

Greening China

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

FALL 2011

ADVANCING THE RULE OF LAW TO PROTECT CHINA'S ENVIRONMENT



From the Directors

Professor Jason Czarnecki was appointed faculty director of the U.S.-China Partnership for Environmental Law in April. He will lead the partnership into a new era of scholarship and academic exchange with Chinese institutions. Currently, our exchange programs with Renmin University School of Law and other Chinese universities will give nine Vermont Law School students each year the opportunity to study in China and pursue joint student research projects. We have also recruited a team of research fellows to develop projects related to environmental and energy issues in China.

This year, our partners launched the first environmental public interest law firm in Beijing and an advocacy center at Sun Yat-sen University School of Law's environmental law clinic, which handles environmental health and safety litigation. We led a train-the-teacher program to develop Chinese law schools' capacity to educate the next generation of environmental problem solvers. We also cosponsored, with the *Vermont Journal of Environmental Law*, a symposium on "China's Environmental Governance: Global Challenges and Comparative Solutions."

USAID recently completed an evaluation of our program and found that our work "has made notable institutional capacity-building impact" in China. We will continue to develop program activities to help improve China's environmental governance and rule of law.

—Jason J. Czarnecki —Siu Tip Lam

Professor of Law and
Faculty Director

Assistant Professor of Law
and Program Director

Chinese and American Experts Explore Solutions to Global Environmental Challenges

On March 2, 2011, the U.S.-China Partnership and the *Vermont Journal of Environmental Law* (VJEL) brought together leading environmental law scholars and activists from China and the U.S. to discuss the environmental challenges both countries face and how they can develop global solutions and advance environmental governance. The symposium, "China's Environmental Governance: Global Challenges and Comparative Solutions," provided an opportunity for five Chinese environmental leaders to explore with their American counterparts comparative solutions to China's environmental and energy challenges, including the lack of enforcement by government agencies and prosecutors. Professor and Vice Dean Zhiping Li from SYSU, Professor Canfa Wang from the China University of Political Science

and Law, Professor Yanfang Li from Renmin University School of Law, and attorney Jingjing Zhang from the Global Network of Public Interest Law were the symposium's presenters from China. Professor Wenxuan Yu, a visiting scholar at VLS, also participated at the symposium. The American experts included Professor John Copeland Nagle from the University of Notre Dame School of Law, who delivered the keynote speech; Professor Robert Percival, University of Maryland School of Law; Dr. Jennifer Turner, director of the China Environment Forum at the Woodrow Wilson International Center for Scholars; Professor Patricia McCubbin from Southern Illinois University School of Law; VLS Professor Patrick Parenteau; and Judge Merideth Wright from the Vermont Environmental Court.

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Train-the-Teacher participants on a field trip at an electronic waste recycling plant

Train-the-Teacher Program and Roundtable for Lawyers in Wuhan

To address the lack of experienced environmental law teachers and to foster a new generation of environmental lawyers and advocates in China, the U.S.-China Partnership, in collaboration with the International Union for Conservation of Nature Academy of Environmental Law and the Research Institute of Environmental Law of Wuhan University, conducted a pilot training project in March 2011 in Wuhan, Hubei Province. This advanced Train-the-Teacher course trained 24 environmental law professors from 20 different cities across China and provided them with the skills and knowledge to design and deliver high-quality courses in environmental law to law students as well as to train colleagues who have not previously taught environmental law. VLS Professor Mark Latham was one of the trainers in this pilot project.

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VLS and CUPL students on the Great Wall

Joint Research Projects Focus on Pollution and Green Jobs

Every year, VLS students partner with students from SYSU and CUPL to develop comparative joint research projects on current issues in Chinese and American environmental, energy, and climate change law and policy. The students begin work in the fall semester and in December travel to China to meet with their research partners. In China, they further develop the projects and present them to CUPL and SYSU faculty and students. In the spring semester, the students continue to work on polishing the projects. This year's VLS students were Inga Caldwell, Joshua Harvey, Erica Lewis, Allison Silverman, and Kate Swartz. Their Chinese student partners were Lin Guan, Min Yang, and Xinyu Wang from CUPL, and Min Chen and Yuanbo Ye from SYSU.

The five projects focused on comparative analysis of laws, regulations, and policies relating to soil pollution, unconventional gas development, water pollution discharge permit, green jobs, and environmental social responsibility of multinational corporations. The five papers are available at www.vermontlaw.edu/china.

