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Study on the Issues of Foreign-related Legal Professionals' Participation in Ecological and Environmental Legislation

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Abstract: In the context of deepening globalization and the internationalization of environmental governance, ecological and environmental legislation has evolved into a complex transnational and interdisciplinary system. This article examines the necessity of involving foreign-related legal professionals in the process of ecological and environmental lawmaking. It analyzes the key practical challenges associated with their participation in domestic legislative activities. The purpose of the study is to identify the role and potential of such professionals in adapting international environmental legal norms to national legal systems and ensuring coherence between domestic legislation and international obligations. The research employs methods of systematic analysis, comparative legal analysis, and formal legal interpretation. The findings demonstrate that the active participation of foreign-related legal professionals contributes to improving the quality of environmental legislation, enhancing international legal compatibility, and strengthening mechanisms for transboundary environmental regulation. The article concludes that it is essential to improve talent cultivation systems, expand institutionalized channels for participation in legislative processes, and establish sustainable mechanisms for integrating international environmental standards into national legal frameworks to promote the internationalization of the rule of law in environmental governance.

Keywords: ecological and environmental legislation, international environmental law, foreign-related legal professionals, foreign-related rule of law, internationalization of the rule of law, legal talent cultivation

Introduction

The "Decision" adopted at the Third Plenary Session of the 20th Central Committee of the Communist Party of China explicitly proposes the important legislative task of compiling an

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ecological and environmental code. This initiative, put forward on China's path of the rule of law to comprehensively build a beautiful China, is an inevitable requirement for realizing Chinese-style modernization and advancing the modernization of national governance capabilities and systems. It also represents a forward-looking and developmental decision of great guiding significance for promoting the modernization of China's environmental rule of law[1].

In the process of compiling the ecological and environmental code, a group of high-quality foreign-related legal talents with an international perspective, knowledge of international legal rules, proficiency in safeguarding national interests, and expertise in foreign-related legal practices are needed. Guided by Xi Jinping Thought on the Rule of Law, this paper analyzes the necessity and required qualifications for foreign-related legal talents to participate in ecological and environmental legislation, identifies the predicaments they face in China's legislative process, and explores new solutions to enhance their participation, striving to formulate a more comprehensive ecological and environmental code that aligns with international standards.

The Necessity of Foreign-Related Legal Talents' Participation in Ecological and Environmental Legislation

Against the backdrop of compiling the ecological and environmental code, strengthening the development of foreign-related legal talents is a crucial approach to advancing both domestic and foreign-related rule of law in a coordinated manner. Cultivating high-quality foreign-related legal talents with a firm political stance, proficiency in international environmental legal rules, adeptness at safeguarding national interests, and skill in handling cross-border ecological disputes is vital for the compilation of the code[2]. Such talents must not only understand international environmental conventions and their implementation mechanisms but also be familiar with national policies, providing robust legal support for China's foreign-related ecological governance. Undoubtedly, building a strong team of foreign-related legal talents in the ecological field is a key initiative to prepare talent reserves for serving national ecological civilization construction and global environmental governance. The necessity of their participation is explored in two aspects below.

Practical Demand for Localizing International Ecological Rules

Foreign-related legal talents, equipped with both an international legal perspective and domestic legal literacy, are well-versed in international legal rules, enabling them to promote effective alignment between the ecological and environmental code and international norms, thereby achieving accurate localization of international rules[3]. In the global ecological governance system, international treaties such as the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity form the fundamental norms. As a contracting party, China must translate these international rules into domestic legislation, a process that relies heavily on the professional support of foreign-related legal talents. For instance, in formulating the Biosafety Law, the expert team referenced the Cartagena Protocol on Biosafety, retaining the international core of the "precautionary principle" while adding a "biosafety review" clause tailored to China's biotechnological development status, balancing international obligations with domestic governance needs.

From a legislative practice perspective, the "framework convention + protocol" model in international environmental law provides flexibility for domestic legislation. Foreign-related legal talents must master techniques to convert both "hard law" (e.g., treaty obligations) and "soft law" (e.g., initiatives) into domestic legal norms, as exemplified by the United Nations Convention on the Law of the Sea. During the revision of the Marine Environment Protection

Law, the expert team refined the "obligation to protect the marine environment" from the Convention into operational clauses such as "classified supervision of sewage outlets into the sea" and "marine ecological compensation." They also drew on the EU Marine Strategy Framework Directive to add a "marine ecosystem health assessment" system, ensuring domestic law responds to international standards.

