

# Ecological Governance and Restorative Legal Modernization Pathways for the Youshui River Basin: A Case Study of Nutrient Enrichment Discharge

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**Abstract.** As a new criminal method of restorative justice of environmental treatment in Youshuihe River basin, the aim of proliferation and release is that the offender takes the individual responsibility on his own initiative, to compensate for the damage caused by their own criminal acts (illegal fishing of aquatic products), to enable the restoration of damaged aquatic ecological functions, to repair damaged social relations and to promote the return of offenders to society, return to normal life order. It is a practical application of the green principle in restorative justice to realize the restoration and maintenance of damaged aquatic species, and to realize the multiple value-added of legal effect, natural effect and social effect, it is of great significance for the conservation and rational utilization of aquatic biological resources and the maintenance of national ecological security. The restorative justice of ecological management in Youshuihe River basin can promote the sublimation of the idea of "Heavy punishment, light prevention" in traditional criminal law and the practice of green principle in environmental resources trial. The compensation, prevention and restoration of proliferation and release, and the realization of restorative justice. It can coordinate the conflict between criminal responsibility and civil responsibility, establish a dialogue between the offender and the victim, and realize the idea of judicial person Proliferating and releasing accord with the aim of punishment and relation repair, and attach equal importance to judicial goal of judicial governance and repair. The restorative justice of environmental governance in the Youshui River basin needs to change its thinking, clarify its nature, balance its standards, guarantee its rights and improve its quality, so as to promote the application of restorative justice in environmental crimes in the Youshui River basin. The implementation of restorative justice in environmental crimes in Youshuihe River basin contributes to the realization of the legalization of criminal law, the coordination of the conflict between criminal responsibility and civil.

**Keywords:** Proliferation and release, restorative justice, Youshui River basin, ecological governance.

## 1. Introduction

Youshui is one of the five ancient streams, originating from Xuanen County, Hubei Province, flowing through Laifeng, Hubei, Longshan, Yongshun, Guzhang, Sichuan, Youyang, and then through Xiushan, Chongqing City, injecting into the Yuanjiang River in Yuanling, Hunan Province, and finally flowing into Dongting Lake. The Youshui River Basin [1] is home to a large number of ethnic groups with the Tujia as the main body, and is the cradle of Tujia culture and life, as well as an important field for the harmonious coexistence of human beings and nature in Hunan, Hubei, Hunan and Sichuan Provinces. In recent years, there have been frequent cases of illegal fishing, such as poisonous fish and electric fish [2], which have damaged the aquatic environment, especially during the dry season, and a measure to improve the water environment is urgently needed. Stocking is an important initiative for the conservation of aquatic biological resources in China, but also an internationally accepted practice, our country every year on 6 June, or China's fish day, fish for water, build a community of destiny in which human beings live in harmony with nature. Stocking and releasing is of great significance to the conservation and rational use of aquatic biological resources and the maintenance of national ecological security [3]. As an important initiative of restorative justice, stocking and releasing has a more profound judicial basis, judicial significance and judicial

value [4]. In Jiangxi province to increase the flow of the situation as a sample for examination can be seen, restorative justice measures of the application of the rate is increasing, but there are still measures to apply the lagging thinking, ecological restoration standards, ecological restoration of the civil liability of criminalisation and the implementation of measures "non-scientific" and so on, so that the restoration of the quality of the effectiveness of the difficult to guarantee. In this regard, there is a need to change thinking, clarify the nature of restorative justice, weigh standards, safeguard rights and improve quality, in order to promote the application of restorative justice in environmental crimes in watersheds. The normative framework for ecological environmental protection embodies the theoretical spirit of restorative justice, which seeks to achieve the multiple institutional goals of reparation and sanction through the synergistic operation of public and private law. In China's judicial practice, the concept of restorative justice emphasises the restoration of damaged relationships compared with the traditional concept of justice, and is more useful in dealing with the consequences of harm caused by environmental crime, helping to repair damaged ecosystems in a timely manner and promoting the restoration of ecological balance [5].

## **2. Fitting of the concept of restorative justice between stock-raising and ecological management of the Youshui River Basin**

The stocking and releasing of the Youshui River Basin is an important measure to restore the water ecology, which fits with the essence of restorative justice. Restorative justice is a new model of justice evolved on the basis of traditional justice, criminal justice in various countries, especially the theory and practice of environmental crime has a greater impact on the management of the Youshui River Basin to restore the water ecology is a favourable and useful path of justice, with the doctrine, jurisprudence of the integration and fit [6].