For the 2011–12 academic year, we have selected six VLS students to conduct joint research projects. They are Allison Cameron, Heather Croshaw, Nathaniel Green, Sara Imperiale, Brian Marshall, and Jeff Polubinski. Their Chinese student partners are Po Dong, Xuemin Dong, and Ye Wang of CUPL, Wei Luo and Qing Pang of Renmin, and Pianpian Wang of SYSU.

New Environmental Advocacy Centers in Guangzhou and Beijing

The U.S.-China Partnership's partners launched an advocacy center in Guangzhou to provide legal services to pollution victims and migrant workers, and a center in Beijing to spearhead the development of environmental public interest litigation in China.

In January 2011, Sun Yat-sen University School of Law (SYSU) launched its Environmental and Worker Health and Safety Advocacy Center in Guangdong. The center is the result of efforts by SYSU to expand the school's environmental law clinic to provide legal advocacy for communities and workers, especially migrant workers, in pollution cases and cases involving environmental health and safety issues. Guangdong's Pearl River Delta, home to many factories, suffers from severe environmental pollution, and many migrant factory workers face poor working conditions. The new center combines the expertise and resources of the existing environmental law and labor law clinics at SYSU and provides experiential training to students to enable them to advocate for pollution victims and workers. Participating at the launch event on behalf of the U.S.-China Partnership were VLS Professor David Mears, Siu Tip Lam, Hanling Yang, and Adam Moser. Other participants included officials from the Guangzhou Public Health Bureau, environmental and workers' advocacy organizations, and officials from the U.S. Consulate General's Office.

The Center for Legal Assistance to Pollution Victims (CLAPV) launched the Huanzhu (Environmental Aid) Law Firm in March 2011. This is China's first environmental public interest law firm, and it will provide legal services to pollution victims, educate the public about available legal tools to secure their rights, and use case-based research to improve environmental legislation. The firm opens at a time when China's legal system is increasingly promoting the use of public participation through litigation as a means of enhancing enforcement of its environmental laws. During the launch event, a representative from China's Ministry of Environmental Protection said, "Lawyers have an important role to play in increasing public participation and in providing legal services to citizens."

Train-the-Teacher Program and Roundtable for Lawyers in Wuhan

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Professor Latham also led a workshop for practicing lawyers in Wuhan. Investment projects with potential impact on the environment often do not comply with environmental standards. Chinese lawyers often lack the skills needed to help their clients improve environmental due diligence to avoid environmentally risky development projects. To address this need, the partnership collaborated with the Wuhan Lawyers Association and the law firm of Dewell & Partners to lead a roundtable on March 2, 2011, to discuss environmental due diligence practices in the U.S. and in China. Thirty lawyers from Wuhan and Beijing, including lawyers from the Huanzhu Law Firm, China's first environmental public interest law firm, participated. The roundtable engaged these lawyers in a discussion on the role that Chinese lawyers can play in ensuring environmental due diligence and in the environmental impact assessment process for investment projects.



Lawyers roundtable on environmental due diligence

New Student Research Team

The U.S.-China Partnership has recruited a team of research associates to develop research and policy projects related to pertinent environmental and energy issues in China. The four students selected as research associates are Inga Caldwell (working with Professor Siu Tip Lam and Professor Zhiping Li on climate change policy research), Allison Cameron (working with Professor Jason Czarnezki and Professor Wenxuan Yu on Chinese biodiversity legislation and environmental policy), Cameron Field (working with Professor Czarnezki on food and agricultural policy in China), and Kate Swartz (working with Professor Yanmei Lin and Professor Canfa Wang on environmental tort research).

Chinese and American Experts Explore Solutions to Global Environmental Challenges

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After the symposium, the partnership took some of the Chinese visitors to New Orleans to learn about the federal, state, and civil society's response to the BP oil spill, and to Washington, D.C., to visit with the U.S. Environmental Protection Agency and the Department of Justice Environment and Natural Resources Division to learn about administrative and judicial environmental enforcement practices in the U.S. The visitors were interested in exploring ways citizen groups can participate in and promote stronger enforcement in China. In addition, the Chinese scholars participated as speakers in an interactive series on Green Governance Victories and Ongoing Challenges in China at the China Environment Forum of the Woodrow Wilson International Center for Scholars. The event generated a vibrant discussion on issues related to environmental and energy governance in China, including environmental protection legislation on oil and gas transmission, environmental damages and regulatory responses to an oil spill accident in Dalian Bay in 2010, as well as recent trends in environmental judicial activism and the rapid development of specialized environmental courts in China.

