

An Environmental Civil Society in China? Bridging Theoretical Gaps through a Case Study of Environmental Protest

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Introduction

As the world's attention turns towards China, the attention of China's population turns towards its government. As China's leaders make no secret of their desire to establish the nation as an economically influential antipole to the West, its people seem to have been forgotten. Perhaps environmental issues will no longer be ignored following the announcement on March 14th 2011 that China aims to slow economic growth with the intention of reducing carbon emissions by 17% as part of its new 12th five-year plan, but it remains to be seen to what extent China will deliver on these promises. The international community has already responded with praise, applauding China's green ambitions. Such praise, however, fails to acknowledge the environmental efforts China's citizens have been making in the past years. Indeed, it would seem that even established scholars underestimate the potential of China's environmental civil society, as the following paper argues.

This paper seeks to assess the accuracy of existing literature on China's environmental civil society, especially in the context of an emerging environmental movement. It does this by employing the largely unused method of the case study, chosen deliberately in order to demonstrate the limitations of previous research, which frequently attempts to provide insight on concrete matters through investigation of abstract manifestations. I refer in particular to articles that portray surveys of environmental awareness in China as a reliable source on which to base judgement on the national condition of environmental civil society in China. These surveys usually result in the view that there is little potential for such a civil society to develop, which in turn leads to the assumption that there is little chance of an imminent environmental movement.

This study begins by exposing the limitations of this existing scholarly research, before proceeding to test the accuracy of its predictions, as well as the arguments its discussion is based on. The case study used for this test comprises three construction projects, namely the Nu River dam, the Xiamen PX plant, and the Guangzhou incinerator, which all elicited a strong response from affected residents. As the 2003 Environmental Impact Assessment (EIA) law plays an influential role in all three cases, its contribution will be considered in detail also. The results obtained will be contextualised within Arnstein's "ladder of citizen participation", prior to a final discussion offering an alternative view on the existence of an environmental civil society in China and the potential for an environmental movement.

The Limitations of Existing Research

In evaluating the status of civil society in China and the potential of an environmental movement emerging from it, scholars frequently revert to surveys or interviews to assess the level of environmental awareness in order to support their claims. For example, in 1996 Lo & Leung (2000: 683) conducted a survey in Guangzhou revealing a high degree of environmental awareness amongst local residents; Tang & Zhan (2008: 430) refer to a national survey conducted in 1998 by the State Environmental Protection Administration (SEPA) and the Ministry of Education, which showed a low degree of awareness; surveys by Donghua University in 1998 and Tongji University in 2000, both showing low degrees of awareness in Shanghai, form the basis for Lee's argumentation (Lee 2007: 286); and a 2002 survey of Beijing students by Stalley & Yang (2006: 344) again reveals a high level of awareness.

Despite the inconsistent results this method has produced, including some evidence of strong environmental awareness, scholars consistently seem to agree that at present there is little potential for collective environmental action in China due to low environmental awareness. Scholars might interject that the contradictory results are caused by using different methods, different test groups, or by having conducted research at different times, which might reflect contextual changes (see Wong 2010: 172). However, in comparing three surveys that use comparable methods, involve test groups of a substantial size, and were all conducted in 2007, similar contradictions can be observed: a global BBC World Service poll on global warming suggests that environmental consciousness in China is relatively high, with 72% of the 1800 participants aware of the issues relating to global warming (BBC World Service 2007: 19); a survey by the China Environmental Awareness Program (CEAP) shows that only 31.6% of the 3,000 participants are aware

of greenhouse effects, which is inconsistent with the results obtained in the BBC poll, but general awareness is considered high, reaching 0.66 on a scale of 0–1 (CEAP 2007: 2); another survey by the China Environmental Culture Promotion Association (affiliated with the SEPA) estimated environmental awareness amongst 9,000 participants at only 42.1 on a scale of 0–100 (Xinhua 8 January 2008).¹

Even though all three of these initiatives provide authoritative quantitative insights into the issue of environmental awareness in China, they still contain partially conflicting results. These discrepancies highlight the difficulty of assessing the condition of such abstract occurrences as awareness of environmental issues, which in turn calls into question the reliability of such data in predicting the concrete occurrences of proactive environmental behaviour.² That is why this study avoids a similar approach, instead employing the case study to analyse what occurs in China when the public is directly confronted by tangible environmental issues.

Theoretical Context

This section reviews the existing theory surrounding collective environmental action in China, providing an insight into important issues under investigation in this paper. In addition, a brief introduction to the 2003 EIA law is provided.

Civil Society

According to the Centre for Civil Society (CCS) at the London School of Economics, civil society refers to “the arena of uncoerced collective action around shared interests, purposes, and values” (CCS 2004). It is an arena “of social engagement which exists above the individual, yet below the state” (Wapner 1995: 312–313). In the West it is an idea that refers to parts of society that are independent of the state; an independence which is institutionally reinforced, for instance through the division of powers, a multi-party system, and freedoms of expression, organisation, assembly, and the press. Heberer & Sausmikat (2004: 1) also add the protection of rights, a

¹ The survey has been running annually since 2005 under the title “Environmental Protection and People’s Livelihood Index”, revealing a similarly low environmental awareness in 2006 (China CSR 19 January 2007).

² This is not intended as disagreement with the argument that public environmental awareness is important for the successful implementation of environmental policy (Wong 2010: 169; or Tilt & Xiao 2010: 226).

free market economy, and political participation by the citizens as further aspects of a civil society. According to these aspects, the existence of a civil society in China is unlikely. However, the transferability of such a western definition of civil society to China's context is questionable.

A definition of civil society more applicable in China's context is that it refers to the gradual pluralisation of society under the creation of autonomous space, which does not necessarily imply opposition against the state (Zhao 2000, and Ding 2000 in Heberer & Sausmikat 2004: 3). Indeed there are those who advocate cooperation with the state by society, rather than opposition against it. Others again focus on the importance of autonomous organisation (in Heberer & Sausmikat 2004: 2–3). Both of these scenarios seem much more likely in China. Although Heberer & Sausmikat are unable to find substantial evidence of an independent civil society in China, they believe that its roots have found firm ground (2004: 39).

