

CEPF FINAL PROJECT COMPLETION REPORT

Organization Legal Name:	Center for Legal Assistance to Pollution Victims
Project Title:	Building Legal Capacity to Protect Biodiversity in the Mountains of Southwest China
Date of Report:	July 20, 2015
Report Author and Contact Information	Pei-Chen Wu; E-mail: guwu48@163.com

CEPF Region: Southwest China Hotspots

Strategic Direction: Legal Protection, etc.

Grant Amount: \$100,000 USD

Project Dates: January 1, 2012 – May 31, 2015

Implementation Partners for this Project (please explain the level of involvement for each partner):

- Beijing Huanzhu Law Firm – Involved in the design and implementation of this project through co-designing the legal training and seminars, sending their lawyers to handle legal cases, etc.
- Chinese Society for Environmental Sciences – Involved in the design and implementation of this project through co-designing the legal training and seminars, sending their experts to assist in editing of the biodiversity conservation law handbook, etc.

Conservation Impacts

Please explain/describe how your project has contributed to the implementation of the CEPF ecosystem profile.

CLAPV has trained legal personnel from grassroots NGOs across China on environmental law, and promoted networking and communication via social media platforms for these personnel. Our organization has used existing legal means to resolve environmental issues. CLAPV has helped to foster communication and cooperation across civil society groups, while promoting awareness and protection for the environment and biodiversity.

Please summarize the overall results/impact of your project.

- 1) Through training experienced law practitioners and legal researchers on environmental issues, using existing legal tools to address the biodiversity impacts of development projects, and providing personnel with first-hand experience from CEPF projects that facilitated public comment on development projects, we promoted civil society participation by discouraging development policies and plans inconsistent with biodiversity conservation. This strengthened grassroots capacity and replicated the successes of phase I CEPF investment.
- 2) We reinforced networking among civil society groups engaged in CEPF pilot projects on legal aid to local communities, facilitated exchange of experience among members, and catalyzed coordinated action to address high-impact developments. The integration of lessons, learned

from CEPF pilot initiatives on biodiversity mainstreaming into relevant legislation, was also promoted.

Planned Long-term Impacts - 3+ years (as stated in the approved proposal):

- Reduced destruction of biodiversity in the Mountains of Southwest China Hotspot due to incompatible development projects.
- Improved legislation and enforcement standards for protection of China's environmental resources.
- Increased knowledge of environmental protection laws among legal experts, lawyers, technical experts and the general public.
- Increased understanding, information exchange and active collaboration on application of environmental protection legislation to conservation biodiversity among civil society organizations active in the Mountains of Southwest China Hotspot.

Actual Progress Toward Long-term Impacts at Completion:

- We have reduced destruction of biodiversity in the Mountains of Southwest China Hotspot that resulted due to incompatible development projects.
- We have tried to improve legislation and enforcement standards for the protection of China's environmental resources, and have accomplished much in this regard. However, the legislation itself has not changed or progressed enough to our liking.
- We have increased knowledge of environmental protection laws among legal experts, lawyers, technical experts and the general public through legal training and seminars that we have hosted, and through the legal service we provide to them.
- We have increased understanding, information exchange and active collaboration on application of environmental protection legislation to conservation biodiversity among civil society organizations active in the Mountains of Southwest China Hotspot. This has been accomplished through social media platforms, via the establishment of QQ and WeChat groups. We organized these groups, bringing together NGOs, lawyers, and experts. All of these individuals may discuss and interact with one another through these platforms.

Planned Short-term Impacts - 1 to 3 years (as stated in the approved proposal):

Strengthen the network amongst academics, lawyers, scientists, and local NGO members.

-Strengthen the cooperation between local environmental NGOs and local lawyers, particularly in the interventions of cases.

-Reduction of at least two of the construction project's impact on the local environment, by providing professional legal advice and assistance, as well as cooperation with local environmental NGOs or community environmentalists.

-Through the analysis of two case studies, understand the institutional problems and constraints of biodiversity conservation in the southwest of China at this stage.

Actual Progress Toward Short-term Impacts at Completion:

-We have strengthened the network amongst academics, lawyers, scientists, and local NGO members. In the trainings and seminars we hosted, the academics, lawyers, scientists, and local NGO members, interested in biodiversity conservation on the Mountains of Southwest China, were invited to join. After those events, we established and organized social media platforms, bringing together those people in order to maintain and also strengthen the benefit of this network.

