

# 自然之友环境公益诉讼实践

## The Environmental Public Interest Litigation of Friends of Nature

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## Brief Introduction of FON

- Founded on March 31, 1994 by Liang Congjie
- **23** years
- Friends of Nature, FON Foundation, and FONGAIA School
- 30,000+ Individual members
- **24** local member groups in **21** cities throughout China



**发现、培育、支持、团结更多的中国绿色公民**

**Find, nurture and support, unite  
more Green Citizens**



**推动绿色公民更多的自组织环保行动**

**To promote more self-organized environmental  
actions by Green Citizens**

## Core Business of FON

**Environmental Education**

**Public Participation**

**Legal and Policy Advocacy**



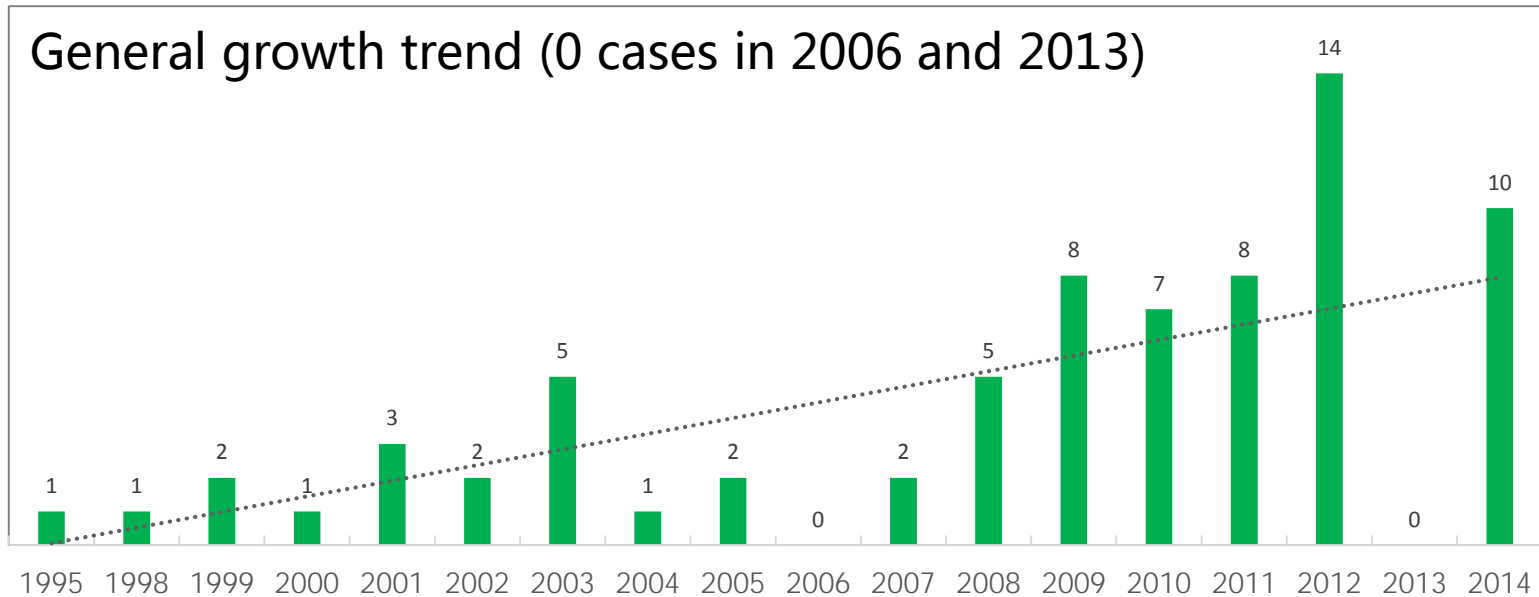


# China's Environmental Public Interest Litigation



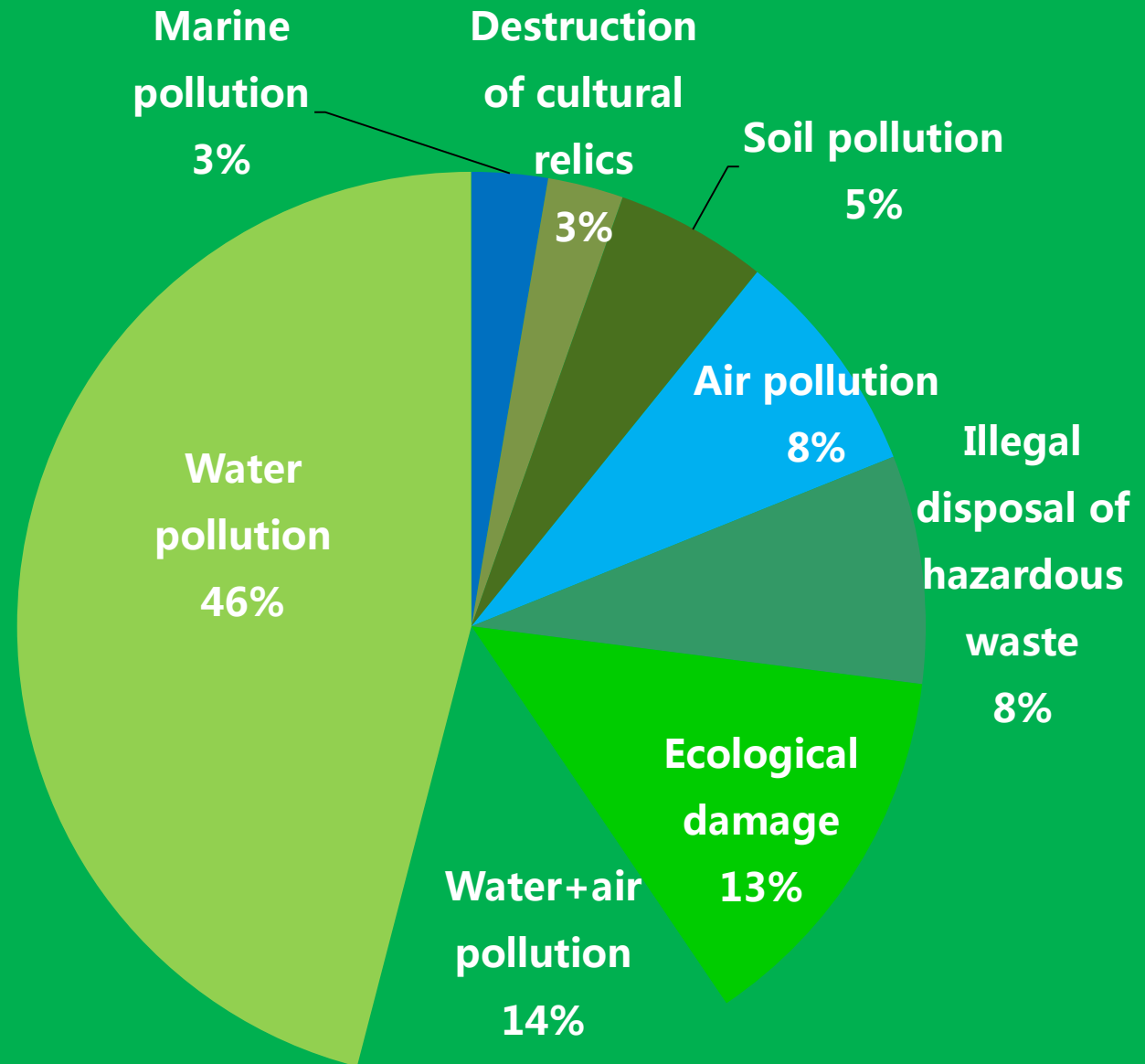
# Overview of Environmental Public Interest Litigation in China

