

Environmental and Biodiversity Law Clinic in Yunnan Province



SOUTH WEST FORESTRY UNIVERSITY

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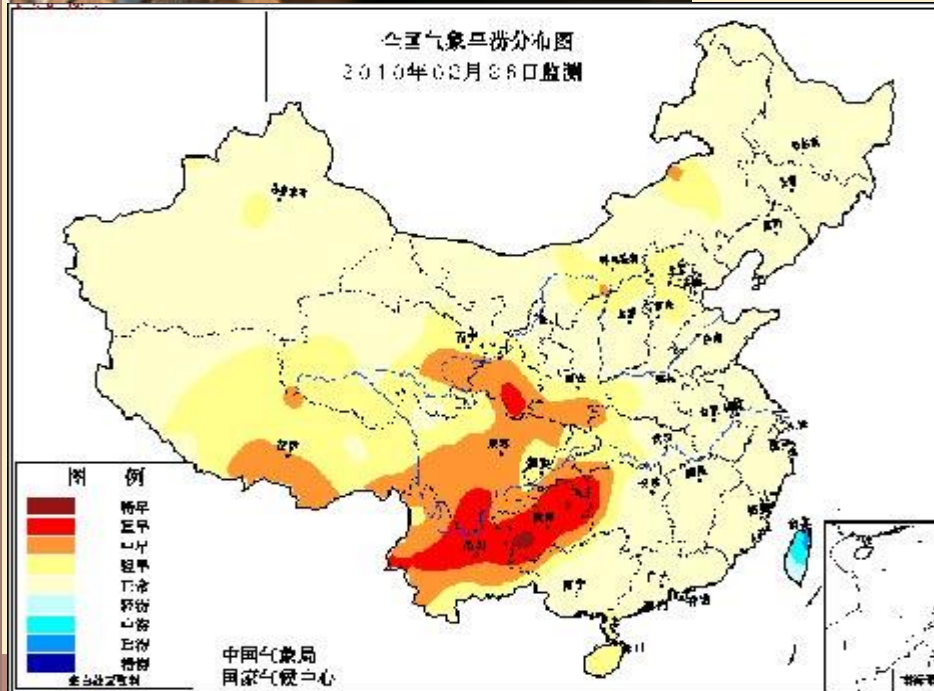