New Members of the Team



Marie-Pierre Richard-Mauldin

Marie-Pierre Richard-Mauldin joined the U.S.-China Partnership as a program assistant in May. She graduated with a BA in applied foreign languages and international business, relations, and administration from Blaise Pascal University in France. She joins us with a wealth of knowledge about working in international settings. She comes to Vermont from France, and has lived in Greenland, Australia, and Oklahoma.

Martin Cosier joined the U.S.-China Partnership as an LLM fellow in August. He will earn his LLM degree from VLS while working closely with the U.S.-China Partnership faculty on environmental law research and policy development projects. Before joining VLS, he was the senior policy officer in AusAID responsible for its environment program in China. He received his LLB and BS in Environmental Science from Griffith University in Brisbane, Australia.



Martin Cosier

Yuling Liu, a program assistant for the partnership, left VLS in May to attend graduate school in Washington state.

Award from the U.S.-China Legal Cooperation Fund

On May 27, the U.S.-China Legal Cooperation Fund awarded the U.S.-China Partnership a grant of \$80,000 to support our project "Environmental Law Training for Chinese Judges." It includes a comprehensive three-phase training program in environmental law for Chinese judges. Phase One began with a roundtable attended by various stakeholders, including environmental court judges, in June 2011 and a pilot training of judges in November 2011. Phase Two includes training residencies at VLS, followed by a study tour of environmental tribunals in the U.S. as well as an internship with the Environmental Appeals Board of U.S. EPA in 2012. Phase Three involves the implementation in 2013 of a newly developed environmental law training curriculum for judges in China.

We began the first phase of the project by forming a task force to develop the environmental law curriculum. On June 30 and July 1, 2011, the partnership, along with CUPL, initiated the first round of high-level discussions and exchanges with Chinese judges, senior scholars, and lawyers, which included judges and senior counsel from the U.S. EPA's Environmental Appeals Board and a Vermont Environmental Court judge as the foreign experts. The group identified key topics and teaching methods to be used in developing the curriculum. A task force will transform the discussions and ideas into a curriculum over the next 18 months. Once completed, the curriculum will provide Chinese judges with the skills and confidence to better resolve environmental disputes. In November, the task force will conduct a pilot training of judges in Beijing using a draft of the curriculum.



Professor Yu and the Chinese students attending Summer Session at VLS

Visiting Students and Scholars

This summer, the partnership hosted two scholars and four visiting students from China. Professor **Wenxuan Yu**, an environmental and energy law scholar from CUPL, will be at VLS until February 2012. Professor Yu received a scholarship from the China Scholarship Council at the Ministry of Education to support his academic residency at VLS. Professor **Xiao Zhu**, an environmental law scholar from Renmin University School of Law and founder of that law school's environmental law clinic, was in residency at VLS in July. In addition, four environmental law LLM candidates, two from CUPL, one from SYSU, and one from Renmin University School of Law, joined professors Yu and Zhu during the Summer Session. The CUPL and SYSU students also participated in the student joint research projects during the 2010–11 academic year.

We welcome the new visiting scholars from China who arrive at VLS in the fall: Professor Wu Guo from Gansu Political Science and Law Institute, Professor Zhongmin Zhang (VLS LLM degree candidate), Mr. Bao Zhang from Zhongnan University of Economics and Law, Professor Xiaoqing Xiong from Wuhan University, and Professor Minchun Zhang from Changsha University of Science and Technology.

Alumni Gathering in Guangzhou and Beijing

In June, professors Jason Czarnezki and Siu Tip Lam had reunion dinners in Guangzhou and Beijing with Chinese scholars and students who have studied or visited at VLS. The alumni shared with professors Czarnezki and Lam what they have been working on since completing academic residencies at VLS and how much they missed their time in Vermont. The U.S.-China Partnership plans to host reunion events annually to stay in touch with our alumni.

Alumni Notes

Qingjun Wang (visiting scholar 2009) is now an environmental law professor at Central China Normal University School of Law. In May 2011, he successfully defended his PhD dissertation on Emission Quota Allocation, for which he collected data and information during his residency at VLS. Professor Wang's research report on the Ecological Forest Management and Protection System commissioned by China's National Social Science Foundation was adopted by the State Forestry Administration. In addition to his teaching role, Professor Wang is also providing policy consultation for the Three Gorges Office under the State Council on population relocation in the ecological buffer zone. His consultation work is expected to provide significant guidance to the government on the conservation of environmentally sensitive areas, protection for indigenous people's cultural heritage, and just compensation for farmers' property rights.

