

# Exploration on the practical path of legalized governance of grassland ecological environment

Xiuzhen Han

College of Law and History, Inner Mongolia University for Nationalities, Tongliao, 028000, China

**Keywords:** Grassland ecological environment, Legalized governance, Ecological imbalance

**Abstract:** Grassland ecosystem is not only an important animal husbandry production base, but also an indispensable ecological barrier, which brings economic and environmental benefits to human beings that are difficult to measure. Promoting the legalization of grassland ecological environment is an important task to protect grassland ecological environment. However, under the dual effects of human factors and natural factors, the area of China's grasslands is decreasing day by day, and the trend of desertification is intensifying. Although the state has implemented a series of grassland ecological environment protection policies, no substantial progress has been made. This paper analyzes the imbalance phenomenon in grassland ecological protection, and puts forward control countermeasures, hoping to provide help for the smooth implementation of grassland ecological environment legalization.

## 1. Introduction

Grassland maintains biodiversity, protects the ecological environment, and brings great economic benefits to people. However, due to overgrazing and other reasons, a series of ecological problems such as grassland degradation, alkalization, desertification, etc. are caused, resulting in the imbalance of grassland ecosystem and restricting the healthy development of animal husbandry [1]. In recent years, with the continuous improvement and implementation of "Grassland Law" and other laws and regulations, the whole grassland cause has been increasingly brought into the track of legalization, and significant progress has been made in the utilization, construction and development of grasslands, which has provided better conditions for grassland ecological environment protection. However, relatively speaking, grassland ecological environment protection is a weak link in grassland law, so that objectively, the deterioration trend of grassland ecological environment has not been fundamentally reversed [2]. Therefore, it is urgent to effectively solve the problems existing in grassland ecological environment protection.

Promoting the legalization of grassland ecological environment is an important task to protect grassland ecological environment [3]. In the process of grassland ecological protection, there are some unbalanced phenomena, such as the imbalance between the development of grassland economy and grassland ecological protection, the imbalance between herdsman's production and life and grassland ecological protection, and the imbalance between grassland law enforcement supervision and frequent violations of grassland laws. To solve these problems, some countermeasures are put forward, such as facing up to the legal status of environmental rights, perfecting the responsibility system of grassland contract management, promoting the legalization of grassland benefit subsidies, and gradually strengthening the main body of grassland protection law enforcement. Grassland is an important natural ecological environment system, which can bring ecological, social and economic benefits to human beings. In recent years, China's grassland ecological environment protection has been continuously strengthened, providing opportunities for grasslands to recuperate through policy inclination and financial subsidies. However, there is still an imbalance of grassland ecological environment, and effective countermeasures need to be taken [4]. Environmental rule of law is an important support to realize the modernization of national ecological environment management. To promote the construction of ecological civilization and realize the dream of beautiful China, we must highlight the position of the rule of law in the national ecological environment governance [5]. Since the reform and opening up, China's

environmental legal construction has achieved remarkable results, but there are still some problems, such as lagging environmental legislation, lax environmental law enforcement, unfair environmental justice and inadequate environmental law-abiding, which seriously restrict the advancement of the modernization of national ecological environment governance [6]. Therefore, we must adhere to the basic strategy of governing the country according to law, and take the national ecological environment governance into the track of the rule of law through scientific legislation, strict law enforcement, fair justice and law-abiding by the whole people.

## 2. The status quo of the rule of law management of grassland ecological environment

In the process of advancing the rule of law for grassland ecological environment protection, some imbalance phenomena at the root cause, insufficient cognition of grassland ecological protection in some areas, over-exploitation of groundwater in plain areas, overgrazing of local grasslands in mountainous areas and other behaviors lead to the degradation of natural grasslands, and the reduction of natural restoration ability of natural grasslands. The change of grassland area in China since 1960s is shown in Figure 1.

