

22nd ASLI Conference 2025

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| Panel Category | : | Environmental law |
| Panel Title | : | Law, Culture and Ecology |
| Panel Abstract | : | |

There are intensive disputes on mitigation and adaptation measures taken by the state as actions in response to challenges of climate change and biodiversity conservation. Many conflicts arise from various actors and stakeholders with different economic interests, cultural values, and unbalanced power relationships. The evolving domestic and international law on climate change, biodiversity conservation, and cultural rights provides a normative basis for strengthening collaborative governance among actors of governmental authorities, local communities, companies, and other social organizations.

This panel aims to improve the knowledge by focusing on the linkage of bio- and cultural diversities through empirical studies on developing renewable energy (mitigation) and managing national parks (adaptation) in China.

The panel results are based on research cooperation between the East China University of Political Science and Law and the University of Oslo. China plans to establish 49 national parks by 2030. The construction of the National Park system is a crucial measure to implement the 1992 UN Convention on Biodiversity Conservation (CBD) and the 2022 Kunming-Montreal Global Biodiversity Framework (GBF). The draft of the National Park Law is under review in 2024, and reforms of existing institutions are underway. Two members address the relevant issues in this panel.

One is to present the problems of legislation and practice in establishing the system in China.

The other paper provides a comparative perspective on a community-based and socio-ecological approach incorporating biological and cultural diversity protection in constructing the National Park institution and implementing CBD. Hydropower development is essential as renewable energy in China's 'green energy transition' to achieve the carbon neutrality goal by 2060. Since critical stakeholders of hydropower projects have different worldviews and concepts of well-being, this research observes disputes that demonstrate misunderstanding and non-recognition of local communities' distinctive way of life in law and practice, including a particular spiritual link to lands and material dependency on natural resources. Based on an empirical study in Southwest China, this research argues for establishing a legal procedure for cultural impact assessment of the projects approaching sustainable hydropower development. The research on mediation in grassland disputes in North China reveals the gaps between herdsmen's customary law and the state's law on managing grassland resources. It critically reviews the mediation mechanisms for integrating legal conflicts in dispute resolutions. Based on the above specific topics and case study, this panel invites broader discussions and inputs on legal issues concerning ecological civilization and natural resources governance.

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| Name of Convenor | : | Yong Zhou |
| Designation / Academic Post | : | Adjunct Professor |
| Institution / Organisation | : | East China University of Political Science and Law |
| Title of Paper | | |
| Hydropower Sustainability, Cultural Impact Assessment and Law in China | | |
| Abstract | | |
| <p>Hydropower dominates China's 'green energy transition' to achieve the carbon neutrality goal by 2060. The planned hydropower hubs are situated mainly in southwest China, the homelands of many ethnic minorities with distinctive ways of life. There are concerns that this transition shall be "green" and "just" according to the law. This research observes accelerating disputes and potential conflicts concerning sacred natural sites in the region. Since the state law and critical stakeholders in hydropower development have different worldviews, beliefs, cultural values, economic interests, and concepts of well-being, these disputes demonstrate misunderstanding and non-recognition of the peripheral communities' distinctive way of life, which includes a particular spiritual link to their lands and material dependency on natural resources. Based on an empirical study, this paper argues an urgent need to institutionalize a bottom-up perspective on hydropower sustainability by improving procedural justice. Conducting a cultural impact assessment according to the Akwé: Kon Guidelines proposed by the Convention on Biological Diversity (CBD) for applying Article 8 (j) can be a first step. This research preliminarily explores how to assess the impacts of a proposed development that may affect a given community's belief systems, languages, social organization, and traditions.</p> | | |
| Brief Biography of Author | | |
| <p>Dr. Yong Zhou is an Adjunct Professor at the East China University of Political Science and Law (Shanghai), a Guest Professor at the Minzu University of China (Beijing), and a researcher at the Faculty of Law, University of Oslo. From 2003 to 2015, he worked as a researcher and program director of the China-Norway research/teaching cooperation on law and ethnic affairs funded by NORAD at the University of Oslo. He is an expert member of the World Commission on Protected Areas (WCPA), IUCN (2020 - 2025). He holds four law degrees from Norway (Ph.D., University of Oslo), the UK (LLM, University of Nottingham), and China (LLB, East China University of Political Sciences and Law; Master of Law, Shanghai Academy of Social Sciences). Since 1989, He has done research, teaching, and international programs administration at the Chinese Academy of Social Sciences, the University of Oslo, and the University of Cambridge, focusing on legal anthropology, international human rights law, and law on sustainable development. He was an Associate Professor at the Chinese Academy of Social Sciences. He published two monographs, edited two books and two special issues of academic journals, and forty scientific papers (research articles, book chapters, and reports) in Chinese, English, and Spanish.</p> | | |

