

【Title】 Law of the People's Republic of China on Desert Prevention and Transformation[现
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The Law of the People's Republic of China on Desert Prevention and transformation has been adopted at the 23rd meeting of the Standing Committee of the Ninth National People's Congress of the People's Republic of China on Aug.31, 2001 and is hereby promulgated, and shall come into force on Jan.1, 2002.

Jiang Zemin President of the People's Republic of China
Aug.31, 2001

Law of the People's Republic of China on Desert Prevention and Transformation

(Adopted at the 23rd meeting of the Standing Committee of the Ninth National People's Congress of the People's Republic of China on Aug.31, 2001)

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中华人民共和国主席令
(第五十五号)

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中华人民共和国主席 江泽民
2001年8月31日

中华人民共和国防沙治沙法

(2001年8月31日第九届全国人民代表

大会常务委员会第二十三次会议通过)

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Chapter 1 General Provisions

第一章 总则

Article 1 This Law was formulated in order to prevent land desertification, to transform desertified land, to protect the safety of environment and to promote the sustainable development of economy and society.

第一条 为预防土地沙化, 治理沙化土地, 维护生态安全, 促进经济和社会的可持续发展, 制定本法。

(相关资料: [条文释义](#))

Article 2 The activities of prevention of land desertification, transformation of desertified land, development and utilization of desertified land within the territory of the People's Republic of China must abide by this Law.

Land desertification refers to the encroachment of natural desert and the process in which the vegetation on sandy land is damaged and the sandy soil is exposed due to climate changes and human activities.

Land desertification referred to in this Law means the encroachment of natural desert and the process in which the vegetation and coverings on sandy land are damaged, quicksand is formed and the sand soil is exposed due to unreasonable human activities.

Desertified land referred to in this Law means the land that has already been desertified and the land that is obviously going to be desertified. The specific scope shall be clarified by the planning on national desert prevention and transformation approved by the State Council.

Article 3 Desert prevention and transformation shall follow the following principles:

- 1) planning desert prevention and transformation uniformly, adjusting it according to the circumstances, carrying it out step by step, and insisting on the combination of regional and key prevention and transformation;
- 2) giving priority to prevention, combining prevention with transformation, and transforming desertified land in a comprehensive way;
- 3) combining the protection and restoring of vegetation with the reasonable utilization of natural resources;
- 4) following environmental rules and relying on technological advancement;
- 5) combining the improvement of environment with helping peasants and herdsmen get out of poverty and become rich;
- 6) combining the state support with local self-reliance, combining the government organization with public participation, and encouraging units and individuals to contract for desert prevention and transformation; and
- 7) protecting the lawful rights and interests of the persons engaged in the sand prevention and transformation.

Article 4 The State Council and the local people's governments at the county level or above of the places where the desertified lands are located shall bring the desert prevention and transformation into the plans of the development of national economy and society, and shall protect and support the carrying out of desert prevention and transformation. The local people's governments at all levels of the places where the desertified lands are located shall take effective measures to prevent land desertification, to transform the desertified land and to protect and improve the environmental quality of their respective administrative areas. At the places where the desertified lands are located, the state shall establish examination, award and punishment system of government

第二条 在中华人民共和国境内，从事土地沙化的预防、沙化土地的治理和开发利用活动，必须遵守本法。

土地沙化是指因气候变化和人类活动所导致的天然沙漠扩张和沙质土壤上植被破坏、沙土裸露的过程。

本法所称土地沙化，是指主要因人类不合理活动所导致的天然沙漠扩张和沙质土壤上植被及覆盖物被破坏，形成流沙及沙土裸露的过程。

本法所称沙化土地，包括已经沙化的土地和具有明显沙化趋势的土地。具体范围，由国务院批准的全国防沙治沙规划确定。

（相关资料: [条文释义](#)）

第三条 防沙治沙工作应当遵循以下原则：

- （一）统一规划，因地制宜，分步实施，坚持区域防治与重点防治相结合；
 - （二）预防为主，防治结合，综合治理；
 - （三）保护和恢复植被与合理利用自然资源相结合；
 - （四）遵循生态规律，依靠科技进步；
 - （五）改善生态环境与帮助农牧民脱贫致富相结合；
 - （六）国家支持与地方自力更生相结合，政府组织与社会各界参与相结合，鼓励单位、个人承包防治；
 - （七）保障防沙治沙者的合法权益。
- （相关资料: [条文释义](#)）

第四条 国务院和沙化土地所在地区的县级以上地方人民政府，应当将防沙治沙纳入国民经济和社会发展规划，保障和支持防沙治沙工作的开展。

沙化土地所在地区的地方各级人民政府，应当采取有效措施，预防土地沙化，治理沙化土地，保护和改善本行政区域的生态质量。

国家在沙化土地所在地区，建立政府行政领导防沙治沙任期目标责任考核奖惩制度。沙化土地所在地区的县级以上地

administrative leaders on their responsibilities of accomplishing sand prevention and transformation objectives within their office terms. The local people's governments at the county level or above of the places where the desertified lands are located shall report the goings of sand prevention and transformation to the people's congresses and their standing committees at the same level.

Article 5 Under the leadership of the State Council, the administrative department in charge of forestry of the State Council shall be responsible for the organization, coordination and direction of the desert prevention and transformation of the whole country.