-We have strengthened the cooperation between local environmental NGOs and local lawyers, particularly in the interventions of cases. Through our project event, a social media platform among public interest lawyers and NGOs nationwide has been established. 8 NGOs have found their legal counselors through this platform and the number is continuously increasing. Until now, three NGOs have brought environmental public interest litigations, supported by volunteer lawyers who join the network.

-We have reduced one construction project's impact on the local environment by providing professional legal advice and assistance, as well as cooperating with local environmental NGOs and community environmentalists.

-Through the analysis of two case studies, we have come to understand the institutional problems and constraints of biodiversity conservation in Southwest China.

Please provide the following information where relevant:

Hectares Protected: 233.33hm²

Species Conserved: Black-necked crane, whooper swan, *Procapraprzewalskit*, *Gymnocyprisprzewalskii*, bar-headed goose, chukar, and marmot.

Corridors Created: None

Describe the success or challenges of the project toward achieving its short-term and long-term impact objectives.

● Success

As an organization focused on environmental conservation via legal means, we took multiple approaches to achieve our goals. Given that China's environmental governance is complicated and involved in various interests, we remained flexible and open to different means that could better strengthen our legal strategy.

- 1) We successfully combined legal strategy and public discourse facilitating biodiversity protection. In the Xiaopo Lake Wetland case, our lawyers confirmed illegal conduct through legal analysis and evidence collection. Based on those findings, we mobilized individuals concerned about the preservation of the wetland to work together. Many netizens supported our efforts. They expressed their attitudes against the illegal development online, and as a result, more people joined the cause. Due to the strong influence of public discourse, the developer gave up their plan before we even sent the case to court.
- 2) We also developed dialogue with related administrations via personal meetings, administrative enforcement applications, persistent communication, etc. Our activity in the Xiaopo Lake Wetland case eventually caught the attention of the State Forestry Administration, and it publicly expressed its support for our endeavor. The SFA said the small lake wetland ecosystem is very fragile, should be protected, and thought that no damage should be allowed. With the support from the government, the victory to us was further guaranteed.

● **Challenges**

The most challenging aspect towards achieving our objective was finding suitable cases. This was significantly more difficult than we had anticipated. The reasons are as follows:

- 1) It is difficult to find a plaintiff against damage to biodiversity. Economic development often comes hand-in-hand with damage to biodiversity, with locals favoring the former. If they do not have a personal connection to the environment, the people welcome construction and the infrastructure that it brings. Thus, few locals would protest damages to the land or environment. As a result, we must instead rely on NGOs seeking out legal assistance in biodiversity conservation. Unfortunately, local NGOs are either easily influenced or threatened by the local government to not take cases. Those willing to act as plaintiffs often do not qualify under the current law.
- 2) Cases are expensive and time-consuming. The costs of the investigation, appraisal, and monitoring all add up. A number of staff and investigators are needed, and they must be willing to devote time and effort. Under the current national legal policy and socioeconomic status, domestic NGOs have great restrictions in receiving funding. Due to this, not many NGOs are willing to unfold their work by legal means.

Were there any unexpected impacts (positive or negative)?

● **Positive Impacts:**

We, along with other environmentalists in legal field, continuously develop the environmental protection work via legal means. We insist on reflecting the difficulties encountered in legal practices through all kinds of channels to the central government. As a result, several legal amendments friendly to the environment took effect this year.

- 1) Previously, courts often gave no reason for refusing a biodiversity conservation suit. Due to the great economic interest that development projects or construction may bring to locals, the courts are often unable to be a neutral adjudicator under huge pressure from the local government. In fact, the courts would not even give us evidence or notifications that they had received it, meaning that we had no evidence and were at a standstill with how to proceed. The situation changed when new legislation was added in May 2015, which states that the courts must give notification within seven days on whether a filing is qualified and will be accepted. A receipt is also given with this notification. This means the courts must strictly examine the filings according to the laws. Under this amendment, political influence could be greatly abated at the stage of lawsuit filing. We will have more chances to have cases receive the courts' substantial examination. It a big victory in China's environmental governance.

- 2) China's revised Environmental Protection Law brought with it heavier punishments. According to the revised law, extra fines accumulating on a daily basis will be imposed on enterprises that fail to rectify violations. Local officials may be demoted or sacked for misconduct, including the concealment of offenses, falsifying data, failing to publicize environmental data, and not giving closure orders to enterprises that illegally discharge pollutants. The legal execution of China's environmental protection is significantly strengthened.