In China's case it is perhaps more appropriate to approach the concept of civil society not by searching for the presence of certain requirements for such a body as expected in the West (such as freedom of expression or protection of rights), but rather by looking at its function within the arena between state and society. Rooij (2010: 56) argues that citizens play an important role in pressuring firms into compliance or enforcing laws. Hyden (1997: 12) suggest two distinct roles for civil society: (1) driving social development through the mobilisation of resources beyond state influence, and (2) "socialising individuals in a democratic direction". Salmenkari echoes this, suggesting that China now "promotes the idea of civil society as an independent service provider" (2008: 397). These services are limited to what the government perceives as unthreatening areas, of which the environment is an example (Chen 2010: 507, 510 & 520), and includes the function of environmental non-governmental organisations (ENGOs) as "watchdogs", as argued by Ru & Ortolano (2009: 157). So in China's context, civil society may refer to the adoption by citizens of activity usually expected from the government, but neglected by it intentionally or due to lacking capacity. In short, it is the socialisation of a void left by the government.

Environmental Democratisation

The increasing involvement of the general public in China's environmental issues has prompted speculation about whether the environment could escalate into a political issue, thereby initiating a process of democratisation in China. The inspiration for such a discussion stems from events in East Europe, Taiwan and South Korea (see Tang 2003; Economy 2004: chapter 7; Tong 2005; Cooper 2006; or Tang & Zhan 2008) in which environmental activism led to political change. At this point it is worth noting that democ-

ratification is “the process in which the (...) procedures of a democratic system are applied to political institutions” (Tong 2005: 170), and that political liberalisation is possible without democratisation (O’Donnell & Schmitter 1986 in Tong 2005: 170).

Tong argues that by the time postmaterialist values emerged in China in response to the government’s pursuit of economic growth, which resulted in widespread environmental degradation, the political opportunity provided in 1978 had faded away. Therefore “political liberalization (...) never proceeded to democratization” (Tong 2005: 186). The explanation Jonathan Power (columnist with *The Daily Times*) provides is straightforward: there is simply a lack of demand for democratisation in China, and civil society is weak (*The Daily Times* 2005). This is highly debatable. The government’s need for a strong civil society in protecting the environment (Schwartz 2004: 34; Ho 2008: 5; and Weidner 2002, in Johnson 2010: 431), alongside the recognition that the party-state is limited in its own capacity (as mentioned above, see also Ho 2001: 902; Tang & Zhan 2008: 438; or Qi 2010: 72), has allowed just such a civil society to grow. In turn this means that the possibility of democratisation, or at least further liberalisation, has not been lost just yet. As Cooper mentions “there is nothing culturally, historically or politically particular to the region that would reasonably prohibit democratic development in China” (2006: 113).

According to Economy (2004: 137) the environmental activists pursuing democratisation can roughly be divided into two categories: those who see environmental protection as a path to democracy, and those who see democracy as a path to environmental protection. Both categories are united in the knowledge that there is “a philosophical link between *effective* protection of the natural environment and the need for democracy” (Economy 2004: 137 – emphasis added). The repeated calls for further citizen participation in environmental protection, in addition to demands for democracy and transparency in the policy-making process, by Pan Yue (Vice-Minister of the Ministry of Environmental Protection), though causing controversy, are a promising sign of change (*China Daily* 2006). However, while participation and transparency are integral to democratisation, Goodman (2008, in Ma et al. 2009: 74) reminds us that they are not signs of an irreversible move towards democracy.

The fundamental question that arises is whether environmental democratisation in China is a bottom-up or top-down process (see He 2006). Perhaps the most fitting scenario for environmental democratisation in China is a form of “hybrid democratisation”, as suggested by Ma et al. (2009: 81), who describe it as a process with features of both top-down and bottom-up paths. However, it should not be forgotten that democracy needs citizen partici-

pation to survive (GTZ 2006: 8); therefore, regardless of whether political liberalisation and environmental democratisation are initiated from above, from below, or both, the focus should be on the extent of participatory mechanisms and their protection. In this context Martens statement that “civil involvement does not have to be political in order to be significant” is noteworthy (2006: 213).

Citizen Participation

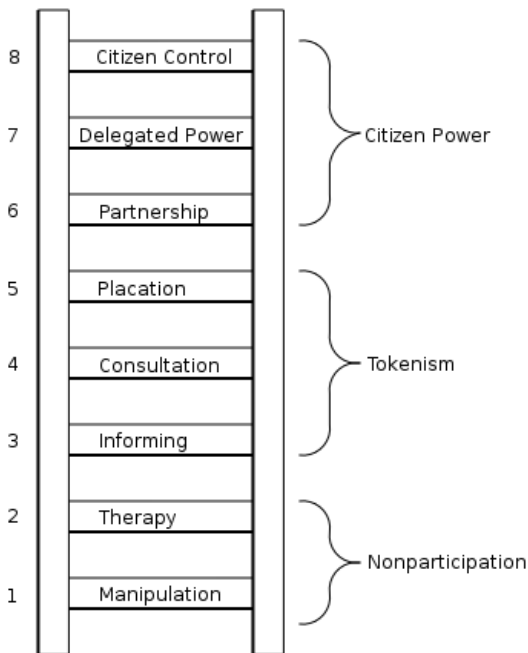
Broadly speaking, participation is “the active involvement of citizens in processes that affect their lives” (BMZ 1999, in Fulda 2009: 97). The most highly regarded view on citizen participation is provided by Arnstein (1969), who devises a “ladder of citizen participation” to visualise different levels of citizen power (see Figure 1). The idea that Arnstein seeks to convey with this ladder is that there are a number of gradations within citizen participation, rather than it either being present or not. This ladder starts with two degrees of nonparticipation, “manipulation” and “therapy”, both of which signify a distortion of public participation through the illusionary involvement of the public, intended to justify developers’ intentions, as discovered by Chai et al. (2005, in Yang 2008: 106). Moving up, the different stages of tokenism, “informing”, “consultation”, and “placation”, reflect differing degrees of transparency, accountability, and public influence in the participatory process. At this level participation remains an “empty ritual”, people become “statistical abstractions”, and public participation merely serves as a “rubber-stamp” for developers’ decisions (Arnstein 1969: 219–221). At the top of the ladder lie three degrees of citizen power, “partnership”, “delegated power”, and “citizen control”, each representing increasingly sophisticated mechanisms of negotiation based on equal standing, increasing public authority and influence, and finally a dominant public.