The administrative departments in charge of forestry, agriculture, irrigation works, land, environment protection, etc, and the organ in charge of weather shall, according to the responsibilities provided by relevant laws and the division of responsibilities determined by the State Council, perform their respective duties, coordinate with each other closely and jointly do a good job in desert prevention and transformation.

The local people's governments at the county level or above shall organize and lead the relevant departments under them to perform their respective duties according to the division of duties, coordinate with each other closely and do a good job of desert prevention and transformation of their respective administrative areas.

Article 6 The units and individuals using land shall bear the obligation to prevent that land from desertification.

The units and individuals using the land that has already been desertified shall bear the obligation to transform that desertified land.

Article 7 The state shall support the scientific research and technological spreading of desert prevention and transformation, bring the role of scientific research departments and organs into play in desert prevention and transformation, train special technological personnel of desert prevention and transformation and improve the level of scientific technologies of desert prevention and transformation.

The state supports international cooperation in desert prevention and transformation.

Article 8 The units and individuals that make notable achievements in desert prevention and transformation shall be honored and awarded by the people's governments; those that make prominent contributions to protect and improve environment quality shall be given ample awards.

Article 9 The people's governments at all levels of the places where the desertified lands are located shall organize the relevant departments to

方人民政府，应当向同级人民代表大会及其常务委员会报告防沙治沙工作情况。

（相关资料: [条文释义](#)）

第五条 在国务院领导下，国务院林业行政主管部门负责组织、协调、指导全国防沙治沙工作。

国务院林业、农业、水利、土地、环境保护等行政主管部门和气象主管机构，按照有关法律规定的职责和国务院确定的职责分工，各负其责，密切配合，共同做好防沙治沙工作。

县级以上地方人民政府组织、领导所属有关部门，按照职责分工，各负其责，密切配合，共同做好本行政区域的防沙治沙工作。

（相关资料: [地方法规 3 篇 条文释义](#)）

第六条 使用土地的单位和个人，有防止该土地沙化的义务。

使用已经沙化的土地的单位和个人，有治理该沙化土地的义务。

（相关资料: [条文释义](#)）

第七条 国家支持防沙治沙的科学研究和技术推广工作，发挥科研部门、机构在防沙治沙工作中的作用，培养防沙治沙专门技术人员，提高防沙治沙的科学技术水平。

国家支持开展防沙治沙的国际合作。

（相关资料: [条文释义](#)）

第八条 在防沙治沙工作中作出显著成绩的单位和个人，由人民政府给予表彰和奖励；对保护和改善生态质量作出突出贡献的应当给予重奖。

（相关资料: [条文释义](#)）

第九条 沙化土地所在地区的各级人民政府应当组织有关部门开展防沙治沙知识

carry out publicizing and education on knowledge of desert prevention and transformation, increase the sense of desert prevention and transformation of the citizens and improve the capacities of desert prevention and transformation of the citizens.

Chapter 2 Planning of Desert Prevention and Transformation

Article 10 Desert prevention and transformation shall adopt uniform planning. The activities of desert prevention and transformation, and the activities of development and utilization within the range of desertified land must abide by the planning on desert prevention and transformation. The planning on desert prevention and transformation shall make definite provisions on the time limits, steps, measures, etc, for preventing the tendency of land desertification expansion and for gradually reducing the desertified land, and shall bring the specific implementation schemes into the five-year plans and annual plans of national economic and social development.

Article 11 The administrative department in charge of forestry of the State Council shall, jointly with the relevant departments of agriculture, irrigation works, land, environment protection, etc, of the State Council, draw up the planning of desert prevention and transformation of the whole country, which shall be carried out upon the approval of the State Council. The people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall, according to the planning of desert prevention and transformation of the whole country, draw up the planning of desert prevention and transformation of their respective administrative areas, which shall be carried out upon the approval of the State Council or of the relevant departments appointed by the State Council.

The people's governments of the cities, counties of the places where the desertified lands are located shall, according to the planning of desert prevention and transformation of the people's governments at the higher level, organize the formulation of the planning of desert prevention and transformation of their respective administrative areas, which shall be carried out upon the approval of the people's government at the higher level.

To amend the planning of desert prevention and transformation, the approval of the original approving department must be obtained; no unit or individual may change the planning of desert prevention and transformation without approval.

Article 12 The formulation of planning of desert prevention and transformation shall adopt classified protection, comprehensive transformation and reasonable utilization of the desertified land according to the natural conditions such as geological location of the desertified

的宣传教育，增强公民的防沙治沙意识，提高公民防沙治沙的能力。

（相关资料: [条文释义](#)）

第二章 防沙治沙规划

第十条 防沙治沙实行统一规划。从事防沙治沙活动，以及在沙化土地范围内从事开发利用活动，必须遵循防沙治沙规划。

防沙治沙规划应当对遏制土地沙化扩展趋势，逐步减少沙化土地的时限、步骤、措施等作出明确规定，并将具体实施方案纳入国民经济和社会发展五年计划和年度计划。

（相关资料: [条文释义](#)）

第十一条 国务院林业行政主管部门会同国务院农业、水利、土地、环境保护等有关部门编制全国防沙治沙规划，报国务院批准后实施。

省、自治区、直辖市人民政府依据全国防沙治沙规划，编制本行政区域的防沙治沙规划，报国务院或者国务院指定的有关部门批准后实施。

沙化土地所在地区的市、县人民政府，应当依据上一级人民政府的防沙治沙规划，组织编制本行政区域的防沙治沙规划，报上一级人民政府批准后实施。

防沙治沙规划的修改，须经原批准机关批准；未经批准，任何单位和个人不得改变防沙治沙规划。

（相关资料: [条文释义](#)）

第十二条 编制防沙治沙规划，应当根据沙化土地所处的地理位置、土地类型、植被状况、气候和水资源状况、土地沙化程度等自然条件及其所发挥的生态、

land, land types, vegetation conditions, climate and water resource conditions, land desertification degrees, etc, and the environmental and economic functions the desertified land plays.