Project Components

Project Components: *Please report on results by project component. Reporting should reference specific products/deliverables from the approved project design and other relevant information.*

Component 1 Planned (as stated in the approved proposal):

Application of environmental law to resolve conflicts between development plans, policies or projects and biodiversity conservation, through two test cases in the Mountains of Southwest China.

Component 1 Actual at Completion:

Component 1.1: Results of two test cases to promote ecological protection by the executive, as evidenced by minutes of administrative proceedings, local government decisions, etc.

1. Sichuan Egret Park Case

This case is about an "Egret Park" in Guanghan City, Sichuan Province, which is affected by a substation built next to it. Environmentalists "Egret Brother" contracted a few acres of land to plant trees a few years ago. Under his cultivation, the number of trees increased. The ecological environment of the forest became particularly good. About 1 km away from his forest is the Duck River Nature Reserve, where many wild birds feed. Due to these reasons, many wild egrets gradually were attracted to his forest's habitat and reproduction. Some migratory birds also came to spend the winter. Gradually, the forest became an "Egret Park". Tens of thousands of egrets reproduced and habituated there, as well as several night herons and nationally protected birds. However, due to the construction of a substation that was very close to Egret Park, the local ecological environment has changed. Many egrets and migratory birds left. Once the substation started running, the noise and electromagnetic radiation made all the birds of Egret Park leave. After the investigation, we submitted an application to the Sichuan Provincial Environmental Protection Office, and requested they not allow the substation to start running. For strengthening protection from existing laws, we also tried to make this "Egret Park" become part of the Duck River Nature Reserve.

We suspected the environmental impact assessment institution was fraudulent and in violation of the law. According to our analysis, they intentionally or negligently overlooked the 2 hectares of egret habitat in the environmental assessment report of the transformer substation. On December 17, 2012, CLAPV helped the plaintiff file an "application to revocation of the EIA approval" to the Sichuan Environmental Protection Bureau, and requested the revocation of the approval. The Environmental Protection Agency made an administrative supervision decision, and decided not to revoke the EIA report. The main reason for this was that the Egret Park is not a part of the Duck River Wetland Nature Reserve.

On September 6, 2013, CLAPV helped the plaintiff file an administrative complaint to the Chengdu Intermediate People's Court. We sued the Sichuan Environmental Protection Bureau,

requesting that its administrative supervision decision be revoked. The trial occurred in Wuhou District, Chengdu City Court. On December 2, 2013, Chengdu Intermediate People's Court made a ruling and dismissed the plaintiff's prosecution. The plaintiff appealed. The High People's Court of Sichuan Province maintained the decision and rejected the appeal.

According to the court decision, the judge thought the local EPB had enough reason to approve the EIA report. Thus far, all of the cases in which we have sued for revocation of the approval of the EIA report have been unsuccessful. It is not easy to correct the decision made by the government, especially when the concerned places are not related to nature reserves on any level. (For more legal analysis, please refer to our case study report and Chapter 4 of the "Biodiversity Conservation Legal Handbook".)

2. Xiaopo Lake Wetland

In April 2013, we received a message from local environmentalists in Qinghai. There was a large local company trying to develop "ecological tourism" in the small lake wetland of the Qinghai Lake Wetland. This included a luxury hotel, a road throughout the entire wetland, and a terminal to be built in Qinghai Lake. Additionally, local volunteers found that the local protection situation of the *Gymnocypris przewalskii* was not optimistic, for poaching and trafficking of the fish was still very rampant. After learning this news, CLAPV immediately contacted other environmental NGOs and local environmentalists, and began to pay close attention to and attempted to stop the development activities.

Then, a CLAPV lawyer drafted two government information publicity applications and an application requesting for the administration to act according to law. We submitted the documents to the Environmental Protection Bureau of Qinghai province, Qinghai Lake Protection Administration, and the State Forestry Administration. We complained openly about illegal behavior to the State Forestry Administration, and requested that it investigate and punish the illegal construction behavior.