### **2.1 Heavy punishment, light prevention of traditional criminal law concept development**

Environmental changes, predation, exotic species and illegal fishing four reasons can cause aquatic populations and water ecological changes in the Youshui River Basin [7], in which the Youshui River Basin illegal fishing of aquatic products is an unnatural means of influencing the water ecological reasons for this kind of water ecological changes in the natural causes of the need for man-made interventions, breeding and releasing as a restorative justice important mechanism for the realisation of ecological environmental protection has an important legal value [8]. The restorative justice focuses on the protection of water ecology due to offences and crimes. Restorative justice focuses on the remediation and repair of the ecological environment damaged by criminal acts, and the application of this mechanism in the field of ecological and environmental crime management is in line with the general trend of criminal law mitigation, which helps to correct the discomfort of the traditional criminal law concept of "heavy penalties, light on prevention" in the judicial practice of environmental crime [9]. The concept of restorative justice is compatible with the protection of the legal interests of environmental crimes. In judicial practice, restorative measures can be used as non-penal punishment measures. By improving the non-penal measures, the scope of application of the concept of restorative justice can be expanded, sentencing levels can be differentiated, and the goal of restoration can be clarified. At the same time, improve the environmental public interest litigation and supervision mechanism, can be used as a modern means of Youshui River Basin environmental legal governance [10].

### **2.2 Application of Green Principle in Environmental Resources Trial, Realisation of Judicial Value**

The stocking and releasing in Youshui River Basin can achieve the restoration of damaged aquatic organism populations, maintain the water ecology, and realise the multiple value-added of legal, natural and social benefits, which is a kind of restorative justice in the practical application of the green principle [11]. The green principle is derived from Article 9 of the Civil Code, which states

that in the implementation of civil activities, full consideration should be given to the protection of ecology and the environment. The green principle is in the ecological destruction and resource waste has been very serious background, the resource conservation and ecological environmental protection issues from the traditional public interest category for the typology and independent of the results. The green principle carries the intrinsic character of the basic value of civil law and the external form of the general provisions of the dual characteristics of the function of declaration and effectiveness, is all civil law system and its implementation should be followed and embodied in the basic norms of civil law, civil legislation, civil justice and civil subjects in the conduct of civil activities should be followed. Illegal fishing offences as a serious damage to aquatic organisms, in the criminal liability at the same time, often need to bear the corresponding civil liability, and even bear the punitive damages liability of Article 1232 of the Civil Code [12]. Restorative justice has a criminal liability and civil liability mechanism, can achieve the environmental resources trial "green". Criminal penalties are the means, water ecological environment repair and restoration is the purpose, and ultimately to achieve a new development state of harmonious coexistence between man and nature, which is a new development concept of environmental justice, it has modern significance.

### **2.3 Compensation, prevention and restoration for justice**

The Youshui River Basin stock enhancement programme is a measure of environmental restoration. The traditional punishment of offenders reflects justice, but neglects the restoration of damaged social relations. With the development of humanism, the concept of restorative justice has re-emerged. The concept of restorative justice adds "restoration" measures on the basis of "compensation" and "prevention", which is in line with the governance measures of environmental crimes, and can provide concepts for the design of specific systems of conditional non-prosecution for crimes such as illegal fishing. The design of the specific system of unconditional prosecution of illegal fishing and other offences can provide conceptual support [13]. Restorative justice has a systemic incentive effect in the governance of environmental crime, making up for the damage already caused and emphasising the responsibility of the perpetrator to compensate. In the repair of the original social relations to encourage the participation of many parties, in the reduction of accessory, recidivism, pay attention to the harm caused by the behaviour of the compliance of the reform [14]. The ecological management of Youshui River is guided by the concept of restorative justice, and the corresponding restoration mechanism is constructed in the conditional non-prosecution of illegal fishing offences, including a reasonable compensation mechanism, a diversified subject participation mechanism and an effective compliance mechanism [15]. Restorative justice leverages the active participation of diversified dispute resolution subjects in judicial activities, eases the conflict between the criminal and the victim through mutual consultation and mediation, and provides a mechanism for the harmony and stability of the ecological environment of the Youshui River Basin through environmental restoration and other measures.

