# Practical Issues and Optimization Ideas of China's Rural Ecological Environment Governance under the Background of "Rural Revitalization Promotion Law"

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***Abstract***: *The "Rural Revitalization Promotion Law" provides a new direction of thinking for the governance of rural ecological environment in China. Ecological revitalization is an important starting point and future guidance for realizing the rural revitalization strategy, the sustainable development of the rural economy is bound to face a new green transformation. The current rural environmental governance is prominently manifested in the imbalance between environmental infringement and relief, the management misalignment of prevention and supervision, and the poor connection between pollution control protection and capacity building. In order to focus on solving practical problems, take the "Rural Revitalization Promotion Law" as the governance path framework, optimized ideas such as improving the rural environmental infringement relief system, innovating the main system of rural ecological governance, and implementing the economic guarantee of rural ecological service supply will jointly promote the legalization of rural ecological environmental governance.*

***Key words***: *Rural Revitalization Promotion Law; rural China; ecological environment governance; practical problems; optimized ideas*

## Introduction

On April 29, 2021, the 28th meeting of the Standing Committee of the 13th National People's Congress voted and passed the "Law of the People's Republic of China on the Promotion of Rural Revitalization", which will come into effect on June 1, 2021.China clearly stated that it must adhere to the overall revitalization of rural areas, focus on key points, make up for shortcomings, strengths and weaknesses, and realize rural industrial revitalization, talent revitalization, cultural revitalization, ecological revitalization, and organizational revitalization, and promote comprehensive agricultural upgrades, rural overall progress, and farmers' comprehensive development. Under the premise of a great victory in the fight against poverty, the rural short-term urgent needs for economic development have been alleviated to a certain extent, and the long-term strategy of ecological protection needs to be appropriately considered. Ecological livability is the foundation of rural revitalization, and rural green development can also actively promote the protection and improvement of

the ecological environment. Focusing on the future sustainable development goals, rural areas must balance the coordinated relationship between economic development and ecological protection, and actively explore the path of green development. The ecological revitalization content of the "Rural Revitalization Promotion Law" is the basic outline and legal path of rural ecological governance in the new era. The law incorporates rural ecological protection into the track of the rule of law in the form of an independent chapter, and actively looks forward to the feasible path of rural ecological protection in the general rules, industrial development, cultural prosperity, organizational construction, support measures, supervision and inspection. Specifically, the development of the rural economy needs to implement the governance goals of agricultural non-point source pollution prevention and control, agricultural input reduction, clean production, waste recycling, and industrial model ecologicalization in accordance with the law. The vitality of law lies not only in logic, but also in experience. As the latest idea of the Chinese government to manage the rural ecological environment, it has important enlightening significance for solving the universal environmental problems in rural areas. Various laws and regulations should be actively transformed into feasible, effective, reasonable and optimized ideas.

## Practical Issues

### The Status Quo of Imbalance Between Environmental Infringement and Relief

The intensification of environmental problems in rural areas is closely related to the failure of pollution relief. On the one hand, the existing judicial remedy system procedures are complicated to initiate, and farmers who have been infringed are often forced to choose to "close litigation", and relevant laws and regulations are virtually shelved. On the other hand, even if farmers are involved in litigation, they will face the lack of environmental information, insufficient experience in evidence collection, and inability to provide evidence in litigation . In order to properly solve these problems, it will directly increase the cost of farmers' rights protection, and the actual effect of applying laws and regulations is not ideal. Therefore, in practice, few people enter the judicial process in rural environmental cases, which shows that the judicial system does not pay enough attention to rural environmental issues and does not intervene in it . In addition, society's neglect of rural environmental problems also makes it difficult for farmers to obtain effective relief when their environmental rights are violated . As a lesson, "difficulty in relief" has become a prominent commonality and primary problem in rural environmental pollution cases. It is difficult to activate the substantive relief effect of justice, which will directly lead to the failure of timely protection of the legitimate rights and interests of environmental pollution victims, and environmental polluters are still popular. In order to break the current high incidence of rural environmental pollution cases, it is necessary to resolve the imbalance between environmental infringement and relief, and reverse the actual gap between the two.

### Management Misalignment Between Pre-prevention and Post-supervision

The narrow coverage of the pre-prevention mechanism of rural ecological environment governance leads to its ineffectiveness, and the post-event enforcement supervision is also relatively slow. The management misalignment formed by the two provides a sufficient possibility for the emergence of rural ecological environmental pollution. In terms of pre-prevention, as the rural economy continues to be active, the

contribution of township and village enterprises to pollution has also increased year by year. According to the relevant data on the coverage of China's township environmental protection agencies and management to township enterprises, the total proportion of township and village enterprises included in the environmental monitoring and statistical system in China is 39.3%, of which the eastern part is higher, the central part is second, and the western part only accounts for 20%. More township and village enterprises are in the vacuum zone of environmental monitoring, and their production and operation activities lack comprehensive management and control, which has also become a huge loophole in the prevention of rural ecological environment. In terms of post-event supervision, the judicial and law enforcement functions of preventing and controlling rural environmental pollution are relatively disappointing. The prominent problem of the former is reflected in its procedural passivity, while the latter is reflected in its large number of departments and mutual excuses. The result of the subsequent supervision is also greatly reduced, or it is difficult to achieve practical results. The uncoordinated relationship between the pre-prevention and post-surveillance of rural environmental pollution indirectly contributes to the probability of environmental pollution.