# 1995 to 2014: 72 EPIL cases accepted by courts at all levels



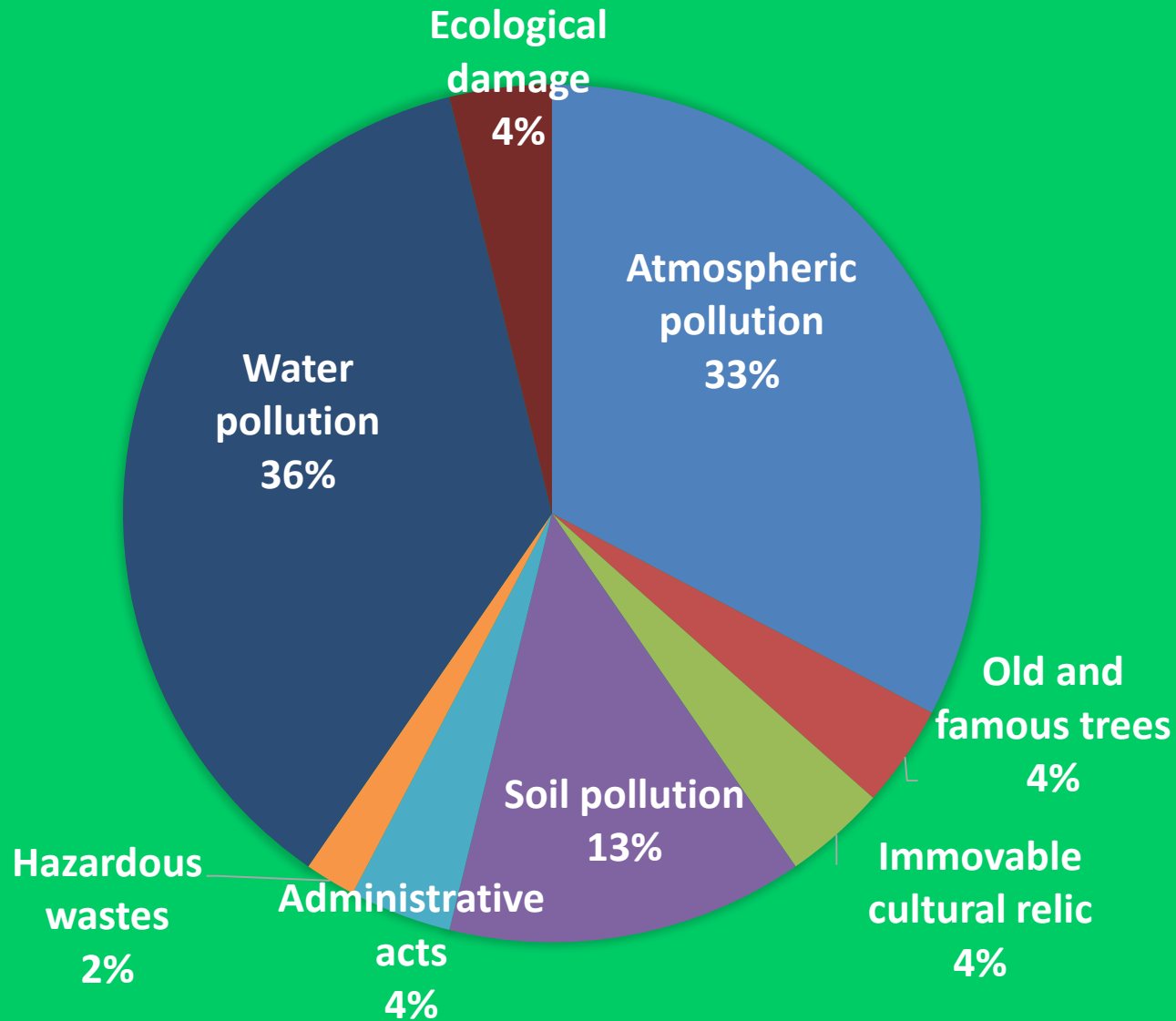
- **48%** environmental polluters or ecological destroyers
- Only **8** cases sued the executive authorities
- More than **70%** of the cases were filed by the prosecution and the executive authorities

# Type of cases filed and accepted in 2015





# Type of cases filed and accepted in 2016





## The EPIL Practice of Friends of Nature

## Action Map of Public Interest Litigation

### Influential Environmental Public Interest Litigation

- 2011, Chromium residue pollution case in Qujing City, Yunnan Province
- 2015, Mine deforestation case in Nanping City, Fujian Province
- 2016, Poison land case in Changzhou City, Jiangsu Province