The connected patches of desertified land that are not suitable for development and utilization because there are no conditions for transformation in the planned term and because of the needs of environment protection shall be planned as the sealed conservation area of desertified land and shall adopt sealed protection. The range of the sealed conservation area of desertified land shall be determined by the planning of desert prevention and transformation of the whole country and that of the provinces, autonomous regions and municipalities directly under the Central Government.

Article 13 The planning of desert prevention and transformation shall be linked up with the overall planning of land use; and the use of desertified land prescribed in the planning of desert prevention and transformation shall be in accordance with the overall planning of land use of the people's government at the corresponding level.

Chapter 3 Prevention of Land Desertification

Article 14 The administrative department in charge of forestry of the State Council shall organize other relevant administrative departments in charge to monitor, count up and analyze the circumstances of land desertification of the whole country and shall publicize the monitoring results regularly.

The administrative departments in charge of forestry or other relevant departments of the local people's governments at the county level or above shall, according to the technological rules of land desertification monitoring, monitor the desertified land and report the monitoring results to the people's government at the same level and the administrative departments in charge of forestry or other relevant departments at the higher level.

Article 15 The administrative departments in charge of forestry or other relevant administrative departments of the local people's governments at the county level or above shall report to the people's governments at the same levels when they find the land are being desertified or the degree of land desertification increases during the process of monitoring land desertification. The people's governments that receive the reports shall instruct the relevant administrative departments in charge to stop the acts that cause the land desertification and take effective measures to transform it.

The departments in charge of meteorology at all levels shall organize the monitoring and forecast of the drought weather and sandstorm weather, and shall report to the local people's governments when finding the

economic function, for desertified land实行分类保护、综合治理和合理利用。

在规划期内不具备治理条件的以及因保护生态的需要不宜开发利用的连片沙化土地,应当规划为沙化土地封禁保护区,实行封禁保护。沙化土地封禁保护区的范围,由全国防沙治沙规划以及省、自治区、直辖市防沙治沙规划确定。

(相关资料: [条文释义](#))

第十三条 防沙治沙规划应当与土地利用总体规划相衔接;防沙治沙规划中确定的沙化土地用途,应当符合本级人民政府的土地利用总体规划。

(相关资料: [条文释义](#))

第三章 土地沙化的预防

第十四条 国务院林业行政主管部门组织其他有关行政主管部门对全国土地沙化情况进行监测、统计和分析,并定期公布监测结果。

县级以上地方人民政府林业或者其他有关行政主管部门,应当按照土地沙化监测技术规程,对沙化土地进行监测,并将监测结果向本级人民政府及上一级林业或者其他有关行政主管部门报告。

(相关资料: [条文释义](#))

第十五条 县级以上地方人民政府林业或者其他有关行政主管部门,在土地沙化监测过程中,发现土地发生沙化或者沙化程度加重的,应当及时报告本级人民政府。收到报告的人民政府应当责成有关行政主管部门制止导致土地沙化的行为,并采取有效措施进行治理。

各级气象主管机构应当组织对气象干旱和沙尘暴天气进行监测、预报,发现气象干旱或者沙尘暴天气征兆时,应当及时报告当地人民政府。收到报告的人民政府应当采取预防措施,必要时公布灾

symptoms of drought or sandstorm weather. The people's governments that receive the reports shall take prevention measures and make disaster forecasts when necessary, and shall organize the relevant departments of forestry, agriculture (livestock farming), etc, to take emergency measures to avoid or reduce the sandstorm damages.

Article 16 The local people's governments at the county level or above of the places where the desertified lands are located shall, according to the planning of desert prevention and transformation, line out a certain proportion of land to build anti-wind and sand-fixation forest nets, forest zones, and to plant perennial bushes and herbage plants. The administrative departments in charge of forestry shall be responsible for determining the standards and specific tasks of the surviving rate and preserving rate of the tree and forest planting, and shall organize the implementation in the lands patch by patch, determine the responsibilities and insure the completion.

Except the felling for fostering and renewing, no felling of trees may be approved on the anti-wind and sand-fixation forest nets and forest zones. Before felling trees in the anti-wind and sand-fixation forest nets and forest zones for fostering and renewing, succeeding forest nets and forest zones must be formed near them.

No felling shall be approved on the anti-wind and sand fixation forest nets and forest zones at the places where it is difficult to renew forests.

Article 17 It is prohibited to chop and dig bushes, medical materials and other sand-fixation plants on the deserted land.

The people's governments at the county level of the places where the deserted lands are located shall formulate vegetation management and protection system to rigorously protect the vegetation, and shall establish management and protection organizations at townships (towns), villages and fixing management and protection personnel according to needs. Various kinds of land underwriting contracts shall include the contents of responsibilities fro vegetation protection within the range of deserted land.