Strategic Choice to Enhance International Discourse Power

In the context of building a green "Belt and Road," cross-border infrastructure projects and resource development have transnational ecological impacts, necessitating legislative frameworks for systems such as "transnational environmental impact assessment" and "cross-border ecological compensation." Concurrently, China's ecological legislation needs to transition from a "rule taker" to a "rule maker," a shift that hinges on foreign-related legal talents' ability to articulate domestic rules in international legal terms [7]. When participating in legislation, these talents can integrate China's successful ecological protection experiences and concepts into legal texts, showcasing them to the international community through legislative form. The basin collaborative governance mechanism in the Yangtze River Protection Law, incorporated into the Kunming-Montreal Global Biodiversity Framework, exemplifies how foreign-related legal talents transform local experiences into international rules. In the process of designing the "watershed collaborative governance" mechanism, the concept of "a community with a shared future for mankind" is employed to elaborate on the connotation of this system. By integrating the principle of wise use enshrined in the Ramsar Convention on Wetlands with China's watershed governance practices, a regulatory framework that embodies both Chinese characteristics and international compatibility will be formulated.

Practical Challenges Facing Foreign-Related Legal Talents in Participating in Ecological and Environmental Legislation

As global ecological issues intensify, international cooperation and exchanges in environmental protection legislation have become increasingly frequent. As the world's largest developing country, China faces mounting environmental pressures, creating an urgent demand for foreign-related legal talents to participate in ecological legislation. However, their involvement in China's legislative practice is hindered by multiple challenges, analyzed in three aspects below.

Inadequate Professional Knowledge

After years of exploration, China's cultivation of foreign-related rule of law talents has made certain progress in the teaching of international law knowledge and the training of practical capabilities. However, there remains a deficiency in professional adaptability in the field of ecological and environmental legislation, which is prominently reflected in two major issues: the weak capacity for transforming international rules and the insufficient grasp of the domestic legal system.

Most foreign-related legal talents possess foundational knowledge of international law principles but lack expertise in localizing international environmental conventions. For example, in climate change legislation, the United Nations Framework Convention on Climate Change and its Paris Agreement establish mechanisms for emission reduction commitments, financial support, and technology transfer under the "common but differentiated responsibilities" principle. However, some talents fail to effectively align these rules with China's energy structure transformation, industrial layout optimization, and economic development stage3. The core crux lies in the lack of a profound understanding of the "functional" characteristics

of international environmental law. It has neither fully analyzed the interest-balancing logic underlying convention provisions nor taken into account China's specific national conditions as the world's largest developing country in advancing the "dual-carbon" goals. This has led to legislative proposals that either mechanically copy international rules and thus become divorced from reality or overly emphasize local particularities, thereby weakening the fulfillment of international obligations. Ultimately, this results in a disconnect between domestic legislation and international commitments.

Meanwhile, the complexity of China's domestic ecological legal system demands a systemic mindset from foreign-related legal talents. China's ecological law system, centered on the Environmental Protection Law, covers pollution control (water, air, soil, solid waste) and ecological protection (protected areas, biodiversity), forming an integrated "prevention-protection-restoration" framework, and is currently undergoing systemic restructuring through codification. However, some foreign-related talents, long focused on international law, have fragmented knowledge of domestic law: they neither grasp the "integrated protection of mountains, rivers, forests, farmlands, lakes, grasslands, and deserts" concept nor clarify the hierarchical relationships and application logic among individual laws [4]. This limitation leads to conflicting legislative proposals (e.g., ignoring domestic systems like ecological red lines or environmental impact assessment) or impractical ideas (due to insufficient understanding of implementation mechanisms such as cross-administrative regional collaboration or ecological compensation), undermining the scientificity and systematicness of ecological legislation [5].

These issues stem from the dual deficiency in talent cultivation: insufficient specialization in international environmental law and inadequate training in integrating domestic and international law. This stands in stark contrast to the global demand for interdisciplinary talents in ecological governance, requiring urgent reforms in teaching systems and practical training.