Simultaneously, we cooperated with several environmental NGOs and launched online public activities through micro blogging platforms. We encouraged individuals to express their desire to protect the Small Lake Wetland and oppose the destruction of wetlands. Quite a lot of netizens supported our efforts. This activity eventually caught the attention of the State Forestry Administration, and it publicly expressed its support for our endeavor. The SFA said the small lake wetland ecosystem is very fragile, should be protected, and thought that no damage should be allowed.

On 28 April – 2 May 2013, lawyer Shi and Liu of CLAPV went to Qinghai Lake with groups from the Natural University from Beijing and Green Bell in Gansu province, which are environmental NGOs. We also recruited more than 20 environmental volunteers from all over the country to participate in the activities. On April 28, in Xining City, we had a discussion with a reporter of the local TV station and some famous community environmentalists, discussing how to intervene in this matter. Over the next few days, we visited the wetland, where the local company was trying to develop the construction, and discovered the present situation of the wetland. In fact, the previous year, as a result of global climate changes, the wetland degraded over 60 meters, and 60 meters towards the desert. The land where the company was trying to build roads was exactly the boundary of the wetlands and desert. That is to say, if the company decided to develop there, 200 hectares of the wetland would be further destroyed. In those days, we also found that the area around the Qinghai Lake Wetland is a vast desert. Therefore, as long as humans are not careful in their activities, Qinghai Lake may face extinction. The consequences are unimaginable.

In addition to the project construction, we had a special action for the protection of *Gymnocypris przewalskii*, through cooperation with local authority and herdsmen. Due to criminals stealing and selling *Gymnocypris przewalskii*, the number of the fish in the lake reduced drastically

in the past. In recent years, the government strongly advocated for their protection, but law enforcement was not strict. Illegal selling of the fish was not forbidden, making the situation even worse. This time, we worked together with the local government, and held a mobilization meeting. We conveyed the importance of environmental protection, protection of fish, and protection of Qinghai Lake to more than a hundred community herders. We invited them to join our ranks in protecting Qinghai Lake.

Eventually, we learned that for various reasons, the company gave up the development and construction plans to the small lake wetland. This success was the result of everyone working together, especially participation of the public.

3. The progress of Beihai Wetland case

Beihai Wetland is in the northeast of Tengchong County, Baoshan City, Yunnan Province, 12.5 km from the county. It is the only volcanic lake wetland in southwest China. Beihai Wetland has two lakes, Beihai and Qinghai. Beihai Wetland is a natural perennial wetland. Its surface is covered with huge grass rows, the thickest being 2 meters, which is very rare in this country. Qinghai is a crater lake, in the eastern part of the Beihai, and a typical alpine lake. The lake is slightly acidic, and is one of only three acidic lakes. Thus, Beihai Wetland is very unique.

In 2005, the North Sea wetlands were upgraded to become a provincial nature reserve, with approval by the Yunnan provincial government. In 2006, Tengchong County Government and Shenzhen Hualong Investment Group Co., Ltd. signed a "Framework Agreement on Cooperation on the Development of Tengchong International Eco-Tourism Area", amounting to 2 billion yuan. This included investment in the construction of the Beihai Wetland, Beihai Spa, large cattle, Qiluo hometown and the city, to build the Tengchong Tourism Development Platform.

In 2009, in order to start construction as soon as possible, Tengchong County Forestry Bureau launched "the projects on protection and restoration of Beihai Wetland". On July 22, 2009, the "master plan of Beihai Wetland Provincial Nature Reserve" was officially approved. According to this plan, "Eco-tourism and public service facilities can only be built outside protected areas or in test areas. Within the core and buffer zones, any construction project is prohibited". However, investigations from CLAPV and local NGOs confirmed that since the implementation of the project, the construction unit has not strictly followed the requirements of the above plan and the environmental impact report. The plank built in the core area has not been removed, but is used as a tourist channel to develop the tourism business.

On December 16, 2013, CLAPV, Biodiversity Conservation Law Clinic of Southwest Forestry University and Tianjinlvling jointly submitted an "application on administration according to law" to the State Forestry Administration and the Ministry of Environmental Protection. We requested the State Forestry Administration order the Tengchong County Government to remove the Plank Road built in the core area of wetlands within a certain period, and restitution of the wetlands as soon as possible. However, we did not receive any response from those administrations, and thus decided to solve the issue through the judicial channel.

In April 2015, CLAPV organized a team of experts, including lawyers, sociologists, and ecologists, to conduct an on-site investigation. Besides evidence collection, we also met with the representatives of the local community and listened to their opinion on using legal means to protect the nature reserve.