## **3. Fitting the restorative judicial value of stock enhancement and release and ecological management of the Youshui River Basin**

### **3.1 Coordinate and resolve the conflict between criminal liability and civil liability in illegal fishing offences**

The value-added release in Youshui River Basin can be used as a civil and administrative legal responsibility, as well as a criminal collateral civil legal responsibility. According to Article 340 of the Criminal Law [16], Article 38(1) of the Fisheries Law [17], Article 35 of the Regulations on the Protection of the Youshui River in the Enshi Tujia and Miao Autonomous Prefecture (1 March 2017) [18], and Article 49 of the Regulations on the Protection of the Youshui River in the Xiangxi Tujia and Miao Autonomous Prefecture (2017) [19] for illegal fishing of aquatic products have been formulated as civil and administrative, administrative, and criminal liability systems in increasing

order. The concept of restorative justice pursued by restorative justice and the model of partyism upheld in the judicial process guarantees the realisation of the civil law of the criminal law, coordinates and resolves the conflict between criminal liability and civil liability in the crime of illegal fishing, and realises the value of the restoration of the aquatic ecological environment [20]. In the litigation mode, can be based on the same case facts of illegal fishing criminal prosecution and environmental civil litigation or environmental public welfare litigation combined trial, that is, to take the civil litigation mode of criminal collateral; in the order of litigation, choose the order of the first civil and then the criminal, will be used as a discretionary circumstance of the perpetrator of the criminal act of environmental restoration of the mitigated or reduced penalties, to stimulate its active commitment to the ecological and environmental restoration of Youshui River Basin obligations [21].

### **3.2 Establishing a dialogue between the perpetrators and the victims**

The stocking and releasing in the Youshui River Basin is also a path for the restoration of the legal relationship of the criminal offence of illegal fishing. Restorative justice is an alternative judicial activity to establish a dialogue between the offender and the victim for the criminal offence of damaging the ecological environment such as illegal fishing in the Youshui River Basin, to eliminate the conflict between the two parties by the offender taking the initiative to take the responsibility to solve the social contradiction at a deeper level, and to repair the damaged social relationship through the participation of the judiciary, the government, and the street community and so on [22]. Restorative justice in the Youshui River Basin environmental criminal offences, emphasis on the consequences of criminal damage (aquatic organisms and the water environment) through the increase in the flow of timely restoration, focusing on the re-socialisation of the victims of environmental criminal offences, emphasis on the participation of all parties involved in environmental criminal offences to deal with the process of environmental criminal offences, and its diversified pursuit of value and punishment of crime thinking mode for our country to punish the environmental criminal offences to provide a useful experience. The multi-value pursuit and the mode of thinking of punishing crimes provide useful experience for China in punishing environmental criminal offences.

### **3.3 The concept of restorative justice rule of man fits**

The Youshui River Basin stock enhancement and release is to achieve the purpose of human governance through the rule of law. Restorative justice in the Youshui River Basin governance environmental resources trial, breeding and releasing become ecological environment restoration environmental damage relief system of modern initiatives [23]. The essence of restorative justice is the pursuit of the rule of man [24], as a product of the modern rule of law, is the integration of "reason" and "law" of the new path and new initiatives [25]. Restorative justice through the ecological environment infringement of the repair of legal interests, eliminate the adverse impact of criminal behaviour, effectively crack social conflicts, and the basic requirements of the rule of law in social governance in China [26]. Due to the Youshui River Basin illegal fishing of aquatic products and other crimes against the object is the Youshui River Basin between man and man, man and nature of the harmonious relationship, breeding and releasing is the environmental law, fisheries law, who pollutes who governs, who damages who repairs the embodiment of the principle of justice, and seeks to achieve the restoration of the relationship between man and nature in the Youshui River Basin, in line with the ecological environment and living in harmony, and the concept of peaceful development. Grasp the end, cure already sick, grasp the front end, cure not yet sick, breeding and releasing can be integrated into the social governance pattern of building and sharing [27], to achieve the organic unity of political effect, social effect, legal effect.

