

EGP-Guizhou

Baseline Study Fact Sheet

THE EGP-GUIZHOU BASELINE STUDY

The initiating task of the EGP-Guizhou project is the conclusion of the base line study with the aim to gain a deeper understanding of the needs and constraints faced by the public and pollution victims as well as by governmental institutions, judicial organs, non-governmental organizations, law firms and volunteer lawyers in protecting the public's environmental rights.

The study was carried out between December 2012 – April 2013 and included a literature study, a questionnaire survey with 916 respondents from the public and interviews with governmental officials, judicial officials, lawyers and representatives from local NGO's. The study was conducted in downtown Guiyang, Qingzhen, Zhuchang Town of Wudang District, Kaiyang County, Xiaozhaiba Town of Xifeng County, Pingba County, Zunyi, Renhuai, and Kaili of Qiandongnan.

Environmental Justice

The fair treatment of all people regardless of nation, income, gender, ethnic group, religion and region with respects to the protection of environmental rights.

KEY FINDINGS

The base line study identified a number of obstacles and challenges in protecting the public's environmental rights in the Guizhou Province. These are some of the key issues:

Important challenges for local judicial authorities:

- A large disparity between the small number of environmental civil court cases and massive environmental complaints.
- Lack of operational capacity in environmental cases, such as knowledge in environmental sciences and environmental laws.

Important obstacles for non-governmental organizations:

- Lack of financial support and weak fund-raising capacity
- Lack of capacity and knowledge to defend public environmental rights

The EGP-Guizhou project

The aim of this project is to increase the awareness and capacity of victims of environmental pollution and relevant target groups and to create of a strong base for good environmental governance. EGP-Guizhou is one of 15 local partnership projects within the EU-China Environmental Governance Programme (EGP).

For more information please visit:

www.egp-guizhou.com.

Important obstacles for administrative organs:

- Growing pressure in environmental protection due to rapid economic development
- Lack of environmental enforcement staff
- Inadequate environmental law enforcement capacity, due to e.g. such as lack of equipment and low knowledge in environmental science and environmental law among enforcement officers

Important challenges for law firms and volunteer lawyers:

- Lack of knowledge in environmental legislation
- No market for environmental legal services

Important challenges for victims of environmental pollution and the general public

- 91 % of the respondents in Guizhou province are concerned about environmental problems, especially water and air pollution. Respondents were most concerned about the health damaging effects of environmental problem.
- 47% of the respondents in Guizhou consider that current access to environmental news and environmental information is insufficient and unable to meet their needs.
- Only 33 % of the respondents state to have a good or moderate understanding of overall environmental laws and regulations.

Merely 20 % of the respondents think that existing environmental laws and regulations are effective in protecting the environment, while approximately 50% think they have some effect in in protecting the environment.

- 40 % of the respondents think government representatives pay enough attention to environmental protection while 26 % do not think so.
- The main reasons why respondents would not take action when experiencing environmental pollution is the lack of knowledge on how to take action (39%) as well as constraints in time, energy and financial resources (60%).
- Only a minority of the respondents in the survey, 6 %, have personal experience in defending their environmental rights. Among these, many have experienced difficulties such as lack of support from authorities, lack of own knowledge about environmental laws and rights and lack of support from lawyers and law firms.



EGP-Guizhou

基线研究-简报

中欧环境治理项目—贵州（EGP—贵州）基线研究

本基线研究是中欧环境治理项目的初期任务，旨在调查了解公众、污染受害者、政府机构，司法机关、非政府组织，律师事务所以及律师志愿者在维护环境权益方面的各项需求及面临的困难。本基线研究实施时间为2012年12月至2013年4月，分别或综合采用文献研究、问卷调查与实地访谈三种方法，开展了916份问卷调查，并对政府官员，法官，律师以及民间非政府组织代表进行了访谈。本基线研究实施地点为贵阳市区、清镇、乌当区朱昌镇、开阳县、息烽县小寨坝镇、平坝县、遵义市、仁怀市、黔东南州凯里市。

环境正义

环境正义指社会公众不因其民族、收入、性别、居住区域等方面的差别，而在环境权益保护方面受到区别对待。

调查结果

本基线研究总结出贵州省在维护公众环境权益方面面临的困难与挑战，主要包括：

司法机关面临的主要困难

- 环保投诉案件较多，但环保法庭实际审理的案件数量较少；
- 环境案件操作能力较弱，缺乏环境科学与环境法律知识。

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EGP—贵州项目

本项目旨在提升公众与环境污染受害者的环保意识与维权能力，为环境治理打下坚实的基础。EGP—贵州项目属于中欧环境治理项目（EGP）的15个地方伙伴合作项目之一。

欲了解更多项目详情，请登陆网站

www.egp-guizhou.com

行政机关面临的主要困难

- 经济快速发展造成的与日俱增的环保压力；
- 环保执法人员数量不足；
- 环保执法能力不足，环境污染受害者依法维权意识和能力有待提高。

律师事务所与律师志愿者面临的主要困难

- 环保立法知识不足，业务能力不高；
- 环境法律服务缺乏市场。

公众及环境污染受害者面临的主要困难

- 91%的贵州被调查者表示关心环境问题，尤其是水和空气污染问题。被调查者最关心的是环境问题对健康的损害；
- 47%的贵州被调查者认为现有的获取环境信息渠道不充分，无法满足自身对环境的需求；
- 只有33%的被调查者对环境法律法规总体有一定的了解；
- 只有20%的被调查者认为现存的法律法规在环保方面可以起到一定的作用，然而将近50%的人认为作用甚微；
- 40%的被调查者认为政府代表能够给予环保问题足够的重视，26%的人认为政府重视关注不够；
- 被调查者在遭遇环境污染破坏时没有采取维权措施的原因主要为缺少专业维权知识（39%）、时间有限、精力不够、缺乏资金保障等；
- 只有相当小比例的被调查者（6%）采取过维权措施与行动，其中大部分人在维权过程中还面临诸多困难，如缺少政府支持，环境法律法规知识不足，缺少律师和律师事务所的支持与引导