Another important aspect this ladder conveys is the gap between participation without power and participation with power. Arnstein’s recognition that “there is a critical difference between going through the empty ritual of participation and having the real power needed to affect the outcome of the process” is central to this aspect (Arnstein 1969: 216). Without real power, participation by citizens merely maintains the status quo, working to legitimise the decisions made by those in power. Enserink & Koppenjan pick up on this idea using the term “meaningful participation” (2007: 465). This is participation that involves “a real say for the stakeholders involved in the process; consultation where stakeholders are allowed to express their concerns, issues and ideas and where the initiator of plan, programme or policy takes their remarks seriously”. In short, meaningful

participation is “not a matter of course, but of deliberate intention” (Enserink & Koppenjan 2007: 465).

Again the question is whether this concept of citizen participation can be transferred to China. In order to reflect the concept of participation in China’s context, Plummer & Taylor propose a reinterpretation of Arnstein’s ladder based on community participation (see Plummer & Taylor 2004: 42).

FIGURE 1: Ladder of Citizen Participation



Source: Tom Wolff & Associates 2006

Environmental Movements

Trends show that as living standards rise, so does demand for environmental protection (Economy 2004: 118). Views on the accuracy of this trend in China differ. There are those who argue that the population’s interests are still limited to material desires or wealth (or both), and that concern for the environment therefore is low (Lollar 1997, in Tang & Zhan 2008: 434; Tong 2005: 178; and Brettell 2008: 113); and there are those who argue that the

deterioration of China's environment through steady economic growth has led to the emergence of a green generation (Inglehart 1997, in Tang & Zhan 2008: 434; Ho 2001: 894; Tong 2005: 168; Brettell 2008: 113; and Ma et al. 2009: 76). Regardless of what the predominant trend in China is, it is safe to assume that there exists a basic level of environmentalism, which we can consider to be an awareness of environmental processes coupled with concern for the environment's health. This is evident from the growing number of ENGOs, environmental student groups, the expanding coverage of environmental issues in the media, and a population that is willing to complain and protest about environmental degradation (as this paper will demonstrate).

The presence of environmental awareness, however, cannot be taken as an indicator of an environmental movement. In considering the definition of a social movement, Stalley & Yang find that a necessary element of a movement is "sustained contentious action" (Stalley & Yang 2006: 366). Based on this definition no environmental movement is present in China, as the existing environmentalism lacks such an element. Ho also seems doubtful as to the existence of an environmental movement in China. According to his explanation, the "greening of the state" and the ambiguous approach of the government towards civil society have shaped environmentalism in China, removing the opportunity (and urgency) to confront the government, which prevents the identification of a movement that corresponds to perceptions in the West (Ho 2001: 897–898). Such a form of environmentalism under an ambiguous government stance is what Ho refers to as "embedded environmentalism", a "fragmentary, highly localized, and non-confrontational" form of environmentalism (Ho 2008: 14) with a distinct absence of confrontation, referred to as a "female mildness" (Ho 2001: 916). Both approaches seem to agree that a confrontational dimension is an essential component of a social movement, implying that in China's current context there is little scope for the development of an environmental movement. Needless to say, there are scholars who disagree with this view.

Tong argues that "if a civil society is the organizational space in which private citizens can gather and discuss social issues and bring about policy changes, it does not have to be confrontational" (Tong 2005: 182). As observed by Yang & Calhoun, environmental discourse in China "is distinctive because it engages politics (...) without being primarily political" (2007: 212). In this context, Heikkila (2010: 52) notes how local governments act with "anticipatory responsiveness" towards public demands. Nevertheless, both civil society and social movements depend on the availability of political opportunity (Tong 2005: 183). In this context Martens believes that further political liberalisation is needed to allow for the development of an

influential environmental movement in China. This liberalisation does not need to be directed towards democratisation, as long as new channels, networks and frameworks that support the organisation of a civil society are created (Martens 2006: 226).

As the extent of political liberalisation in China's current context is determined by the government, and as the government currently has no inclinations towards allowing political liberalisation, let alone democratisation (Schwartz 2004: 46; and Tang & Zhan 2008: 443), it is unlikely that substantial political opportunity is forthcoming. The government's dominance in political matters, however, does not preclude civil society from playing an important role in political liberalisation or democratisation in China. As Yang & Calhoun advocate, instead of waiting for further political liberalisation, citizens in China should persistently engage in the available spaces, which will eventually push back the political boundaries (2007: 84³; also Chen 2010: 521). This hypothesis, from the perspective of ENGOs in China, is analysed by Tang & Zhan (2008), but no clear conclusion is drawn due to conflicting evidence. An argument that confronts this hypothesis is the absence of strong middle class support for an environmental movement (Ho 2008: 29; and Tang & Zhan 2008: 428), meaning that it would lack the necessary scale to effect political change. A less common explanation for this low support is provided by Brettell (2008: 132), who claims that the environmental complaint system in China has eradicated momentum for a movement. This paper, however, refutes the claim that there is a lack of middle class support for an environmental movement.

NIMBYism, GONGOs and Rules-based Environmental Activism

Debate around the above notions has pointed to many obstacles that prevent the emergence of an influential environmental civil society in China. At most, civil society is deemed to play a reactive role (Mol 2006, in Johnson 2010: 431), but in general the potential for an environmental movement in China is compared unfavourably to the existing environmental movement in the West (Heikkila 2010: 52; Mol 2006: 52). This debate, however, fails to recognise developments occurring within the available political space, a view shared by Johnson, who argues that "studies are in danger of downplaying important innovations that are (...) creating new public participation dynamics" (2010: 431). His idea is that a type of rules-based environmental activism is emerging, in which citizens campaign for public participation rules to be upheld in the context of growing "rights consciousness" (or

³ Interestingly this view is included in the edited book but omitted from the article release.