#### **4. Value-added release fits with the restorative justice practice of ecological governance in the Youshui River Basin**

Value-added release is a new criminal treatment of restorative justice in Youshui River Basin governance, aiming at the offenders taking the initiative to assume individual responsibility and compensate for the harmful results caused by their criminal acts (fishing aquatic organisms, etc.); the damaged environment is functionally repaired; and the damaged social relations are repaired and restored. This promotes the early return of the offender to society and the restoration of a normal order of life. Restorative justice practice still exists in the application of measures lagging behind the thinking, ecological restoration standards, ecological restoration of ecological restoration of the civil liability of criminalisation and the implementation of measures "non-scientific" and other issues, making it difficult to guarantee the quality of restoration, restorative justice concept of the rule of law needs to be sorted out in depth.

##### **4.1 Restorative justice behaviour punishment and relationship between the purpose of restoration fit**

Enrichment release is restorative justice in the Youshui River Basin environmental crime management in a "system incentive", to make up for the water ecological environment has been caused by the loss of emphasis on the perpetrators (illegal fishers, etc.) of the compensatory responsibility, in the repair of the original social relations to encourage the participation of many parties [28], to reduce the likelihood of recidivism, pay attention to the victims of Compliance and rectification, breeding and releasing to strengthen the responsibility of aquatic organisms restoration, to achieve the behaviour of punishment and the relationship between the restoration of the fit [29]. Restorative justice pursues the concept of restorative justice and upholds the model of partyism in the judicial process to ensure the realisation of the civil law of criminal law, which helps to coordinate the conflict between criminal liability and civil liability in environmental crimes, and realise the value of environmental restoration [30]. According to Article 65 of the Tort Liability Law: If damage is caused by polluting the environment, the polluter shall bear the tort liability. Article 1234 of the Civil Code: Where damage to the ecological environment is caused in violation of state regulations, and the ecological environment can be repaired, an organ prescribed by the state or an organisation prescribed by law shall have the right to request the infringer to assume the responsibility of repair within a reasonable period of time. If the infringer fails to repair the damage within the time limit, the State-regulated organ or legally regulated organisation may carry out the repairs on its own or on behalf of another person, with the infringer bearing the necessary costs, the legal interests of which are to pursue the prosecution of acts harmful to the environment and ecology, and at the same time to repair the damaged social relations.

##### **4.2 Restorative justice and restorative governance are in line with the goals of justice.**

At present, the main strategy for environmental management is to punish, focusing on the aftermath of the punishment and disposal, light on the prevention and value guidance, which is the environmental management of the symptoms but not the root cause of the measures. Enrichment of restorative justice in the Youshui River Basin governance "compensation" and "prevention" on the basis of increasing the "restoration" element, and environmental crime governance has a fit, can be for the The conceptual design of conditional non-prosecution of environmental crimes can provide conceptual guidance [31]. The normative framework of ecological environmental protection embodies the spirit of restorative justice theory of stock enhancement and release, and achieves the multiple institutional goals of compensation and sanction through the synergistic operation of public and private law. The restorative justice in the Youshui River Basin focuses on the remediation and repair of ecological damage caused by criminal acts, which is in line with the general trend of mitigating criminal law in the field of ecological and environmental crimes, and helps to amend the traditional criminal law concept of "focusing on penalties but not on prevention" [32]. The traditional

punishment system for environmental damage in the Youshui River Basin cannot fully solve the harm caused by such cases, and the environmental restoration of the breeding and releasing is more reflective of the concept of environmental legal system. Relying on the traditional justice system, which is mainly based on punishment, has certain limitations, and the reconciliation system, mediation system, street community and social organisations involved in environmental restoration and help system can make up for the lack of judicial resources, and form a linkage response mechanism to deal with environmental damage cases. Tort Liability Law on the repair of environmental damage, the purpose is to fill and balance the imbalance between man and nature caused by human behaviour. Through statutory repair and mandatory repair can achieve the dual judicial goals of environmental governance and environmental repair. Increase the flow of environmental restoration restorative justice, with mandatory means to enhance the effectiveness and efficiency of environmental governance, to achieve the optimisation of the quality of comprehensive governance of the judicial governance objectives. In view of the limitations of the traditional concept of retribution in environmental management and the successful cases of applying the concept of restorative justice in foreign countries, the management of environmental infringement in the Youshui River Basin can learn from the practice of restorative justice by clarifying the rules and procedures, constructing a system of non-penal measures; strengthening the quantitative research on augmentation and releasing, developing the characteristic projects of environmental restoration, setting up a special team, and developing the mode of restorative mediation, so as to make the Tujia and Miao people, who have been living in the Youshui River Basin for generations, live in harmony with the environment and the people of the Miao. The Tujia and Miao people living in the Youshui River basin for generations will be more harmonious with nature.

