



U.S.-China Partnership for Environmental Law

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Photo: Mark Washburn

Chinese government officials at an energy law training workshop organized by the U.S.-China Partnership for Environmental Law. Environmental law scholarship, advocacy, and jurisprudence are the most important new areas of development among China's environmental law professionals and decision-making institutions.



THE CHALLENGE

After decades of rapid economic development, China faces considerable environmental and related health challenges. As the largest consumer of energy in the world, the consequences of China's environmental problems reach far beyond its borders. For example, pollution originating in China often reaches as far as the United States. One of the keys to improving the country's environment is changing its legal structures and policies.

The Government of China is now giving increased priority to environmental protection. Consequently, the country is experiencing an accelerating demand for trained lawyers, regulators, and judges who understand environmental laws and instructors who can train the next generation of environmental law professionals. The U.S. Agency for International Development's (USAID) programs help meet this need.

ABOUT THE PARTNERSHIP

The goal of the U.S.-China Partnership for Environmental Law (PEL) is to give Chinese legal professionals, government officials, and other interested parties the knowledge and skills to support environmental improvements throughout the Chinese regulatory system. The PEL program supports a broad range of capacity-building activities in environmental and energy law through partnerships involving U.S. and Chinese universities, government agencies, and nongovernmental organizations.

USAID programs in China support cooperation and activities that address issues of mutual interest, such as environmental law and governance. USAID programs are also coordinated with other U.S. government agencies, such as the Environmental Protection Agency (EPA) and Department of Justice (DOJ).

APPROACH

Launched in 2006, the PEL strengthens the practice and application of environmental laws and regulations through collaborative partnerships and training for lawyers, scholars, law students, judges, regulators, and lawmakers. The program is implemented through three integrated components that: (1) strengthen the capacity of practitioners and institutions; (2) improve the regulatory system; and (3) promote U.S.-China cooperation in environmental law practices.



Photo: Zhong Xinxuan

American and international judges leading an environmental court workshop at the National Judges College. The program has worked with six Chinese courts to date to introduce new approaches to judicial decision-making on environmental cases.

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- **Strengthening practitioners and institutions.** The program sponsors technical workshops and seminars for lawyers, educators, officials, and local, regional, and national leaders. Training law instructors occupies a place of particular importance: enhancing the skills and knowledge of instructors helps train the next generation of China's environmental lawyers. With its partner universities in China, PEL helps strengthen environmental law clinics by providing students with real-world experience. PEL links experts in U.S. Government agencies, such as EPA and DOJ, with counterparts in China and provides crucial support for Chinese public interest organizations, such as the Center for Legal Assistance to Pollution Victims (CLAPV) and the Huanzhu Law Firm, China's first environmental public interest law firm.
- **Improving the environmental regulatory system.** PEL works with legal practitioners and professors in China to improve Chinese environmental laws, regulations, and enforcement capacity. PEL partners have, for instance, assisted in rewriting Guangzhou's municipal regulation on drinking water pollution prevention and control, introducing a number of improvements that will significantly improve the regulation's effectiveness. Graduates of PEL's academic exchanges have taken positions with the Chinese government, including the Ministry of Environmental Protection and the judiciary in Guangdong Province, which is the largest center of factories in the world, bringing new skills and insights to the frontlines of environmental regulation and litigation in China.
- **Promoting cooperation on best practices.** The program supports a variety of collaborative projects that incorporate international best practices, providing the foundation for significant improvements to the legal system. Projects have addressed topics such as the establishment of environmental courts, public participation in energy governance, emissions trading, water pollution permitting and penalties, tort liability in environmental cases, and public interest litigation. All of these are necessary components of a regulatory system to address environmental degradation.

PARTNERS

Implementing Partners: Vermont Law School, Sun Yat-sen University School of Law, China University of Political Science and Law, CLAPV, Renmin University School of Law, China Society for Environmental Sciences, Tsinghua University, National Development and Reform Commission Training Center, China Environment Forum at the Woodrow Wilson Center, and Regulatory Assistance Project.

Cooperating Partners: Institute for Sustainable Communities, Guangdong Judges Association, Guangzhou Municipal Environmental Protection Bureau, Guangzhou Maritime Court, National Judges College, State Electric Regulatory Commission, Ministry of Environmental Protection, EPA, DOJ, American Bar Association, and Natural Resources Defense Council.