Environmental contestation in China: motives and impact

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Abstract

Environmental legislation in China prescribes Public Participation in Environmental Impact Assessment to be arranged by the initiator of a project. Nevertheless concerns of effected citizens are often neglected and not addressed in the impact studies. The rising public environmental awareness and realization of health risks related to the proposed activity can lead to outbreaks of public protests and mass events, which may result in cancellation of such projects. In this paper some recent cases of contestation in China are presented and their impact on environmental decision-making analysed. It shows that the Chinese public does have an impact on policy making and stimulates the government to sharpen environmental regulation and procedures.

Poor implementation of public participation provisions in environmental impact assessment in China gives rise to public contestation. Outbreaks of public protests may result in cancellation of projects and sharpening procedures.

Introduction

Since approximately the beginning 1980's China has been one of the fastest growing economies in the world. As a corollary, the unprecedented increase in the number of cars, industries, and coal-based power plants had major environmental consequences (Chunmei & Zhaolan, 2010; Du & Lin, 2015; Wang & Hao, 2012). Major urban areas such as the capital, Beijing, and other cities like Harbin face suffocating conditions, stemming from the toxic haze sprawl due to untamed urbanization (Han, Zhou, Li, & Li, 2014). Since approximately the mid-2000's pollution in China has caused several large social unrests. In particular, environmental mass incidents are on the rise in urban areas since large scale pollution cannot be tolerated anymore by the public (Wu, 2016).

Environmental legislation in China is implemented to curb the trend and prescribes PP in EIA to be arranged by the initiator of a project. Despite the regulation in place often the concerns of effected citizens are neglected and not addressed in the impact studies. Consequently, citizens protest against large scale developments that affect their living environment, especially waste-treatment facilities and paraxylene (PX) plants.

The present paper is a study regarding the possible factors that influence the willingness of the Chinese citizens to engage in health-related environmental action. Furthermore, based on the six cases studied, two of which presented in this paper, we show that the Chinese public does have an impact on policy making and thus, it can stimulate the government eventually to sharpen environmental regulation and procedures.

A variety of research methods are used: desk research, case analysis and interviews with experts. The desk research was based on existing data and official documents published by bureaus and governmental bodies (when available). We studied six cases that caused major social unrest in China, namely the Xiamen anti-PX case (2007), the Kunming anti-PX case (2013), the Maoming anti-PX case (2014), the Liu Li Tun garbage incineration plant (2007), the Panyu incineration plant (2009) and the Pingwang incineration plant (2008). Two of these cases: Kunming and Maoming are presented here. For verification five interviews with China experts were carried out.

Participation in Environmental Decisions

The concept of PP is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process. This interpretation of PP in Impact Assessment was formally, first used in China in October 2003 by the Chinese leadership in the Third Plenum of the

16th Communist Party Congress (Horsley, 2009). More recently in 2014 the amendment of the *Environmental Protection Law* (first adopted in 1979) included a chapter that totally pertained to PP, entitled "Information Disclosure and Public Participation". It demands companies and governmental bodies to disclose and publish information relevant to pollution that should be available to all interested people, since everyone should have the right to access environmental information (Enserink & Alberton, 2016). The problem rests not in the legislative part, rather it is a lack of effective implementation. Xie, Yang, Hu, & Chan, (2014) revealed (or re-confirmed) four major reasons for insufficient public participation in China: (1) lack of suitable forms for collecting public opinion (53.1%), (2) lack of statutory processes and requirements (26.9%), (3) lack of technical support to participate in such activities (12.7%) and (4) absence of a responsible government agency (4.8%).

Legal action is not frequently used since citizens have to cope mainly with a number of institutional obstacles (Moser & Yang, 2011; van Rooij, 2010). These are related to (1) plaintiffs having limited or no resources; (2) justice institutions such as high costs, slow decisions, lack of independence; (3) a weak legal framework and (4) absence of necessary intermediaries such as lawyers, witnesses, etc. Knowing that the judicial track is neither very accessible, nor very supportive, the Chinese citizen chooses other ways to express his concern.

The Chinese concept of PP isn't in line with the meaning of PP, as given by Rowe & Frewer (2005): a bi-directional flow of information, Chinese scholars have a much broader definition of public participation. Their definitions of public participation focus on bottom-up communication from citizens to government and not as much on a dialogue between citizens and government. Zhang(2011) and Yu's (2006) for instance argue that public participation includes all kinds of citizen participatory practices, including voting, referenda, association, petition, protest, dialogue, demonstration, mobilization, accusation, negotiation, lobbying, public hearing, public forum, and public complaints. Zhong & Hwang (2015) confirm this idea by claiming that urban citizens were willing to take some form of action as their first choice in response to a hypothetical pollution incident. The responses provided in their survey with their likelihood are the following:

1. No action (4.1%)
2. Personally contacting local people's congress representatives (4.9%)
3. Personally contacting local government officials (16.3%)
4. Mobilizing neighbours to contact local government officials (48.3%)
5. Participating directly in street protest to get the problem solved (19.8%)
6. Other options (6.6%)

Clearly almost 50% would try to mobilize neighbours in order to address their problem to local officials and 20% would engage in street protests. The latter is corroborated by other researches. For example, the number of mass mobilizations according to Albert & Xu, (2016) increased by 31% from 2012 to 2013. In general, since the 1990s China has been experiencing an annual increase of almost 30% in protests related to the environment (Zhong & Hwang, 2015).

