

The Discuss of Some Legal Question about the Pearl River Estuary River and Sea Boundaries



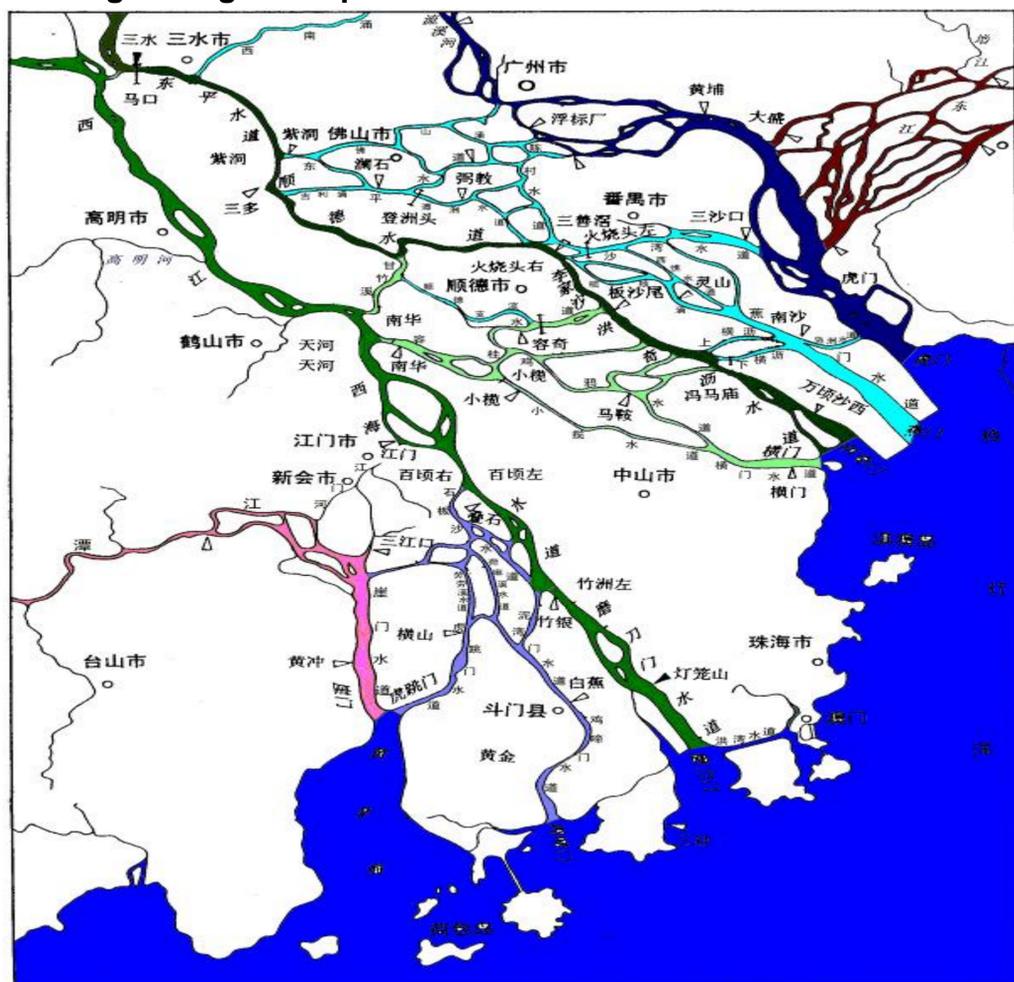
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Introduction

The management of Pearl River estuary relates to water agency, ocean agency, land use agency, maritime agency and traffic agency. Due to the overlap in the management scope of the Pearl River estuary, the responsibility in estuary is unclear and the management is confusion over the years. How to define beaches, estuaries and seas scientifically is the key to administration according to law. The author verified a large number of the domestic and foreign legal definition and other relevant documentation to make a detailed discussion for the laws and regulations relating to the boundary between river and sea in estuary area. It proposes some solutions accordingly, for the existing management problems.



The definition of the name of the boundary between river and estuary related and relevant laws involved

Broadly speaking, the tidal flat, farmland, woodland, grassland, marshes, wasteland, low mountain slope is the land of the area. In particular, the reclamation process of the tidal flat resources completes the regeneration of the source land, so that the land resources are continuously supplemented. Therefore, "Land Management Law Implementation Ordinance", the beach is defined as land resources, and not as a sea area. "Zhejiang province reclamation management regulations" eighteenth "form of land reclamation, according to the relevant provisions on the management of the national and provincial land management". To link up reclamation and land resources management is also precisely that beach land has, with natural and functional attributes and different waters. So tidal flat cannot be identified and treated as sea area.

The existing problems

The scope of the Pearl River Estuary, the State Council issued in 1998 to the Ministry of water conservancy and sanding program in

1998 promulgated the "People's Republic of China water law" will be incorporated into the mouth by the Department of water administration management.

The marine sector is based on the "Sea Area Management Law", "Marine Environmental Protection Law", its administrative scope has been traced back to the Huangpu waterway. Therefore, according to the different understanding of the estuary and the use of different legal standards, the water sector and the marine sector for the jurisdiction of the estuary there is a clear conflict.

the construction units need construction projects in the estuary space, not only need to submit the application to the occupation of shoreline waters tidal water administrative departments also need to submit the application to the use of the waters of the marine sector, caused by the examination and approval authority overlap.

The main contradiction is controversial issues of compensation for the use of coastline, beaches and estuarine waters. From the management practice for many years, by different departments of the pre project are the implementation of administrative approval is not formed in the disputes, in the area of river management does not exclude other departments in the implementation of management responsibilities in accordance with the sector over the years, various departments and according to the management requirements of the implementation of.

Conclusions

The relevant laws in inland waters, estuaries and coastal line with the International Convention on the definition of the term is ambiguous, the scope of management and ownership of estuary formed a certain confusion in China.

Because the boundaries of the river and the sea are not specified, the water administrative department in accordance with the "Pearl River Estuary Management Measures", the marine sector under the "Sea Area Management Law", all have jurisdiction over the Pearl River estuary, resulting in the Pearl River estuary administrative jurisdiction overlapping.

Repeated charges are caused by the fuse of the river dispute. According to different laws and regulations, water administrative departments, the marine sector can be charged for the same construction project, resulting in the same construction project double charges, resulting in a dispute between the sea and the sea.

Overall, the level of estuarine management legislation is still not high, the legislation has a small number of estuaries. With the rapid development of China's economy and society, the task of estuarine management in our country will be more arduous, and the problem of estuary management will be more complicated, and the requirements of estuary management legislation will be more urgent. On the one hand, after years of accumulation, the contradiction between estuarine development and protection has been more acute, and the security risks such as flood control and navigation in the estuary area are increasing. On the other hand, the water pollution degree in the estuary area is beyond the water resources and environment of the estuary area. Ability, if not as soon as possible to rationalize the relationship between the development and protection of estuaries, is bound to affect the socio-economic development of the estuary area.