Ecological Destruction and Legislative Protection of China's National Nature Reserves

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Abstract. China’s national nature reserve is a specific area established for the rational use and preservation of the country’s natural and cultural heritage resources, and is the main body for achieving sustainable human development and the legal development of national ecological resources. In recent years, with the rapid development of the national economy and the excessive use of environmental resources, China’s national nature reserves have experienced a crisis of ecological imbalances and the loss of biodiversity, which has seriously affected the effective play of ecological values. This article takes the ecological destruction of the Qilian Mountain National Reserve in Gansu Province, China as an example. For the economically underdeveloped western province of Gansu, where ecological strategic position is very important but ecological environment is complex and ecological condition is fragile, it is crucial to establish legislation protection with strict logic and clear power and responsibility. The lack of a special legal system and the incomplete management system of China's national nature reserves are the primary reasons why its problems cannot be effectively contained. Therefore, for a healthy and orderly development of national-level nature reserves, it is urgent to enhance the legislative protection of current national nature reserves.

1. Introduction
With the development of human society and the advancement of science and technology, the environmental crisis has become increasingly prominent. Degradation of ecosystems and loss of biodiversity have become one of the major global ecological and environmental issues today, posing a huge threat to sustainable ecological use. In order to protect and rationally develop the natural and cultural heritage resources of the country and human beings, and to make them inherit from generation to generation and make sustainable use, more than 1,200 national parks have been established around the world. As one of the countries with the richest biodiversity in the world, China has now 474 national nature reserves with rich types and diverse functions, which has played an important role in protecting biodiversity, preserving natural heritage, improving the quality of the ecological environment, and maintaining national ecological security. [1] However, due to historical development, geographical location, resource structure and other factors, China's national nature reserves are mostly in underdeveloped provinces with densely populated populations, complex ecological environments and fragile ecological conditions. The ecological damage of Qilian Mountain National Nature Reserve in Gansu Province is a typical case. It is the hub of ecological strategic construction in western China. However, it is a severe ecologically sensitive area of "Silk Road Economic Belt". The urgent development of the economy and the strengthening of ecological construction have become the focus of the work of the local government. It is urgent to strengthen the legislative protection of the current
national nature reserves.

In order to study the ecological destruction of China’s national nature reserves, this article takes the Qilian Mountain National Nature Reserve in Gansu Province, China as an example, and focuses on the factors that affect the legislative protection of China’s national nature reserves. The second part of the study briefly discusses the current legislative governance structure of national nature reserves in China. The third part analyzes and studies the legislative protection of China’s national nature reserves. The fourth part proposes to speed up the special legislation on national nature reserves.

2. Legislative governance structure of China’s national nature reserves

Taking the Qilian Mountain National Nature Reserve in Gansu Province, China as an example, this study uses The Dawes Matrix (SWOT) and Macro Environmental Analysis (PEST) as the research method of Environmental Impact Assessment (EIA). The Dawes Matrix (SWOT) is an analytical method that sets the four elements of Strength (advantage), Weakness (disadvantage), Opportunity (opportunity), and Threat (threat). It can objectively and effectively analyze the internal environmental conditions and external environmental dynamics of ecological damage in Qilian Mountain National Nature Reserve. The Macro-Environmental Analysis (PEST) includes four macro-environmental elements, Political (Politics), Economics (Economics), Society (Social) and Technology (Technology), and helps provide an external macro-environment objective analysis. As the focus of this study is on the analysis of the legislative aspects of the Qilian Mountain National Nature Reserve, the chart one is modeled on the political aspects of PEST and the factors of SWOT, so as to better promote the conclusion of environmental impact assessment of The National Nature Reserve.