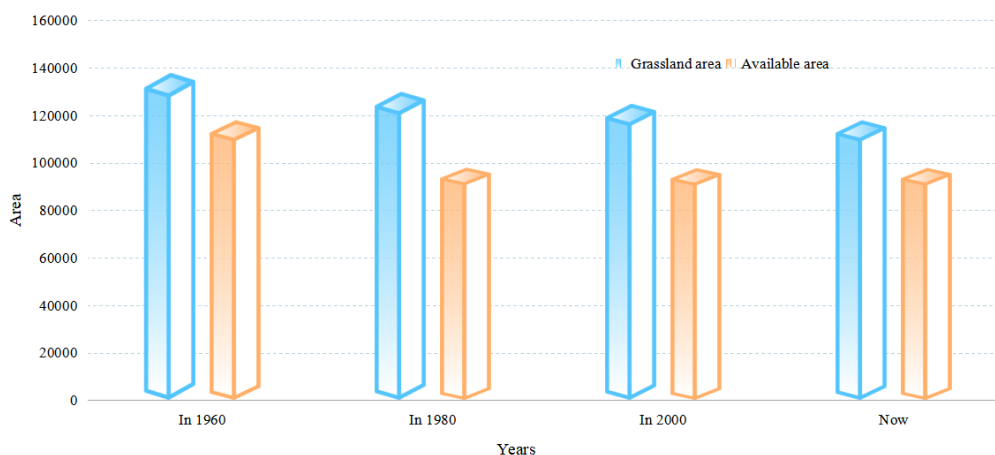


Figure 1 Changes of grassland area

### 2.1. The relationship between grassland ecological environment protection consciousness and economic development is unbalanced

As we all know, grassland ecosystem has the dual functions of promoting economic development and protecting ecological environment. China's Grassland Law clearly stipulates that we should take the road of sustainable development. However, in reality, the idea that "development is the last word" is deeply rooted and conflicts with grassland ecological environment protection [7]. Because in the eyes of the government and farmers and herdsmen in the grassland area, grassland is the only way to get rich, and the protection of grassland will harm their vital interests, thus under the temptation and drive of interests, it weakens the awareness of environmental protection, develops the economy as always, and leads to the marginalization of environmental protection. Obviously, this is very unfavorable to grassland ecological environment protection [8].

Grassland economic and social development has dual functions, namely, environmental function and economic function, which determines the comprehensiveness and complexity of the legislative purpose of grassland law [9]. On the one hand, it is necessary to promote the development of animal husbandry with grassland as the means of production and resources to meet the requirements of local and national economic development; on the other hand, it is necessary to maintain the grassland's own good ecosystem and create favorable environmental conditions for human survival. These are the two practical values of grassland, and also the value goal of grassland rule of law. Article 1 of the Grassland Law stipulates: "This Law is formulated in order to protect, build and rationally utilize grasslands, improve the ecological environment, maintain biodiversity, develop

modern animal husbandry and promote sustainable economic and social development." This legislative purpose shows that the value pursuit of grassland law is not single, but the unity of economic value and ecological value. However, the practical problem is that, driven by the huge economic interests of the development of modern society, economic value and environmental value, as two basic values, can also be regarded as economic rights and environmental rights from a legal point of view. They often conflict with each other, and the result is that economic value and economic rights are in a strong position, and environmental values and environmental rights are marginalized. Reflected in the grass-roots government and the masses' consciousness, it is relying on grassland to eat grassland. Economic development is the last word, and grassland environmental protection is second only. This kind of consciousness is obviously not conducive to the protection of grassland ecological environment.

## **2.2. The legal status of farmers and herdsmen is out of balance with the actual needs**

Whether the economic development is balanced or not exists in two levels: on the one hand, under the background of the overall rapid development of China's national economy, the economic development of grassland areas and the process of farmers and herdsmen getting rich are relatively slow and lagging behind, which is a huge external force to stimulate grassland areas to graze on grass [10]. This macro-level imbalance needs strong legal and policy support to achieve rapid economic development in grassland areas. The advancement of the rule of law in grassland environmental protection must accompany and promote the economic development of grassland areas, otherwise huge realistic interests will inevitably impact and weaken the legal regulation of environmental protection. On the other hand, the improvement of production and living conditions in grassland areas and the balance of interests among different production methods are the keys to adopt advanced production methods and effectively realize ecological environment protection.

Collective economic organizations of grassland and farmers and herdsmen exercise the right to use grassland according to law, which is a kind of maintenance force for grassland ecological environment. Compared with later or foreign non-agricultural and pastoral industry development forces, the former is in a relatively weak position in reality and law. Grassland is a very important natural resource, accounting for 40% of China's land area. The rapid development of China's economy is inseparable from the development and utilization of grassland and its various resources. Non-farming and animal husbandry development in grassland often has destructive risks to grassland ecological environment, and may also have potential adverse effects or even harm to the vital interests of local farmers and herdsmen. According to the principle and concept of sustainable development, the Environmental Protection Law and Grassland Law prohibit polluting and destructive development and construction in grasslands. However, in recent years, driven by economic interests, the phenomenon of illegal exploitation of grassland areas has been repeatedly prohibited and difficult to control. The reason is that, in addition to the weak supervision of law enforcement by government departments, farmers and herdsmen and even grass-roots organizations in grassland areas cannot compete with illegal development and construction companies or even foreign capital forces based on their own legal rights. Unable to compete is not only the factor of economic power, but also the lack and weakness of legal means. For example, for a development project that seriously pollutes the environment, the farmers and herdsmen who are victims often have no right to sue to stop the implementation of this project. Farmers and herdsmen are the owners of grasslands in a certain sense, but they are often powerless and powerless to protect grasslands from destruction.

