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PROJECT DOCUMENT COVER PAGE

UNDEF Project Number: UDF-CPR-09-320

Project Title: Protect the Environmental Rights and Justice of the Public

Country/Region: P. R. China

Executing Agency: The United Nations Development Programme

Implementing Agency: All-China Environment Federation

Implementing Partner(s):  
 1. N/A  
 2. \_\_\_\_\_

Duration: 24 months

Project Start Date: 1 January 2011

Project End Date: 31 December 2012

Funding Round and Year of Grant: Fourth Funding Round, 2009

Amount of UNDEF Grant in USD: US\$375,000

Project is Co-financed:      No  Yes       Co-financing Amount: US\$ 60,000 in kind  
 Total Project Budget: US\$435,000

Project Summary:

The objectives of the project are: to raise environmental awareness of the public; to promote policy change and gain support for establishing an environmental public interest litigation (PIL) system; and to protect the rights of the public to a clean environment as an important part of human rights, and to contribute to the democratization process in China.

The United Nations Development Programme (UNDP), Mr. Subinay Nancy, Country Director, UNDP China 16/04/10

(Executing Agency, Authorized Representative's Name, Title & Organization) 李楠

All-China Environment Federation (ACEF), Mr. Zeng Xiaodong, Vice-Chairman & Secretary General

(Implementing Agency, Authorized Representative's Name, Title & Organization)

Roland Rich 2 Dec 2010

(Executive Head of UNDEF) \_\_\_\_\_ date



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## 1. Executive Summary

Environmental pollution and ecological destruction violate the rights of the people to a clean environment. Many victims of environmental destruction in China are not aware of such rights and do not know how to protect themselves. **Public Interest Litigation (PIL) system** does not exist in China.

Environmental rights are important human rights and an indicator of democracy in a society. The objectives of the proposed project are: to raise environmental awareness of the public; to influence policy change and gain support for establishing a PIL system; to protect the rights of the public to a clean environment, and contribute to the democratization process in China.

The strategy of the project is: to promote public access to environmental information and to raise their environmental awareness; to provide legal aid to victims of environmental damages, especially the vulnerable groups and protect their environmental rights by PIL or mediation; to promote the establishment of environmental tribunals, development of a PIL system and legislation on liability and compensation for environmental damages.

## 2. Situation Analysis, Project Strategy and Sustainability

### a. Situation Analysis

During the past 30 years China has experienced tremendous economic development. At the same time, environmental problems including water, air and solid waste pollution, and ecological degradation are very serious. Many people have become victims of environmental degradation. To address these problems, the Chinese Government has enacted a series of laws and regulations, and significant achievements have been made in protecting the environment. Since the promulgation of the Environmental Protection Law of the People's Republic of China in 1979, China's environmental law framework has grown to include more than 20 major statutes and several administrative regulations enacted by the State Council, standards and other legal-norm-creating documents. The major laws include the Air Pollution Prevention and Control Law, the Water Pollution Prevention and Control Law, the Environmental Impact Assessment Law, Circular Economy Promotion Law and Cleaner Production Promotion Law.

However, law enforcement is still weak. Quite many industries and other business sectors do not take strict measures to control pollution and prevent ecological degradation pursuant to the law, but discharge pollutants to the environment and cause damages to the ecosystems, thus violating the rights of the people to a clean environment. Despite these problems, there are signs that law and public advocacy will begin to play a bigger role in China. Moreover, as environmental consciousness increases, Chinese people are beginning to turn to the courts and the law in general to advocate for their rights. Cases handled or supported by non-governmental organizations and "public interest" lawyers are becoming more influential, though still limited, aspect of this phenomenon.

In the past, pollution victims were generally not aware of their environmental rights and did not know how to protect themselves. According to a survey conducted by All-China Environment Federation (ACEF) in May 2010 on awareness of the environmental rights of the public, of 3822 survey respondents, only 42.84% were aware of such rights. With the increase of environmental damages and as a result of the education campaign carried out by Ministry of Environmental Protection (MEP), ACEF and other organizations, many people



begin to understand the need for protecting their environmental rights, and have lodged complaints against polluters and those who caused ecological degradation. The number of environmental complaints has been increasing by 30 % every year. In 2009, MEP received 29500 cases of complaints, involving mineral exploration and processing, chemical industry and etc.

Since its establishment in 2005, the Legal Service Center of ACEF has provided legal aid to about 2000 victims of environmental damages involving 30 cases, of which 22 cases went through legal proceedings, 3 were brought to the tribunals by ACEF acting as the plaintiffs, and 11 were settled by litigation and the rest by mediation.

There is a fairly good institutional set-up, but limited legislation for the protection of the environmental rights of the public in China. On institutions, there are environmental protection departments at all levels of the Chinese government, and CSOs such as ACEF are playing an important role in this respect. Environmental tribunals have been set up in Yuannan Province, Guizhou Province and Wuxi city in recent years. On legislation, in the General Principles of the Civil Law, Environmental Protection Law, Water Pollution Prevention and Control Law, and Air Pollution Prevention and Control Law, there are general provisions specifying that polluters have to bear the civil liability and to stop pollution and compensate victims.

The rising public and political interest in environmental protection in China provides an excellent opportunity to leverage support for right-based democratic approaches such as legislation, PIL and mediation.

However, in China, there is neither a PIL system nor a law on liability and compensation for environmental damages, and there are only three environmental tribunals. Many industrial enterprises and businesses do not have adequate sense of social responsibility in protecting the environment, and environmental awareness of government officials and the general public need to be further raised. Because of these reasons, the rights of the public to a clean environment could not be adequately protected. The proposed project is designed to address these problems.

The intended project beneficiaries are victims of environmental pollution and ecological damages, especially those among the vulnerable groups such as women, children and poor people.

Environmental rights are important human rights and an indicator of democracy of a society. The project aims to protect the environmental rights of the public with the involvement of all the major groups, thus contributing to the democratization process in China. It has high consistency with the UNDEF core objectives.