## Pollution Control Protection and Capacity Building are not Well Connected

There is a positive correlation between the pollution control ability of rural individuals and its pollution control protection, but the government's existing pollution control protection in rural areas is obviously insufficient. In 2021, the Central Development and Reform Commission issued the "Pollution Control and Energy Conservation and Carbon Reduction Central Budget Investment Special Management Measures", focusing on supporting the construction of environmental infrastructure such as sewage and garbage treatment, energy saving and carbon reduction, resource conservation and efficient utilization, and highlighting environmental pollution control. Urban areas are still the focus. In recent years, the breeding industry has gradually emerged as a pillar industry for rural economic development, and the environmental pollution caused by it has also been criticized. The Limin Planting and Breeding Farmers Professional Cooperative was founded in 2016 and is located in Guixiu Creek, Group 2, Guixiu Village, Xinghua Township, Rongjiang County, Qiandongnan Prefecture, Guizhou. The Guixiu River is a tributary of the Duliu River. The farm directly discharges manure through the Guixiu River and enters the Duliu River, polluting the water quality of the Duliu River. There are two fish ponds covering an area of about 2 acres in the downstream direction of Limin Breeding Farm, which are used to receive and digest the aquaculture manure that has been deposited in the septic tank. Most of the manure from the farm is discharged into the fish pond through simple sedimentation, and the fish pond has been reduced to a sewage pond. A large amount of manure leaks through the fish pond dam or is discharged directly to Xiuxi River through the gap in the dam body, and flows into the Duliu River, seriously polluting the surrounding water environment. This case has become a typical case of rural environmental pollution in 2021 by the Guizhou Provincial Department of Ecology and Environment. The outstanding reason for the formation of this case was that the farm lacked necessary manure treatment equipment and then allowed the sewage to run rampant. Investigating the actual reasons, the expensive manure treatment equipment has brought a greater financial challenge to an ordinary rural farm. The lack of necessary pollution control guarantees will inevitably lead to a lack of pollution control capabilities. In rural environmental governance, some subjects cannot afford the cost of pollution control, and the pollution control provided by the society is relatively low, and their pollution control capabilities are obviously not able to keep up.

## Optimized Ideas

### Improve and Strengthen the Rural Environmental Infringement Relief System

Before the promulgation of the Rural Revitalization Law, villagers who were infringed on rural environmental infringements could only obtain relief through a legal system that focused on solving urban environmental problems for a long time. It is often difficult to realize the relief of rights and interests because of the lack of pertinence and operability. Therefore, the promulgation of the "Rural Revitalization Law" is of great significance for improving and strengthening the legal system of rural environmental tort relief. The rural environmental infringement relief system should systematically integrate grassroots mediation, legal aid, litigation protection, administrative punishment and other relief measures to effectively protect the infringers of environmental pollution, severely crack down on environmental infringers, and force rural environmental governance.

China's current rural environmental infringement dispute resolution mechanism mainly includes three types: private remedies, civil remedies and administrative remedies. First of all, Article 48 of the Rural Revitalization Law emphasizes the addition of private remedies such as negotiation and mediation to the mediation and resolution mechanism of rural conflicts and disputes. All rural areas should actively establish people's mediation committees and other grassroots dispute resolution mass organizations in accordance with the law. Under the condition that farmers' legal awareness is relatively weak and rural judicial resources are relatively limited, the development of private remedies can not only meet the farmers' mentality of "resting litigation", handle disputes flexibly and save judicial costs, but also resolve disputes to the people as much as possible to prevent conflicts from intensifying. Secondly, improving farmers' legal awareness is also an important connotation of the law. Farmers' ability to resolve environmental infringement disputes through civil litigation in accordance with relevant laws and regulations is undoubtedly a manifestation of farmers' legal awareness. To this end, the "Rural Revitalization Law" requires local governments at all levels to establish legal aid or service studios according to local conditions to provide farmers with professional advice on resolving environmental infringement disputes through litigation, so that they can use the law to obtain relief. For pollution that has caused serious damage to the rural environment, when most farmers are unable to obtain relief, state agencies should promptly intervene in environmental pollution incidents through environmental public interest litigation or administrative penalties, and hold relevant entities accountable.

### Exploring and Innovating the Main System of Rural Ecological Governance

American scholars Vincent Ostrom and Elinor Ostrom founded the "polycentric governance" theory based on the problem of public pond resources in rural communities in developing countries. This theory gets rid of the previous expectation of relying on the "invisible hand" of the market to achieve resource allocation or on a single government body to achieve public affairs rule, which both may face the dilemma of failure. The "polycentric governance" theory emphasizes the establishment of a three-dimensional governance structure of government, market, and society in which subjects are mutually independent negotiate and cooperate to form a governance model of "cooperation-governance-cooperation". "They make their own decisions and respect the natural boundaries of the law, and complete the governance of public affairs jointly." Rural ecological

governance involves the benefits of farmers, governments and enterprises, thus requires all stakeholders to play an active role in the governance process, which requires the coordination and cooperation of multiple parties to actively join in the pre- and post-event ecological governance process. The main system of rural ecological environment governance should be constructed from the three dimensions of society, market and government.