## **3. Practical Path of Lawful Governance of Grassland Ecological Environment**

### **3.1. Change and strengthen the concept of regional green development that gives priority to environmental protection**

Grassland ecosystem is not only an important animal husbandry production base, but also an indispensable ecological barrier, and it is difficult to measure the economic and environmental

benefits it brings to human beings. The function of grassland ecosystem is shown in Figure 2.

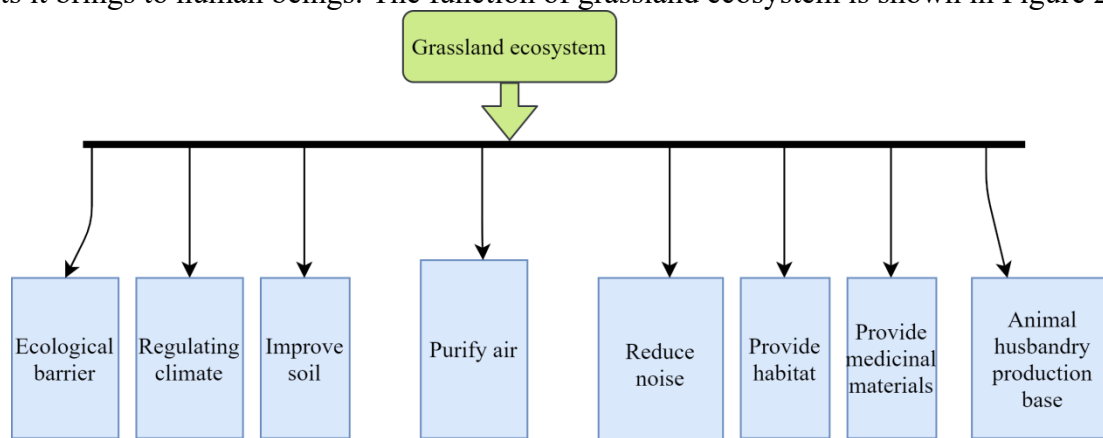


Figure 2 Functions of grassland ecosystem

In recent years, the central government has proposed to adhere to the sustainable development strategy, establish a green development concept with environmental carrying capacity as the core, and require the coordination of economic and social development and environmental protection. This is the accurate positioning of China after profound reflection on the relationship between environment and economy, environment and resources, and environment and population. Regional development should be based on ecological civilization and sustainable development, with environmental protection as the guiding principle, and relevant legislative design and institutional arrangements should be made. The economic development of grassland is relatively backward, and farmers and herdsmen still have practical living problems. We should constantly improve their living conditions through poverty alleviation and development and financial subsidies. More importantly, it is necessary to promote the improvement of preferential policies in taxation, credit investment and energy, promote the farmers and herdsmen to change their production methods and improve their economic benefits. State investment in grassland protection and subsidies for economic development in grassland areas should be continuously improved, and mature policies should be legalized. Improve the legal rights of farmers and herdsmen in grassland areas, safeguard their contractual management rights and ecological environment rights according to law, and confront and stop illegal development and construction behaviors that violate their grassland use rights and destroy the ecological environment. The foreign contracting system of grassland use right, the compensation system of grassland expropriation and the "three simultaneities" system of construction projects stipulated in the Grassland Law should be strictly implemented. For the non-agricultural development and construction in grassland areas, relevant farmers and herdsmen can bring a lawsuit according to law on the grounds that their economic rights and environmental rights have been harmed, and stop the illegal phenomenon of risk or damage to the ecological environment through legal channels. It should be said that the majority of farmers and herdsmen are the most basic social forces for grassland ecological protection, and the path of safeguarding their rights and opposing crimes should be unblocked. Thus, in law, farmers and herdsmen become masters and guardians of grasslands.

### 3.2. Defining and promoting the due legal status of environmental rights

The first measure to effectively solve the grassland ecological environment problems is to have laws to follow and a sound and scientific legal system as the basis for governance. Actively carry out legislation on grassland ecological environment, standardize and institutionalize the regional administrative legislative joint meeting, set up the regional joint meeting office, which is responsible for the communication and coordination of legislative matters on ecological environmental protection in the region, reach a consensus on legislative cooperation, establish the contents, methods and relevant rules of legislative cooperation projects, and coordinate controversial matters in legislative contents, and then one or several local government legislative departments in the region will carry out specific legislative work. While farmers and herdsmen

enjoy the right to use grasslands, they should also have the corresponding right to protect grasslands, which is conducive to more effectively exposing and supervising illegal and criminal acts on grasslands, thus reducing the occurrence of grassland destruction. Therefore, the state should increase farmers and herdsman's right to sue for non-agricultural development. In the case that non-agricultural development threatens grassland ecological balance or damages farmers and herdsman's interests, farmers and herdsman can use legal weapons to bring a lawsuit against them and punish them according to law. This right can give full play to the role of grassland owners of farmers and herdsman, and make them the most basic social force to protect grassland ecological environment.