#### **b. Project Strategy**

The objectives of the project are: to raise environmental awareness of the public; to influence policy change and gain support from the government for the legislation on liability and compensation for damages caused by environmental pollution and ecological degradation, and for establishing an environmental PIL system and environmental tribunals, and to provide legal aid to the victims of environmental damages, thus protecting the rights of the public to a clean environment, an important part of human rights, and contribute to the democratization process in China.

The following strategic steps will be taken to ensure the effectiveness of the proposed project. First of all, a baseline survey will be conducted to collect the data related to the project objectives and activities. Secondly, to raise awareness of environmental rights of the public, printed and video materials will be produced that communicate the messages about importance of protecting the environmental rights of the public, with key



activities including: producing a handbook and printing and distributing 5000 copies widely, especially among the victims of environmental damages and vulnerable groups; producing and broadcasting 10 TV programs; and producing and disseminating information and materials on ACEF website, and websites of other organizations. Thirdly, to provide legal aid to the victims of environmental damages, key activities will include: providing legal aid to the victims of 20 pollution cases through litigation or mediation; carrying out activities to promote the establishment of environmental tribunals, and organizing training courses for volunteer lawyers. Fourthly, to influence policy change, key activities will include: developing a legislative proposal on establishing an environmental PIL system; and developing a proposal on the legislation on liability and compensation for environmental damages; and submitting these proposals to the legislative bodies in China. Finally, a survey on the results of the project will be conducted. Some of the activities from the second to fourth steps will be implemented in parallel.

The Chinese government attaches great importance to environmental protection. Civil society organizations (CSOs) in China are playing a more and more important role in environmental protection. The general public's environmental awareness has been raised and the industry and other major groups begin to support and implement concepts of cleaner production and circular economy.

ACEF has established sound relationship with the National People's Congress, the top legislative body of China, Ministry of Environmental Protection and other relevant departments of the State Council, CSOs, media, international agencies and experts in relevant fields, which will all support ACEF in implementing the project. Because of its credibility, network of influence, technical expertise, and advocacy experience, ACEF is strategically positioned to conduct the project in reaching its outcomes.

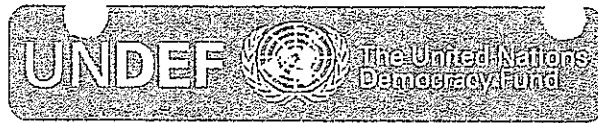
There are some risk factors that may cause the project to fail or fall short of the proposed objectives. Because there is no PIL system in China, it is difficult to file PIL lawsuits in courts. CSOs are not considered qualified plaintiffs. PIL lawsuits addressing environmental issues are particularly difficult to file. However, ACEF already has experience in suing polluters with ACEF as the plaintiff. In late July, 2009, two of the country's environmental tribunals agreed to proceed with cases brought by ACEF. ACEF will use its organizational advantage and experience to protect the environmental rights of the public through PIL or mediation.

Legislative changes in China can be challenging, and CSOs cannot play a direct role in this process. However, ACEF intends to mobilize support for legislative changes to protect the rights of the public to a clean environment by advocating and working through its network. For instance, among ACEF's Board of Directors are 33 deputies to the National Peoples' Congress (NPC), the highest legislative body in China and 11 members of the Standing Committee of NPC. ACEF will seek to have a voice in policy change through them.

### **c. Sustainability**

A key outcome of the project will be a shift in attitudes within Chinese society including decision makers, the general public and business people towards environmental protection, which will ensure that the rights of the general public, especially those vulnerable groups can be protected, and will ensure sustainability.

The experiences and knowledge gained from the project will strengthen ACEF's ability in providing legal aid to the victims of environmental damages, thus better protecting their environmental rights, which will be sustainable. After the completion of the project, ACEF will continue to carry out most of the activities under the project. It will especially strengthen its efforts in promoting policy change, including developing a PIL system, legislation on liability and compensation for environmental damages, and establishment of environmental tribunals. If these legislative proposals are accepted and realized, ACEF will have stronger



legal instruments to assist environmental victims and defend their environmental rights. ACEF will take this as its long-term task and responsibility.

The proposed project will: strengthen the capacity of China's CSOs in protecting the environmental rights of the public, raise environmental awareness of the public, improve sense of social responsibility of the business sector, and support PIL and promote the policy change in the long term. Environmental rights are important human rights, and this project will contribute to the democratization process in China.

### **3. Gender and Marginalized or Vulnerable Groups**

Gender considerations are taken into account in the project design. Women are vulnerable to environmental degradation, especially in rural and urban poor areas of China. The project will empower the local women groups to participate in fighting against environment pollution and ecological destruction, and will provide local women victims with legal aid to fight for their environmental rights and promote the participation of the local women groups.

Addressing the needs of marginalized or vulnerable groups is a key objective of the project. There are 150 million poor people in China who are vulnerable to environmental degradation and pollution. Among them indigenous peoples, women and children are most vulnerable. People are born equal and have the equal rights to live in a clean and healthy environment. The proposed project is designed especially to protect the environmental rights of these people through their empowerment, and providing them with legal aid by litigation and mediation.



**4. Results Framework: Activities, Outputs and Outcomes**  
**RESULTS FRAMEWORK**

**UNDEF Project Title:** Protect the environmental rights and justice of the public

**Project objective(s):**

To raise environmental awareness of the public; to influence policy change and gain support for establishing environmental PIL system; to protect the rights of the public to a clean environment as an important part of human rights, and contribute to the democratization process in China.

**Intended Outcome(s):**

1. Awareness of environmental rights to a healthy and clean environment increased though disclosure of better information by the government and participation of general public in environmental policy-making and enforcement (planned outputs: around 5000 copies of a handbook, 10 TV programs on environmental rights of the public produced and widely disseminated);
2. The fundamental rights of victims of environmental damages, especially those among vulnerable groups protected and the democratization process enhanced (planned outputs: at least 80 volunteer lawyers trained and awarded the certificates of Environmental Public Interest Lawyers); and
3. Support to the establishment of a PIL system provided (planned outputs: a legal opinion paper, 10 meetings with Presidents and senior judges on the establishment of environmental tribunal, promulgation of a law on liability and compensation for environmental damages, and establishment of environmental tribunals achieved).