Fang Lei (CUPL summer student 2008) now works in the sustainable finance division of the Industrial Bank in China. She is primarily responsible for environmental and social risk management, the implementation of the Equator Principles (EPs), and drafting the bank's sustainability report. Industrial Bank is the first Chinese bank to adopt the EPs, and she hopes her work will help extend the EPs to more financial institutions in China and promote a more active role among the Chinese financial sector in managing environmental and social risks.

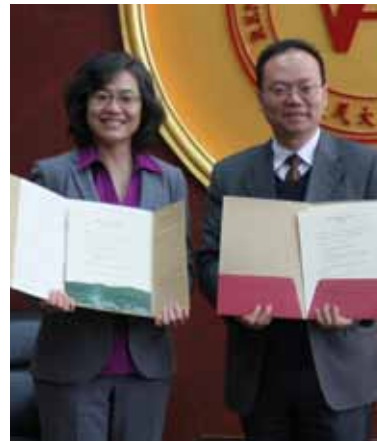
Xiaodi Huang (SYSU summer student 2009) works as a judge at Guangzhou Intermediate People's Court, handling primarily civil cases. She is also working on research of legal remedies to pollution victims in China and hoping to propose suggestions on mechanisms related to evidence collection and verification to make it easier for pollution victims to receive legal remedy.

Ningfei Qin (SYSU summer student 2007) now works as an in-house legal counsel for Walmart Investments Co., Ltd. in Shenzhen, China. Ms. Qin writes, "My latest achievement is the birth of my son, who brought me and my family tons of joy and happiness." Her son is now 17 months old.

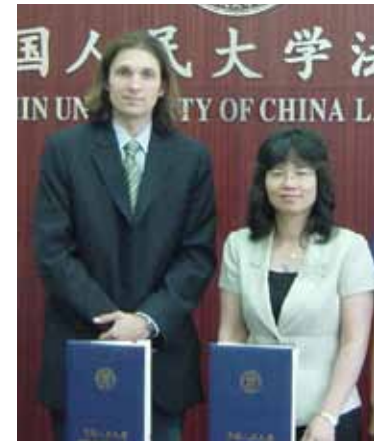
Lina Song (CUPL summer student 2010) graduated from CUPL this past summer. She keeps in touch with CUPL Professor Changling Zhou and students Lijie Yu and Ronghui Zheng, who were at VLS at the same time, and they reminisce about the time they spent at VLS, the friends they made, and the beauty of the environment.

Ronghui Zheng (CUPL summer student 2010) completed her LLM study and graduated from CUPL this summer. She plans to join a commercial bank in Zhanjiang City, Guangdong Province, as a management trainee.

For more detailed news about alumni of the residency program, please visit the Academic Exchanges page at www.vermontlaw.edu/china.



Program Director Siu Tip Lam (left) and Vice Dean Yi Wang signing the MOU



Faculty Director Jason Czarnezki (left) and Vice Dean Jia Lin at the signing of the exchange agreement

New Relationship with Renmin University

On January 11, 2011, VLS and Renmin University School of Law signed a memorandum of understanding to formalize their new partnership to create an academic exchange program. Following the signing of the memorandum, VLS faculty voted to implement a student exchange program with Renmin that will enable up to three students to enroll in an appropriate full-time course load each year on a reciprocal basis. On June 29, 2011, Professor Czarnezki signed the student exchange agreement on behalf of VLS. The exchange program will be available to VLS students beginning in the spring of 2012.

SYSU Requires Environmental Law Course for All Law Majors

Sun Yat-sen University School of Law now requires all undergraduate law majors to take the Environmental Law course, a promising event for the future of the global environment. Since SYSU and Vermont Law School began our partnership in 2006, SYSU's program has developed into one of the leading environmental law programs in South China and is now a resource center in the Pearl Delta Region, providing policy consultation and research support to local governments on a variety of environmental, energy, and climate change initiatives. The success of the program helped elevate the importance of environmental law as a discipline.

Our New Logo

The U.S.-China Partnership for Environmental Law is excited to present our new logo. The green color and bamboo symbolize life, nature, and sustainability. We hope that with this new logo we can better communicate our mission to foster the next generation of environmental leaders in China and the United States. The U.S.-China Partnership aims to be recognized as a leader in improving global environmental law and policy.



U.S.-China Partnership for Environmental Law

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