

Public Interest in the Management of (Emerging) Natural Resources

A Case Study of Weather Modification Regulations in China

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What is Weather Modification?



Evolution of Climate Resource

Regulations on Meteorological Services 气象条例 (1994):

Weather modification: “prevent or alleviate damages which may be caused by weather related disasters”

Climate resources: “climate conditions such as solar, thermal, hydraulic and wind energy which can be used in human economic activities.”

Meteorological Law 气象法 (1999):

Weather modification: “to avert or mitigate meteorological disasters and rationally exploit climatic resources”

Climate resources: Not defined

Shanxi Province Climate Resources Development, Utilization and Protection Regulations 山西省气候资源开发利用和保护管理办法 (2012):

Climate resources: 可以被人类生产和生活利用的太阳辐射、热量、风、云水和大气成分等能量和自然物质

Legal Status

Regulations on Administration of Weather Modification 人工影响天气管理条例 (2002)

开展人工影响天气工作，应当制定人工影响天气工作计划。人工影响天气工作计划由有关地方气象主管机构商同级有关部门编制，报本级人民政府批准后实施。

按照有关人民政府批准的人工影响天气工作计划开展的人工影响天气工作属于公益性事业，所需经费列入该级人民政府的财政预算。

Work plans for weather modification shall be made for conducting activities in this field. Work plans for weather modification shall be prepared by local competent meteorological departments concerned in consultation with relevant departments at the corresponding levels, and be implemented after submission to and approval by the people's governments at the same levels.

Weather modification conducted under work plans for weather modification approved by the people's governments concerned is of public welfare, and expenses required therefor shall be included into the budgets of the people's governments at the corresponding levels.

Legal Status

Public welfare undertaking (公益性事业)

VS

Utilization of climate resources (气候资源)

Implications Public Interest?

- Funding: local people's government foot bill (art. 5, weather modification regulation)
- Support: relevant state organs to provide information for free and without delay (art. 13, weather modification regulation)
- Private benefit: no weather modification for private benefits or at request of private entities?

Provincial Variations

- Total provincial regulations: 19
- Where private benefit/request is allowed: 8

Guangxi, Hebei, Hubei, Inner Mongolia, Jiangxi
Ningxia, Qinghai, and Sichuan

- Consistent with public welfare: 5
 - No such requirement:, Hebei, Qinghai, Sichuan
- Charges to be levied:
 - expenses on a cost-recovery basis (其费用): 5
 - paid customized services (有偿专项服务): 3
(Guangxi, Hubei and Ningxia)

Why Public Interest?

- Designation necessary?
- Agency Cost: Restraining abuse by local governments?
- Popular Objection?: Heilongjiang's nationalization of wind and sunlight saga

Q & A

Inner Mongolia (art. 6)

在保障公益性服务的基础上，可以根据单位和个人的特殊需要开展人工影响天气服务，所需经费由单位和个人承担。

Hubei (art. 8)

从事人工影响天气活动的单位在确保完成有关人民政府批准的公益性人工影响天气工作计划任务的前提下，可以根据用户要求，依法开展人工影响天气有偿专项服务

Qinghai (art. 6)

除县级以上人民政府批准的人工影响天气工作计划外，其他组织或个人要求开展人工影响天气活动的，由申请人向当地气象主管机构提出申请，报省气象主管机构批准后实施，其费用由提出人工影响天气作业服务要求的组织或个人承担。

Hebei (art. 7)

按照有关人民政府批准的人工影响天气工作计划开展的人工影响天气工作属于公益性事业，所需经费列入本级人民政府的财政预算。其他的人工影响天气活动，其费用由用户承担