 17 — In desertified areas, the reclamation of grassland and forestland is prohibited. The grassland and forestland that have already been reclaimed and have caused desertification or pose a threat of desertification shall be returned to grassland or forestland in a planned and phased manner.

Article 18 — In desertified areas, the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall adopt measures to rationally arrange water use for production, living, and ecological purposes, develop water-saving industries, implement planned water use, and gradually restrict or close wells for groundwater extraction in areas of groundwater over-extraction.

Article 19 — Livestock grazing shall be rationally arranged in grassland areas of desertified areas, and a system of balancing grazing with grass yields shall be implemented. Overgrazing is prohibited.

Article 20 — In desertified areas, the people's governments at or above the county level shall promote the use of renewable energy sources such as solar, wind, and biogas energy and prohibit the destruction of forests, grasslands, and other vegetation for firewood.

Article 21 — Where development and construction activities are conducted in desertified areas, an environmental impact assessment shall be carried out in advance, a plan for water resources conservation and prevention of desertification shall be submitted, and corresponding measures for desertification prevention and control shall be implemented.

Article 22 — The relevant departments of people's governments at or above the county level in desertified areas shall, in accordance with their respective responsibilities, strengthen the supervision and inspection of the prevention of land desertification.

Chapter IV — Control of Desertified Land

Article 23 — People's governments in desertified areas shall, in accordance with the plan for desertification prevention and control, organize relevant departments, units, and individuals to adopt measures such as returning farmland to forest and grassland, afforestation and grass cultivation, and the installation of sand barriers to control desertified land in a planned manner.

Article 24 — The state encourages entities and individuals to voluntarily engage in public welfare desertification control and supports entities and individuals in engaging in for-profit desertification control activities.

Article 25 — Where entities and individuals engaged in for-profit desertification control activities invest in the control of desertified land without using government investment funds in whole or in part, they may enjoy preferential policies in respect of capital, taxation, and land use in accordance with the provisions of the state.

Article 26 — Where entities and individuals invest in the control of desertified land, the people's governments at or above the county level shall issue certificates of title for the right to use the land in accordance with the law, specifying the term of use of the land, which shall not exceed 70 years.

Article 27 — For-profit desertification control shall be carried out in accordance with the approved control plan. Where it is necessary to change the purpose of use or renew the land use right after the expiration of the land use term, the matter shall be handled in accordance with the provisions of relevant laws and regulations.

Chapter V — Safeguard Measures

Article 28 — The State Council and the people's governments of desertified areas shall increase investment in desertification prevention and control within their financial budgets and gradually raise the level of investment.

Article 29 — The state shall arrange special funds for the prevention and control of desertification to support key desertification prevention and control projects.

Article 30 — The state shall establish an ecological benefit compensation system for desertification prevention and control.

Article 31 — The people's governments of desertified areas shall adopt measures to encourage and support scientific research and the promotion and application of technologies related to desertification prevention and control, and cultivate and popularize excellent plant varieties suitable for desertification control.

Article 32 — The state shall strengthen international exchanges and cooperation in desertification prevention and control, introduce advanced foreign technologies and management experience, and promote the development of desertification prevention and control undertakings.

Chapter VI — Legal Liability

Article 33 — Where a person engages in reclamation, grazing, firewood cutting, or the gathering of medicinal herbs or other plants within a closed protection area, the competent forestry or agriculture (grassland) department of the people's government at or above the county level shall order the person to cease the illegal act and may impose a fine.

Article 34 — Where a person reclaims grassland or forestland in violation of the provisions of this Law, the people's government at or above the county level shall order the person to cease the illegal act and restore the vegetation within a specified period; if the circumstances are serious, a fine may be imposed.

Article 35 — Where a development or construction project is carried out in desertified areas without carrying out an environmental impact assessment or without preparing a plan for water resources conservation and prevention of desertification, the relevant competent department shall order the project to cease construction and may impose a fine.

Article 36 — Where a state functionary abuses his or her power, neglects his or her duties, or engages in malpractices for personal gain in desertification prevention and control work, the relevant department shall impose sanctions in accordance with the law; if a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 37 — Where a person, in violation of the provisions of this Law, causes damage to grasslands, forests, and other vegetation, resulting in land desertification, he or she shall bear civil liability for compensation in accordance with the law.

Chapter VII — Supplementary Provisions

Article 38 — This Law shall come into force on January 1, 2002.

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