**Outcome Indicators:**

1. The level of awareness on environmental rights raised to 70% (base line 42.84% in May 2010 ACEF survey)
2. The fundamental rights of victims of environmental damages effectively protected (as evidenced 1000 victims of 20 cases received legal aid for litigation or mediation)
3. Legislative proposals on PIL system developed and submitted to the Standing Committee of NPC and other legislative bodies, which support policy change leading to greater political mobilization for the establishment of a PIL system.

Baseline Data	Intended Outputs	Key Activities	Tick if activity is a Milestone?	Timeframe (2 years – 8 quarters)								Responsible Party(ies)	Budgetary Inputs (US\$)	
				Q 1	Q 2	Q 3	Q 4	Q 5	Q 6	Q 7	Q 8			
				Q	Q	Q	Q	Q	Q	Q	Q			
				1	2	3	4	5	6	7	8			



<p>1. No base line survey related to the project made</p> <p>2. According to a survey conducted by ACEF in May 2010 on awareness of the environmental rights of the public, of the 3822 respondents, 93.84% knew damages caused by pollution, and 42.84% were aware of their environmental rights.</p>	<p>1. A baseline survey made to collect data related to the objectives and activities of the project, and submitted to UNDP China</p> <p>2. Printed and video materials produced that communicate the key messages about importance of protecting the environmental rights of the public</p> <p>2.1. A handbook produced and 5000 copies printed and distributed</p> <p>2.2. 10 TV programs produced and broadcasted</p> <p>2.3. Materials produced and disseminated through ACEF website, and websites of other organizations</p>	<p>1. Make a desk study to collect data related to the objectives and activities of the project and prepare a report, which will be submitted to UNDP China</p> <p>2. Produce printed and video materials that communicate the key messages about importance of protecting the environmental rights of the public</p> <p>2.1.1. Acquisitions for Equipments(4 laptops, 2 printers, 1 digital video, 2 cameras)</p> <p>2.1.2. Hire 2 experts for compiling the handbook</p> <p>2.1.3. Make a desk study by the experts to collect materials, and prepare a detailed outline of the book</p> <p>2.1.4. Organize an expert working group seminar with 10 experts in the fields of environmental protection and law, and from relevant government departments and from youth, women and media organizations to review the outline and make comments</p> <p>2.1.5. Complete the handbook by the experts and print 5000 copies</p> <p>2.1.6. Organize a press conference to launch the handbook</p>	<p>✓</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>2000 (1)</p> <p>8676(2.1.1)</p> <p>2000 (2.1.2)</p> <p>2300 (2.1.4)</p> <p>25000 (2.1.5)</p> <p>1325 (2.1.6)</p>	<p>ACEF</p>
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<p>3. In the last 5 years, ACEF has provided legal aid to about 2000 victims of environmental damages involving 30 cases, of which 22 cases went through legal proceedings, 3 were brought to the court by ACEF acting as the plaintiff, and 11 were settled by litigation and the rest by mediation</p>		✓	X	X	X	X	X	X	ACEF	2000 (2.2.1)
<p>2.1.7. Distribute the handbook to the communities which have suffered from environmental damages, especially to the disadvantaged groups in urban and rural areas</p>		✓	X	X	X	X	X	X		2000 (2.2.1)
<p>2.2.1. Produce and broadcast 10 TV programs in cooperation with CCTV, Beijing TV and local TV stations on the cases in protecting the environmental rights of the public covered by this project</p>		✓	X	X	X	X	X	X		2000 (2.3.1)
<p>2.3.1. Produce and disseminate information and materials on the protection of the public's environmental rights on ACEF website, and websites of other organizations</p>		✓	X	X	X	X	X	X		2000 (2.3.1)
<p>3. Legal aid provided to the victims of environmental damages</p>		✓	X	X	X	X	X	X		2000 (2.3.1)
<p>3.1. Provide legal aid to approximately 1000 victims of 20 cases of environmental damages through litigation or mediation</p>		✓	X	X	X	X	X	X		2000 (2.3.1)
Fourth Funding Round - 2009										