3.2 Difficulties in Accessing Relevant Data

The scientificity and precision of ecological legislation depend heavily on data support. For foreign-related legal talents, their ability to access data directly affects the international compatibility and local adaptability of legislation. Currently, they obtain ecological data primarily through official platforms, professional databases, and interdepartmental collaboration, but fragmented data governance severely hinders efficiency and quality.

Domestically, ecological data is "scattered across multiple departments." Data from environmental protection agencies (pollutant emission monitoring, including concentration, distribution, and source tracing for air, water, and soil), meteorological departments (climate data such as temperature, precipitation, and wind fields), and natural resources authorities (resource endowment data like reserves, development intensity, and ecological carrying capacity assessments) collectively form the foundational data for legislation. However, these data belong to separate administrative systems with differing storage formats (e.g., discrepancies between environmental agencies' pollution factor coding and meteorological departments' grid data standards), management logics (resource data focusing on ownership registration vs. environmental data on monitoring frequency), and sharing rules, lacking a unified integration platform or standardized interfaces.

This "departmental fragmentation" creates inherent barriers to data flow. For example, when formulating clauses on cross-border pollutant collaborative governance, foreign-related legal talents need to simultaneously access transboundary river monitoring data, coastal meteorological diffusion models, and basin resource development plans. However, they

must comply with separate procedures: hierarchical approval from environmental agencies, classified information reviews from meteorological departments, and usage regulations from natural resources authorities, significantly increasing time costs and coordination difficulties.

Underdeveloped data-sharing mechanisms exacerbate these challenges. Although some regions have piloted ecological data open platforms, practice is constrained by two factors: first, a "sharing threshold" due to data security concerns. Ecological data often involves national sensitive information (e.g., distribution of key ecological functional zones or strategic resource reserves). Based on the principle of minimal necessity, departments impose strict restrictions on query permissions for foreign-related talents, making it difficult to access critical data such as baseline data for cross-border ecological compensation. Second, "sharing inertia" stemming from interdepartmental interests. As an administrative resource, data serves as a basis for departmental functions; some agencies resist cross-departmental integration, fearing it may affect their authority. For instance, long-standing disputes between environmental and natural resources departments over ecological red line data standards directly hinder the precise design of "ecological space management" clauses in legislation.

This data governance reality conflicts with the interdisciplinary needs of ecological legislation. When foreign-related talents participate in international rule localization (e.g., translating the Paris Agreement's "nationally determined contributions" into domestic clauses), they must compare global emission databases with local monitoring data and use meteorological simulations to predict emission reduction potential. Decentralized data management makes cross-field analysis inefficient. Inadequate data access not only weakens the empirical support for legislative proposals but also risks misalignment between domestic legislation and international rules, undermining China's rule-making influence in global ecological governance. Thus, building a "unified standard, hierarchical sharing, and secure" ecological data governance system is critical to enhancing foreign-related talents' legislative participation.

3.3 Lack of In-Depth Participation in Domestic Ecological Legislative Practice

Foreign-related legal talents' in-depth participation in domestic ecological legislative practice is the cornerstone of their ability to translate international rules into local systems, requiring solid field research, multi-stakeholder coordination, and full-process legislative tracking. However, current participation exhibits "dual alienation," limiting the relevance and feasibility of legislative proposals.

In national legislative practice, foreign-related talents are insufficiently involved in key stages. Legislative research, a prerequisite for scientific legislation, is typically led by environmental administrative departments, research institutions, and local legal experts, focusing on regional ecological conditions (e.g., causes of basin pollution, distribution of ecologically fragile areas), case collection (e.g., environmental conflicts in industrial transformation), and stakeholder demands (e.g., balancing ecological protection and community development). However, some foreign-related talents, focusing on international rules and cross-border affairs, lack initiative in such localized research, resulting in inadequate first-hand understanding of domestic ecological complexity and regional disparities[6]. For example, when formulating climate change legislation, proposals based solely on international conventions—without investigating provincial energy structures (e.g., coal dependency), carbon sink potential (e.g., forest and wetland distribution), or economic capacity—risk disconnecting "rule transplantation" from "local practice."