Article 18 The local people's governments at all levels of the grassland regions shall strengthen the management and improvement of the grasslands, the administrative departments of agriculture (livestock farming) shall be responsible for the direction and organization of the peasants and herdsmen to build man-made meadows, to control the livestock carrying capacity, to adjust the livestock structure, to improve the livestock categories, to spread fence farming of livestock and shifting meadow herding, to eliminate rat pests and insect pests on the grasslands, to protect grassland vegetation and to prevent the grasslands from degeneration and desertification.

The grasslands shall adopt the system of determining livestock carrying capacity by grass output. The administrative departments in charge of

情预报,并组织林业、农(牧)业等有关部门采取应急措施,避免或者减轻风沙危害。

(相关资料: [条文释义](#))

第十六条 沙化土地所在地区的县级以上地方人民政府应当按照防沙治沙规划,划出一定比例的土地,因地制宜地营造防风固沙林网、林带,种植多年生灌木和草本植物。由林业行政主管部门负责确定植树造林的成活率、保存率的标准和具体任务,并逐片组织实施,明确责任,确保完成。

除了抚育更新性质的采伐外,不得批准对防风固沙林网、林带进行采伐。在对防风固沙林网、林带进行抚育更新性质的采伐之前,必须在其附近预先形成接替林网和林带。

对林木更新困难地区已有的防风固沙林网、林带,不得批准采伐。

(相关资料: [条文释义](#))

第十七条 禁止在沙化土地上砍挖灌木、药材及其他固沙植物。

沙化土地所在地区的县级人民政府,应当制定植被管护制度,严格保护植被,并根据需要在乡(镇)、村建立植被管护组织,确定管护人员。

在沙化土地范围内,各类土地承包合同应当包括植被保护责任的内容。

(相关资料: [条文释义](#))

第十八条 草原地区的地方各级人民政府,应当加强草原的管理和建设,由农(牧)业行政主管部门负责指导、组织农牧民建设人工草场,控制载畜量,调整牲畜结构,改良牲畜品种,推行牲畜圈养和草场轮牧,消灭草原鼠害、虫害,保护草原植被,防止草原退化和沙化。

草原实行以产草量确定载畜量的制度。由农(牧)业行政主管部门负责制定载畜量的标准和有关规定,并逐级组织实施,明确责任,确保完成。

agriculture (livestock farming) shall be responsible for formulating the standards for and the relevant provisions on the livestock carrying capacity, and shall organize the implementation level by level, define the responsibilities and insure the completion.

Article 19 The administrative departments in charge of irrigation works of the local people's governments at the county level or above of the places where the desertified lands are located shall strengthen the uniform arrangements and management of the drainage areas water resources and regional water resources, the water needed for the vegetation protection of the whole drainage areas and regions must be taken into consideration when drawing up the planning of the development and utilization of the water resources of the drainage areas and regions and the water supplying plans, thus to prevent vegetation damages and land desertification caused by the excess development and utilization of groundwater and the upriver water resources. Those planning and plans must be strictly carried out after being approved.

The local people's governments at all levels of the places where the desertified lands are located shall save water, develop water-saving agriculture and livestock farming and other industries.

Article 20 The people's governments at the county level or above of the places where the desertified lands are located may not approve the cultivation of the edging zones of deserts and the forests and grasslands; if they have already cultivated the lands and harmful effects have been done to the environment, the cultivated lands shall be restored to forests and grasslands in a planned and organized way.

Article 21 When undertaking development and construction within the range of the desertified land, one must make environmental valuation on the effects that project may generate to the environment of the land and the relevant regions in advance, and shall submit the report on environmental effects according to law; the contents of the report on environmental effects shall include contents relating to desert prevention and transformation.

Article 22 All vegetation damaging activities shall be prohibited within the range of the sealed conservation areas of desertified land. It is prohibited to settle incomers within the range of the sealed conservation areas of the desertified land. The local people's governments at the county level or above shall organize the peasants and herdsmen in the range of sealed conservation areas of desertified land to move out in a planned way and shall settle them down appropriately. The production and living of the peasants and herdsmen that haven't moved out of the sealed conservation areas of desertified land shall be appropriately arranged by the departments in charge of the sealed

(相关资料: [条文释义](#))

第十九条 沙化土地所在地区的县级以上地方人民政府水行政主管部门, 应当加强流域和区域水资源的统一调配和管理, 在编制流域和区域水资源开发利用规划和供水计划时, 必须考虑整个流域和区域植被保护的用水需求, 防止因地下水 and 上游水资源的过度开发利用, 导致植被破坏和土地沙化。该规划和计划经批准后, 必须严格实施。

沙化土地所在地区的地方各级人民政府应当节约用水, 发展节水型农牧业和其他产业。

(相关资料: [条文释义](#))

第二十条 沙化土地所在地区的县级以上地方人民政府, 不得批准在沙漠边缘地带和林地、草原开垦耕地; 已经开垦并对生态产生不良影响的, 应当有计划地组织退耕还林还草。

(相关资料: [条文释义](#))

第二十一条 在沙化土地范围内从事开发建设活动的, 必须事先就该项目可能对当地及相关地区生态产生的影响进行环境影响评价, 依法提交环境影响报告; 环境影响报告应当包括有关防沙治沙的内容。

(相关资料: [条文释义](#))

第二十二条 在沙化土地封禁保护区范围内, 禁止一切破坏植被的活动。

禁止在沙化土地封禁保护区范围内安置移民。对沙化土地封禁保护区范围内的农牧民, 县级以上地方人民政府应当有计划地组织迁出, 并妥善安置。沙化土地封禁保护区范围内尚未迁出的农牧民的生产生活, 由沙化土地封禁保护区主管部门妥善安排。

未经国务院或者国务院指定的部门同

conservation areas of desertified land.