Table 1: Analysis of SWOT Model under the influence of political factors

| PEST   | SWOT                          | Conclusion          |
|--------|-------------------------------|---------------------|
| Political | Strength                     | Policy support      |
|         | Weakness                       | Lack of perfect laws and regulations |
|         | Opportunity                   | Sustainable development policy |
|         | Threat                        | Legal loopholes     |

As can be seen from Table 1, environmental disadvantage and environmental threat under the influence of political factors are the main factors restricting the development of Qilian Mountain National Nature Reserve, especially under the premise of lack of perfect laws and regulations and legal loopholes. First of all, illegal exploration and mining continues in the protection zone. The long-term large-scale wanton exploration and mining activities have caused adverse consequences such as local vegetation destruction, soil erosion, and ground subsidence in the protected area. Secondly, over-exploitation of hydropower projects in protected areas has caused serious water pollution in some river basins. The water system is under tremendous pressure. Finally, the emissions of air pollutants in protected areas exceeded standards. It is not only weakened the ecological function of the Qilian Mountain National Nature Reserve and caused the abnormal climate change, seriously affected the local political ecological environment, but also directly restricted the economic development of Gansu Province.

With the promulgation of the newly revised "Environmental Protection Law of the People's Republic of China", the construction of the rule of law in the ecological environment has become an urgent task in the current environmental legal system. Looking at the legislative governance structure of China's national nature reserves, the current legal system of China's national nature reserves is composed of the Regulations of the People's Republic of China on Nature Reserves and five departmental regulations. The "Regulations of the People's Republic of China on Nature Reserves" is China's first comprehensive law and regulation specifically formulated for nature reserves. The
"Constitution of the People's Republic of China" has not yet stipulated the nature reserves in detail, and the "Environmental Protection Law of the People's Republic of China" is more general about nature reserves. At present, the Chinese government has promulgated the Land Management Law of the People's Republic of China and other laws and regulations, but the above laws and regulations are not specifically set up for nature reserves, and most of these laws and regulations are administrative regulations or policy norms, thus making the legislative governance structure of nature reserves relatively weak overall. The National Ecological Environment Construction Plan (1998) and the National Outline for the Protection of Ecological Environment (2000) issued by the State Council also outline only the guidelines and principles of China's natural protection and ecological construction, and their adjustment effect is not even as good as the Regulations on Nature Reserves and other administrative regulations. Relying only on the "Regulations of the People's Republic of China on Nature Reserves" cannot achieve high-level legislative protection of national-level nature reserves, and further advance the work of national-level nature reserves is facing institutional obstacles. It can be seen that China's national nature reserves need a higher level of specialized legislation and supporting legal systems that are coordinated with other relevant laws, in order to highlight and promote the innovation and stimulation of nature reserves. [2]

3. Legislative protection of China's national nature reserves
The construction of ecological civilization is the long-term development strategy of the country and the nation. It is necessary to implement the new development concept and implement the green development strategy. As a representative important content in the construction of ecological civilization, national-level nature reserves need to introduce special legislation in the field of national-level nature reserves. As the first country in the world to establish a nature reserve, the United States National Parks adopted a three-tier vertical management structure, formulated the Basic Law of National Parks, the Regulations on the Administration of national parks, and the special legislation of national parks, and formed a complete and unified legislative system based on the federal act. The National Park Organization Law clearly defines the attribution of land and management rights in national parks, the general authorization legislation clearly defines the status of the national park system, and some branch legislations [3], Green development of China's national nature reserve should be formulated by the National People's Congress or its standing committee which should issued a high level special legislation, to make clear the ecological and environmental rights and obligations between the central government and local governments and local environmental protection departments [4]. Make connotation and extension of the national nature reserve clear from the view points of the legislation idea, the legislation goal and the legislation range, and determine the legal status of nature reserves from fundamental level.

4. Conclusion
At present, China places ecological civilization construction and environmental protection at a more important strategic position, and it is necessary to further strengthen the legislative protection of national nature reserves. It is worth pointing out that for the Qilian Mountains, the problem of the inconsistency between local legislation and higher-level laws of nature reserves is precisely because China has not yet established a national-level nature reserve management legal system with scientific classification, reasonable layout, strong protection, and effective management. We must speed up the legislation on the management of national nature reserves, and promulgate the "People's Republic of China National Nature Reserve Management Law." On this basis, the ecological environmental rights and interests between the central government and local governments and local environmental protection departments are fixed in the form of laws. The lessons of ecological destruction are forcing China to restructure the ecological governance system. Legislative governance will become the most vivid characteristic for the management of ecological environmental problems.
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