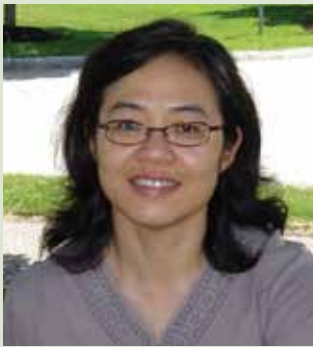


Greening China

News from Vermont Law School's U.S.-China Partnership for Environmental Law

FALL 2010

ADVANCING THE RULE OF LAW TO PROTECT CHINA'S ENVIRONMENT



From the Director

The U.S.-China Partnership experienced important developments this year. Tseming Yang, the program director for the past three years, has been appointed Deputy General Counsel of International Affairs at U.S. EPA. We look forward to seeing progress under his leadership on many global environmental issues.

I am honored to have been appointed the new director of the U.S.-China Partnership. I am supported by a strong staff, including associate director Jingjing Liu, LLM fellow Adam Moser, and program assistants Amanda McAdams and Yuling Liu. We recently added Hanling Yang and Yanmei Lin to the program team.

The highlights of this past summer included an exchange program that examined environmental justice issues in China and the U.S. and a series of workshops that trained Chinese prosecutors on environmental enforcement.

Going forward, we will build on what Professor Yang started as we implement an initiative to advance China's environmental governance and rule of law. The initiative will help establish China's first environmental public interest law firm and expand a university law clinic.

—Siu Tip Lam

Assistant Professor of Law and Director
U.S.-China Partnership
for Environmental Law

Young Professionals from China and the U.S. Advocate for Environmental Justice

Eighteen young environmental professionals from China and the U.S. came together this summer to work on environmental justice projects. Participants included professors, lawyers, activists, and government officials. Sponsored by the U.S. Department of State's Educational and Cultural Affairs Bureau, the program was implemented by the U.S.-China Partnership and the Woodrow Wilson Center's China Environment Forum. Central to the exchange was the pairing of Chinese and U.S. participants to maximize the peer-to-peer learning experience.

The exchange program's activities started at VLS with a week of lectures on environmental justice, energy, and climate change law and policy. In the second week, participants interned with environmental justice organizations. For their final week in the U.S., the group reconvened in Washington, D.C. to meet with government officials and congressional staffers, including the director of EPA's Office of Environmental Justice, the deputy assistant attorney general of the Department of Justice's Environment and Natural Resources Division, and staff members from the Congressional Black Caucus. Four Chinese fellows gave presentations at the China Environment Forum on issues related to their work in the environmental area.

Siobhan Hard



Exchange program participants discuss environmental justice issues.

The China portion of the exchange began with a week in Beijing at the China University of Political Science and Law, also home to the Center for Legal Assistance to Pollution Victims, China's premier legal environmental NGO. Participants attended classes on China's environmental law system and climate change policy and had roundtable discussions with China's leading environmental advocates. The next week, the group interned with prominent grassroots NGOs. Finally, they reconvened for a tour to the Three Gorges Dam and a final set of meetings and workshops at Sun Yat-Sen University in Guangzhou.

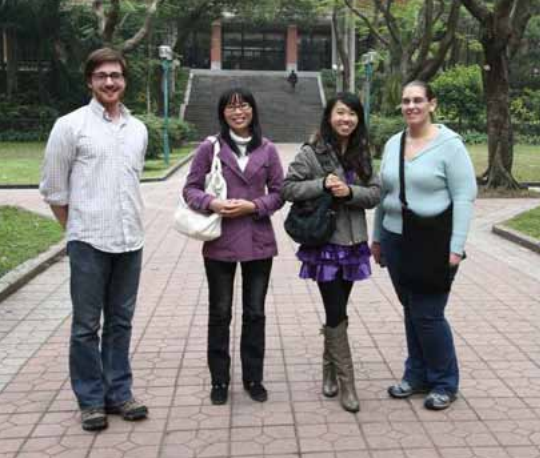
State Department Grant for Public Interest Environmental Law Firm in Beijing

This summer, the U.S.-China Partnership received a \$1.5 million grant from the State Department's Bureau of Democracy, Human Rights and Labor (DRL). The grant will fund an environmental advocacy initiative to strengthen advocacy training at partner law schools in China and to create China's first environmental public interest law firm in Beijing.

The grant will expand the use of civil lawsuits and civil society engagement in environmental law enforcement. At present, the vast majority of enforcement in China is through administrative fines. Except in cases of severe pollution, which may be criminally prosecuted,

Chinese prosecutors rarely pursue civil prosecutions in environmental cases, in part because they lack a formal civil judicial enforcement role. The DRL grant promotes the role of civil litigation in enforcement.