Friends of Nature has decided to be the plaintiff initiating a citizen suit against the damage to Beihai Wetland. We are now drafting the indictment. Since Friends of Nature did not qualify as a plaintiff for citizen suits until late June of this year, we will wait and continue perfecting our claims and evidence. As planned, we will support Friends of Nature in indicting the development company of Beihai Wetland late this year.

Component 1.2: Case studies detailing an analysis of the two cases were completed, with lessons learned and recommendations for future application of environmental law to biodiversity conservation cases.

Component 2 Planned (as stated in the approved proposal):

Legal capacity building for NGOs active in the Mountains of Southwest China seeking to use the law to protect biodiversity.

Component 2 Actual at Completion:

The training was held twice. The first was in December 2012, entitled “The Legal Theory & Practice on Biodiversity Protection in the Mountains of Southwest China”. The second occurred in April 2015, called “Training Environmental Public Interest Litigation & Using the Legal Aid Platform”.

Summary reports on the training were completed.

Component 3 Planned (as stated in the approved proposal):

Consolidation of the legal capacity of NGOs involved in the training courses through practical, hands on support in legal cases.

Component 3 Actual at Completion:

Counseling records were finished. A summary report was completed.

Component 4 Planned (as stated in the approved proposal):

Publication of a biodiversity conservation law handbook based on an analysis of theoretical and practical problems.

Component 4.1 Actual at Completion:

Report disseminating experience during CEPF phase 1 with application of biodiversity conservation law in the Mountains of Southwest China, based upon experience among CEPF grantees, was completed.

Component 4.2 Actual at Completion:

At least 100 copies of a biodiversity conservation law handbook have been published in Chinese and disseminated among NGOs, academics, legal practitioners and legal researchers.

Component 5 Planned (as stated in the approved proposal):

Hold a seminar attended by the legal scholars of environmental law and environmental NGO representatives, including CEPF grantees from the first phase.

Component 5 Actual at Completion:

The seminar entitled “Legal issues analysis and conclusion on biodiversity protection in the Mountains of Southwest China” was successfully held in April 2014.

Were any components unrealized? If so, how has this affected the overall impact of the project?

No.

Please describe and submit (electronically if possible) any tools, products, or methodologies that resulted from this project or contributed to the results.

None.

Lessons Learned

Describe any lessons learned during the design and implementation of the project, as well as any related to organizational development and capacity building. Consider lessons that would inform projects designed or implemented by your organization or others, as well as lessons that might be considered by the global conservation community.

Project Design Process: (aspects of the project design that contributed to its success/shortcomings)

- **Success**

- 1) Generally speaking, we completed all designed components, but the difficulty of locating suitable cases resulted in the project period being extended. Based on our experiences, task completion is best evaluated at the stage of the project design. For new tasks we had never implemented in the past, many experts and partners gave us valuable opinions to refer to and learn from. A reasonable design helps us to not face an overwhelming challenge in the process of implementation.

- **Shortcomings**

- 1) In regards to the Component 1.1, we will not specify a specific number of cases in the future. This is because we did not foresee how difficult it would be for us to find for biodiversity cases. In China, the awareness of the public to biodiversity conservation is still in its early stage. This can also be said of local governments, which directly manage and safeguard the concerned ecosystems. Thus, bringing a legal case for biodiversity conservation needs more preparation. This is in contrast to other environmental cases, such as pollution cases, which are much easier to find and bring forward. In the latter, at least locals will provide more supports because they can easily find the damage to their health, livelihood, life quality, etc.

According to our experience from implementing this project, we recommend the design utilize legal means to facilitate biodiversity conservation within a certain budget and period. Specifying a certain number of cases to be completed in a project may put the grantee under unnecessary pressure. They may miss their focus on using the best way to protect biodiversity. Instead, finding enough cases that could be sent into the court becomes the priority. In consideration of the heavy uncertain elements in applying law to solve biodiversity issues, we suggest it is better to cautiously make the design with more flexibility.

- 2) Sub-grants: Currently, our project does not include any sub-grants. It is advantageous for us to deploy funds. However, after reflecting on the results of this project, we find it does not help our follow-ups and cooperation with local NGOs. There is a lack of mobilization from other NGOs that could be involved in the project and work with us. As mentioned, the lack of monetary resource is one main issue restricting domestic NGOs' development. Besides providing training on legal theory, NGOs also need monetary support to initiate cases and solve issues. This kind of subsidy should be an essential part of the project in NGOs' legal capacity building.