In the social dimension, farmers are the main source of rural ecological governance, and their participation in rural ecological governance is one of the key points of the Law of the People's Republic of China on the Promotion of Revitalization of Rural Areas. Article 4(2) of this law emphasizes that farmers should give full play to their enthusiasm, initiative and creativity in rural development.

In terms of ecological governance, it requires farmers to increase their willingness to govern the environment, fully exercise their right to know and supervise, and actively participate in rural ecological governance, to ensure the effective implementation of various measures formulated by the government. Social organizations should assume the responsibilities of professional subjects. Based on the provisions of Articles 24 and 40 of this law, key areas with high incidence of rural pollution should be stationed for long-term professionals in order to effectively meet the environmental governance requirements of rural areas. For example, in terms of sewage treatment and soil protection, it is necessary to actively absorb the planning and construction guidance opinions of water conservators and soil experts. In addition, in accordance with the requirements of Article 38 of this law, rural housing construction should also be managed by professional architects and materials experts to fundamentally reduce building material waste and increase the green sustainability of buildings in order to achieve the goal of ecological livability in rural areas.

In the market dimension, the enterprise, as the main body of the market, is not only the maker of rural ecological problems, but also the new type of governor. Article 37 of the law clarifies its key position in the co-construction, co-management and sharing mechanism of rural ecological governance. First, township and village enterprises should take the lead in responding to the government's call to adopt energy-saving and emission-reducing processes, and their emissions should meet the standards of relevant national environmental protection laws and regulations. Second, as rural agricultural non-point source pollution is the main problem in rural ecological governance, it is necessary to actively explore the third-party governance model of agricultural non-point source pollution, establish and improve the agricultural and rural environmental governance market system, and accelerate the development of agricultural and rural environmental governance market entities.

In the dimension of the government, as the leader of rural ecological governance, its function realizes the transformation from "paddle" to "helm" to "service", and assumes the responsibility of the main body of law enforcement. The government should follow the duty-based administrative governance model to avoid law enforcement problems such as unclear responsibilities, low administrative efficiency, and low professionalism. Article 48 of the law stipulates the importance of the construction of grass-roots law enforcement teams. It is necessary to clarify the responsibilities and supervision scope of the rural environmental protection law enforcement team at the grass-roots level, to promote the work connection between the various government departments of ecological governance, and to avoid the phenomenon of disputes for power and responsibility; and to strengthen the quality of law enforcement personnel in terms of professional capabilities and ecological

governance expertise. If necessary, they can hire long-term professionals to provide guidance on sewage treatment, soil protection, and housing construction. At the same time, continue to improve the "River Chief System" and "Lake Chief System", and give them the power of law enforcement in ecological governance through legislation, so as to play a positive role as an example.

### Implement Economic Guarantees for Rural Ecological Service Supply

Rural ecological governance is not a temporary work. Sustained and adequate safeguards can ensure the effectiveness of rural ecological governance, in which a solid economic guarantee is essential. Otherwise, rural ecological governance may fall into a bottleneck due to lack of funds. The support of public finances is needed whether to promote farmers and enterprises to raise awareness of environmental protection, participate in ecological governance, or to apply modern technology and professional knowledge to the governance process. Although local governments are paying more and more attention to rural ecological issues, and the central government has set up special funds for this purpose, the funds invested and used are very limited since the rural areas in China are large and difficult to control, and the pollution situation is complicated. In the face of the increasingly serious rural pollution problem and the deviation between effective governance, there still exists a big gap between the existing funds.

The newly promulgated Law of the People’s Republic of China on the Promotion of Revitalization of Rural Areas fully emphasizes the important role of financial support in the rural revitalization strategy. Articles 63 and 65 of the law propose for the first time that the state finances establish agricultural credit guarantee agencies and increase the coverage of basic financial services, so as to provide financial services for farmers and enterprises to purchase pesticides and equipment that reduce pollutant emissions during agricultural production. At the same time, in order to increase support for rural revitalization, the state has established an assessment and evaluation mechanism for financial support of rural ecological governance to encourage financial institutions to allocate more resources to weak links such as rural ecological governance, energy conservation and emission reduction. Under the call for promoting rural ecological governance and realizing rural revitalization, the infrastructure of rural ecological governance, such as the resettlement of garbage disposal sites, garbage sorting sites, and environmental monitoring sites, also requires a lot of national financial expenditure. In addition, in the process of ecological governance, it requires finance as a backup guarantee for law enforcement personnel need to carry out various tasks, hire expert consultants, etc. Economic security will greatly ease the financial pressure on rural ecological governance entities to carry out various tasks.

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