No construction of railway, highway, etc, may be conducted within the range of the sealed conservation areas of the desertified land without the approval of the State Council or the departments appointed by the State Council.

Chapter 4 Transformation of Desertified Land

Article 23 The local people's governments at all levels of the places where the desertified lands are located shall, according to the planning of desert prevention and transformation, organize the relevant departments, units and individuals to take the measures such as forestation and grass-growing by human power, forestation and grass-growing by plane insemination, blocking desert for forest and grass fostering, reasonable allocation of water for environmental use, etc, according to the circumstances, and to restore and increase vegetation and to transform the land that have already been desertified.

Article 24 The state encourages units and individuals, on the premise of freewill, to carry out public desert transforming activities by contributing money or by other means.

The administrative departments of forestry or other relevant administrative departments of the local people's governments at the county level or above shall provide sites for the transformation and free technological direction for the public desert transforming activities.

The units and individuals engaged in public desert transformation shall carry out the transformation according to the technological requirements of the administrative departments in charge of forestry and other relevant administrative departments of the local people's governments at the county level or above, and may entrust others to manage and protect the forests and grasses they have planted or hand them over to the relevant administrative departments in charge of the local people's governments for management and protection.

Article 25 The owners of land use right who use the state-owned lands that have already been desertified and the contractor of the rural collectivity-owned lands must take transforming measures and improve the land quality; those that do have no capacity to complete the transforming tasks may entrust others to conduct the transformation or cooperate with others to transform the land. Those entrust others or cooperate with others to transform the land shall sign agreements and clarify the rights and obligations of the parties.

The local people's governments at all levels of the places where the desertified lands are located, the relevant administrative departments in charge and the technology spreading units shall provide technological direction for the desert transforming activities of the owners of land use

意，不得在沙化土地封禁保护区范围内进行修建铁路、公路等建设活动。

(相关资料: [条文释义](#))

第四章 沙化土地的治理

第二十三条 沙化土地所在地区的地方各级人民政府，应当按照防沙治沙规划，组织有关部门、单位和个人，因地制宜地采取人工造林种草、飞机播种造林种草、封沙育林育草和合理调配生态用水等措施，恢复和增加植被，治理已经沙化的土地。

(相关资料: [条文释义](#))

第二十四条 国家鼓励单位和个人在自愿的前提下，捐资或者以其他形式开展公益性的治沙活动。

县级以上地方人民政府林业或者其他有关行政主管部门，应当为公益性治沙活动提供治理地点和无偿技术指导。

从事公益性治沙的单位和个人，应当按照县级以上地方人民政府林业或者其他有关行政主管部门的技术要求进行治理，并可以将所种植的林、草委托他人管护或者交由当地人民政府有关行政主管部门管护。

(相关资料: [条文释义](#))

第二十五条 使用已经沙化的国有土地的使用权人和农民集体所有土地的承包经营权人，必须采取治理措施，改善土地质量；确实无能力完成治理任务的，可以委托他人治理或者与他人合作治理。委托或者合作治理的，应当签订协议，明确各方的权利和义务。

沙化土地所在地区的地方各级人民政府及其有关行政主管部门、技术推广单位，应当为土地使用权人和承包经营权人的治沙活动提供技术指导。

采取退耕还林还草、植树种草或者封育

right and the contractors.

The owners of land use right and contractors who adopting the measure such as restoring cultivated lands to forests and grasses, planting trees and grasses or blocking desert for fostering may enjoy the preferential policy provided by the people's governments according to the relevant provisions of the state.

Article 26 If any unit or individual who doesn't have the land ownership or land use right wishes to engage in profit-making desert transforming activities, he shall sign agreements with the owner of the land or the owner of land use right in advance to obtain the land use right according to law.

Before the transforming activities begin, the units or individuals shall apply for transformation to the administrative departments in charge of forestry of the local people's governments at the county level or above or to other administrative departments in charge appointed by the local people's governments at the county level or above, and shall submit the following documents together with the application:

- 1) legal proving documents of the ownership of the land under transformation and the transforming agreement;
- 2) transforming schemes that comply with the planning of desert prevention and transforming; and
- 3) proving documents of the funds needed by the transformation.

Article 27 The transforming schemes referred to in item 2) of the second paragraph of Article 26 shall include the following contents:

- 1) limits of the transforming range;
- 2) grading transforming objectives and transforming terms;
- 3) main transforming measures;
- 4) water sources and water use quotas approved by the local administrative departments in charge of irrigation;
- 5) land use after transformation and the measures for vegetation management and protection; and
- 6) other matters needed to be indicated.

Article 28 The units and individuals engaged in profit-making desert transformation must transform the land according to the transforming schemes.

The state protects the lawful rights and interests of the persons transforming desertified land. No other unit or individual may undertake activities of transformation or development and utilization in the transforming range under the land ownership obtained by the persons transforming the land without their approval.