On a project scale like this, we recommend that at least \$3,000-\$5,000 USD is allocated towards two subsidies. This will enable NGOs, and encourage them to practice law for the sake of biodiversity conservation. This funding could cover their reasonable expenditures in applying law to solve issues such as applying for information disclosure, making on-site investigation for evidence collection, paying litigation fees, and laying the foundation for future cooperation.

- 3) The project's labor costs were relatively low. Due to the contribution of our staff, the human resources cost was not as high as it should have been. We utilize a significant amount of resources from other channels to support our labor costs on this project. Comparing the results achieved by the project versus the spent labor cost, we feel there is a slight imbalance. In the future, the salary of those working on the project should be given a suitable raise, in order to equal their contribution.

Project Implementation: (aspects of the project execution that contributed to its success/shortcomings)

● **Success**

- 1) The project was run entirely by CLAPV. Various people from different departments of our organization simultaneously handled the execution of the project at different stages. All resources of our Center were fully utilized. Almost every person in the Center took charge in working on this project. The Center as a whole was very sensitive to the development of this project, which helped us have better communication and support amongst one another.
- 2) Because we handled the process on our own, things were more effective and ran smoothly. Since we worked independently at our own pace, we avoided conflicts that which often arise among co-partners caused by different values, work means and business cultures, etc.
- 3) The good reputation we have gained also ensured participation. The NGOs and final beneficiaries trust our integrity in implementing this project, and are satisfied with the quality of our work. Legal experts, lawyers, technical experts and the general public were happy to join the events we held, and afterwards felt worthy of attendance. This guaranteed the completion of the project.

● **Shortcomings**

- 1) Project travel costs were \$50,290 USD, exceeding more than 50% of the project's total budget. This was originally intended to be beneficial to the personnel who worked on case handling, as they conducted investigations, research, observations, and study. However, the overall cost was too high, and left other parts of the project with insufficient budgets. In particular, significantly important output such as the legal handbook had an insufficient budget. (In professional service, the majority of the budget is used to defray the costs of subsidies and expert services.) \$10,000 USD should be adjusted from the travel expenses and instead be used for the writing, editing, and publishing costs of legal handbook. We recommend that future projects seek local experts on biology and ecology, in order to save on travel expenses.

Other lessons learned relevant to conservation community:

The local NGOs are all quite enthusiastic, and cooperation with them is very important for biodiversity protection. CLAPV really relied on these NGOs' local knowledge and networks, as well as their access to the latest local news. Their support, investigation, and attitudes towards

the local culture assisted us in establishing connections, especially since their *guanxi* with the local populace was very good.

Additional Funding

Provide details of any additional funding that supported this project and any funding secured for the project, organization, or the region, as a result of the CEPF investment in this project.

Donor	Type of Funding*	Amount	Notes
The Ford Foundation	A	RMB 81,300	The funding supported part of the training, entitled “Training Environmental Public Interest Litigation & Using the Legal Aid Platform”, held in April, 2015.
Center for Legal Assistance to Pollution Victims	A	RMB 554,000	<ul style="list-style-type: none"> ● The funding mainly covered the labor compensation of our Center’s work on this project, which was paid to our lawyers, financial personnel, other legal experts, etc. ● The cost of office equipment, office rent, and other facilities our Center spent on this project is not included in this amount.

****Additional funding should be reported using the following categories:***

- A*** *Project co-financing (Other donors or your organization contribute to the direct costs of this project)*
- B*** *Grantee and Partner leveraging (Other donors contribute to your organization or a partner organization as a direct result of successes with this CEPF funded project.)*
- C*** *Regional/Portfolio leveraging (Other donors make large investments in a region because of CEPF investment or successes related to this project.)*

Sustainability/Replicability

Summarize the success or challenge in achieving planned sustainability or replicability of project components or results.

- **Success**
 - 1) As mentioned, we have established a social media platform for legal aid, amongst NGOs and public interest lawyers. Through the platform, local environmental NGOs and volunteer lawyers nationwide can exchanges ideas, ask for legal aid, make consultations, etc. In addition, we also established QQ and WeChat groups for active environmentalists interested in protecting biodiversity in the Mountains of Southwest China. As a result, environmental

legal personnel all over the country can quickly reach one another. We organized these groups, bringing together NGOs, lawyers, and experts. In this way, the network can be sustained, and the experiences garnered through CEPF's long-term cultivation on the target area can be preserved.