In addition, the grant will fund expansion of an environmental law clinic at Sun Yat-sen University Law School (SYSU). The clinic has focused on research, policy, and regulation development, but starting this fall it will collaborate with the labor law clinic at SYSU to promote workplace safety and teach students how to practice law and bring workplace injury lawsuits involving environmental health and safety issues.



Students Michael Rohwer, Chen Huizhen, Wu Shiheng, and Amy Driscoll at SYSU

Joint Research Projects Partner U.S. and Chinese Students

Every year, Vermont Law School students partner with students from Sun Yat-sen University (SYSU) and China University of Political Science and Law (CUPL) to prepare and present joint research projects on current issues in environmental law. The students develop their projects in the fall semester and then, in December, the VLS students travel to China to meet with their partners in Beijing and Guangzhou and present the projects to students and faculty at CUPL and SYSU. In the spring, the VLS students also present their projects to students and faculty at VLS. This year's VLS students were Amy Driscoll, Brandon Gillin, Patrick Munson, Michael Rohwer, and Joseph Starnes. The Chinese students were Zheng Ronghui, Yu Lijie, and Song Lina from CUPL, and Chen Huizhen and Wu Shiheng from SYSU.

The projects focused on comparative analysis of laws relating to the garbage collection system, electronic waste, China's environmental impact abroad, renewable energy, and nuclear energy. The students' papers are available at www.vermontlaw.edu/china.

Workshops Focus on Government Prosecutors and Public Interest Litigation

In May, the U.S.-China Partnership led a set of environmental litigation workshops, roundtables, and meetings with government officials in Beijing and Guangzhou. The events assisted China's Supreme People's Procuratorate and Guangzhou Municipal Procuratorate in identifying opportunities to enhance their criminal and civil environmental enforcement role.

Low levels of environmental law enforcement, including lack of involvement by government prosecutors, remain among the key environmental governance challenges in China. The U.S.-China Partnership co-hosted workshops at the National Prosecutors College in Beijing on May 11–12, 2010 and at the Guangzhou Municipal Procuratorate on May 14, 2010 to identify opportunities to enhance civil and criminal enforcement.

The workshops brought together senior U.S. and Chinese government officials, as well as NGO representatives and leading environmental law scholars, to share best practices and experiences. Participants included Principal Deputy Assistant Attorney General Robert Dreher, Deputy Assistant Attorney General Patrice Simms, EPA Region 8 Counsel Robert Ward, Beijing USAID Development Counselor Jennifer Adams, Vice President of the Supreme People's Procuratorate Sun Qian, Dean of National Prosecutors College Shi Shaoxia, Deputy Director of the Supreme People's Court's Research Office Sun Youhai, and Deputy Director of the Ministry of Environmental Protection Policy and Regulation Division Bie Tao. The Guangzhou workshop included the American officials and the Deputy Chief Procurator of Guangzhou City as well as section deputy directors.

A May 13, 2010 workshop at the Guangzhou Maritime Court, co-sponsored by the U.S.-China Partnership with the Marine Transportation and Maritime Law Committee of China, helped China's judges, prosecutors, and lawyers formulate potential new rules to guide public interest litigation in water pollution cases. China's severe water pollution problems have posed serious environmental and governance challenges. Efforts to use environmental public interest litigation have been successful in some provinces. However, uncertainty about the standing of NGOs and the procuratorate to bring such cases and other procedural issues in the courts remain significant impediments to solving water pollution issues.



Water pollution workshop attendees in Guangzhou.

New Members of the U.S.-China Partnership Team



Yanmei Lin and Hanling Yang.

Hanling Yang joined the U.S.-China Partnership as an associate director in July. She was a senior program manager at the International Sustainable Development Foundation for almost 10 years, training Chinese government officials in sustainable land use, urban planning, and governance issues. She received her BA degree from Wuhan University and her JD degree from Lewis and Clark Law School.

Yanmei Lin, a new assistant director, came on board in October. She was a program officer for the ABA Rule of Law Initiative's China program, implementing projects in environmental law and civil society development. Prior to that, she worked as a lecturer and researcher for the China Institute of Environment and Resources Protection in Minority Areas at the Central University for Nationalities. She received her BA and Master of Law degrees from Fudan University and her LLM from New York University.

U.S.-China Partnership for Environmental Law

Vermont Law School
164 Chelsea Street, PO Box 96
South Royalton, Vermont 05068 USA

802-831-1341
china@vermontlaw.edu
www.vermontlaw.edu/china



VERMONT LAW SCHOOL