	<p>3.1. Legal aid provided to approximately 1000 victims of 20 cases of environmental damages through litigation or mediation which will lay groundwork for mobilizing the establishment of P.L. The activities by lawyers include: on site visit; meetings with the pollution victims; cases analysis; legal paper preparation and evidence collection; compose civil complaint; case review; submit incriminating evidence; court debate; legal service for mediation or litigation process.</p> <p>3.2. Activities to promote establishment of environmental tribunals conducted</p> <p>3.3. 2 training courses organized to train 80 volunteer lawyers who will be awarded with the environmental volunteer lawyer certificate</p>	<p>3.1.1. 2 trips by 3 lawyer(s) and legal professionals for each case to the site of environmental damages (120 trips).</p> <p>3.1.2. On-site surveys and meetings with victims and other stakeholders to obtain evidence of</p> <p>3.1.3. Bring a lawsuit to the court and enter the legal proceedings</p> <p>3.1.4. Settle the case by litigation or mediation</p> <p>3.2. Conduct activities to promote establishment of environmental tribunals</p> <p>3.2.1. Draft a legal opinion paper by ACEF on the need and modality for the establishment of environmental tribunals at provincial and municipal levels</p> <p>3.2.2. Convene a meeting of 10 experts in the fields of environmental law and administrative law to review and finalize the legal opinion paper</p> <p>3.2.3. Submit the paper to the Supreme People's Court of China, and People's Courts in some provinces and cities</p> <p style="text-align: center;">Fourth Funding Round - 2009</p>		<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>ACEF</p>	<p>111600 (3.1.1) (travel and per diem)</p> <p>40000(staffs &amp; lawyers fees)</p> <p>20000(staffs and lawyers fees)</p> <p>20000(staffs and lawyers fees)</p> <p>2000 (3.2.1)</p> <p>2300 (3.2.2)</p>
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<p>4. There is no PIL system in China. CSOs can't act as plaintiffs in litigation.</p> <p>There are general provisions specifying that polluters have to bear the civil liability and to stop pollution and compensate victims in some laws, but there is not a specific law on liability and compensation for environment damages</p>	<p>4. Policy change promoted in environmental PIL, and in liability and compensation for environmental damages</p> <p>4.1. A legislative proposal on establishing an environmental PIL system produced and submitted to the legislative bodies in China</p> <p>4.2. A legislative proposal on legislation on liability and compensation for environmental damages produced and submitted to the</p>	<p>3.2.4. Trips by ACEF leaders and lawyers to 5 major cities to have meetings with the leaders of People's Courts to lobby them to establish environmental tribunals based on the legal opinion paper</p> <p>3.3. Organize 2 training courses to train 80 volunteer lawyers who will be awarded with the environmental volunteer lawyer certificate</p> <p>3.3.1. Organize the volunteer lawyers to participate in the project activities in providing legal aid to victims of environmental damages</p> <p>4. Promote policy change in environmental PIL, and in liability and compensation for environment damages</p> <p>4.1.1. Hire 2 legal experts, one in environmental law and the other in administrative law to draft a legislative proposal on establishing an environmental PIL system in China</p> <p>4.1.2. Organize a peer review meeting of 10 experts in the fields of environmental law and administrative law to review the draft</p>	<p>X</p> <p>X</p> <p>X X X X X</p> <p>X</p> <p>X</p>	<p>ACEF</p>	<p>13950 (3.2.4)</p> <p>41600 (3.3)</p> <p>2000 (4.1.1)</p> <p>2300 (4.1.2)</p>
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legislative bodies in China	<p>4.1.3. Finalize the legislative proposal by the two legal experts</p> <p>4.1.4. Submit the proposal to the NPC and other legislative bodies of China</p> <p>4.1.5. Meet with members of the Standing Committee and the Environment and Natural Resources Conservation Committee of NPC who are members of the Board of Directors of ACEF to obtain their support for the legislative proposal</p> <p>4.2.1. Hire 2 legal experts to make a study and prepare a paper analyzing causes on liability and compensation for environmental damages. The paper will serve as the basis for the production of a legislative proposal on a law on liability and compensation</p> <p>4.2.2. Hire 2 legal experts in environmental law and administrative law respectively to draft a legislative proposal on a law on liability and compensation</p> <p>4.2.3. Organize a peer review meeting of 10 experts in the fields of environmental law, administrative law, environmental administration and public administration to review and make comments on the draft proposal</p> <p>4.2.4. Finalize the legislative proposal</p>	<p>✓</p> <p>✓</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>1725 (4.1.5)</p> <p>2000 (4.2.1)</p> <p>2000 (4.2.2)</p>
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## **5. Management Arrangements**

UNDP is the Executing Agency of this project. It will oversee and monitor the project and act as UNDEF's agent for project oversight and will be responsible for ensuring that all financial, monitoring, reporting and evaluation requirements are met. UNDP will be responsible for entering contracts with any companies or/and all individuals involved in the project.

UNDP will receive the grant in two tranches, one for each year of implementation. The first tranche is disbursed upon the project document's signature. The second tranche will be disbursed upon the receipt of the Mid-Term Report and a financial status update and provided a significant amount of the first tranche has been spent.

UNDP will charge 7% of the total project cost (TPC) for its overhead cost for overseeing the project and providing financial, contractual, reporting, evaluation and other agreed services to the project. UNDP will manage any financial disbursements to the Implementing Agency (ies) or actor(s) as per implementation arrangements or payment schedules concluded between them.

ACEF is the Implementing Agency of the project. It will bear substantive responsibility for delivering the outputs of the project. ACEF is responsible for drafting the Annual Work Plan (AWP) under the facilitation of UNDP. The AWP describes the specific results to be achieved and will form the basic agreement between UNDP and ACEF on the use of resources. A Project Management Office (PMO) will be established in ACEF, responsible and accountable for managing the project, achieving the project outputs, and for the effective use of project resources, in consultation with UNDP.

UNDP will work closely with ACEF to ensure that ACEF produce a clear and updated work plan; that inputs are mobilized as required by the project authority and that the related outputs are produced according to the project objectives and related work plan, and that UNDP rules and regulations are followed on the use of project funds, particularly for procurement.

The Office of the UN Resident Coordinator in China (RC Office) will assist in the overall coordination of the project, facilitating the reporting and communication with the UNDEF secretariat.

## **6. Partnership and Donor Information**

### **a. Funding Sponsors**

No other funding sponsors are envisaged.

### **b. Implementing partners and contributions**

ACEF is the biggest and most influential environmental CSO in China. Its Environmental Legal Service Center is the only legal entity in China with a mandate authorized by the Chinese Government to protect the environmental rights of the public. The Legal Expert Committee under the Center, with 34 of the country's top legal experts (See Annex I: Roster of Legal Expert Committee), is the most authoritative group in the field of the environmental law. Since its establishment, the Center has done a lot of work in protecting the environmental rights of the public and provided legal aid to about 2,000 victims of environmental damages, involving 30 cases.



ACEF will be responsible for delivering the outputs of the project. It will contribute US\$60,000 in kind to cover the cost of equipment purchase and salary for ACEF's administrative staff. There are no other agencies planned as its official implementing partners, however, ACEF has established a sound relationship with the National People's Congress, the top legislative body of China, Ministry of Environmental Protection and other relevant departments of the State Council, civil society organizations, media, international agencies and experts in relevant fields, and ACEF will have their support.