This practical gap is more pronounced in local characteristic ecological legislation. In coastal marine protection legislation, local authorities, research institutions, and legal experts excel in

understanding regional ecosystems (e.g., mangrove wetland functions), industry-environment interactions (e.g., links between aquaculture and coastal pollution), and community interest structures (e.g., fishermen's demand for job transitions). In contrast, foreign-related talents, alienated from local ecological contexts and governance practices, often struggle to transcend a narrow focus on "international rule adaptation." Local ecological legislation requires integrating "land-sea coordination" and "community participation" logics³; without deep engagement in local practice, even proposals aligned with international conventions may lose operational value due to neglect of regional uniqueness.

The direct consequence of this insufficient participation is weakening foreign-related talents' role as "bridges" between domestic and international law. Aligning domestic and international law must be rooted in China's realities, a process requiring continuous observation and in-depth involvement in local ecological governance^[7]. Long-term detachment from domestic legislative practice prevents talents from transforming international advanced concepts into China-adapted systems, risking "incompatibility" when incorporating international rules into domestic legislation and undermining the international compatibility and local adaptability of China's ecological rule of law.

4 Paths to Addressing the Dilemmas of Foreign-Related Legal Talents in Ecological Legislation

Global ecological issues are increasingly transnational, with climate change and biodiversity loss becoming universal concerns. The international community strengthens cooperation through convention ratification and rule coordination, requiring national ecological legislation to balance local ecological endowments and governance needs with international rule adaptation. As key connectors between domestic legislation and international rules, foreign-related legal talents' in-depth participation directly affects the compatibility between domestic systems and international norms, serving as a critical link in advancing coordinated domestic and foreign-related rule of law. However, they face three major dilemmas. Addressing these through optimizing talent cultivation, improving data mechanisms, and expanding participation channels is urgent to enhance legislative quality, foster interdisciplinary talents "versed in international rules, domestic legislation, and global perspectives," and support China's transition from a "rule adapter" to a "rule shaper" in global ecological governance, contributing Chinese wisdom to a fair and cooperative global ecological governance system.

4.1 Improving the Cultivation System for Foreign-Related Legal Talents

The effectiveness of foreign-related rule of law talents in ecological and environmental legislation is rooted in their systematic knowledge reserves and solid practical experience. To address the issue of insufficient professional adaptability in current talent cultivation, it is necessary to make coordinated efforts in both curriculum systems and practical mechanisms, and construct a cultivation closed-loop of "theoretical foundation—interdisciplinary skills—practical application".

In curriculum restructuring, traditional legal education's disciplinary barriers must be broken to establish interdisciplinary course clusters. Basic courses should strengthen core environmental law theories, ensuring mastery of China's ecological legal framework and legislative logic. Advanced courses should include interdisciplinary subjects such as "Introduction to Ecosystem Science," helping students understand ecosystem integrity and interconnections to inform legislative design of ecological red lines or ecological compensation mechanisms. "Environmental Economics and Legislative Evaluation" can cultivate skills in cost-benefit analysis and environmental valuation, enhancing the feasibility and economic rationality of legislative proposals.

International Environmental Law courses must emphasize practical application, with specialized modules on "localizing international environmental conventions." For example, discussions on the "common but differentiated responsibilities" principle should explore balancing emission reduction obligations and development rights in domestic legislation, avoiding mechanical or one-sided rule transplantation [8].

In innovating practical teaching, a dual-track platform integrating "domestic legislative participation" and "international cooperation practice" should be built. Universities should collaborate with local environmental agencies and legislative bodies to establish internships, embedding students in the entire local legislative process. For instance, participating in field research for basin ecological protection legislation, interviewing coastal enterprises, grassroots law enforcement officers, and community residents to grasp interest conflicts between ecological protection and economic development, and understand practical considerations behind "zoned management" or "collaborative governance" [9].

International practice channels should be expanded through partnerships with international environmental organizations and multinational corporate legal departments, supporting student participation in simulated international environmental negotiations and cross-border dispute case studies. Analyzing ecological compliance requirements in Belt and Road countries can cultivate abilities to propose localized legislative suggestions within international rule frameworks [10]. This "local practice-international perspective" integration strengthens understanding of domestic ecological complexity while enhancing skills in applying international rules to practical problems, supporting coordinated domestic and international ecological legislation.