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| Name of Panelist | : | Maria Lundberg |
| Designation / Academic Post | : | Associate Professor |
| Institution / Organisation | : | University of Oslo, Faculty of Law |
| Title of Paper | | |
| The Legislation on National Parks and the Implementation of the UN Convention on Biodiversity in China: A Community-based Approach | | |
| Abstract | | |
| <p>According to the UN Convention on Biodiversity of 1992 (CBD), the State parties commit to establishing a protected area system to conserve biological diversity (Art.8 a). In line with this obligation, China has, since 2015, developed a nationwide system of national parks, which have, however, encountered multiple challenges due to the need for a legal basis for its development. In September 2024, China initiated new national legislation on national parks, in which the relationship between man and nature is a key issue. The latest draft seeks to balance ecological preservation with the well-being of local communities. Under the CBD, states shall respect, preserve, and maintain the knowledge and practices of local communities and promote their wider application. It encourages cooperation in governance for the sustainable use of biological resources. (Arts. 8 and 10). Based on recent findings and scholarly debates related to China and the Nordic countries, this paper aims to explore community-based approaches to implementing CBD in China by comparing it with the legal and institutional developments in the Nordic countries.</p> | | |
| Brief Biography of Author | | |
| <p>Dr. Maria Lundberg is an associate professor at the Faculty of Law, University of Oslo. She teaches international law, human rights law, and migration law. Her research interests and publications are in natural resources governance, human rights, environmental law, and implementation of international law in China and Nordic countries. Please refer to the webpage for more information on her publications and taught courses. https://www.jus.uio.no/smr/english/people/aca/marialk/</p> | | |

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| Name of Panelist | : | Jun Li |
| Designation / Academic Post | : | Professor |
| Institution / Organisation | : | East China University of Political Science and Law |
| Title of Paper | | |
| National Law and Customary Law: A Study on the Mediation of Grassland Disputes | | |
| Abstract | | |
| <p>The customary law is the core of dispute resolution and national cohesion in the grassland for thousands of years, and has played an important role in resolving disputes such as environmental protection, usufruct of pasture, and family marriage and property among local residents. Since the new era, with the efforts to unify the rule of law, the formulation and application of national law have become the mainstream. Institutions such as people's courts, judicial offices, and police stations have constituted the official leading force in social governance. In judicial trials, there is insufficient interaction between national law and customary law which is overlooked, remaining in a state of absence. However, there still exists the cultural tradition of "valuing emotions and customs more than laws and regulations." in the grassland areas. Therefore, it is required that the authorities find a balance between the two. Mediation, as a traditional means of resolving folk disputes, is flexible. It can utilize local knowledge such as customs and habits, as well as apply laws and regulations to analyze disputes, thus enhancing the local people's recognition of the outcome of dispute resolution and eliminating contradictions from the root. Therefore, this paper focuses on the mediation of grassland disputes by exploring the types of grassland disputes and current situation of mediation. This paper analyzes the difficulties and challenges from aspects such as the improvement of the mediation mechanism, the selection and training of mediators, and the validity of mediation agreements, and realizes the integration of national law and customary law in a manner adapted to local conditions.'</p> | | |
| Brief Biography of Author | | |
| <p>Jun Li, female, Han nationality, born in Hubei in 1974. Bachelor of Laws from Central China Normal University (1992-1996), Master of Sociology from Wuhan University (1997-2000), Doctor of Sociology from Nanjing University (2000-2003), visiting scholar at the University of Oslo, Norway and Lund University, Sweden (2005), visiting scholar at the University of Edmonton, Canada (2012), visiting scholar at the Berkeley School of Law, University of California (2015-2016), visiting scholar at the Faculty of Law, University of Oxford (2018), distinguished professor at the Wenner-Gren Foundation, Sweden (2023). Currently a professor at the School of Social Development, East China University of Political Science and Law, director of the Institute of Social Investigation, and executive director of the Center for Law and Society at the same university. Her main research areas are legal sociology and social policy.</p> | | |

