

Environmental FORENSICS

Environmental Forensics & China: Legal Issues and Trends

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Speaker



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Abstract

While China is facing environmental challenges, environmental litigation, either administrative, tort or criminal, is highly—and not surprisingly—increasing.

China's environmental legal framework is quite recent as it started in the late 1970s when the Chinese Constitution was amended to insert provisions on environmental protection. It is also very developed given the plethora of passed environmental laws and adopted regulations—although their implementation and enforcement remain at issue. More recently, a tort law (The Tort Law of the People's Republic of China), which contains environmental-tort issues provisions including evidence matters has recently been passed.

The presentation will first outline the essential aspects of the legal system of evidence in China and will then focus on evidence issues in relation with environmental conditions. More specifically, it will present the evidentiary burdens rules in pollution litigation matters—polluters bear the burden of proof—as well as the means to collect evidence and those who are skilled in these techniques (status of experts, whether court-appointed and/or certified).

Environnement France Chine

(www.environnement-france-chine.org)

The French-based association Environnement France Chine was founded with the aim of furthering the mutual understanding of the French and Chinese cultures and environmental law.

In France as in China, concern about the environment is at the heart of questions found in political and social areas as well as technical, legal and financial domains.

Environnement France Chine was founded following the recognition of two key points.

On one hand we realized there was a lack of understanding regarding the legal instruments applicable to the environment in both countries. On another hand, it would be in our mutual interest to strengthen our existing co-operation.

As a consequence, great importance is attached to developing partnerships in both countries. We aim to bring together academics, company representatives, members of administrations, consultants, engineers, and lawyers, reflecting the multi-faceted nature of our objectives.