

# Greening China

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

FALL 2009

ADVANCING THE RULE OF LAW TO PROTECT CHINA'S ENVIRONMENT

## New Exchange Program for Young Professionals

Vermont Law School (VLS) has been awarded a \$350,000 federal grant to support a U.S.-China exchange program for young professionals working in environmental justice. Funded by the Bureau of Educational and Cultural Affairs (ECA), the educational and cultural exchange will provide leadership training opportunities to 18 young Chinese and American professionals, particularly members of minority groups, who are active in environmental justice. Participants will jointly examine environmental burdens, including climate change impacts, on minority communities and low-income populations in the U.S. and China and will propose ways to advance environmental justice for those communities.

"This program creates a rare opportunity for young legal professionals in China and the U.S. to learn from each other and to work toward a common goal of advancing environmental justice. It will position them for further leadership within their communities and countries," said **Jeff Shields**, VLS president and dean.

The program aims to cultivate leadership among young legal professionals and to give them insights into legal tools, policies, and activism that can assist vulnerable communities in addressing environmental challenges. The participants will attend a series of roundtables, study tours, and hands-on internships in both the U.S. and China. They will spend a total of six weeks together in South Royalton, Vermont; Washington, D.C.; Beijing; Yichang; and Guangzhou.

## \$3 Million USAID Funding Strengthens Environmental Law

Vermont Law School has been awarded \$3 million by the U.S. Agency for International Development (USAID) to expand its work on the U.S.-China Partnership for Environmental Law over the next three years. This award, which is an extension of a \$1.8 million USAID funding agreement that **U.S. Senator Patrick Leahy** helped to secure for VLS in 2006, will enable us to continue to build on our successes in helping China develop its next generation of environmental advocates to strengthen the development and enforcement of China's environmental and energy law.

"We thank USAID and the American people for their continued support for and recognition of the importance and effectiveness of this program," said VLS President and Dean **Jeff Shields**. "The U.S. and China share a deep interest in reversing environmental degradation. VLS has proven to be an effective bridge in those efforts."

VLS, in collaboration with Sun Yat-Sen University (SYSU), launched the U.S.-China Partnership for Environmental Law in 2006 with funding from USAID. Since then, the program has



*Students and scholars cheer for China Program: Lifan Wang, Minzhen Deng, Yuling Liu, Jill Wei, Xin Xu, Guangming Han, Jingjing Liu, Brandon Gillin, and Jiaru Hou*

trained over 1,000 legal educators, students, judges, attorneys, and government officials throughout China. Training has ranged from the completion of LLM degrees at VLS to workshops for environmental court judges and conferences for law librarians. In addition to significantly strengthening SYSU's environmental law program and creating a

*(Continued on page 2)*

## New Faces in the China Partnership



*Siu Tip Lam*

The U.S.-China Partnership for Environmental Law has hired **Siu Tip Lam** as its new deputy director and assistant professor of law. Professor Lam was an assistant attorney general in the Environmental Protection Division of the Massachusetts Attorney General's Office, where she handled a variety of cases enforcing environmental laws and regulations and defended state agency decisions. Prior to her work at the Attorney General's Office, she worked as a litigation associate at the Boston law firm of Brown, Rudnick, Freed & Gesmer. Professor Lam received her BA degree in East Asian Studies from Harvard-Radcliffe Colleges and her JD degree from Northeastern University School of Law.



*Adam Moser*

The program's first LLM fellow is **Adam Moser**. Mr. Moser will earn his LLM in Environmental Law from Vermont Law School while working closely with China Partnership faculty on environmental law research and policy development projects. While in law school, he received a public interest fellowship to work as a legal intern for the Center for Legal Assistance to Pollution Victims (CLAPV) at China University of Political Science and Law (CUPL) in Beijing. He received his BA degree in international studies and sociology from Ohio University and his JD degree from the University of Cincinnati College of Law.