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| Name of Panelist | : | Yang Su |
| Designation / Academic Post | : | Professor |
| Institution / Organisation | : | The Development Research Center of the State Council |
| Title of Paper | | |
| The Promotion and Hindrance of the Construction of China's Protected Area System by Legal Regulations —A Discussion on the Gains and Losses of China's Reforms Ahead of Legislation | | |
| Abstract | | |
| <p>China's national park system construction has achieved significant success and is leading globally. The Protected Area System, with national parks as the main body, aligns highly with the goals of the United Nations' Kunming-Montreal Global Biodiversity Framework, and has won a global consensus. However, the current reform of the ecological civilization system is not comprehensive or deep enough, and the construction of national parks faces numerous difficulties, with "Paper Park" still existing in large numbers. This study objectively describes the progress from a third-party perspective and analyzes the institution causes. Although China's reforms ahead of legislation have achieved certain effects in exploring new management models and mechanisms, they also face risks and uncertainties due to the absence of legal regulations, making it difficult to form a long-term mechanism and provide sufficient practical basis for national legislation. Existing laws and regulations play a positive role in promoting the construction of the Protected Area System by providing institutional guarantees, clarifying management responsibilities, and enhancing ecological protection. However, they still lag behind in adapting to new protection needs and management practices, and there are deficiencies in inter-departmental coordination and cross-regional management. Based on the current dilemma, this study deeply analyzes the reasons for the lag in the legislative process and the insufficiency of local judicial enforcement. To achieve the goal of "developing new quality productive forces to properly handle the relationship between humans and land, and between parks and land," this study believes that legal safeguard should be strengthened at both the legislative and enforcement levels. A comprehensive analysis of the current stage suggests that the focus should be on accelerating the legislative process, striving to handle the previously avoided issues of easement protection, franchise management, and community governance with an objective and scientific attitude; at the same time, the experiences of local exploration in strengthening law enforcement should also be promoted, so as to form a joint force among law enforcement, the judiciary, and the prosecutorial system.</p> | | |
| Brief Biography of Author | | |
| <p>Su Yang, male, born in 1971, holds a PhD in environmental science. He is currently a researcher at the Development Research Center of the State Council and the deputy editor-in-chief of the Management World magazine. Since joining the Social Development Research Department of the Development Research Center of the State Council in 2002, Su Yang's research on population, resources, and environmental policies has focused on comprehensive areas such as protected areas, environment and health. He has led research projects including the reform of the environmental and health management system, the study of the management system for national parks, and related resource and environmental strategies for the division of functional zones. He has also served as a member of the expert review panel for the national park system construction of the National Development and Reform Commission since 2015.</p> | | |

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| Name of Panelist | : | Tore Lindholm |
| Designation / Academic Post | : | Professor |
| Institution / Organisation | : | University of Oslo, Norwegian Centre for Human Rights |
| Title of Paper | | |
| A Philosophical Reflection on the Rights of Nature and Ecological Civilization | | |
| Abstract | | |
| <p>The Rights of Nature movement is the ongoing process of the Earth Jurisprudence in the making. The relevant, interactive dialogues of the UN General Assembly on Harmony with Nature have been carried out since 2010 annually for more than 10 years with 12 resolutions. Nature embodies different concepts for different people, including biodiversity, ecosystems, Mother Earth, and life systems. Nature's contributions to people embody different concepts, such as ecosystem goods and services and nature's gifts. Both nature and nature's contributions to people are vital for human existence and good quality of life, including human well-being, living in harmony with nature, and living well in balance and harmony with Mother Earth. The Kunming Declaration (2021), with the theme of 'ecological civilization—building a shared future for all life on earth,' and the Kunming-Montreal Global Biodiversity Framework (2022) recognize these diverse value systems and concepts, including, for those countries that recognize them, the rights of nature and the rights of Mother Earth, as integral to its successful implementation. This paper reflects on the implication and implementation of the rights of nature and law as a paradigm shift from a human-centric society to an Earth-centred global ecosystem.</p> | | |
| Brief Biography of Author | | |
| <p>Professor Tore Lindholm is a philosopher and expert on freedom of religion, belief, and human rights. He taught courses on human rights in theory and practice at the NCHR, Faculty of Law, University of Oslo. His publications include Facilitating Freedom of Religion or Belief and many articles on cultural rights, dignity as a foundation of human rights, and the plural legitimacy of universal human rights.</p> | | |