VERMONT LAW SCHOOL

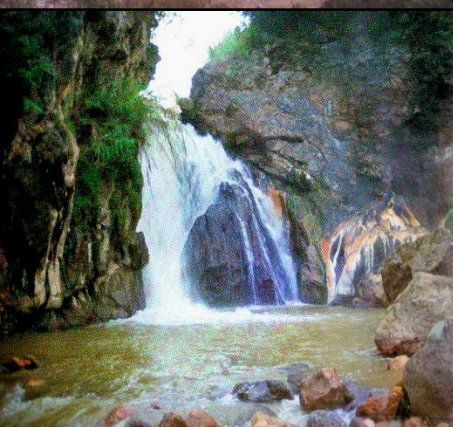
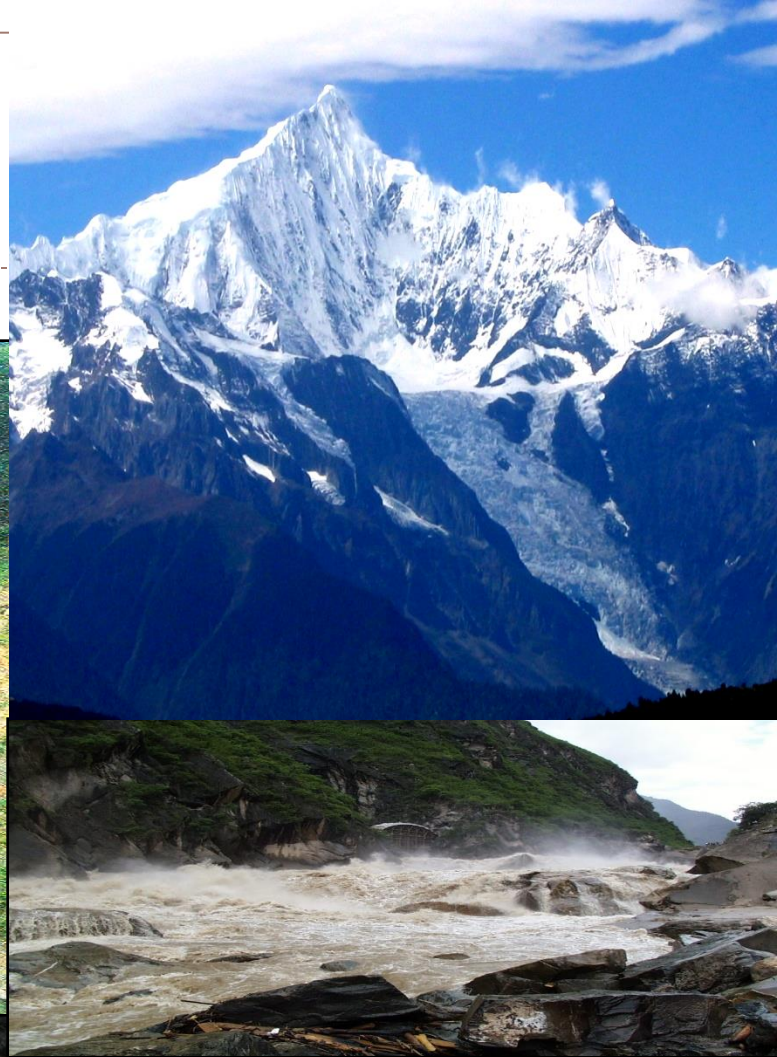




Droughts in Yunnan Since 1999



Landscape of Yunnan Rivers



Tiger leaping gorge

Species Biodiversity



Environmental Crisis in Yunnan



Dian Chi Lake—Largest Freshwater Lake in Yunnan

Single crop of eucalyptus and rubber trees



Ruined Primitive Forest



Pollution Accidents



Expanding Courts



- Since 2008, 11 environmental courts have been established in the counties where the 9 major plateau lakes are located.
- In 2011, China's first environmental lawsuit brought by NGOs was accepted by environmental courts of Qujing city

Launch of a New Kind of Clinic



- The Environmental and Biodiversity Law Clinic was launched on Jan 16 2013 in Kunming



Clinic in Action



Three Key Areas of Work



- Water Resource Protection
- Biodiversity Conservation
- Rural Environment and Health

Activities



- Provide educational workshops to law students
- Provide legal education and advocacy services to the local communities
- Collaborate with environmental NGOs on solving environmental problems via legal channels
- Organize quarterly multi-stakeholder seminars on local environmental law enforcement issues.
- Assist governmental agencies with legal research on environmental regulatory and law reform initiatives.

Fuxian Lake— The Pearl of Yunnan- Guizhou Plateau



The Brilliant Pearl of Yunnan-Guizhou Plateau

Largest

- The largest alpine freshwater lake in China

Deepest

- The 2nd deepest freshwater lake in China

Cleanest

- Water quality: Class I (can be drunk directly)