UNDP, as the UN's development network will help gain trust and support from the Chinese government in promoting public awareness of environmental rights, the establishment of environmental tribunals and PIL system, as well as the policy and legislative change in environmental protection. Its mandate of promoting human development and long-term partnership with the Chinese government will give the project powerful leverage and effective access to policy and legislative changes. UNDP's mandate of promoting human development and its knowledge, expertise and global network in democratic governance, rule of law and equal and inclusive participation for the vulnerable can be valuable sources of technical assistance to ACEF and other partners involved. UNDP as the Executing Agency of this project will oversee and monitor the project and act as UNDEF's agent for project oversight and will be responsible for ensuring that all financial, monitoring, reporting and evaluation requirements are met.



**PARTNERSHIP INFORMATION**

<b>Executing Agency</b>	
<b>Name of Organization:</b>	UNDP
Address:	2 Liangmahe Nanlu Beijing 100600, P.R. China
Telephone/Fax:	86 - 10 - 85320800/86-10-85320900
Web Site:	www.un.org.cn
<b>Point of Contact:</b>	Ms. GU Qing
Title:	Programme Manager
Telephone/Fax:	(8610) 85320761/85320900
Web Site:	www.undp.org.cn
Email:	qing.gu@undp.org
<b>Alternate point of contact</b>	Ms. XIAO Yuan
Title:	Programme Associate
Telephone/Fax:	(8610) 85320763/85320900
Web Site:	www.undp.org.cn
Email	yuan.xiao@undp.org
<b>Implementing Agency</b>	
<b>Name of Organization:</b>	All-China Environment Federation (ACEF)
Address:	6th Floor Huabiao Building, East Qingniangou Road, Hepingli, Chaoyang District, Beijing 100013, P.R.China
Telephone/Fax:	+86-10-51230007/ +86-10-51230006
Web Site:	www.acef.com.cn
<b>Point of Contact:</b>	Ms. WANG Yuming
Title:	Director, Department of International Cooperation
Telephone/Fax:	+86-10-51230007/ +86-10-51230006
Web Site:	www.acef.com.cn
Email:	wym966@hotmail.com
<b>Alternate point of contact</b>	LI Lei
Title:	Programme Officer, Department of International Cooperation
Telephone/Fax:	+86-10-51230007/ +86-10-51230006
Web Site:	www.acef.com.cn
Email	redlilei@hotmail.com
<b>Implementing Partner(s)</b>	
Please provide for every Implementing Partner as applicable:	
<b>Name of Organization:</b>	N/A



Address:	
Telephone/Fax:	
Web Site:	
<b>Point of Contact:</b>	
Title:	
Telephone/Fax:	
Web Site:	
Email:	

<b>Contributions to the project</b>	
Please indicate contributions made by every Implementing Partner (in cash or in kind )	
Implementing Agency	US\$ 60,000 in kind (See below)
Implementing Partners	N/A

ACEF's in kind contribution (use the same budget line and description of table C from section 9:  
Detailed breakdown of the project budget by resource/input)

Budget Line Description	Unit	Quantity	Total in US\$
<b>2 - Travel</b>			
<i>Project management team's travel</i>	<i>\$380 for 1 round trip tickets; \$110 per diem/ person /day</i>	<i>10 trips 50 days</i>	<i>9300</i>
<b>Total</b>			<b>9300</b>
<b>4 - Operating expenses</b>			
<b>4.2 - Advocacy/Outreach</b>			
<i>Posters for advocacy campaign</i>	<i>\$1 for 1 poster</i>	<i>2000 posters</i>	<i>2000</i>
<i>TV Program production</i>	<i>\$4000 for 1 TV program</i>	<i>10 TV programs</i>	<i>40000</i>
<b>Sub-total</b>			<b>42000</b>
<b>4.3 - Miscellaneous</b>			
<b>Audit</b>	<i>\$4350 per audit</i>	<i>Twice</i>	<i>8700</i>
<b>Sub-Total</b>			<b>8700</b>
<b>Total</b>			
<b>ACEF's contribution to the project (in kind)</b>			<b>60,000</b>





## **7. Monitoring, Reporting and Evaluation**

### **a. Monitoring**

1) ACEF will monitor its own activities. An internal evaluation group will be set up by ACEF. Ms. Xie Yuhong, Deputy Secretary General, will act as the focal point for monitoring. The evaluation will be conducted twice; a mid-term evaluation and a final evaluation. Based on the findings of the mid-term evaluation, the project plan will be revised as needed to more expeditiously achieve the project's objectives. ACEF intends to utilize a combination of formative (process), summative (outcome) and impact evaluation to assess the effectiveness of this project. At the outset, an evaluation framework will be developed that clearly identifies project milestones and indicators directly related to the project's objectives and expected outcomes, and the appropriate data collection methods to quantify the degree of achievement of these outcomes. The results of the evaluations will be reported to the Executing Agency, i.e. UNDP China.

2) UNDP is responsible for monitoring the implementation of the key activities and the use of funds by implementing agency and reporting back to UNDEF. Ms. Gu Qing, Programme Manager of Democratic Governance and HIV/AIDS team of UNDP China will act as the focal point for project monitoring. In accordance with the programming policies and procedures of UNDP, project monitoring will be conducted as follows.

UNDP works with ACEF to conduct half-yearly quality assessments to record progress towards the completion of key results; an Issue Log shall be activated in Atlas and updated by the Project Manager to facilitate tracking and resolution of potential problems or requests for change; a risk log shall be activated in Atlas and regularly updated by reviewing the external environment that may affect the project implementation; a project Lesson-learned log shall be activated and regularly updated to ensure on-going learning and adaptation within the organization, and to facilitate the preparation of the Lessons-learned Report at the end of the project; a Monitoring Schedule Plan shall be activated in Atlas and updated to track key management actions/events.

### **b. Narrative and Financial Reporting**

As Executing Agency, UNDP, in consultation with ACEF, will be responsible for reporting to UNDEF including the preparation of the Mid-term/Annual Progress Report, Final Narrative Report, Evaluation Report and certified financial reports. All reports will be as per the UNDEF Monitoring and Reporting Guidelines and in accordance with the Reporting timetable. Ms. Gu Qing, Programme Manager of Democratic Governance and HIV/AIDS team of UNDP will act as the focal point for narrative and financial reporting.