4.2 Establishing a Unified Data Sharing Platform

The completeness, accuracy, and accessibility of ecological data are prerequisites for foreign-related legal talents' effective participation in legislation. Building a multi-level, cross-sectoral ecological data support system requires coordinated efforts in domestic integration and international collaboration, from both legalized environmental governance and standardized data governance perspectives.

First, the government should lead the establishment of a unified domestic ecological data sharing platform, integrating fragmented data from environmental protection, meteorology, and natural resources departments, and standardizing formats, coding, and update frequencies. For example, air and water pollution monitoring data from environmental agencies, meteorological observation data, and natural resources data can be integrated into a single platform for convenient query, download, and analysis, eliminating the need for foreign-related talents to apply to multiple departments separately.

Second, foreign-related legal talents' legislative work often involves global environmental governance issues (e.g., climate change response, cross-border pollution control), requiring reference to international ecological data. Based on data exchange obligations under conventions such as the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity, a multi-level international data collaboration network should be proactively built.

On one hand, long-term cooperation with authoritative international organizations should be deepened. Priority should be given to establishing data-sharing agreements with the United Nations Environment Programme (UNEP), World Meteorological Organization (WMO), and International Union for Conservation of Nature (IUCN) to access global greenhouse gas

inventories, cross-border pollutant migration paths, and endangered species distribution data. For example, participating in UNEP's Global Environment Monitoring System (GEMS) can provide data on global ecosystem degradation trends, supporting the design of "common but differentiated responsibilities" clauses in foreign-related ecological legislation. Leveraging WMO's Global Climate Observing System (GCOS) can provide long-term meteorological data for scientific argumentation in climate change legislation[11].

On the other hand, mechanisms for transforming and applying international data should be improved. Professional translation and adaptation teams should address linguistic and indicator differences, standardizing international data to meet domestic legislative needs[10]. For example, pollutant limit standards in the EU's Air Quality Directive should be converted and compared with China's environmental quality standards to form datasets suitable for domestic legislative analysis. Cross-border waste transfer data under the Basel Convention should be organized according to China's Solid Waste Pollution Prevention and Control Law classification standards, informing foreign-related waste management legislation.

4.3 Improving Participation Mechanisms and Expanding Channels

Foreign-related legal talents' in-depth participation in domestic ecological legislation requires institutionalized mechanisms and differentiated platforms. To address current inadequacies, regular participation pathways should be established at both national and local levels.

In national ecological legislation, dedicated positions should be created to ensure full participation of foreign-related legal talents. For comprehensive projects such as compiling the ecological and environmental code, "international rule adaptation advisors" can be appointed to review core obligations of relevant international conventions during research, propose clause transformation techniques during drafting, and provide professional advice on international compatibility during deliberation. For example, in revising the Biodiversity Protection Law, such advisors can systematically compare targets in the Kunming-Montreal Global Biodiversity Framework with China's ecological red line system, proposing legislatively sound and locally adapted suggestions to avoid mechanical alignment or disconnection. This role leverages their international perspective while embedding them in legislative processes, bridging gaps between international rules and domestic legislation.

In local characteristic ecological legislation, targeted platforms should facilitate localized participation by foreign-related legal talents[12]. Collaborations between these talents, local legislatures, and environmental agencies can be promoted in specialized legislative projects such as mangrove protection regulations or basin collaborative governance measures. Participating in local legislative hearings and field research on coastal communities and industries allows them to grasp connections between "regional ecological characteristics - stakeholder demands - institutional innovation needs." For example, in Zhejiang's marine ecological compensation legislation, they can propose compensation standards and implementation paths aligned with local fisheries development, drawing on the "marine environment protection" obligations in the United Nations Convention on the Law of the Sea. Such local practice enriches their domestic experience while contributing grassroots wisdom to localizing international rules.