- 2) Through the publication of the biodiversity conservation law handbook, we disseminated written experience accumulated from CEPF grantees. The content of this book is broad, including suggestions on legal reform, cases analysis, guidance on how to apply law, etc. It works as a legal compass, helping people to protect biodiversity via legal means step-by-step.
- 3) Our legal support to the trained NGOs and other groups or individuals on the biodiversity conservation field continues no matter whether the project ends or not.

- **Challenge**

In China, there are few organizations that have the same skills and abilities as us – that is, devotion to legal means to protect the environment. Additionally, many lawyers do not enter the environmental protection field, as the common perception is one cannot make money from doing so. The legal force from non-governmental actors is limited and needs to be greatly supported and developed.

Summarize any unplanned sustainability or replicability achieved.

N/A

Safeguard Policy Assessment

Provide a summary of the implementation of any required action toward the environmental and social safeguard policies within the project.

N/A

Additional Comments/Recommendations

China has been developing a legal framework that is relatively complete and broad in coverage. As the country continues to face severe environmental degradation, the Chinese government has promulgated numerous environmental laws over the past few decades to address this critical issue. However, the efficacy of these rules is affected by problems in implementation and enforcement of environmental laws. In recent years, the top leaders have realized severe challenges in environmental governance. The most stringent amendment to environmental laws took effect in the beginning of this year. However, the growth of environmental lawsuits is still slow. Most environmental courts only have a few cases to hear.

Non-governmental factors include the lack of legal professionals and economic capacity to initiate litigation. Environmental disputes often involve uncertain scientific monitoring, multifarious regulations, difficult evidence collection, and heavy burden of proof. In China, it takes years to train an environmental lawyer, and only a few lawyers work in this area. The majority of grassroots legal providers lack professional training in using legal weapons to solve environmental issues. The second challenge is money. For example, the appraisal fee to environmental cases is essential, but expensive. Due to the uncertainty of litigation results, people often give up their legitimate rights as a result of the high expenditures of using legal means.

Since working with local NGOs is an important, crucial component for advancing the cause of environmental protection, we shall consider how to provide our support in a way that truly meets

those needs. Without the cooperation and assistance of local NGOs, it is difficult to find and make progress on local cases. Therefore, we suggest that legal training and monetary support become the main elements of future projects, in order to efficiently enhance the strength of biodiversity protection in the target area.

Information Sharing and CEPF Policy

CEPF is committed to transparent operations and to helping civil society groups share experiences, lessons learned, and results. Final project completion reports are made available on our Web site, www.cepf.net, and publicized in our newsletter and other communications.

Please include your full contact details below:

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*****If your grant has an end date other than JUNE 30, please complete the tables on the following pages*****

Performance Tracking Report Addendum

CEPF Global Targets

(Enter Grant Term)

Provide a numerical amount and brief description of the results achieved by your grant.
Please respond to only those questions that are relevant to your project.

Project Results	Is this question relevant?	If yes, provide your numerical response for results achieved during the annual period.	Provide your numerical response for project from inception of CEPF support to date.	Describe the principal results achieved from July 1, 2013 to May 30, 2014. (Attach annexes if necessary)
1. Did your project strengthen management of a protected area guided by a sustainable management plan? Please indicate number of hectares improved.	X	2012: none; 2013: 233.33hm ² ; 2014: none; 2015: none.	233.33 hm ²	Please also include name of the protected area(s). If more than one, please include the number of hectares strengthened for each one. Guided by a sustainable management plan, our project has strengthened the ecological management of Xiaopo Lake Wetland in Qinghai Province in 2013, especially in the action of opposing illegal fishing of <i>Gymnocypris przewalskii</i>, in cooperation with the local government.
2. How many hectares of new and/or expanded protected areas did your project help establish through a legal declaration or community agreement?				Please also include name of the protected area. If more than one, please include the number of hectares strengthened for each one.
3. Did your project strengthen biodiversity conservation and/or natural resources management inside a key biodiversity area identified in the CEPF ecosystem profile? If so, please indicate how many hectares.	X	2012: none; 2013: 233.33hm ² ; 2014: none; 2015: none.	233.33 hm ²	Our project has also strengthened biodiversity conservation inside Xiaopo Lake Wetland, Qinghai Province. Xiaopo Lake is a part of Qinghai Lake, a key biodiversity area identified in the CEPF ecosystem profile. In 2013, through legal action and public advocacy, we forced a destructive “Xiaopo Lake Area Ecotourism” project to stop. This is because once the construction was complete, wild animals there would be seriously affected, such as the breeding of the black-necked crane, the whooper swan’s migration, and <i>Procapra przewalskii</i>’s activity.
4. Did your project effectively introduce or strengthen biodiversity conservation in management practices outside protected areas? If so, please indicate how many hectares.				
5. If your project promotes the sustainable use of natural resources, how many local communities accrued tangible socioeconomic benefits? Please complete Table 1 below.	X			