措施治沙的土地使用权人和承包经营权人，按照国家有关规定，享受人民政府提供的政策优惠。

(相关资料: [地方法规 1 篇 条文释义](#))

第二十六条 不具有土地所有权或者使用权的单位和从事营利性治沙活动的，应当先与土地所有权人或者使用人签订协议，依法取得土地使用权。

在治理活动开始之前，从事营利性治沙活动的单位和个人应当向治理项目所在地的县级以上地方人民政府林业行政主管部门或者县级以上地方人民政府指定的其他行政主管部门提出治理申请，并附具下列文件：

- (一) 被治理土地权属的合法证明文件和治理协议；
- (二) 符合防沙治沙规划的治理方案；
- (三) 治理所需的资金证明。

(相关资料: [部门规章 1 篇 地方法规 6 篇 条文释义](#))

第二十七条 本法第二十六条第二款第二项所称治理方案，应当包括以下内容：

- (一) 治理范围界限；
- (二) 分阶段治理目标和治理期限；
- (三) 主要治理措施；
- (四) 经当地水行政主管部门同意的用水来源和用水量指标；
- (五) 治理后的土地用途和植被管护措施；
- (六) 其他需要载明的事项。

(相关资料: [部门规章 1 篇 地方法规 1 篇 条文释义](#))

第二十八条 从事营利性治沙活动的单位和个人，必须按照治理方案进行治理。国家保护沙化土地治理者的合法权益。在治理者取得合法土地权属的治理范围内，未经治理者同意，其他任何单位和个人不得从事治理或者开发利用活动。

(相关资料: [地方法规 1 篇 条文释义](#))

Article 29 After completing the transforming tasks, the persons transforming the land shall apply for check before acceptance to the administrative departments in-charge of the local people's governments at the county level or above that accepted the transforming application. For those that pass the check before acceptance, the administrative departments in-charge that accepted the transforming application shall issue certificates of qualified transformation; and for those failed to pass the check before acceptance, the persons transforming the land shall continue with their transformation.

Article 30 The two sides of the railways, highways, rivers and canals, and the areas around the towns, villages, factories and mines, and reservoirs within the range of the lands that have already been desertified shall adopt the responsibility system of unit transformation, the local people's governments at the county level or above shall deliver the transformation responsibility letter, and the responsible units shall answer for the organizing of forest and grass planting or take other transforming measures.

Article 31 The local people's governments at all levels of the places where the desertified lands are located may organize the local rural collectivity economic organizations and their members, on the premise of freewill, to make centralized transformation to the desertified land. The funds and labor devoted by the rural collectivity economic organizations and their members may be converted into the shares, capital of the transforming projects, or may be compensated by other means.

Chapter 5 Guarantee Measures

Article 32 The State Council and the local people's governments at all levels of the places where the desertified lands are located shall arrange funds from the financial budget of their respective levels through project budget according to the planning of desert prevention and transformation, those funds shall be used in the desert prevention and transformation projects determined by the people's governments at the corresponding level. In the arrangement of the projects of poverty-relief, agriculture, irrigation works, mineral resources, energy, comprehensive agriculture development, etc, several sub-projects of sand prevention and transformation shall be established according to the specific circumstances.

Article 33 The State Council and the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall formulate preferential policies to encourage and support units and individuals to prevent and transform desert.

第二十九条 治理者完成治理任务后，应当向县级以上地方人民政府受理治理申请的行政主管部门提出验收申请。经验收合格的，受理治理申请的行政主管部门应当发给治理合格证明文件；经验收不合格的，治理者应当继续治理。

（相关资料: [地方法规 2 篇 条文释义](#)）

第三十条 已经沙化的土地范围内的铁路、公路、河流和水渠两侧，城镇、村庄、厂矿和水库周围，实行单位治理责任制，由县级以上地方人民政府下达治理责任书，由责任单位负责组织造林种草或者采取其他治理措施。

（相关资料: [条文释义](#)）

第三十一条 沙化土地所在地区的地方各级人民政府，可以组织当地农村集体经济组织及其成员在自愿的前提下，对已经沙化的土地进行集中治理。农村集体经济组织及其成员投入的资金和劳力，可以折算为治理项目的股份、资本金，也可以采取其他形式给予补偿。

（相关资料: [条文释义 相关论文 1 篇](#)）

第五章 保障措施

第三十二条 国务院和沙化土地所在地区的地方各级人民政府应当在本级财政预算中按照防沙治沙规划通过项目预算安排资金，用于本级人民政府确定的防沙治沙工程。在安排扶贫、农业、水利、道路、矿产、能源、农业综合开发等项目时，应当根据具体情况，设立若干防沙治沙项目。

（相关资料: [条文释义](#)）

第三十三条 国务院和省、自治区、直辖市人民政府应当制定优惠政策，鼓励和支持单位和个人防沙治沙。
县级以上地方人民政府应当按照国家有

The local people's governments at the county level or above shall grant policy preferences such as fund subsidies, financial discounts and reduction and exemption of tax to the units and individuals engaged in desert prevention and transformation.

For the units and individuals that invest in preventing and transforming deserts, all kinds of taxes shall be exempted at the phase of investing; relevant taxes may be exempted or reduced after some profits have been made.

Article 34 Those that use desertified state-owned lands to conduct desert prevention and transformation may enjoy the land use right for no more than 70 years upon the approval of the people's governments at the county level or above. The specific time limit and the management measures shall be prescribed by the State Council.