#### **4.3 Optimising the restorative justice path of stock enhancement and release**

The application of restorative justice in the management of environmental crimes in the Youshui River Basin not only punishes criminals who damage the environment, but also maintains the ecological balance and environmental security [33], realises the harmony between multi-ethnic people and nature on both sides of the Youshui River Basin in Hunan and Hubei (Xuan'en and Laifeng Counties in Hubei, Longshan and Baojing Counties in Hunan) and realises the legal benefits pursued by the Regulations for the Protection of the Youshui River (Hunan and Enshi Tujia Autonomous Prefectures). Autonomous Prefecture) in pursuit of legal benefits. The stock-raising and releasing can repair the ecological damage in the Youshui River basin in an optimal way and achieve the purpose of restorative justice. Through the restorative justice to expand the scope of application of enrichment and release, to increase the number of enrichment and release, to improve professionalism, to improve the ability to effectively supervise, and to establish and improve the coordination and linkage mechanism, etc., the concept of restorative justice for ecological environment will be carried out to all stages of criminal proceedings for the management of the Youshui River Basin; to enrich the restorative measures for enrichment and release, and to carry out systematic restoration of ecological environment as well as to build the supervisory mechanism, so that the final The ecological restorative mechanism of the Youshui River Basin will be effectively implemented [34]. The conditional non-prosecution of environmental crimes focusing on compliance is expected to become an important mode of environmental crime management in the future.

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## References

- [1] Regulations on the Protection of the Youshui River in the Xiangxi Tujia and Miao Autonomous Prefecture (2017) Article 2, paragraph 2, Youshui River Basin refers to the area within the Xiangxi Tujia and Miao Autonomous Prefecture (hereinafter referred to as the Autonomous Prefecture) where the rainfall converges into the Youshui River, including the waters and land areas of the main stream of the Youshui River and its first-level tributaries. The specific scope is delineated by the People's Government of the Autonomous Prefecture and announced to the public. Regulations on the Protection of the Youshui River in Enshi Tujia and Miao Autonomous Prefecture (2017) Article 2 These regulations apply to the main stream of the Youshui River and its first-class tributaries. From 2017, four counties in Hunan and Hubei provinces (Xuan'en and Laifeng counties in Hubei, Longshan and Baojing counties in Hunan) have been carrying out comprehensive legal governance of the Youshui River Basin.
- [2] In June 2022, the police of the Youshui River Water and Land Police Station seized on the spot and seized the electrofishing tools and catches according to the law. Two people in Youyang were fined for illegal fishing and released more than 100,000 fish fry in the breeding stock. [https://www.sohu.com/a/558268351\\_121106884](https://www.sohu.com/a/558268351_121106884); In 2021, the Public Security Bureau of Baojing County successfully investigated a case of illegal fishing, and four suspects were taken criminal coercive measures. [https://www.sohu.com/a/452209116\\_785861](https://www.sohu.com/a/452209116_785861); In 2018, Yuanling County set up a leading group for "combating illegal fishing", and carried out "special rectification of illegal fishing operations" 14 times in the reservoir area with public security, townships and wetland parks. Joint enforcement action with Guzhang County and Yongshun County of Xiangxi Prefecture was carried out once, with the participation of nearly 300 law enforcement officers and the use of 46 water law enforcement speedboats; more than 300 fishing boats were inspected, 6 illegal electrofishing boats were investigated and dealt with, 15 sets of electrofishing equipments were confiscated and destroyed, and more than 20 kilograms of catches were confiscated; 70 illegal net lifting nets were prohibited, and more than 10,000 metres of net lifting wires were collected; 8 ministries of the Vertigo Formation were dismantled, with a total of 600 metres; 1 case of pollution of the fishery industry was processed. 1 pollution case. <https://people.rednet.cn/front/messages/detail?id=3281332>
- [3] June 6 every year is the National Fish Release Day determined by the Ministry of Agriculture, whose purpose is to increase aquatic biological resources and promote the construction of ecological civilisation. Started in 2015. 6 June 2023 is the 8th National 'Fish Release Day'.
- [4] Article 1234 of the Civil Code: [Responsibility for ecological restoration] Where ecological damage is caused in violation of state regulations and the ecological environment is capable of being restored, an organ prescribed by the state or an organisation prescribed by the law shall have the right to request the infringer to assume the responsibility for restoration within a reasonable period of time. If the infringer fails to repair the damage within the time limit, the organ prescribed by the state or the organisation prescribed by law may carry out the repair on its own or by entrusting others to do so, with the infringer bearing the necessary costs. Chapter 7 of the Tort Liability Section of the Civil Code, "Liability for Environmental Pollution and Ecological Damage": Articles 1234 and 1235 respectively stipulate the responsibility for restoration and compensation for ecological damage caused by infringers in violation of the state regulations, and clarify the right to claim compensation of the state-prescribed organs or organisations as prescribed by law. The right to claim compensation is also clarified for organs of the State or organisations prescribed by law.
- [5] Wang Hongwei, Lu Yuchen. Study on the Application of Restorative Justice to Environmental Crimes[J]. Journal of Heilongjiang Province Political and Legal Management Cadre College,2022,(04):57-61.
- [6] LI Rong,CHA Zhangya,JIANG Yanru,et al. Research progress of ecological restoration of urban rivers in China[J]. Modern Horticulture.2020,(6). WANG Zhiqiang. A preliminary study on comprehensive urban river management model oriented to ecological priority[J]. Small and medium-sized enterprise management and technology.2017,(29).
- [7] The effects of four mortality factors, namely, environmental mutation, predation, nativity and illegal fishing, on the amount of resources showed a consistent trend, which was manifested in the fact that the higher the level, the greater the reduction effect on the amount of resources, and under the same model, the amount of resources of the released population gradually increased with the continuation of time, and reached the maximum before the opening of the fishing season by the difference between different levels