*(Continued on page 3)*



## From the Director

Our program is growing and our new name, the U.S.-China Partnership for Environmental Law, reflects the success that the program has had in collaborating with nationally well-known universities and organizations in China. In addition to our original partnership with Sun Yat-sen University, we are now working with the China University of Political Science and Law, the Center for Legal Assistance to Pollution Victims, and Tsinghua University as well as China's State Electricity Regulatory Commission and National Development and Reform Commission, and the China Environment Forum at the Woodrow Wilson Center.

We were recently awarded an additional \$3 million by USAID. This three-year funding will allow us to continue to help China develop its next generation of environmental advocates to strengthen the development and enforcement of China's environmental and energy law. We also received a \$350,000 grant from the Bureau of Educational and Cultural Affairs of the U.S. Department of State to support a U.S.-China exchange program for young professionals working in environmental justice.

To help us carry out these exciting new projects, our staff has expanded to include a deputy director, Siu Tip Lam, and an LLM fellow, Adam Moser. Meanwhile, we continue to deliver workshops and presentations in the U.S. and China, and to coordinate joint student research projects and faculty exchanges. We are grateful for the financial support that enables us to further our mission of helping China to advance best practices in environmental protection and energy regulation.

—Tseming Yang  
Professor of Law and Director  
U.S.-China Partnership  
for Environmental Law

## Environmental Courts Workshops

In May, the U.S.-China Partnership for Environmental Law's director **Tseming Yang** and associate director **Jingjing Liu** organized a series of environmental courts and litigation workshops in Beijing and Guangzhou, China that involved judges of China's National Judges College and the Guangdong Province Judges Association as well as environmental court judges from Vermont, Australia, and the Philippines. Judge **Maria Cecilia I. Austria** of Batangas City Court (Philippines), Chief Justice **Brian Preston** of the New South Wales Land and Environment Court (Australia), and Chief Judge **Merideth Wright** of the Vermont Environmental Court gave an overview of the environmental court systems in their respective locations. In Guangzhou, the workshop, which we cosponsored with the Guangdong Judges Association and SYSU Law School, focused on options for enhancing the capacity and effectiveness of judges at all levels to handle environmental litigation. In Beijing, the workshop, which we cosponsored with the National Judges College and CLAPV explored how to maximize the effectiveness of China's environmental courts.

Together with visiting Chinese scholars Minzhen Deng and Qingjun Wang, the China Partnership led an additional environmental courts workshop for U.S. EPA's Environmental Appeals Board in July. This workshop identified key challenges faced by these specialized courts, models of effective environmental courts from Vermont, Australia, and the Philippines, and key areas of experiences where EPA judges can provide valuable assistance to their Chinese counterparts. Several of the participating EPA administrative judges traveled to China in October 2009 to participate in a workshop with Chinese environmental court judges to enhance the effectiveness of Chinese environmental courts.

## \$3 Million USAID Funding Strengthens Environmental Law

*(Continued from page 1)*

juris master's degree program in environmental law at SYSU, the program has established a strong, active network of environmental law professionals in the province. It has also expanded the collaborative effort to other influential environmental legal clinics and educational institutions on the national level, such as CLAPV at CUPL and Tsinghua University, as well as key Chinese government agencies, such as the State Electricity Regulatory Commission and the training center for the National Development and Reform Commission, China's agency responsible for developing climate change policies.

Professor **Tseming Yang**, who has been the director of the program since 2007, said, "Our work over the past three years has put us in a unique position to further advance environmental governance in China. The USAID support will enable us to develop greater capacity in China for citizens, organizations, and institutions to influence the development of environmental law through enhanced participation in government."

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—**Tseming Yang**, Professor and Partnership Director

With the \$3 million in additional funding, the program will continue to provide training to Chinese legal educators, attorneys, lawmakers, utility analysts, and regulators on environmental law, with a particular emphasis on energy law. It will continue to support the development, strengthening, and expansion of institutions, associations, and networks that advance environmental law in China. Furthermore, in collaboration with VLS's implementing partners, the program will foster a variety of research and policy development projects. Priority areas for research include environmental impact assessment, policy options for reducing China's environmental footprint globally, energy law, environmental enforcement and governance, and climate change.