Purpose of Fuxian Lake Program

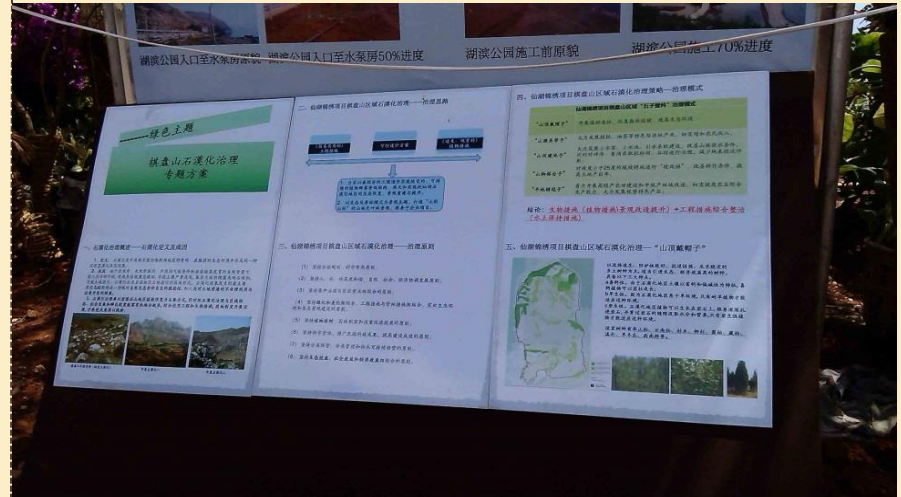


- To use legal tools to push the environmental enforcement
- To enhance the public participation in environmental protection
- To form a methodology on field study

Lake Work



- Field visit
- Identify the major source of pollution
- Collect the publicized environmental information
- Request the OGI
- Reporting the illegal activities to the local government



Field Investigation





Keeping Track of Enforcement Process

網易财经

网易首页 > 财经频道 > 产经 > 正文

古井有年·年份原浆

抚仙湖违规项目正在整改 今后每月通报治理情况

2013-06-17 17:23:00 来源:昆明日报(昆明) 有0人参与  分享到 

针对媒体报道的抚仙湖旅游开发项目存在的问题，玉溪市一星期内召开了两次工作会，一次是6月8日的现场工作整改会，一次是6月14日召开的抚仙湖——星云湖生态建设与旅游改革发展综合试验区管委会第一次全体会议。另获悉，针对媒体曝光的抚仙湖违规项目，玉溪市有关部门正在根据有关规定督促项目进行有力的整改。

坚守四条“红线”

110米范围内不得建永久性设施

6月14日，玉溪市召开了抚仙湖——星云湖生态建设与旅游改革发展综合试验区管委会第

Illegal Logging and Administrative Enforcement



The Clinic's Forestry Work



- Cooperation with local NGO—Green Kunming—on requiring the administrative enforcement
- Providing the technical and legal support
- Building a good model on how to strengthen enforcement action for local environmental NGOs

Lead and Zinc Mining Case in Fuyuan County



Zinc Mining Case



- A case originated from a mass casualty incident 3 years ago in Shangpu village of Fuyuan county.
- The nature of the incident—illegal or self-help



In Jan 6, 2012, Staff attorney Mr. YANG Minkua filed a **OGI request** and a **request for administrative enforcement** to EPB of Qujing city.

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graph TD; A[In Jan 6, 2012, Staff attorney Mr. YANG Minkua filed a OGI request and a request for administrative enforcement to EPB of Qujing city.] --> B[The request was declined for Yang was considered to be an irrelevant party. Then Attorney YANG filed a request for administrative reconsideration to EPB of Yunnan province in Jan 22]; B --> C[EPB of Yunnan province accepted the case, organized a pre-hearing and a follow-up meeting, and finally suggested the applicant to file a joint OGI and enforcement request]; C --> D[Yang withdrew the application and is working on a new joint request.];
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EPB of Yunnan province accepted the case, organized a pre-hearing and a follow-up meeting, and finally suggested the applicant to file a joint OGI and enforcement request

Yang withdrew the application and is working on a new joint request.

Other Cases



- Other cases: Shi di wei matou wetland administrative enforcement
- Beihai wetland illegal development
- OGI for Anning county oil refinery plant and PX project
- TBD.....

Challenges



- Fresh
- Lack of experienced lawyers
- Lack of capacity to handle lawsuits
- TBD.....

Prospects



- Growth of citizens' awareness of environmental protection
- The new regulation on the OGI
- The active role of environmental NGOs



Thanks!