of mortality factors. See Xu Hailong. Optimisation of fishery stocking and release and exploitation strategy[D]. Supervisor: Chen Yong;Chen Xinjun. Shanghai Ocean University,2015.

- [8] Regulations on the Protection of the Youshui River in Xiangxi Tujia and Miao Autonomous Prefecture (2017) Article 49 Anyone who violates the provisions of Paragraph 3 of Article 30 of these Regulations by using methods of destroying fishery resources such as poisonous fish, deep-frying fish, electrofishing, etc., and by using gears smaller than the smallest mesh size such as lifting nets and trammel nets, shall be subject to confiscation of the catches and the illegal proceeds by the competent department of fishery administration of the people's government at or above the county level and shall be sentenced to a five-hundred yuan (RMB) or more than fifty thousand yuan (RMB) If the circumstances are serious, the fishing gear shall be confiscated and the fishing permit shall be revoked; if the circumstances are particularly serious, the fishing vessel may be confiscated; if a crime is constituted, criminal responsibility shall be investigated according to law.
- [9] Zeng Lei, Wang Qianghui. The real dilemma of restorative justice application of ecological environmental crimes and the path of cracking - based on the empirical analysis of judicial cases in Gansu Province[J]. Gansu Journal of Theory,2022,(06):99-107+2.
- [10] Tian Yuming,LI Liang. Application of restorative justice concepts to environmental crimes in China[J]. Journal of Henan Judicial Police Vocational College,2022,20(03):48-52.
- [11] Article 9 of the Civil Code: Civil subjects engaging in civil activities shall be conducive to the conservation of resources and the protection of the ecological environment. By judicially releasing the damaged water bodies in the Youshui River Basin with indigenous fish such as *Rhodeus albidus*, red-eye trout, horse mussel, and clean-water fish such as bighead carp, silver carp, grass carp, etc., the restoration of the damaged biological populations in the Youshui River Basin can be realised, and multiple value-added legal, natural and social benefits can be realised.
- [12] Article 1232 of the Civil Code establishes liability for punitive damages. Punitive damages are a departure from traditional compensatory damages and are intended to impose aggravated sanctions for torts that are committed with malice aforethought, resulting in serious consequences. Punitive damages take "violation of law" as a prerequisite, "intentionality" as a subjective element, and "pollution of the environment and destruction of ecology resulting in serious consequences" as an objective outcome element.
- [13] Enshi Tujia and Miao Autonomous Prefecture Regulations on the Protection of the Youshui River (1 March 2017) Article 35 Anyone who violates the provisions of Paragraph 1 of Article 26 of these Regulations and fishes in a closed area or during a closed period shall be subject to the confiscation of the catch and illegal income by the administrative department of water conservancy and aquatic resources of the people's government at or above the county level and shall be subject to a fine of not less than 30,000 yuan and not more than 50,000 yuan.
- [14] Enshi Tujia and Miao Autonomous Prefecture Regulations on the Protection of the Youshui River (1 March 2017) Article 3 The protection of the Youshui River follows the principles of government-led, public participation, overall coordination, priority of protection, and strict prevention and control.
- [15] He Ting,Yan Zemin. The introduction and application of restorative justice concept in conditional non-prosecution of corporate crimes[J]. Rule of Law Society,2022,(06):46-55.
- [16] Article 340 of the Criminal Law of the People's Republic of China [Offence of Illegally Fishing for Aquatic Products] Whoever violates the regulations on the protection of aquatic resources, fishes for aquatic products in a prohibited fishing area or during a closed period, or uses prohibited gears or methods, and if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, control or a fine.
- [17] Paragraph 1 of Article 38 of the Fisheries Law of the People's Republic of China Where fishing is carried out using methods that destroy fishery resources, such as deep-frying, poisoning or electrofishing, or where fishing is carried out in violation of the regulations on closed areas and closed periods, or where fishing is carried out using prohibited fishing gears, fishing methods and nets smaller than the minimum mesh size, or where the proportion of juvenile fish in the catch exceeds the prescribed proportion, the catch and the unlawful income shall be confiscated and a penalty of not more than 50,000 yuan shall be imposed. fine; if the circumstances are serious, confiscate the fishing gear and revoke the fishing permit; if the circumstances are particularly serious, the fishing vessel may be confiscated; if a crime is constituted, criminal responsibility shall be investigated according to law.