### **c. Evaluation and Baseline Data**

UNDP is responsible for conducting an evaluation at the end of the project. The cost of the evaluation is covered by the Executing Agency fee. The evaluation will be undertaken by an independent consultant(s).

UNDP is also responsible for ensuring the collection of baseline data to be used for the evaluation with the support of ACEF. Baseline data will be collected prior to the commencement of the project to serve as the starting point for measuring performance.

Regarding the monitoring and evaluation arrangements, a Project Board that includes UNDP staff will be established and meet every six months to review progress made and issues occurred. Periodical field visits will be carried out in conjunction with middle and final project review.



An annual project review shall be conducted during the fourth quarter of the year or soon after, to assess the performance of the project and appraise the Annual Work Plan (AWP) for the following year. In the last year, this review will be a final assessment. This review is driven by the Project Board and may involve other stakeholders as required. It shall focus on the extent to which progress is being made towards outputs, and that these remain aligned to appropriate outcomes.

## **8. LEGAL COMMITMENTS**

“Signature of this project document commits all parties to abide by the following:

- a. As per ECOSOC Resolution 1996/31 on consultative relationship, as well as the UNDP criteria for associated NGOs, the aims and purposes of all Executing and Implementing Agencies are in conformity with the spirit, purposes and principles of the Charter of the UN.
- b. The Executing and Implementing Agency agrees to undertake best efforts to ensure that none of the funds received from UNDEF are used to provide support to individuals or entities associated with terrorism and that the recipient of any amounts provided by UNDEF do not appear on the list maintained by the UN Security Council Committee established pursuant to Security Council Resolution 1267 (1999) and that this undertaking form part of any and all sub-contracts entered into by the grantee.
- c. The Executing and Implementing Agency does not intend to provide any type of support for any member, affiliate or representative of an organization that recommends or is apologetic of the use of violent means in political action in general and of terrorism in all its forms and manifestations in particular, as stated in the 2005 World Summit Outcome document (§81).
- d. All CSO partners to this project are duly constituted nationally or internationally and where applicable, comply with existing national legislation regarding formal registration and public accountability.
- e. All CSO partners to this project have statutes or by-laws providing for a transparent process of decision-making, election of officers and members of the Board, and the CSO has authority to speak for its members through its authorized representatives identified in this project document.
- f. All CSO partners agree to abide by the “UNDEF Branding and Visibility Guidelines” and any related requests from UNDEF in all activities and products of the project in a manner fitting to the local political and cultural context.
- g. The Executing Agency agrees to be responsible for the overall management of the project and will bear all financial and reporting responsibilities including the final evaluation report to UNDEF as per the UNDEF Monitoring and Reporting Guidelines. The Executing Agency also agrees to be responsible for contracts and implementation arrangements with any implementing partners or individuals involved in the project.
- h. All parties agree to take all necessary measures to facilitate monitoring and evaluation as and when required by UNDEF or a third party on its behalf.
- i. All funds will be transferred from UNDEF to the designated Executing Agency in US Dollars. Any onward payments made in currencies other than US Dollars will be determined by applying the rate of exchange in effect on the date of payment. Should there be a change in the rate of exchange prior to the full realization of the project, which may affect the ability to carry out project activities; the Executing and/or Implementing Agency will be expected to adjust project design so as to stay within available resources.
- j. All financial accounts and statements shall be expressed in US Dollars.



- k. Any interest income accrued on the amount remitted from UNDEF will be reported in the financial statements, unless prohibited by the Executing Agency's financial rules and regulations, and returned to UNDEF after project completion.
- l. All parties agree to provide financial expenditure reports and certified financial statements as per the UNDEF Monitoring and Reporting Guidelines available on the UNDEF website.
- m. Receipts and justification documents for project expenditures must be kept and made readily available in case of any audits.
- n. UNDEF reserves the right to terminate this project should in UNDEF's view, circumstances so require. Upon termination, no further funds will be disbursed.
- o. Assets approved and purchased under this project do not fall under the financial or managerial control of UNDEF at any stage of the project. UNDEF is not involved in their acquisition, in decisions concerning access, or in the assumption of risks associated with these assets. Consequently, the Implementing Agency, in consultation with the Executing Agency if applicable, is responsible for all financial and managerial control and accountability of these assets throughout the life cycle of the project and beyond, in accordance with its own rules."



## 9. Budget

- Project budget by activity (see Section 4 "Results Framework")
- Project budget by resource (see Annex II\_4Round\_Budget\_CS0\_EA\_ENG)
- Detailed breakdown of the project budget by resource/input

Budget-Line Description	Unit	Quantity	Total in US\$
<b>1- Staff and other personnel expenses</b>			
3 project administrative staffs	\$60/day	630 days	378 00
<b>Total</b>			<b>37800</b>
<b>2- Travel</b>			
Project management team's travel	Contribution by ACEF		
<b>Total</b>			
<b>3- Contractual services</b>			
<b>Total</b>			
<b>4- Operating expenses</b>			
<b>4.1- Meetings and Training</b>			
Meetings (Activity 2.1.3 meeting to review handbook; Activity 3.2.2 meeting to review legal opinion paper for establishment of environmental tribunals; Activity 4.1.2 meeting to review the legislative proposal on PIL; Activity 4.2.3 meeting to review the legislative proposal on liability and compensation )	\$2300 / meeting	4 meetings	9200
Press conference	\$53/ participant	25 participants	1325
Two training courses to train 80 volunteer lawyers (Activity 3.3 )	\$520 / participant	80 participants	41600
<b>Sub-total</b>			<b>52125</b>
<b>4.2- Advocacy/Outreach</b>			
Posters for advocacy campaign	Contribution by ACEF		
Handbooks for information dissemination	\$5/copy	5000 copies	25000
TV Program production	Contribution by ACEF		
Legal Aid (Travel)	\$380 for 1 round trip tickets; \$110 per diem/ person /day	135 trips 675 days	125550
Legal Aid (Legal Fee) 18 National consultants and legal professionals (Legal aid provided to 1000 victims of 20 cases of environmental damages through litigation and mediation)	\$100/day	For 636 days	63 650
<b>Sub-total</b>			<b>214200</b>
<b>4.3- Miscellaneous</b>			
Rent (As for no property right, ACEF should pay rent for office premise)	\$754.5/ month	24 months	18108
Sundry	\$417/ month	24 months	10 000
Audit	Contribution by ACEF		
<b>Sub-Total</b>			<b>28108</b>
<b>Total</b>			
<b>5- Acquisitions</b>			