“rules consciousness”) (Johnson 2010: 432–434); a view confirmed in the below case study. Although such activism may be limited to local incidents (NIMBYism), Johnson seems to suggest that it is complimentary to NGO efforts (2010: 431–432).

Due to strict regulations imposed on ENGOs in China, an institutional context that demands politically non-threatening forms of contention (Michelson 2006, in Rooij 2010: 65), and a desire for long-term survival with national benefits, NGOs are limited to non-contentious advocacy. In contrast, the short-term basis of citizen activism focused on local issues allows it to adopt contentious tactics. Although NIMBYist action is not always oriented towards the expansion of formal participatory channels (Michelson 2006, in Rooij 2010: 57), Johnson believes that in combination with NGO efforts, local citizen action could lead to the institutionalisation of more participatory forms of governance in China (2010: 432). In the interest of NGO survival, and due to the lacking engagement of citizens with NGOs (Wong 2010: 179), however, these processes may occur in isolation of each other, as suggested by Rooij (2010: 76).

In short, NGO advocacy to expand participatory mechanisms may result in the institutionalisation of such measures by the government. Citizen action then functions to ensure that these measures are enforced, which in turn strengthens the position of NGOs to lobby for further participatory mechanisms. Another important development that may support this process is the increasing autonomy of GONGOs (Government organised NGOs), which Mol (2006: 47) believes bridge the gaps between NGOs, civil society, and the state. It is in this context that Yang (2005, in Heikkila 2010: 48) speaks of the “boundary spanning” function of NGOs, defying the dichotomy between state and society.

The 2003 EIA Law

In addition to the theoretical framework surrounding the environment in China, consideration should be given to the 2003 EIA law, as it plays a vital role in each of the cases analysed in this study. The purpose of an EIA is to identify and evaluate a construction project’s potential impact on the environment in natural, social and economic terms, and to propose methods to mitigate this impact. Prior to the start of any construction project, an EIA must be passed. Any project that fails an EIA, does not conform to the mitigation measures as required by the EIA report, or does not undertake an EIA at all, is illegal and must not proceed without rectification. In short, the EIA is a preventive measure against negative impacts caused by construction projects and is thus an important component in the management of the environment.

In addition to making EIAs mandatory for all construction projects, China's 2003 EIA law also stipulates that EIA reports must be made publicly available and that citizens have the right to participate in the EIA process.⁴ According to article 5, relevant organisations, experts, and the general public *may* participate in the EIA process "in an appropriate way". Articles 11 & 21 explain that in cases where a project could affect public interest, measures *should* be implemented to assess public opinion. The results obtained *should* be taken into consideration during the EIA process, and the report *should* provide an explanation as to how public opinion has been treated. With the exception of hearings, however, the law does not specify any channels for participation, only stating "other approaches".⁵ A subsequent regulation released by the SEPA in 2006, however, outlines opinion surveys, consultations, seminars, debates, and hearings as channels of participation (ChinaWatch 2006).

The general consensus is that the 2003 EIA law is a step in the right direction, but that there is still room for improvement. Needless to say, the lacking implementation of laws, enforcement of laws, and the absence of a general rule-of-law are underlying problems that limit the potential of the 2003 EIA law in China.⁶

Case Introduction

The following is a brief description of three prominent examples of civilian responses to construction projects in China and their environmental impact, which will be used as cases for analysis.

Case A: The Nu River Dam

The Nujiang (Nu River or Salween), China's last free-running river, flows from Tibet through Yunnan province, Myanmar and Thailand. In 2003 it became a designated UNESCO World Heritage site due to the 7,000 plant species, 80 rare animals, and 22 ethnic minorities reliant on its ecosystem. Despite its protected status, a project to build along the Nu River a chain of 13 dams capable of generating 22.5GW of electricity (worth 8 billion RMB annually in local government tax revenues) received initial approval that

⁴ The current law exempts "confidential" projects from these requirements, constituting a potential loophole.

⁵ For an overview of the 2003 EIA law, see the appendix of Wang et al. 2003.

⁶ For discussions of EIA law in China, see Mao & Hills 2002; Wang et al. 2003; or Tang et al. 2005.

same year. However, during a delay pending its final approval, China's 2003 EIA law became effective, subjecting the project to an EIA prior to final approval being issued.

At this stage local residents in the Nu River area were still unaware of the government's intention to build the dams because media coverage had been banned. Neither did the 50,000 local residents who would have to be relocated know of the new EIA law. Only when Pan Yue invited academics, experts, environmental officials, and national celebrities to express their views on the project at an environmental forum, did media coverage emerge. This gradually escalated into an international debate, encouraging NGOs to mobilise opposition against the project, especially in the Yunnan area.

Criticism focused on the absence of an adequate EIA, escalating to such an extent that Wen Jiabao (China's Premier) suspended the project in 2004, calling for a scientific analysis of its impacts. This was pursued in 2005 when an EIA was undertaken, but the government's failure to release the final EIA report (as lawfully required in the 2003 EIA law) resulted in further opposition, as did the absence of any public participation (also a lawful requirement). The government insisted that this was due to national security concerns, but media coverage had already sparked global interest in the case. National NGOs and other international organisations continued to lobby against the project, appealed for its withdrawal, and mobilised public opposition through educational efforts. A counter-attack was launched by the government against the anti-dam movement, accusing it of misleading the public through scientific ignorance. Several NGOs were shut down, media coverage was limited, and Wen Jiabao was urged to remove the suspension.

Following a period of stagnation, Ma Jun, an environmental activist, drafted a petition in 2006 requesting that the final EIA report be released, which was signed by 99 individuals and 61 organisations, including Greenpeace. The petition did not elicit a response, but it brought the project back into the media spotlight: China's Ministry of Environmental Protection (MEP) started promoting public participation in EIAs, and despite a project assessment by a UN expert team, which found the project to threaten the local ecological system resulting in renewed international condemnation, it appears that construction was partially resumed.