- [18] Regulations on the Protection of the Youshui River in Enshi Tujia and Miao Autonomous Prefecture (1 March 2017) Article 35 Anyone who violates the provisions of Paragraph 1 of Article 26 of these Regulations and fishes in a closed area or during a closed period shall be subject to confiscation of the catch and illegal income by the administrative department of water conservancy and aquatic resources of the people's government at or above the county level and shall be subject to a fine of not less than 30,000 yuan but not more than 50,000 yuan.
- [19] Regulations on the Protection of Youshui River in Xiangxi Tujia and Miao Autonomous Prefecture Article 49 If a person violates the provisions of Paragraph 3 of Article 30 of these Regulations by using methods of destroying fishery resources such as poisonous fish, deep-frying fish, electrofishing, etc., and by using nets smaller than the minimum mesh size such as lift nets and trammel nets, he or she shall be subject to confiscation of the catches and the unlawful proceeds, and shall be fined from five hundred yuan (500 yuan) to fifty thousand yuan (50,000 yuan) by the competent department of the People's Government of the People's Government of the county or above; If the circumstances are serious, the fishing gear shall be confiscated and the fishing permit shall be revoked; if the circumstances are particularly serious, the fishing vessel may be confiscated; if a crime is constituted, criminal responsibility shall be investigated according to law.
- [20] Zhou Echun,Zhao Huiting. The realisation of the convergence of criminal and civil liability for environmental crimes under the perspective of restorative justice[J]. Rule of Law Forum,2022,(03):36-44.
- [21] Zhou Echun,ZHAO Huiting. The Realisation of Criminal-Civil Liability for Environmental Crimes under the Perspective of Restorative Justice[J]. Rule of Law Forum,2022,(03):36-44.
- [22] Restorative justice began in the 1960s and 1970s, and was applied earlier in the United Kingdom, the United States and Canada. The initial form of restorative justice in the United States and Canada was the victim-perpetrator reconciliation programme, which, through the work of specialised organisations, facilitated the formation of a dialogue relationship between the victim and the perpetrator, with the perpetrator taking responsibility for repairing the damaged relationship and restoring the original community order. Restorative justice in the United Kingdom began with the juvenile correction system. Restorative justice in the common law system is not limited to misdemeanour cases, and some serious crimes also try restorative justice. The United States focuses on the application of non-custodial sentences to juvenile offenders, and the vast majority of these cases are closed by means of restorative justice. New Zealand and some indigenous peoples in North America, for example, apply criminal reconciliation methods such as "community justice" and "family group conferences", which emphasise the role of the family or community in the punishment of crime, in order to calm society's reliance on formal justice.
- [23] Article 65 of the Tort Liability Law: Where damage is caused by pollution of the environment, the polluter shall be liable in tort. Article 1234 of the Civil Code of the People's Republic of China: Where damage to the ecological environment is caused in violation of state regulations, and the ecological environment is capable of being repaired, an organ prescribed by the state or an organisation prescribed by law shall have the right to request the infringer to assume the responsibility for the repair within a reasonable period of time. If the infringer fails to repair the damage within the time limit, the organ prescribed by the state or the organisation prescribed by law may carry out the repair itself or entrust others to do so, with the infringer bearing the necessary costs.
- [24] Wang Wei. The Integration of "Reason and Law": Restorative Justice Theory from the Classical Drama "Three Weeping Temples"[A]. Shanghai Law Society. Shanghai Law Studies, Volume 4, 2023 - Fengqiao Experience and Modernisation of Grassroots Governance [C]. :Shanghai Law Society,2023:280-286
- [25] Wang Wei. The Integration of "Reason and Law": Restorative Justice Theory from the Classical Drama "Three Weeping Temples"[A]. Shanghai Law Society. Shanghai Law Studies, Volume 4, 2023 - Fengqiao Experience and Modernisation of Grassroots Governance [C]. :Shanghai Law Society,2023:280-286
- [26] Xu Jun,and Zhong Youqin." Restorative justice in ecological environment criminal punishment position reconstruction." Environmental Pollution and Prevention 44.04(2022):552-556.
- [27] Regulations on the Protection of the Youshui River in Xiangxi Tujia and Miao Autonomous Prefecture Article 38 A system of mutual notification of environmental violations shall be established between the people's governments at the county level of the Youshui River Basin and their relevant administrative departments to inform them of environmental violations in a timely manner. The people's governments at the county level in the Youshui River Basin shall establish a notification mechanism for major matters such as environmental emergencies and emergency disposal measures among themselves. A system for