FON has raised 32 environmental public interest litigation cases



# Rural Environmental Protection Case 1: Soil Pollution in Qujing, Yunnan Province



Hazardous chromium slag contaminated farmland which is also the Pearl River headwaters and a groundwater source

## Timeline of Qujing case

- August 2011, media exposed illegal disposal of hazardous waste chromium slag
- September 2011, Friends of Nature and Chongqing Green Union file joint lawsuit
- October 2011, Qujing Intermediate People's Court accepted the case
- 2012-2013, mediation, negotiation
- 2013-2014, expert report of pollution investigation
- 2015, site survey and investigation report under the management of court.
- In 2016, further consultation with experts



**The case still has not been heard**

**Nanping ecological damage case:  
first case since new EPL took effect on Jan 1, 2015**

- On Jan 1 2015, Nanping intermediate people's court accepted the case.
- Three times trial in the first instance
- Judgment, defendant appealed
- FON won in the second trial—first time FON won the lawsuit.
- It is in the execution phase now



## Nanping ecological damage case

- Two plaintiffs and one support organization took a group photo after the session.
- 1 of 10 typical cases of environmental tort in the Supreme Court in 2015



## Waste Acid Dumping Case in Taizhou City, Jiangsu Province

- **Oct 2014**, FON received a report that 3 enterprises in Jiangsu Province paid a company to treat their acid waste and dump it into the Yangtze River.
- **August 8 2016**, FON and the defendants reached an agreement and the defendant's company & paid \$1 million and set up an environmental charitable trust account within Chang'An Trust company to protect the water in the area they once polluted.
- **FON** is the primary designer and charity consultant for the trust fund and **He Yi Institute** is the program executive agency.



# The meaning of Taizhou

**The first environmental charity trust** after China's Charity Law was implemented. It is a breakthrough innovation on the management of litigation compensation.

**ENGOs, research institutes and environmental volunteers can receive support to protect Taizhou's water environment in the lower basin of Yangtze River.**

So far, it has supported 8 institutes including:

- 1. *MyH2O*:** conducts local water monitoring and creates Taizhou water quality map
- 2. *Nanjing Green Stone*:** provides consultation for Taizhou industry companies on how to improve environmental performance
- 3. *Green Jiangnan*:** Motivates local volunteers to supervise and report pollution through information publication
- 4. *Shanghai Qingyue*:** Evaluates companies' environmental credits through collecting companies' environment-related information

## Environmental Destruction Case at Fuxian Lake in Yunnan Province

Fuxian Lake is the largest freshwater lake in China, and the largest deep lake in China's plateau. It is also one of the lakes with best water quality and an important source of water conservation China.





## Environmental Destruction Case at Fuxian Lake in Yunnan Province

**2012** A large real estate company illegally constructed a project in Fuxian Lake's class-1 water source protective area, which destroyed the Lake's wetland.

**February 2017**, FON sued the real estate company and asked the defendant to:

- remove illegal construction and restore the original environment in 3 months;
- Cover the ecological restoration fees if the defendant failed to achieve the duties above, the amount of fees should be in accordance with evaluation results and expert's advice
- Restore the damaged parts of wetland
- Publish an apology letter in the local journal



**Case just concluded first session & is still in process.**

## Significance of Fuxian Lake Case

Fuxian Lake is a typical case of real estate developers' exploitation breaking the water source conservation border and destroying plateau lakes.

This kind of case promoted problem solving through the environment public interest litigation, prompted destructive developers to quickly restore damage to ecology, and facilitated effective dialogue among all parties.

Public interest litigation plays a positive role in the ecological damage issues.