Computers/Laptops	\$1250/piece	4 pieces	5000
Printers	\$600/piece	2 pieces	1200
Digital videos	\$1000/piece	1 pieces	1000
Cameras	\$738/piece	2 pieces	1476
<b>Total</b>			<b>8676</b>
<b>6 – Fellowships, grants and others</b>			
<b>7 – Total Project Cost (TPC)</b>			<b>340909</b>
<b>8 – Monitoring &amp; Evaluation (10% of TPC)</b>			
Executing Agency Fee and M&E (7%)			23,864
UNDEF M&E (3%)			10,227
<b>9 – Total Executing Agency Grant Amount</b>			<b>34,091</b>
<b>10 – Total UNDEF Grant Award</b>			<b>375,000</b>

(Note: attached please find Annex IV made to breakdown the contributions by ACEF )

### 10. Checklist

Once you have finalized your project document, please ensure the following:

- ✓ Did you follow the correct guidelines i.e., CSOP + EA?
- ✓ Did you ensure that you have included all the required information in line with these guidelines?
- ✓ Did you include the correct cover page? (Annex II)
- ✓ Is the cover page signed by both the Implementing and Executing Agency?
- ✓ Did you include the results framework? (Annex III)
- ✓ Did you include the budget in three different ways?
  1. in the Results Framework? (Annex III)
  2. in the Excel table? (Annex IV)
  3. in the detailed Word table? (Annex V)
- ✓ Do the budgets add up to the UNDEF grant amount and are they consistent with each other?
- ✓ Did you provide the Partnership Information? (Annex VI)
- ✓ Did you include the Legal Commitments? (Annex VII)

**UNDEF PROJECT BUDGET - CSOP+EA project**  
(In US dollars)

Executing Agency:  
Implementing Agency:  
Project Title:  
Start Date:  
End Date:  
IMIS Project ID:  
**UNDEF Project Number:**

Enter Executing Agency Name  
Enter Implementing Agency Name  
Enter Project Title  
To Be Entered By UNDEF  
To Be Entered By UNDEF  
To Be Entered By UNDEF  
UDF-CPR-09-329

UNDP China  
All-China Environmental Federation  
Protect the environmental rights and justice of the public

Project Budget Lines	Object of Expenditure	Project Budget		
		I Total US\$	II Year 1 US\$	III Year 2 US\$
PLEASE USE BOX 1 TO DOUBLE CHECK FIGURES:				
Box 1				
Enter UNDEF grant amount here:				375,000
M & E (10% of TPC)				34,091
EA fee and M&E				23,864
UNDEF M&E				10,227
1	Staff and other personnel expenses			
a	3 project administrative staffs	37,800	10,900	18,000
	Total	37,800	10,900	18,000
2	Travel - Note 1			
a	Tickets			
b	Per diems / meals and accommodation			
	Total			
3	Contractual services			
a	Service contracts	0		
b	Consultants			
	Total	0	0	0
4	Operating expenses			
I	Meetings and Training			
a	4 meetings	9,200	4,600	4,600
b	Press conference	1,325	1,325	
c	Two training courses to train 60 volunteer lawyers	41,600	20,800	20,800
	Sub-total	52,125	26,725	25,400
II	Advocacy/Outreach			
a	Posters for advocacy campaign			
b	Handbooks for information dissemination	25,000	25,000	
c	TV Program production			
d	Legal Aid (Travel)	125,550	62,775	62,775
e	Legal Aid (Legal Fee)	63,650	31,825	31,825
	Sub-total	214,200	119,600	94,600
III	Miscellaneous			
a	Rent	18,108	9,054	9,054
b	Sundry - Note 2	10,000	5,000	5,000
d	Audit	0		
	Sub-total	28,108	14,054	14,054
	Total	294,433	180,379	134,054
5	Acquisitions			
a	Computers/Laptops	5,000	5,000	
b	Printers	1,200	1,200	
c	Digital videos	1,000	1,000	
d	Cameras	1,478	1,478	
	Total	8,678	8,678	0
6	Fellowships, grants and others - pls specify:			
a	Implementing partner(s)	0		
	Total	0		
7	Total Project Cost (TPC)	340,809	187,955	152,654
8	Monitoring and Evaluation - Note 3			
a	Executing Agency Fee and M&E	23,664	11,832	11,832
b	UNDEF M&E	10,227	5,114	5,113
	Total	34,091	17,046	17,045
9	Total Executing Agency Grant Amount	384,773	199,687	164,886
10	Total UNDEF Grant Award	375,000	205,001	189,899

Notes: Please fill in Year 1 and Year 2 columns "Total" column will fill up automatically. All amounts should be rounded off to the nearest dollar. Please note yellow cells are formulas and should not be altered. Please use Box 1 to double check your figures.

1 This category refers to travel and per diem (meals and accommodation) for project management team. Participants travelling to workshops and training courses should not be listed here but included in section 4.i "Meetings and Training"

2 Sundry expenses include bank charges, expendable office supplies, telephone lines/fax charges, freight, postage, etc.

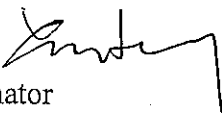
3 The Executing Agency may charge an administrative overhead fee of up to 7% of the total project cost (TPC). All EA monitoring and evaluation costs will be covered by this fee. No further overhead charges will be permitted. UNDEF will retain 3% of the TPC to cover additional monitoring and evaluation costs, including third party evaluations that may be needed for comparative or thematic evaluations.