Those that use desertified collectivity-owned lands to conduct desert prevention and transformation shall sign land underwriting contracts. The specific contracting terms and other rights and obligations of the parties shall be agreed upon in the land underwriting contract by both parties to the contract. The people's governments at the county level or above shall issue the certificates of land use right to the persons transforming the land according to the land underwriting contract, thus to protect the land use right of the persons transforming the collectivity-owned desertified lands.

Article 35 Where the transformed lands are approved to be lined out as natural conservation areas or sealed conservation areas of desertified land because of special requirements of environmental protection, the approving departments shall give reasonable compensation to the persons transforming the land.

Article 36 The state shall organize the establishment of key scientific and research projects and the demonstration and spreading projects of desert prevention and transformation, and shall grant policy preferences such as fund subsidies, reduction and exemption of tax, etc, to the scientific research and technological spreading in the aspects of desert prevention and transformation, energy in sandy regions, economic crops growing in sand, water-saving irrigation, prevention of plain degeneration, dry farming in sandy land, etc.

Article 37 No unit or individual may withhold or embezzle the funds for desert prevention and transformation.

The auditing departments of the people's governments at the county level or above shall carry out auditing supervision over the use of the funds for desert prevention and transformation.

关规定，根据防沙治沙的面积和难易程度，给予从事防沙治沙活动的单位和个人资金补助、财政贴息以及税费减免等政策优惠。

单位和个人投资进行防沙治沙的，在投资阶段免征各种税收；取得一定收益后，可以免征或者减征有关税收。

（相关资料: [条文释义](#)）

第三十四条 使用已经沙化的国有土地从事治沙活动的，经县级以上人民政府依法批准，可以享有不超过七十年的土地使用权。具体年限和管理办法，由国务院规定。

使用已经沙化的集体所有土地从事治沙活动的，治理者应当与土地所有人签订土地承包合同。具体承包期限和当事人的其他权利、义务由承包合同双方依法在土地承包合同中约定。县级人民政府依法根据土地承包合同向治理者颁发土地使用权证书，保护集体所有沙化土地治理者的土地使用权。

（相关资料: [条文释义](#)）

第三十五条 因保护生态的特殊要求，将治理后的土地批准划为自然保护区或者沙化土地封禁保护区的，批准机关应当给予治理者合理的经济补偿。

（相关资料: [条文释义](#) [相关论文 1 篇](#)）

第三十六条 国家根据防沙治沙的需要，组织设立防沙治沙重点科研项目和示范、推广项目，并对防沙治沙、沙区能源、沙生经济作物、节水灌溉、防止草原退化、沙地旱作农业等方面的科学研究与技术推广给予资金补助、税费减免等政策优惠。

（相关资料: [条文释义](#)）

第三十七条 任何单位和个人不得截留、挪用防沙治沙资金。

县级以上人民政府审计机关，应当依法对防沙治沙资金使用情况实施审计监督。

（相关资料: [条文释义](#)）

Chapter 6 Legal Responsibilities

Article 38 For those, in violation of the provisions of the first paragraph of Article 22 of this Law, conducting vegetation damaging activities within the range of the sealed conservation areas of desertified lands, the administrative departments in charge of forestry, agriculture (livestock farming) of the local people's governments at the county level or above shall, according to their respective duties, order them to stop their illegal acts; the illegal gains shall be confiscated if there are any; and the criminal responsibilities shall be investigated into if a crime is constituted.

Article 39 Where the owners of the land use right of state-owned lands and the contractors of rural collectivity-owned lands, in violation of the first paragraph of Article 25 of this Law, haven't taken measures for desert prevention and transformation and thus caused serious land desertification, the administrative departments in charge of forestry, agriculture (livestock farming) of the local people's governments at the county level or above shall, according to their respective duties, order them to transform the lands within a limit of time, and where serious desertification of state-owned lands is caused, the people's governments at the county level or above may withdraw the land use right of state-owned lands.

Article 40 For those, in violation of the provisions of this Law, conducting profit-making activities and thus causing the aggravation of land desertification, the administrative departments of the local people's governments at the county level or above that are responsible for accepting the application for profit-making desert transformation shall order them to stop their illegal acts, and may impose on them a fine of more than 5,000 Yuan and less than 50,000 Yuan per hectare at the same time.

Article 41 For those, in violation of the provisions of the first paragraph of Article 28 of this Law, that haven't transformed desert according to the transforming schemes, or for those, in violation of the provisions of Article 29 of this Law, that failed to pass the check before acceptance and don't continue to transform the desert according to the requirements, the administrative departments of the local people's governments at the county level or above that are responsible for accepting the application for profit-making desert transformation shall order them to stop their illegal acts and make corrections within a time limit, and may impose on them a fine of more than 1 time and less than 3 times of the transforming expenses.