If you answered yes to question 5, please complete the following table

Table 1. Socioeconomic Benefits to Target Communities

Please complete this table if your project provided concrete socioeconomic benefits to local communities. List the name of each community in column one. In the subsequent columns under Community Characteristics and Nature of Socioeconomic Benefit, place an X in all relevant boxes. In the bottom row, provide the totals of the Xs for each column.

Name of Community	Community Characteristics								Nature of Socioeconomic Benefit												
	Small landowners	Subsistence economy	Indigenous/ ethnic peoples	Pastoralists/nomadic peoples	Recent migrants	Urban communities	Communities falling below the poverty rate	Other	Increased Income due to:			Increased food security due to the adoption of sustainable fishing, hunting, or agricultural practices	More secure access to water resources	Improved tenure in land or other natural resource due to titling, reduction of colonization, etc.	Reduced risk of natural disasters (fires, landslides, flooding, etc)	More secure sources of energy	Increased access to public services, such as education, health, or credit	Improved use of traditional knowledge for environmental management	More participatory decision-making due to strengthened civil society and governance.	Other	
									Adoption of sustainable natural resources management practices	Ecotourism revenues	Park management activities										Payment for environmental services
Herdsmen around Xiaopo Lake			X	X					X				X	X					X	X	
Local environmentalists			X																X		
Local religious group (monks,etc.)			X																X		
Total	0	0	3	1	0	0	0	0	1	0	0	0	1	1	0	1	0	0	0	3	1

If you marked "Other", please provide detail on the nature of the Community Characteristic and Socioeconomic Benefit: Due to the termination of

“Xiaopo Lake scenic spot” development that would occupy 1480hm² according to the plan, local herdsmen are able to graze around the Xiaopo Lake Wetland like before. Their living level is protected because of the abatement of nuisance.

***Extra note for Beihai Wetland**

Although we were not able to bring a public interest lawsuit against the Beihai Wetland destruction before the project ended, the information about the benefits our action may bring is provided below for your reference:

Hectares Protected: 1629hm²

Species Conserved: There are 347 kinds of vascular plants in the reserve, such as the water shield (first-class national protected plant), bearded iris (second class), and *Habenariadentata* (second class). Besides this, 377 kinds of animals live in the wetland, which includes first-class national protected animals such as the black stork, Hume's Pheasant, and golden eagle, as well as 15 kinds of second-class national protected animals such as the emperor newt, sterna and lesser coucal.

Socioeconomic Benefits to Target Communities: The local communities around Beihai Wetland are mainly subsistence economies (farmers), which consist of indigenous poor people. They ignore the illegal development to the wetland and even make money from it. Our action started in December 2013. We decided to file environmental public interest litigation in August 2015. Through this lawsuit process, we plan to move the construction out of the core zone of the reserve and promote sustainable natural resources management practices among the communities.

***Brief Summary of Each Deliverable**

- 1) Reports for our training/seminar held in 2014 and 2015 including the rosters, agenda, pictures, results, etc.
 - A. The report for the seminar, entitled “Legal issues analysis and conclusion on biodiversity protection in the Mountains of Southwest China”, held in 2014
 - B. The report for the training, entitled “Training Environmental Public Interest Litigation & Using the Legal Aid Platform”, held in 2015
- 2) Two cases analysis including the fact description, legal analysis, and experiences and lessons.
 - A. The Egret Park Case
 - B. The Xiaopo Lake Wetland Case
- 3) Counseling records of NGOs including case descriptions, questions, the lawyers’ reply, etc.