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环境维权诉讼是促进公众参与环境保护的重要途径  
**The Litigation of Protecting Environmental Rights:  
An Important Route of the Public Participation  
in Environmental Protection**



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# § 1.0. 公众参与环境保护热与难以参与的困惑

## The Gap: Desire and Difficulties for the Public to Participate in Environmental Protection

- ❁ It is a successful experience that the public take part in environmental protection
- ❁ There are some exterior provides on the public participation in E.P., but the public still feel to have no rights for the participation
- ❁ What is the public participation in the substantial sense?
  - \* The public have the right to access the environmental information
  - \* The public have the right and opportunities to express their opinions on environmental protection decisions
  - \* A comprehensive decision mechanism on public participation in environmental protection should be set up.

## § 2.0. An Important Route: Some Cases on Litigation of Protecting Environmental Rights

### **Case 1:** Villagers (97 households) of Dong Hai County, Jiangsu Province Vs Two Factories in Shandong Province for damages for polluting the Shi Liang He Reservoir

- ✿ It is a case on trans-judicial area water pollution
- ✿ Plaintiffs are 97 farmers in Jiangsu Province
- ✿ Defendants are two factories in Shandong Province. One is a paper factory, another is a chemical factory
- ✿ Direct economic loss amount to US\$ 1.4 million. US\$ 0.77 million of this belong to 97 farmers, other is natural fish loss which belong to the nation.
- ✿ The Farmers got the compensation of US\$ 0.77 million and the Reservoir water has become be better via litigation under CLAPV's legal aid.













## § 2.0. An Important Route: Some Cases on Litigation of Protecting Environmental Rights

### **Case 2. Beijing Residents (182 citizens) Vs Beijing Municipal Urban Planning Commission for Illegal Issuance of Permit**

- ✿ It is an administrative litigation of environment;
- ✿ The plaintiffs are 182 **citizens in Beijing**;
- ✿ **The defendant is Beijing Plan Committee** it has a strong power in local government;
- ✿ **The third parties are two institutes of the Ministry of Health;**
- ✿ **The defendant issued a construction permit of building an animal laboratory to the third party. The laboratory will produce air pollution and disease;**
- ✿ **182 citizens appeal to Beijing government, but the government rejected the appeal.**
- ✿ **The citizens file to court under aid from CLAPV and won the case. The plan Commission repealed the permit.**

## § 2.0. An Important Route: Some Cases on Litigation of Protecting Environmental Rights

### **Case 3:** 1721 people in Pingnan County, Fujian Province Vs Rongping Chemical factory for Damages for Air Pollution

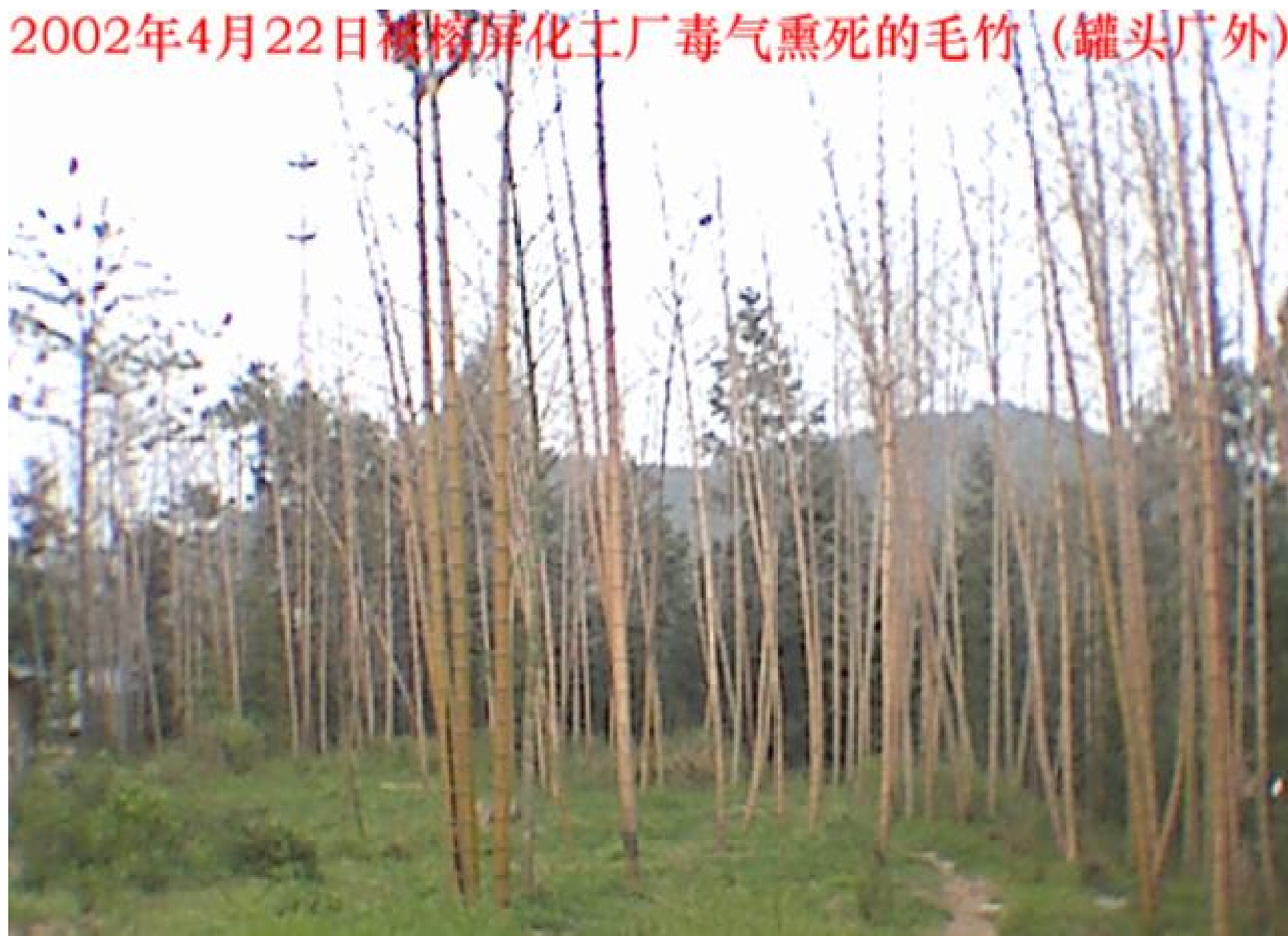
- ✿ It is a civil litigation on air pollution
- ✿ The plaintiffs are 1721 farmers near to the factory;
- ✿ The defendant is the biggest chemical factory of potassium chlorate in Asia.
- ✿ Its air pollution caused forest and crop die and some people sicken.
- ✿ The factory can afford  $\frac{1}{4}$  of the county finance each year.
- ✿ The Local government protects the factory from punished.
- ✿ The litigation met a lot of difficulties.
- ✿ The plaintiffs won the case.
- ✿ The case was elected as one of ten most effective litigations in 2005 in China
- ✿ The plaintiffs established an environmental NGO after the case had been finished.

榕屏化工厂排放的尾气 2002/4/26





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通道禁止停车









## § 3.0 Discussion: Why Environmental Right Litigation Can Promote the Public Participation

- ❁ As a legal right, to take legal action to protect environment are supported by the law
- ❁ Environmental litigation is closely related to public interest and the public are willing to participate in the process
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谢谢！  
THANK YOU!