VLS's key partners in this program include SYSU, CLAPV, the Regulatory Assistance Project, and the China Environment Forum at the Woodrow Wilson International Center for Scholars.

## New Relationships

### China's National Development and Reform Commission

Vermont Law School's President and Dean **Jeff Shields** and **Ping Du**, director of the Training Center of China's National Development and Reform Commission (NDRC), signed a memorandum of understanding in March. NDRC is China's primary macroeconomic planning and management agency under the State Council. The National Energy Administration, the Department of Resource Conservation and Environmental Protection, and the Department of Climate Change are 3 of the more than 25 departments within the NDRC. Under the MOU, both institutions will collaborate on training workshops and seminars in China, training workshops in the U.S., and a potential master's degree program on energy and environmental law. These training programs will focus on environmental protection laws and concepts used in the U.S. and other countries. Participants will include government officials, state-owned enterprise management personnel, researchers, and others.



*VLS flies the Chinese, Vermont, and American flags*

### The China Environment Forum at the Woodrow Wilson Center

As part of the USAID funding extension (see article on page 1), we have engaged the China Environment Forum (CEF) at the Woodrow Wilson Center as one of our implementing partners. Since 1997, the CEF has implemented projects, workshops, and exchanges that bring together U.S., Chinese, and other Asian environmental policy experts to explore the most imperative environmental and sustainable development issues in China and to examine opportunities for business, governmental, and nongovernmental communities to collaboratively address these issues. With extensive networks of energy and environmental practitioners in the government, business, nongovernmental organizations, and research sectors in the U.S. and China, the CEF will contribute important program support and outreach resources to the program at VLS.



### The Center for Legal Assistance to Pollution Victims

Under our new grant from USAID, we will also work closely with the Center for Legal Assistance to Pollution Victims (CLAPV). CLAPV is China's premier environmental legal NGO. Law professor and lawyer **Canfa Wang** founded CLAPV in 1998. The center is officially registered as a civil society organization with CUPL, where it operates an environmental legal clinic. CLAPV was influential in pioneering environmental litigation in China. Since its inception, CLAPV has directly assisted pollution victims in nearly 130 cases. CLAPV continues to influence China's blossoming environmental NGO movement and develop legal solutions and the capacity of China's legal system.

## New Faces in the China Partnership

*(Continued from page 1)*



*Amanda McAdams*



*Yuling Liu*

**Amanda McAdams** and **Yuling Liu** have joined the program as program assistants. Amanda received her BS degree in business administration and management from Norwich University. Yuling previously worked for the China partnership as an independent contractor providing translation services and general support.

## Canfa Wang Delivers Lecture at Vermont Law School



**Canfa Wang**, professor of law at China University of Political Science and Law and director of the Center for Legal Assistance to Pollution Victims

(CLAPV), visited VLS in June. Professor Wang met with VLS administrators and faculty to discuss ideas for future collaboration between VLS and CLAPV, including workshops and other training opportunities as well as policy development and research project plans. In the coming years, VLS expects to work closely with him as part of our USAID-funded program. While he was here, Professor Wang gave a presentation on the "Challenges of Environmental Law Enforcement in China" and was appointed Honorary Distinguished Lecturer in Environmental Law by VLS. The following week, Tseming Yang and Jingjing Liu traveled with Professor Wang to New York to visit with foundations and then to Washington, D.C., for a presentation at the World Resources Institute and meetings with officials at USAID, U.S. EPA, and congressional staff.

## 2009-10 Visiting Scholars

Two new visiting scholars arrived in Vermont in August. Professor **Changling Zhou**, an environmental and intellectual property law scholar from CUPL, will be at VLS for 12 months, while Professor **Xianfeng Cai**, an environmental law scholar from Ningbo University, will be here for 8 months. They both have funding from the China Scholarship Council at the Ministry of Education to support their residencies at VLS.