## Legal Advocacy of Friends of Nature

## **2012-2014**

- amendments to the environmental protection law

## **2014**

- judicial interpretation of environmental civil public interest litigation
- regulations for air pollution control in Beijing

## **2015**

- prevention and control of atmospheric pollution law
- prevention and control of water pollution law
- the environmental protection tax law
- Public participation measures in environmental protection

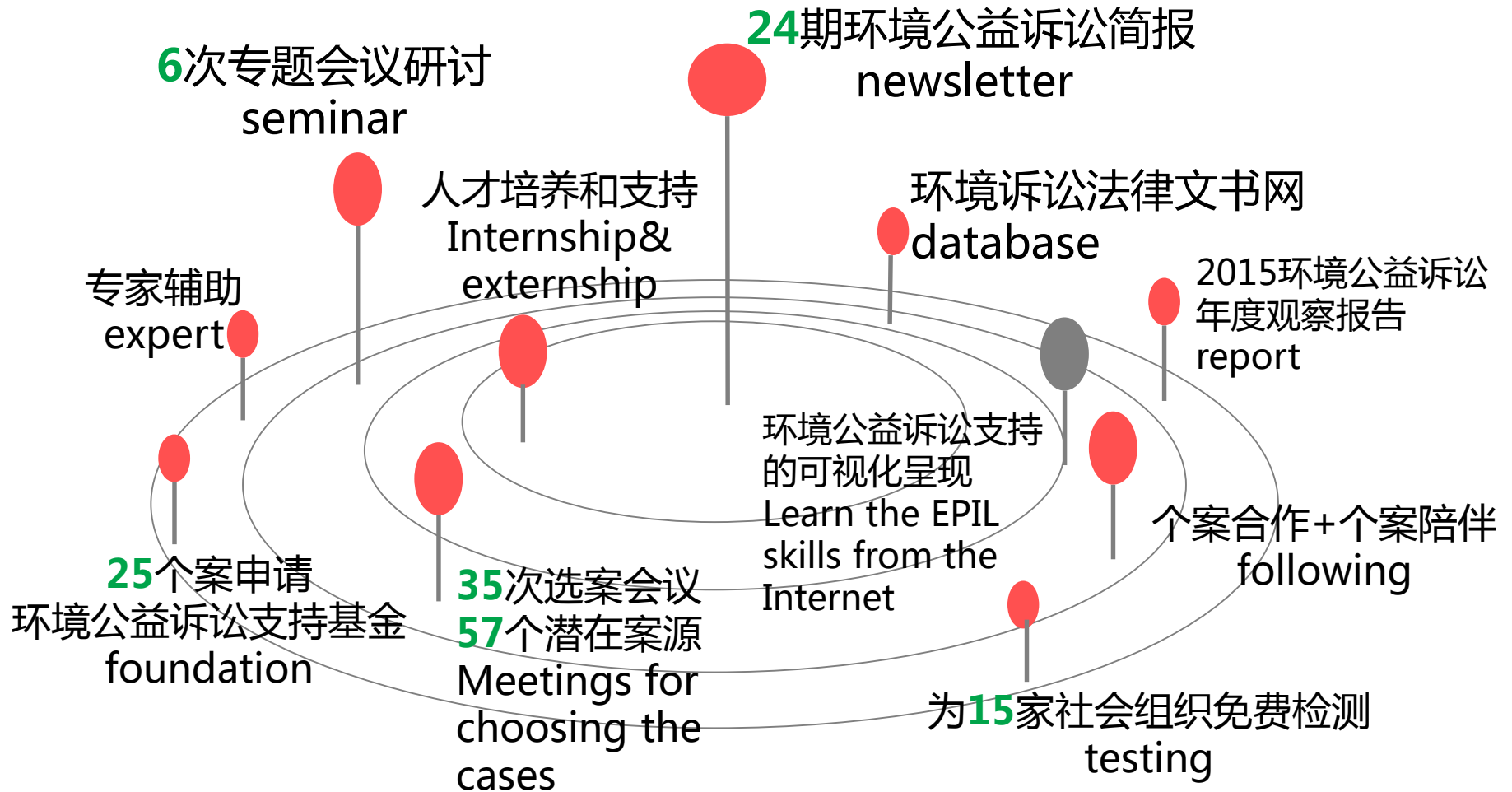
## 2016

- Wildlife protection law
- Forest law
- Marine environmental protection law
- Design of environmental impact assessment of public participation methods