In conclusion, foreign-related legal talents' participation in ecological legislation is a systemic project requiring comprehensive improvements in knowledge structure and practical capabilities, supported by institutional innovations to ensure their involvement in rule transformation, institutional innovation, and interest balancing. Through systemic reforms in cultivation, data mechanisms, and participation pathways, and by adhering to the strategy of

coordinated domestic and foreign-related rule of law, more interdisciplinary talents "versed in international rules, domestic legislation, and global perspectives" can be cultivated. This will provide solid support for scientific and international ecological legislation in China, facilitating its transition from a "rule adapter" to a "rule shaper" in global ecological governance and contributing Chinese wisdom to a fair and cooperative global ecological governance system.

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Contribution of the authors:

Jing Zhen – developed the research concept and methodological framework of the study, conducted a systematic and comparative legal analysis of international and domestic ecological and environmental legislation, prepared the theoretical sections of the article, and formulated the main conclusions and policy-oriented recommendations.

Jia Gan – participated in the collection, systematization, and analysis of regulatory and legal materials, prepared analytical and comparative legal tables, contributed to the empirical substantiation of the research findings, and assisted in editing and preparing the manuscript for publication.

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Экологиялық және қоршаған ортаны қорғау заңнамасына халықаралық құқық мамандарының қатысу мәселелері жөніндегі зерттеу

Анната: Жаһандану үдерістерінің тереңдеуі және экологиялық басқарудың интернационалдануы жағдайында экологиялық және қоршаған ортаны қорғау саласындағы заңнама трансұлттық әрі пәнаралық сипатқа ие болуда. Мақалада халықаралық (сыртқы бағытталған) құқық саласындағы мамандардың экологиялық және табиғатты қорғау заңнамасын қалыптастыру үдерісіне қатысуының қажеттілігі, сондай-ақ олардың ұлттық заң шығармашылығына тартылуындағы негізгі практикалық қыындықтар талданады. Зерттеудің мақсаты – халықаралық экологиялық нормаларды ұлттық құқықтық жүйеге бейімдеудегі және мемлекеттің халықаралық міндеттемелері мен ішкі мүдделері арасындағы үйлесімді қамтамасыз етудегі мұндай мамандардың рөлі мен әлеуетін айқындау. Зерттеу барысында жүйелік талдау, салыстырмалы-құқықтық және формальды-құқықтық әдістер қолданылды. Зерттеу нәтижелері халықаралық құқық мамандарының қатысуы экологиялық заңнаманың сапасын арттыруға, халықаралық құқықтық үйлесімділікті күштегі түрде және трансшекаралық экологиялық реттеу тетіктерін дамытуға ықпал ететінін көрсетеді. Қорытындысында кадрларды даярлау жүйесін жетілдірудің және олардың заңнамалық үдерістегі институционалдық қатысуын көңейтудің маңыздылығы негізделеді.

Түйін сөздер: экологиялық және қоршаған ортаны қорғау заңнамасы, халықаралық экологиялық құқық, халықаралық құқық мамандары, сыртқы бағытталған құқықтық реттеу, құқық үстемдігінің интернационалдануы, құқықтық кадрларды даярлау.

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Исследование вопросов участия специалистов по международному праву в экологическом и природоохранном законодательстве

Аннотация: в условиях углубляющейся глобализации и интернационализации экологического управления экологическое и природоохранное законодательство приобретает транснациональный и междисциплинарный характер. В статье исследуется необходимость

участия специалистов по международному (и внешнеориентированному) праву в процессе экологического и природоохранного законотворчества, а также анализируются основные практические проблемы их вовлечения в национальную законодательную деятельность. Целью исследования является выявление роли и потенциала таких специалистов в адаптации международных экологических норм к национальной правовой системе и в обеспечении согласованности внутреннего законодательства с международными обязательствами государства. В работе используются методы системного анализа, сравнительно-правового исследования и формально-юридического анализа. В результате установлено, что участие специалистов по международному праву способствует повышению качества экологического законодательства, укреплению международной правовой совместимости и развитию механизмов трансграничного экологического регулирования. Делается вывод о необходимости совершенствования системы подготовки кадров, расширения институциональных форм участия таких специалистов в законодательном процессе и формирования устойчивых механизмов интеграции международных экологических стандартов в национальную правовую систему.

Ключевые слова: экологическое и природоохранное законодательство, международное экологическое право, специалисты по международному праву, внешнеориентированное правовое регулирование, интернационализация верховенства права, подготовка правовых кадров.

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