Another attempt in 2009 to request the release of the final report in an open letter, prompted Wen Jiabao to suspend the project again with another call for an in-depth investigation. Following the announcement of China's 12th five-year plan in early 2011 this suspension seems to have been lifted, evoking a new wave of public outrage. China's National Energy Administration attempted to reengage the project on the basis of meeting the plan's

15% renewable energy target for 2020, but the local government has delayed any decisions until further investigations have been made. Following Japan's nuclear crisis caused by the 8.9 magnitude earthquake in March 2011, concerns have also been raised about the safety of constructing dams along the Nu River, which lies on an active structural fault.

(Sources for Case A: *China Daily* 2005; Yardley 2005, AsiaNews 2008; Macartney 2009; Zhang 2009; Liu 2011; Meng 2011)

Case B: The Xiamen PX Plant

Paraxylene (PX) is a petrochemical used in the production of packaging, polyester, and fabrics. A toxic carcinogen, it is harmful to the environment and can have adverse effects on human health, such as skin or respiratory irritation, foetal abnormality, and cancer. Despite the inherent risks of this substance, a project by Xianglu Tenglong Group to build a PX plant with a production capacity of 800,000 tons per year in the 2nd biggest city in Fujian province was approved in 2004, passed the EIA in 2005 (the report of which was not publicly released), and received final approval in 2006. The project's investment, estimated at \$1.5 billion with annual revenues of \$11.1 billion, was part of an initiative to develop Xiamen's Haicang District into an industrial zone, but conflicted with alternative plans to develop its residential capacity.

Scheduled to be operational in 2008, construction on the plant proceeded rapidly throughout 2006, but opposition gradually emerged the following year. In 2007 Zhao Yufen, a Xiamen University professor and member of the Chinese People's Political Consultative Conference (CPPCC), voiced concerns about the project's safety at the annual CPPCC, appealing for its relocation. In the appeal it was explained that, according to international standards, a facility of this kind would need to be located at a distance of 100km from dense urban areas⁷, but the proposed site was located less than 1.5km from residential buildings, and 100,000 people lived within a radius of 5km. Adding to this the risk of accidents or natural disasters, the project's location posed a significant threat to Xiamen, both in environmental and human terms. The appeal was followed by a joint petition signed by 105 CPPCC members, but the motion was rejected.

Despite media censorship in Xiamen, the news soon spread to local residents through the internet, sparking efforts to mobilise citizens against the project. As the government was certain to reject a formal protest

⁷ The accuracy of this has not been confirmed, but seems to be an exaggeration, as pointed out by a retired engineer from the UK chemistry industry, who also mentioned that PX plants have been operating safely in the UK for decades.

application, citizens resorted to using text messages to organise a demonstration. A message that became particularly influential compared the project to an “atomic bomb” and urged people to participate in a demonstration march wearing yellow ribbons. An estimated 10,000 people heeded this call to gather outside the People’s Great Hall, although by that time the government had already announced the project’s temporary suspension to allow further reviews to be undertaken. Ignoring this announcement the crowd proceeded to march peacefully around the Great Hall demanding the project’s cancellation. Police forces cleared the streets ahead of the protesters, making several unsuccessful attempts to block their path. Protest continued the next day, as did internet coverage of the events by participants.

A few days later the government announced that a final decision would be based on a new EIA and promised to implement measures for public participation. Local residents were invited to register comments on the project with the local government, an online poll was launched, and a public hearing was arranged towards the end of the year at which 100 randomly chosen citizen representatives spoke decisively against the project. The final EIA report also advised against its construction and the project was consequently abandoned.

Early in 2009 the MEP approved a proposal to relocate the project to Zhangzhou (a neighbouring city to Xiamen), with Xianglu Tenglong Group promising to commit substantial financial resources to pollution control.

(Sources for Case B: AsiaSentinel 2007; *Shanghai Daily* 2007; China.org.cn 2008; Li 2008; Xinhua 8 March 2008; Wu 2009)

Case C: The Guangzhou Incinerator

Guangzhou’s Panyu district has been growing rapidly since 2001, but by 2003 its domestic waste production exceeded local landfill capacity, prompting the local government to investigate alternatives. In 2006 it was agreed to build a waste incinerator plant capable of processing 2,000 tons of waste a day, but the plan was not announced until 2009. When it was made public, information spread quickly amongst local residents, provoking concerns about health risks, property devaluation, and environmental damage, driven by rumours that a similar facility in a nearby village was responsible for rising rates of cancer.

Towards the end of 2009 a crowd of around 1,000 protesters, consisting primarily of local residents, but also individuals from other parts of Guangdong province fighting against similar projects, gathered outside the municipal government, some wearing facial masks, others waving banners, and many shouting slogans, to protest against the project, complain about

lacking consultation, and demand the resignation of the Deputy General Secretary. Local officials claimed that attempts to negotiate with the crowd failed as either side was unable to find representatives. The peaceful protest was broadcast on local television and covered by participants themselves before being dispersed by police several hours later.

Following this incident it was decided that the approval process for the project would be restarted with the promise of an appropriate EIA and public consultation. A survey revealed that over 90% of residents opposed the project, investigations suggested that emission levels would be in excess of international regulations, and concern was expressed for the 3,000 people living within a radius of only 5km from the proposed site. In light of these arguments the project was abandoned. Local residents were invited to make suggestions on how the emerging waste problem⁸ should be dealt with, which resulted in a pilot project to introduce waste recycling in early 2010.

After several months of inactivity it was announced in April 2011 that 5 new locations were being considered for plant relocation. Thorough evaluations have been promised and that the interests of local residents will be respected. In addition to these new plans for an incinerator, a domestic garbage classification programme has been launched: all residential buildings will have 4 separate bins with violations resulting in a 50 RMB fine. As it is the first such programme in China, volunteers have been trained to promote the benefits of classification and educate residents in proper recycling procedures.

(Sources for Case C: Asian Correspondent 2009; Watts 2009; Moore 2009; Xinhua 2009; Reuters 2009; Zhang 2009; RadioFreeAsia 2009; Zheng & Mo 2010; Liu 2011; NewsGD 2011)

Case Analysis

The aim of this section is to use these three cases as a framework within which to assess the condition of environmental civil society in China, the potential for it to develop into an environmental movement, and in so doing to test the claims found in the theory reviewed above. These are: (1) that environmentalism in China is non-confrontational, (2) that environmentalism in China is fragmented & localised, and (3) that further political opportunity is needed. The case study will also assess the contribution of the 2003 EIA law to China's civil society by looking at how effective its mechanisms have been, how people have engaged with it, and the government's attitude

⁸ 1,600 tons a day, rising to 2,200 tons in 2010

towards it. Finally, the condition of citizen participation in China will be analysed on the basis of Arnstein's ladder.