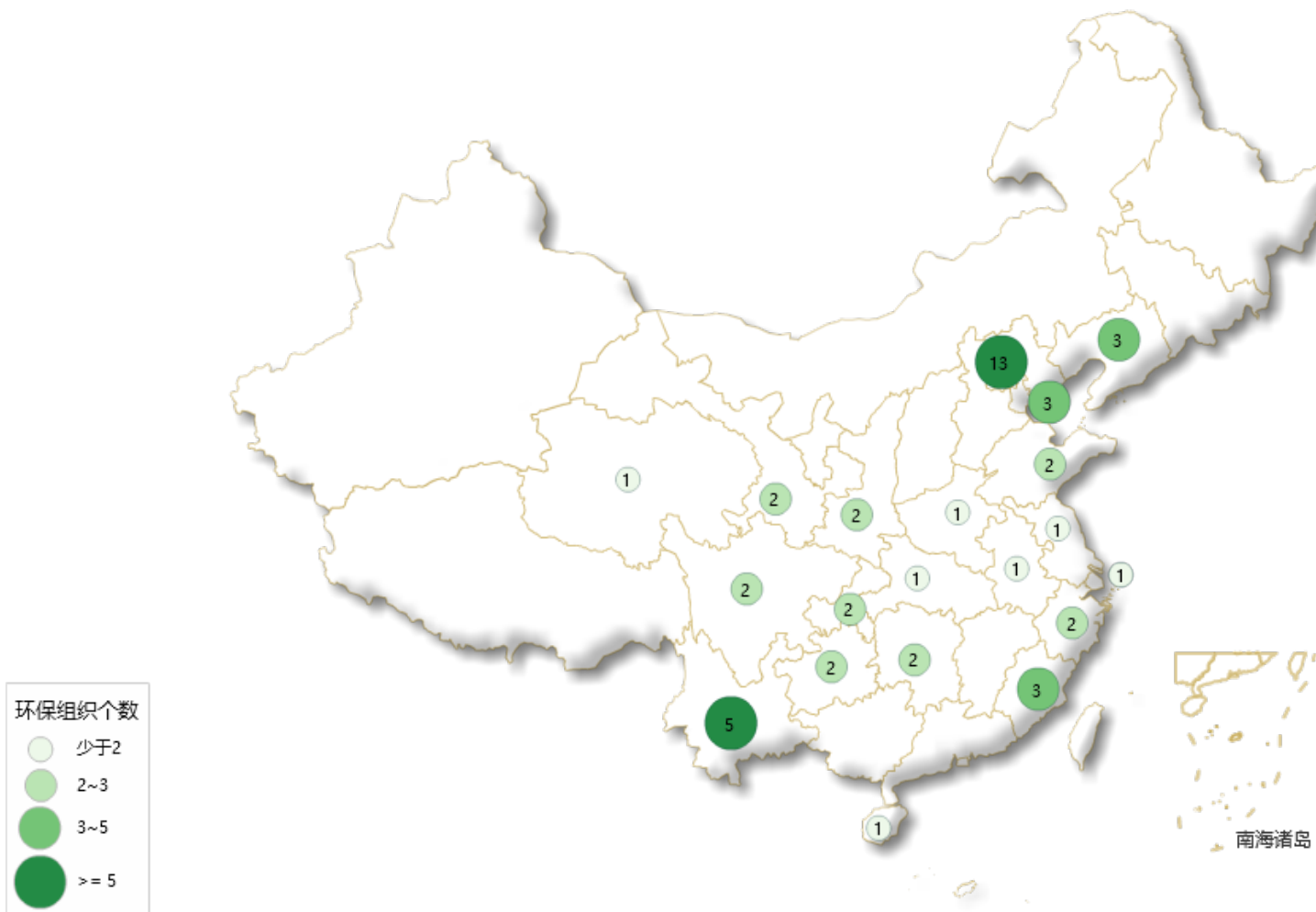
**Environmental Public Interest Litigation  
Support Network Construction**

# The Production & Service of EPIL Network



# Environmental Public Interest Litigation Advocacy and Legal Support Network Membership

环境公益诉讼支持网络环保组织分布2016.6







Thanks

Q&A



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