assessing the quality of the water environment at the cross sections of river junctions shall be established between the people's governments at the county level of the Youshui River Basin, and the assessment shall be announced to the public on a regular basis.

- [28] Enshi Tujia and Miao Autonomous Prefecture Youshui River Protection Regulations (1 March 2017), Xiangxi Tujia and Miao Autonomous Prefecture Youshui River Protection Regulations (1 May 2017), Hunan and Hubei provinces and four counties (Xuan'en and Laifeng counties in Hubei, Longshan and Baojing counties in Hunan) "to implement the Youshui River Protection Regulations" NPC Supervision Joint Committee, agreed on two provinces and four counties The joint meeting agreed to implement the "Youshui River Protection Regulations" and endeavour to build a new mechanism for the management and protection of the Youshui River, which is based on "watershed integration, information sharing, solidarity and collaboration, and joint management of the four counties".
- [29] He Ting, Yan Zemin. The introduction and application of restorative justice concept in the conditional non-prosecution of corporate crimes[J]. Rule of Law Society,2022,(06):46-55.
- [30] Zhou Echun,ZHAO Huiting. The Realisation of Criminal-Civil Responsibility for Environmental Crimes under the Perspective of Restorative Justice[J]. Rule of Law Forum,2022,(03):36-44.
- [31] He Ting,Yan Zemin. The introduction and application of restorative justice concept in the conditional non-prosecution of corporate crimes[J]. Rule of Law Society,2022,(06):46-55.
- [32] Zeng Lei, Wang Qianghui. Realistic dilemma and cracking path of restorative justice application of ecological environmental crimes--an empirical analysis based on judicial cases in Gansu Province[J]. Gansu Journal of Theory,2022,(06):99-107+2.
- [33] Carrying out breeding and releasing activities to protect the ecological environment of waters[J]. Henan Fisheries,2021,(03):2.
- [34] Zeng Lei,Wang Qianghui. Realistic Dilemma and Cracking Path of Restorative Judicial Application of Ecological and Environmental Crimes--Empirical Analysis Based on Judicial Cases in Gansu Province[J]. Gansu Journal of Theory,2022,(06):99-107+2.