Grassland is not only the support of economic rights, but also an important carrier of environmental rights for human society and its members. Although China's environmental rights have not been specifically confirmed by legislation, based on the national concept of sustainable development, the purpose of ecological resources laws and regulations, and the increasingly conscious environmental awareness of the public, environmental rights have been established in legal theory, and of course further legal confirmation is needed. As far as economic rights and environmental rights are concerned, they should not be simply treated equally, nor should they be neglected. They should be relatively balanced. Specifically, the economic right of grassland is more direct and fundamental to farmers and herdsman, but the environmental right not only belongs to farmers and herdsman, but also involves more members of society. The environmental right of grassland is not only related to the fate of farmers and herdsman, but also related to a wide range of human groups. In a sense, he must demand to protect the grassland ecological environment for human beings, and human beings should protect the grassland ecological environment for themselves. A high awareness of environmental rights is the rational factor and spiritual strength of grassland ecological environment protection.

#### **4. Conclusions**

The rule of law is the most effective way to control environmental pollution and protect ecological security. The legalization of grassland environment is a huge and systematic process of improving and perfecting the system, system and institutions, with arduous tasks and far-reaching significance. However, in the process of grassland ecological protection, there are some unbalanced phenomena, such as the imbalance between the development of grassland economy and grassland ecological protection, the imbalance between herdsman's production and life and grassland ecological protection, the imbalance between grassland law enforcement supervision and frequent violations of grassland laws. Therefore, some countermeasures are put forward, such as facing up to the legal status of environmental rights, changing our understanding, strengthening the concept of regional green development with priority to environmental protection, determining and promoting the proper legal status of environmental rights, and forming a high legal awareness of grassland ecological environment protection. In the process of promoting grassland resources and ecological protection, we should ensure the livelihood of farmers and herdsman living on the grassland, coordinate the relationship between ecological construction and improvement of people's livelihood, and effectively promote the legalization of grassland ecological environment with the best governance scheme.

#### **Acknowledgements**

Research project of Humanities and Social Sciences in Colleges and universities of Inner Mongolia Autonomous Region in 2021: Study on the legal system of grassland ecological environment protection in Inner Mongolia Autonomous Region -- from the perspective of Comparative Law (Project No.: NJSY22475)

## References

- [1] Song S, Xiong K, Chi Y, et al. Research progress and prospect of grassland establishment and ecological animal husbandry in the karst rocky desertification area[J]. *Fresenius Environmental Bulletin*, 2018, 27(10):7017-7030.
- [2] Feng H, Zhou J, Zhou A, et al. Grassland Ecological Restoration Based on the Relationship between Vegetation and Its Below-ground Habitat Analysis in Steppe Coal Mine Area[J]. *Science of The Total Environment*, 2021:146221.
- [3] Li Q, Hou J, Yan P, et al. Regional response of grassland productivity to changing environment conditions influenced by limiting factors[J]. *PLoS ONE*, 2020, 15(10):e0240238.
- [4] Han Z, Han C, Yang C. Spatial econometric analysis of environmental total factor productivity of animal husbandry and its influencing factors in China during 2001–2017[J]. *Science of The Total Environment*, 2020, 723:137726.
- [5] Manolache S, Ni A, Hartel T, et al. Governance networks around grasslands with contrasting management history[J]. *Journal of Environmental Management*, 2020, 273:111152.
- [6] Williams E J, Boyle W A. Causes and consequences of avian within-season dispersal decisions in a dynamic grassland environment[J]. *Animal Behaviour*, 2019, 155:77-87.
- [7] Jie X, Xie G, Xiao Y, et al. Dynamic Analysis of Ecological Environment Quality Combined with Water Conservation Changes in National Key Ecological Function Areas in China[J]. *Sustainability*, 2018, 10(4):1202.
- [8] Waoa B, Lwla B, Mjp A, et al. Grassland ecosystem services in a changing environment: The potential of hyperspectral monitoring[J]. *Remote Sensing of Environment*, 2019, 232:111273-.
- [9] Hu Y, Huang J, Hou L. Impacts of the Grassland Ecological Compensation Policy on Household Livestock Production in China: An Empirical Study in Inner Mongolia[J]. *Ecological Economics*, 2019, 161(JUL.):248-256.
- [10] Xu X, Li D, Luo Y. Modeled ecosystem responses to intra-annual redistribution and levels of precipitation in a prairie grassland[J]. *Ecological Modelling*, 2015, 297:33-41.