Claim (1) Environmentalism in China is non-confrontational

In all three cases there are clear elements of confrontation between citizens and the local government. This confrontation assumes various forms with different results. In cases B & C, confrontation begins with the expression of objection against the projects through unofficial paths, such as the internet or text messages, but does not confront the leaders of the project. As objection grows into widespread opposition, expanding beyond its initial boundaries, it is organised into a targeted collective force against the local government. Finally people take to the streets in mass demonstration to express their opinion, protest against the project, and confront the project initiators. Additionally in case C, the resignation of the Deputy General Secretary is demanded by citizens and moderate physical conflict with the police occurs.

A similar sequence of events can be observed in case A, but rather than reverting to a mass march, NGOs direct public opposition into official paths to confront the government through means of dialogue. NGOs organise trips along the Nu River to educate local residents on the ramifications of building a series of dams, organise local discussion groups, inform affected citizens of their rights, and provide training in public speaking. Activists also draft letters, appeals, and petitions to give local residents a voice. As the case shows, this attempt to engage with the government on equal terms also allows for international discussion and national support by the MEP.

Whereas the confrontational elements mentioned here may not correspond to Stalley & Yang's requirement of "*sustained* contentious action" (Stalley & Yang 2006: 366 emphasis added), it is at least *sporadic* contentious action. In protesting against the projects proposed by the government and insisting on the implementation of existing laws, the affected civilians are engaging in contentious action. Even if this action is not sustained or transferred to other areas, even fading away following the resolution of the issue in most cases, the motives for action remain. Therefore this type of local protest cannot be dismissed as having no substance at all. Indeed, several activists in China have received prestigious international awards, even national awards in some cases, for their efforts in protecting the environment (Chen 2010: 508–509 & 521–522), which suggests that their activity is not going without notice or impact.

The fact that people do feel an urgency to confront the government, even in the absence of such an "opportunity", is also shown in all three cases. This calls into question Ho's perception of environmentalism in China that is shaped by the state (Ho 2001: 897–898). It seems that in China

the presence of an urgency to confront the government can create the opportunity for such a confrontation, indicating that civil society has the potential to induce political liberalisation in China.

Claim (2) Environmentalism in China is fragmented & localised

Beside the lack of confrontational elements, Ho also mentions the fragmentation of environmentalism in China into local action as a barrier to national demonstrations (Ho 2001: 897). Although this is a valid point, in the sense that it prevents the distillation of a strong united movement, it is only partially true for China, creating the misleading conception that movements need to be collective on a national scale. Based on this reasoning it would be difficult to verify the existence of an environmental movement even in the UK or the US. With the exception of mass demonstrations, such as “The Wave”⁹, environmentalism in these countries is also fragmented. This is usually referred to as “NIMBYism” (“not-in-my-back-yard”). Due to the frequency of such NIMBYs coupled with the high-profile activity of environmental NGOs that create widespread awareness of environmental issues, such as Greenpeace, this form of environmentalism can easily be mistaken for a collective national movement.

When looking at this issue in China’s context it should be taken into consideration that the vast size of China itself means NIMBY-occurrences are highly isolated, preventing them from accumulating into a common movement in geographical terms (Brettel 2008: 132). Even more important are the harsh restrictions on NGOs in China, which contain ENGOs within a certain area, limit their numbers, and restrict their activity, thereby preventing them from mobilising the wider public to pursue common goals.¹⁰ Whilst this is a hindrance to fostering national environmentalism with organised action in China, there are signs of environmental issues transcending their local barriers. As such, this comment from a protestor in case C offers a revealing insight: “the matter didn’t directly concern us but we were pursuing the public interest and we wanted to show our friends and other people what was going on, so we took pictures and used all the modern technology we could to show a protest in real time” (in Moore 2009). This not only shows that public action has gained in sophistication, but also that awareness has expanded beyond mere self-interest. The internet in particular

⁹ “The Wave” is a march that took place in London involving an estimated 20,000 to 50,000 people protesting against climate change prior to the 2009 United Nations Climate Change Conference in Copenhagen.

¹⁰ For discussions of the regulations governing NGOs in China see Ho 2001; Schwartz 2004; or Ru & Ortolano 2008.

plays a vital role in unifying NGOs and citizens from different geographical areas under a common cause (Yang & Taylor 2010: 344), which could be an indicator of an emerging environmental cyber-movement of sorts.

Looking at cases A & B it is difficult to reject claims of fragmentation or localisation, as the protesters involved are predominantly residents from the affected areas. There is no attempt at mobilising or engaging with residents from areas further afield in order to organise a widespread collective effort. The actions of NGOs and environmental activists, however, suggest otherwise. In spite of the strict limitations imposed on NGOs, not to mention the harsh treatment of activists, a collaborative effort is made to engage with citizens on a wider scale, such as through the international undersigning of petitions or the forum organised by Pan Yue in case A. Although these efforts mainly involve other NGOs and people in prominent positions, such as experts, activists or celebrities, it shows that environmental activity operates on a broad collaborative level, even if *environmentalism* is fragmented and localised.

So coming back to Ho's argument, environmentalism in China may be locally fragmented, but the same can be said of the UK or the US, albeit to a lesser extent, and China's particular circumstances need to be kept in mind when considering this. At the least, Ho's perspective should not be taken as an indication that a broad environmental movement in China is impossible, as shown by the strong responses all three construction projects evoked amongst local residents.