United Nations Development Programme

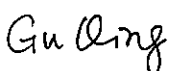
联合国开发计划署



Interoffice Memorandum

To: Ms. Yang Fang   
Operation Coordinator

Date: 18 February, 2011

Through Ms. Gu Qing 

From: Xiao Yuan

File:

Subject: Income application

We are writing to seek your approval in ATLAS for the budget of project 00077429 in 2011 so as to allow the income application in UNDP Headquarters. Attached please project document and budget for your reference. You'll be highly appreciated if you could approve the budget in the system. Thanks!

2 Liangmahe Nanlu, Beijing 100600, China

Tel: 86-10-85320800 Fax: 86-10-85320900 Website: [www.undp.org.cn](http://www.undp.org.cn)

中国北京亮马河南路二号 邮编: 100600



**Annual Work Plan**

China - Beijing

Award ID: 00061201

Award Title: protect the environment rights and justice of the public

Year: 2011

Report Date: 2/18/2011

Project ID	Expected Outputs	Key Activities	Timeframe		Responsible Party	Fund	Donor	Planned Budget		Amount US\$
			Start	End				Budget Descr		
00077429	protect the environment rights	advacaccy for enviro. protecti baseline survey legal aid policy change on env. prole			ALL China Environmental federa	30000	UNDEF	72100	Contractual Services-Companie	25,000.00
					ALL China Environmental federa	30000	UNDEF	72200	Equipment and Furniture	8,676.00
					ALL China Environmental federa	30000	UNDEF	71400	Contractual Services - Individ	18,900.00
					ALL China Environmental federa	30000	UNDEF	71600	Travel	62,775.00
				ALL China Environmental federa	30000	UNDEF	74100	Professional Services	31,825.00	
				ALL China Environmental federa	30000	UNDEF	74500	Miscellaneous Expenses	14,054.00	
				ALL China Environmental federa	30000	UNDEF	75100	Facilities & Administration	11,932.00	
				ALL China Environmental federa	30000	UNDEF	75700	Training, Workshops and Confer	26,725.00	
<b>TOTAL</b>										<b>199,887.00</b>
<b>GRAND TOTAL</b>										<b>199,887.00</b>





**Annual Work Plan**

China - Beijing

Award Id: 00061201

Award Title: protect the environment rights and justice of the public

Year: 2012

Report Date: 2/18/2011

Project ID	Expected Outputs	Key Activities	Timeframe		Responsible Party	Fund	Donor	Planned Budget	Amount US\$
			Start	End					
00077429	protect the environment rights	advacacy for enviro. protecti			ALL China Environmental federa	30000	UNDEF	72100 Contractual Services-Companie	94,600.00
		baselime survey			ALL China Environmental federa	30000	UNDEF	71400 Contractual Services - Individ	18,900.00
		policy change on envl. prote			ALL China Environmental federa	30000	UNDEF	75100 Facilities & Administration	11,932.00
		survey on public awareness			ALL China Environmental federa	30000	UNDEF	75700 Training, Workshops and Confer	25,400.00
<b>TOTAL</b>									<b>164,886.00</b>
<b>GRAND TOTAL</b>									<b>164,886.00</b>

# Approval Memo for Budget Revision

Finance, UNDP China

Date: 18-Feb-11

No. 2

1. Team Leader for clearance: YF

4. Return to: Xiao Yuan

2. Finance/SPMS: Cleared by GS&LL

5. Arugus generator: LL

3. Team Leader: YF for approval and signature (send to KK & finalize in Atlas)

6. Return this memorandum and a signed copy of the revision to Finance as soon as possible

**Your approval is hereby requested for the attached Budget Revision**

**Protect the environment rights (Award: 00061201 Project#: 00077429)**

- ( v ) This approval is within your authority.  
 ( ) This approval exceeds your authority; The delegated approval memo is attached, and any comment taken into account.

**This approval of the attached budget will change the resource situation as follows (all figures are in US\$):**

SOF	Description	2009	2010	2011	2012	Total (2009-2012)
Fund 30000	Total approved c/s budget	6,388,574	4,386,042	1,156,755	128,400	12,059,771
	This approval (inputs variation)	0	0	199,887	164,886	364,773
	Total approved c/s budget after this revision	6,388,574	4,386,042	1,356,642	293,286	12,424,544

**Finance Comments:**



United Nations Development Programme

联合国开发计划署



China

15 February 2011

Dear Sir or Madam:

**Subject: Invitation to PAC Meeting on the project**  
**Protect the environmental rights and justice of the public**

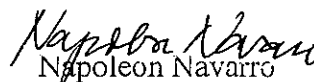
I am pleased to invite you to participate in the Programme Appraisal Committee (PAC) meeting to review and comment on the project "Protect the environmental rights and justice of the public".

Environmental rights are important human rights and an indicator of democracy in a society. The objectives of the project are: to raise environmental awareness of the public; to influence policy change and gain support for establishing a Public Interest Litigation (PIL) system; to protect the rights of the public to a clean environment, and contribute to the democratization process in China. The strategy of the project is: to promote public access to environmental information and to raise their environmental awareness; to provide legal aid to victims of environmental damages, especially the vulnerable groups and protect their environmental rights by PIL or mediation; to promote the establishment of environmental tribunals, development of a PIL system and legislation on liability and compensation for environmental damages.

The meeting will be held between 2:00 – 3:00 p.m., Thursday, 24 February, 2011 in the Large Conference Room of the UN compound. Attached please find the project document as well as the PAC agenda for your information.

We would be grateful if you or your representative could attend the above mentioned PAC meeting. Please contact Ms. XIAO Yuan (Tel: 85320763, email: [yuan.xiao@undp.org](mailto:yuan.xiao@undp.org)) to confirm your participation at your earliest convenience.

Yours Sincerely,

  
Napoleon Navarro

Deputy Country Director

2 Liangmahe Nanlu, Beijing 100600, China  
Tel: 86-10-85320800 Fax: 86-10-85320900 Website: [www.undp.org.cn](http://www.undp.org.cn)  
中国北京亮马河南路二号 邮编: 100600