*Changling Zhou*



*Xianfeng Cai*





2009 Visitors from CUPL: Zhangjin Ran, Professor Canfa Wang, Professor Jiaru Hou, and Yun Cui.



2009 Visitors from SYSU: Siying Kang, Huijuang Huang, Professor Guangming Han, Minzhen Deng, and Xiaodi Huang

## Training Future Problem Solvers

During the 2008–09 academic year, as part of our ongoing efforts to train Chinese individuals through academic residencies to become more effective problem solvers in the field of environmental and energy law and policy, Vermont Law School hosted six Chinese scholars. The scholars took classes at VLS and many of them participated in summer internships in Washington, D.C. Professor Guangming Han of Sun Yat-sen University spent the spring and summer semesters doing research and taking classes at VLS.

Two officials from China's State Electricity Regulatory Commission, Xin Xu and Lifan Wang, arrived in Vermont in January and concluded their academic residencies in August. They both completed internships with the Federal Energy Regulatory Commission (FERC). Jill Wei, an assistant professor at the South China Agricultural University Law School, was enrolled in the LLM in Environmental Law program at VLS. She spent five weeks this summer interning with the environmental law firm of Beveridge & Diamond. Professor Qingjun Wang, an associate professor at the Central China Normal University Law School, and Professor Jiaru Hou, an assistant professor at the

CUPL, spent an entire year at VLS. They both finished their experience with month-long internships at the EPA's Office of Enforcement and Compliance Assurance. Professor Hou was also enrolled in the LLM program.

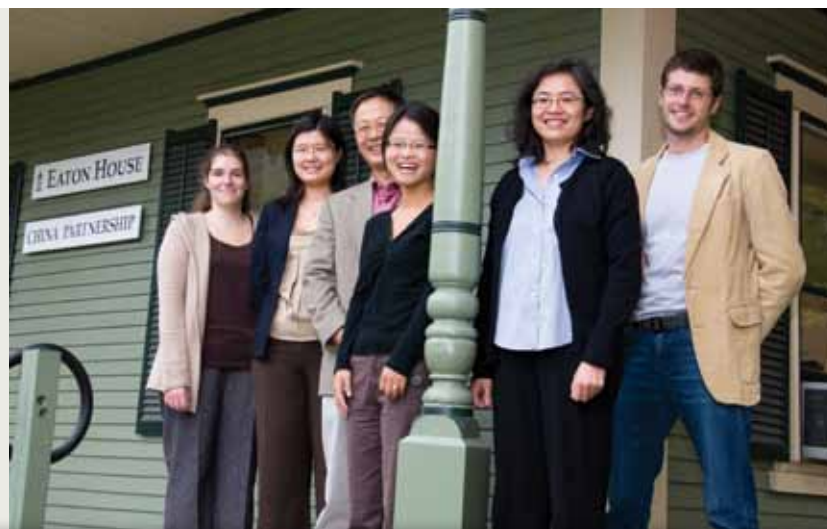
We hosted three LLM students from SYSU and two LLM students from CUPL during the summer. The students participated in VLS's Summer Session, where they chose from over 30 classes in environmental and energy law and policy.

During this academic year, VLS students Amy Driscoll '11, Brandon Gillin '11, Patrick Munson '10, Michael Rohwer '11, and Joseph Starnes '10 will participate in joint research projects with students from SYSU and CUPL. The VLS students will communicate with their Chinese student partners to develop the project in the fall semester and complete the first draft of the paper by mid-December. They will then travel as a group to China to meet with their partners in Beijing and Guangzhou and present the projects to CUPL and SYSU faculty and students.

## Our New Name: U.S.-China Partnership for Environmental Law

Following a request by and consultation with USAID, we have changed the name of our program to U.S.-China Partnership for Environmental Law. We expect that our new name will elevate the recognition of the program as the USAID's primary platform for strengthening environmental governance in China.

*China partnership staff: Amanda McAdams, Jingjing Liu, Tseming Yang, Yuling Liu, Siu Tip Lam, and Adam Moser*



## U.S.-China Partnership for Environmental Law

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