Claim (3) Further political opportunity is needed

As touched upon above, the absence of political opportunity is not necessarily a hindrance to civil society. In all three cases the public was denied the right to initial consultation, let alone information, as the projects were not announced, the EIA was not made publicly available, and the public was excluded from the EIA process, despite regulations dictating that all of this should be provided. Freedom of expression in general is limited in China, through the censorship of the media, the monitoring of the internet, and the absence of a right to free assembly and organisation, but in cases B & C the revelation of the projects sparked intense activity amongst citizens¹¹, who avoided the above restrictions by using text messages, online blogs, and online networking applications to distribute information in an attempt to mobilise the public. Even restrictions on assembly were defied, despite high

¹¹ This is referred to as a sudden "cognitive revolution" by Jing (in Rooij 2010: 58), but Rooij adds that information is interpreted in a highly subjective manner by citizens, making their response unpredictable (2010: 60).

risks of prosecution, especially for protest leaders. In case A, defiance of restrictions was led by NGOs with media support, allowing protest to reach a wide audience, but also inciting stronger government intervention.

What the three cases demonstrate is that political opportunity is not just dictated from above by governmental leaders, but also by the public who can influence it from below. This influence may not be able to affect immediate permanent change or to institutionalise new rights, but it is potent in bringing to the public's, and not least the government's, attention the fact that both the political system and the opportunities it provides can be adapted to the populations' demands, rather than being an unalterable fixture. So whilst both Tong (and Martens) are not wrong in stating that political opportunity is vital for the emergence of an environmental movement, it is not just the opportunity that leads to movement, but also the movement that leads to opportunity.

Even so, case A shows that the existence of political opportunity is not a guarantee of its functionality, as demonstrated by the local government's ignorance towards the 2003 EIA law. All the EIA law's regulations were categorically ignored, which the government justified by claiming that the EIA report was confidential due to sensitive information regarding national security. Another aspect highlighted by this case is that the government can be responsive to public demands, as demonstrated by Premier Wen Jiabao's intervention following widespread opposition to the dam. Although instances of such intervention are rare, it is indicative of the growing awareness amongst government officials that public opinion cannot simply be brushed aside. Ironically, the fact that Wen Jiabao had to intervene twice in order to stop construction shows that even the central government at times struggles to control the forces of development.

The resolution of case B was plant relocation, a decision reached following hearings at which public opposition against the project was confirmed. However, this resolution cannot be conceived as political liberalisation, as the political opportunity for public hearings was already institutionally guaranteed through the EIA law. Instead the public had to ascertain its existing rights by engaging in protest (an example that confirms the idea of rules-based environmentalism). The MEP's promises during this time that public hearings would become part of the approval process, that public feedback would be taken into consideration, and that media coverage would be extended, all fail in providing consolation, as these points are either already part of EIA law, construction regulations, or the national constitution. The statement of Zhou Shengxian, Minister of the MEP, that local Environmental Protection Bureaus (EPBs) should release information on the environment, and that a platform for public reporting, supervision and litigation

should be established, is more promising (Xinhua 8 March 2008). However, this is short of an assurance that residents affected by the relocation of the Xiamen PX plant will be consulted during the EIA process, let alone informed of the project's existence.

Case C progresses in a similar way to case B in that public hearings, public consultation, and an EIA are only promised following public protest when the local government leader calls for the entire approval process to restart after the project's suspension (in Reuters 2009). The same limitations as in case B apply, however, there are a number of interesting differences. The survey revealing widespread public opposition to the project is a sign of gradually improving public consultation, although ideally it should have been conducted prior to project approval. By far the most promising development is the community based plan to reduce garbage production, to introduce garbage classification, and to recycle 30% of all waste by 2012 (in Zhang 2009). This proposal not only takes into consideration public opinion, it also actively engages the public by allowing it to get involved in making plans. Another important development this suggests is that the government is willing to consider seriously, and even accept, alternative solutions suggested by the public, even if they are less profitable in economic terms.

All three cases display signs of improvement, but only few signs that it will last. Li Datong, columnist for *openDemocracy.com*, considers case B in terms of the political process, referring to article 99 of China's national constitution, which reads:

“Local people's congresses at different levels ensure the observance and implementation of the Constitution, the statutes and the administrative rules and regulations in their respective administrative areas. Within the limits of their authority as prescribed by law, they adopt and issue resolutions and examine and decide on plans for local economic and cultural development and for development of public services.”

This article seems to be flawed in two vital aspects: (1) despite the power of the local People's Congress, in the above cases it is the National People's Congress and the government that make final decisions, indicating lacking authority of the local People's Congress; and (2) there is no mention of the people's role or the accountability of their elected representatives. Li regrets that the people affected by such events as in Xiamen do not attempt to increase the power of the local People's Congress or its accountability. In these respects only “victory for political process is true progress” (Li 2008).

Such a progressive mentality, however, may already be in the making, as the following comment by a protester in case C demonstrates: “We had no idea the government was building the incinerator, it was all kept secret from the public. How can they do this? The government is supposed to serve the people!” (Asian Correspondent 2009). It would seem that China's citi-

zens are aware of their role within the state as well as the government's responsibilities towards them, even though the government itself, it seems, is not. This self-awareness amongst citizens is a vital step towards a strong civil society in China. The situation at the moment, however, is that citizens are not only fighting for the expansion of their rights, but also for the protection of their existing rights.

The 2003 Eia Law's Contribution

A vital component in all the above cases, and in the emergence of citizen awareness, is the 2003 EIA law. Although EIAs have rhetorically become a firm part of the decision making process for new development projects they are often ignored. Not in a single of the above cases was an EIA on hand prior to the projects receiving approval. Although the new law prescribes public integration in the EIA process as well as publication of the EIA report, these rules also are often neglected. In cases B & C the public was eventually integrated into the EIA process, but in case A no such integration has occurred to date, furthermore, it seems that in no case the EIA report was publicly released. The fairly vague legislation, the lack of supervisory institutions, the absence of enforcement mechanisms and the lack of implementation surrounding this law all contribute to these shortcomings.¹²

Despite its limitations, however, the 2003 EIA law has still been effective in empowering the public, providing it with an entry point into the political processes of China and its development mechanisms. The existence of the law itself, along with the ignorance developers have shown towards it, has provided citizens with a pretext under which to confront the government and obstruct construction projects. It is difficult for the government to dismiss this confrontation, especially when it is often supported by NGOs and covered in the media, at times even internationally. The public now has a lawful basis upon which to insist on the consultation, inclusion and consideration of its opinions, upheld by minimum transparency requirements and gradually improving accountability.