Article 42 For those, in violation of the provisions of the second paragraph of Article 28 of this Law, conducting transformation or development and

第六章 法律责任

第三十八条 违反本法第二十二条第一款规定，在沙化土地封禁保护区范围内从事破坏植被活动的，由县级以上地方人民政府林业、农（牧）业行政主管部门按照各自的职责，责令停止违法行为；有违法所得的，没收其违法所得；构成犯罪的，依法追究刑事责任。

（相关资料: [地方法规 1 篇](#) [条文释义](#)）

第三十九条 违反本法第二十五条第一款规定，国有土地使用权人和农民集体所有土地承包经营权人未采取防沙治沙措施，造成土地严重沙化的，由县级以上地方人民政府农（牧）业、林业行政主管部门按照各自的职责，责令限期治理；造成国有土地严重沙化的，县级以上人民政府可以收回国有土地使用权。

（相关资料: [地方法规 1 篇](#) [条文释义](#) [相关论文 1 篇](#)）

第四十条 违反本法规定，进行营利性治沙活动，造成土地沙化加重的，由县级以上地方人民政府负责受理营利性治沙申请的行政主管部门责令停止违法行为，可以并处每公顷五千元以上五万元以下的罚款。

（相关资料: [地方法规 1 篇](#) [条文释义](#)）

第四十一条 违反本法第二十八条第一款规定，不按照治理方案进行治理的，或者违反本法第二十九条规定，经验收不合格又不按要求继续治理的，由县级以上地方人民政府负责受理营利性治沙申请的行政主管部门责令停止违法行为，限期改正，可以并处相当于治理费用一倍以上三倍以下的罚款。

（相关资料: [部门规章 1 篇](#) [地方法规 1 篇](#) [条文释义](#)）

第四十二条 违反本法第二十八条第二款规定，未经治理者同意，擅自在他人的

utilization activities within the transforming range of others, the administrative departments of the local people's governments at the county level or above that are responsible for accepting the application for profit-making desert transformation shall order them to stop their illegal acts; those that caused losses to the persons transforming the land shall compensate for the losses.

Article 43 Under any of the following circumstances, the directly responsible personnel in-charge and other directly responsible personnel shall be given administrative punishments by their units, supervision departments or the administrative departments in charge at the higher level according to law:

- 1) in violation of the provisions of the first paragraph of Article 15 of this Law, having not reported after finding the land is being desertified or the desertification degree has increased, or having not order the relevant administrative departments in charge to take measures after receiving the reports;
- 2) in violation of the provisions of the second, third paragraphs of Article 16 of this Law, approving the felling of trees in the anti-wind and sand-fixation forest nets and forest zones;
- 3) in violation of the second, third paragraphs of Article 20 of this Law, approving the cultivation of the edging areas of deserts and forests, grasslands;
- 4) in violation of the provisions of the second paragraph of Article 22 of this Law, settling incomers in the range of sealed conservation areas of desertified lands; and
- 5) in violation of the provisions of Article 22 of this Law, conducting construction activities such as building railways, highways, etc, in the range of sealed conservation zones of desertified lands without approval.

Article 44 For the directly responsible personnel in-charge and other directly responsible personnel who, in violation of the provisions of the first paragraph of Article 37 of this Law, withheld or embezzled the funds for desert prevention and transformation, the supervision departments or the administrative departments in charge at the higher level shall give administrative punishments according to law; and the criminal responsibilities shall be investigated into if a crime is constituted.

Article 45 If the supervision and management personnel of desert prevention and transformation abuse their powers, neglect their duties, practice favoritism and irregularities and thus a crime is constituted, the criminal responsibilities shall be investigated into according to law.

Chapter 7 Supplementary Provisions

治理范围内从事治理或者开发利用活动的，由县级以上地方人民政府负责受理营利性治沙申请的行政主管部门责令停止违法行为；给治理者造成损失的，应当赔偿损失。

（相关资料: [条文释义](#)）

第四十三条 违反本法规定，有下列情形之一的，对直接负责的主管人员和其他直接责任人员，由所在单位、监察机关或者上级行政主管部门依法给予行政处分：

（一）违反本法第十五条第一款规定，发现土地发生沙化或者沙化程度加重不及时报告的，或者收到报告后不责成有关行政主管部门采取措施的；

（二）违反本法第十六条第二款、第三款规定，批准采伐防风固沙林网、林带的；

（三）违反本法第二十条规定，批准在沙漠边缘地带和林地、草原开垦耕地的；

（四）违反本法第二十二条第二款规定，在沙化土地封禁保护区范围内安置移民的；

（五）违反本法第二十二条第三款规定，未经批准在沙化土地封禁保护区范围内进行修建铁路、公路等建设活动的。

（相关资料: [条文释义](#)）

第四十四条 违反本法第三十七条第一款规定，截留、挪用防沙治沙资金的，对直接负责的主管人员和其他直接责任人员，由监察机关或者上级行政主管部门依法给予行政处分；构成犯罪的，依法追究刑事责任。

（相关资料: [条文释义](#)）

第四十五条 防沙治沙监督管理人员滥用职权、玩忽职守、徇私舞弊，构成犯罪的，依法追究刑事责任。

（相关资料: [条文释义](#)）

第七章 附则

Article 46 The relevant laws referred to in the second paragraph of Article 5 of this Law mean the [Law of the People's Republic of China of Forest](#), the [Law of the People's Republic of China on Grassland](#), the [Law of the People's Republic of China on Conservation of Water and Soil](#), the [Law of the People's Republic of China on Land Administration](#), the [Law of the People's Republic of China on Environment Protection](#) and the [Law of the People's Republic of China on Meteorology](#).

Article 47 This Law shall come into force on Jan.1, 2002.

第四十六条 本法第五条第二款中所称的有关法律，是指《[中华人民共和国森林法](#)》、《[中华人民共和国草原法](#)》、《[中华人民共和国水土保持法](#)》、《[中华人民共和国土地管理法](#)》、《[中华人民共和国环境保护法](#)》和《[中华人民共和国气象法](#)》。

（相关资料: [条文释义](#)）

第四十七条 本法自2002年1月1日起施行。

（相关资料: [条文释义](#)）

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