Claims that the public is not keen to participate in the EIA process (Chen & Liu 2006, Yang 2006, and Yu 2006, all in Yang 2008) are refuted by the above cases, as are the reasons given to explain these claims. The only valid reason for low participation is lacking awareness of the EIA law itself, but as the public's awareness of this new opportunity grows along

¹² For discussions of EIA in China, see Mao & Hills 2002; Wang et al. 2003; or Tang et al. 2005; for a discussion of the general state of environmental law in China, see Palmer 1998.

with additional institutional support mechanisms, so will the sophistication of the public's political arsenal. Whereas the criticism expressed by scholars towards the integrity of the new EIA law and its effectiveness in the protection of the environment is generally justified, it should not be underestimated in its contribution towards the emancipation of the public.

China on Arnstein's "Ladder of Citizen Participation"

Having discussed each of the cases in relation to the claims extracted from the existing theory on environmental civil society in China, we can now consider China's placement on the "ladder of citizen participation", as devised by Arnstein (see Figure 1). In doing so it should be noted that the distinctions between each of the ladder's "rungs" is not pure, meaning that certain elements attributed to a particular rung are interchangeable (for example, in terms of public integration into the decision making process, China could be placed high at the tokenism stage, but in terms of access to information, it should be placed below that). This calls into question the notion that civil society gradually climbs upwards through the rungs, as the usage of the ladder motif suggests.

Although distortion of public participation does occur in China, public participation in the above cases goes beyond this level in Arnstein's ladder. Information on the construction projects is only released gradually following media exposure, but in cases B & C consultation does occur, although this is only followed by further participation in case C. This already indicates that each case reviewed above should be placed at a different position in Arnstein's ladder (case A below "informing", case B at "consultation", and case C above "placation"), but under the understanding that there is an oscillation across the rungs within this scope, as not all requirements as defined by Arnstein are met for each rung. This discrepancy in the results can be explained by the differing scales of each project: whereas the government may be willing to adjust its plans for a waste incinerator that produces little profit, is potentially damaging to local tourism and has arguable benefits for the local economy, it may be less willing to alter its plans for a major dam construction project that would generate vast amounts of energy and catalyse the local economy.

Progress beyond the tokenism level cannot be demonstrated, as there is no empowerment of citizens despite fruitful negotiations in case C. This means that according to Arnstein's ladder, public participation is still fairly nascent in China. But really the main point here is to illustrate how public participation patterns in China are fluid, highly context-dependent, and cyclical in nature.

Discussion

This article does not claim that the government has given the public greater freedoms, that political liberalisation is occurring, or that we are seeing environmental democracy in the making; rather the focus should be on the development of the people's awareness of their role, rights and responsibilities as citizens and the transferral of this awareness into environmental action. The key here is the recognition that the government is supposed to serve the people, as expressed by the protestor in Guangzhou, and that the people are not powerless when this is not the case.

Both Tong & Martens might be wrong in stating that there is a lack of political opportunity in China. Official paths of citizen participation may be scarce and the mechanisms to permanently alter the existing political structure non-existent, however, this does not mean that there is no political opportunity at all, nor does it mean that the public cannot create political opportunity. As advocated by Yang & Calhoun, the persistent engagement and participation of the public in the *available* space will eventually push back the political boundaries (Yang & Calhoun 2007: 84). As Arnstein explains, power is frequently taken by citizens instead of being given or shared by powerholders in negotiation with citizens (1969: 222). Based on this, it could be suggested that environmental democratisation in China is assuming a bottom-up approach, as citizens are more proactive in changing the existing political situation than the government.

To say that China's political structure is "unaccommodating of an active civil society" (in Cooper 2006: 112) is by no means a false allegation, but it is a statement that puts too much focus on the political framework, failing to recognise that this framework is not unalterable, as argued above. The forces that may yet alter the framework are still in their infancy, but the findings in the above case study as well as the production, consumption and circulation of "greenspeak"¹³, suggests that these forces are maturing rapidly.

An awareness of environmental issues is certainly a motivation for activism, if it is combined with sufficient concern, but so are the protection of personal health, safety, property, and rights. Although Lo & Leung's survey of Guangzhou citizens' environmental consciousness in 1996 showed that the majority of residents were concerned about pollution levels, leading to dissatisfaction with the efforts of the local government, the survey could hardly have prophesied the uprising of residents against the PX plant project over a decade later. Even Lo & Leung themselves admit in their

¹³ Greenspeak is the proliferation of environmental discourse catalysed through the internet and media (Lee 2007: 212). For a discussion of this term see Lee 2007 or Yang & Calhoun 2007.

study that there is no way of telling whether the environmental awareness of Guangzhou citizens will translate into popular pressure on the government, even acknowledging that “environmental attitude is not a good predictor of environmental behaviour” (Lo & Leung 2000: 689).

Conclusion

Although the theoretic explanations extracted from the observations of civil society, social movements, and processes of democratisation in their particular forms in the West provide interesting insights into the historic developments of Western civilisation, these explanations cannot simply be transferred to China in an attempt to predict similar developments there. An environmentally active civil society or environmental movement in China will not necessarily display the same characteristics as in the West, therefore judging it according to western standards should be avoided. As this study has attempted to show, by taking into consideration China’s local conditions it is in fact possible to identify a quite vibrant environmental civil society, with high chances of an environmental movement emerging from it. Although this may be a movement lacking the confrontational elements, geographical coherence or political opportunities that we witness in the West, this should not lead to a dismissal of its potency altogether.

Neither should the seeming lack of environmental awareness foreclose the development of an environmental movement. At present environmental protection itself may not always be the primary incentive for environmental action, but this is certain to emerge along with the growing self-awareness of citizens as to their rights within the state. Even Ho (2001: 918), despite his reservations on the issue, acknowledges that “the sprouts of environmentalism (...) in China today might become a potent social force in the future”.

Finally, I would also advocate that China’s nascent civil society not be judged by the constraints imposed on its political space, but rather by the actions it pursues within this space, especially as it is a dynamic space that is gradually expanding.

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