Cases

Kunming PX project 2013 (based on Li, 2016; Steinhardt & Wu, 2016)

Kunming is the largest city in Yunnan province in southeast China with more than 6.5 million people. As a large province, Yunnan has developed environmental NGOs that function pretty well and with a large influence.

In March 2013 the local government announced the construction of a PX plant in an industrial park around 30 km away from the city centre after the NDRC approval. Soon after, local NGOs demanded an environmental impact assessment report from the provincial environmental protection department in order to ensure the appropriateness and suitability of the potential area. They did not get any response. The two NGOs vocalized serious worries with regard to the environment and the air pollution that the plant would cause, and of course with regard to the impact on people's health.

Their strategy utilized the internet (websites, blogs) and other social network media with which a call for "civilized collective outing" was planned to take place in order to protest against the PX project. In the meantime, renowned environmentalist began a petition which was disseminated rapidly though popular mobile social portals such as WeChat. There were also some individuals who posted in online forums, with their names on, requesting the demonstration to take place. Following these events, two major protest occurred one in 4th and the other in 16th of May. After a month, with the EIA report by the ministry at hand, the city mayor declared the suspension of the project.
It is important to note that according to Steinhardt & Wu, (2016) (through interviews with protesters, officials, NOGs, etc.) the Kunming case reveals also additional characteristics for the mobilization of people such as reproach for the growth-driven local government and lack of transparency regarding public policies.

Maoming PX Project 2014 (based on Lee & Ho, 2014)
Maoming city is located in Guangdong province in southwest part of China with a total population of around 7 million (610,000 living in urban area). It has accommodated petrochemical facilities and ethylene plants for a long time and the new project funded by both local government and the Maoming PX company. The PX facility was located less than 5 km from the city centre and as a result residents have experienced pollution for a long time. In order to reach a successful outcome the local government initiated a closed-doors press campaign to direct the media and attempting to demystify and manifest the benefits and non-hazardousness of the PX project. Moreover, local officials, in an attempt to prevent protest, coerced citizens to "sign an agreement", while PX company's officials and local schools circulated a document titled "Agreement to Support the Aromatics Project of the Maoming Petrochemical Company and Maoming Municipal Government" to make citizens support the project. They also threatened students by saying that they would not be able to graduate or expelled from school in case they participated in protests. Following the exposure (by a member of PX company who spoke out) and the denial (on behalf of the deputy secretary of the education department) of the propaganda and the massive refusal of Maoming health school students to sign the document, people's indignation escalated rapidly. As a result, few aggrieved citizens living close to the planned PX site (around 1,500) initiated a peaceful demonstration in front of government's buildings which the following two days turned to a massive (estimated around 7,000) and violent protest. According to Lee & Ho, (2014), their interviews with citizens suggest that: (1) all people interviewed knew about Xiamen PX, (2) people were aware of local government official's venality, scandals and lack of transparency, (3) they no longer tolerated the job-pollution exchange as additional pollution combined with limited benefits changed the landscape and (4) the lack of NGOs branches, which are mostly active in major metropolitan areas, lead to protest.

Discussion

It is evident that over the years the Chinese government has attempted to develop a framework that would enable Chinese citizens to have a more vital role in environmental issues that would eventually increase their environmental awareness as well. But environmental policy has not been a priority for the Chinese leadership and it has been ailing for a long time. Obviously PP in IA in China seems to be not well established. The cases presented indicate that the existing PP provisions are not implemented during the project design while signs of a possible participatory process are evident in the aftermath of intense public resistance. Consequently, it would be advisable to improve the PP engagement mechanism during the project design phase by prescribing strict PP regulations and precise documentation.

Regarding the public's side, the authors suggests the implementation of online participation as the extensive usage of ICTs in China serves as a significant motivating factor for health-related environmental action in four out of the six cases studied. Although ICTs are controlled by state agencies (Freedom House, 2016), the daily communication through the use of modern technologies

enables people to bypass censorship and exchange information that could eventually motivate people to environmental action. Liu, (2016b)

Even though the primary reason to engage in health-related environmental action is concerns about the negative effects of pollution on human health, it seems that institutional factors indirectly intensify mobilisation and especially political action. In order to explain the attitude of Chinese people against the authorities, Ho (2007) introduced the term "embedded activism" which corresponds to "boundary-spanning contention" as described by O'Brien (2002). Both concepts suggest that this kind of contention exists within the canals of legality although near the margin; even a violent ending of public resistance does not damage this relation since, in the end, authorities consented to dialogue. The six cases studied (including the two cases presented in this paper) suggest that environmental resistance leads to the suspension and frequently cancellation of the proposed project. Thus, it is sensible to assume that the authorities recognize the environmental problem, which is corroborated by the recent amendments of laws that prioritize and prescribe environmental information disclosure (probably as a way to further "urge" the public to exercise additional bottom-up pressure to disobedient entities such as local authorities, companies, etc.).

Conclusion

Public protests are probably the most effective way of exercising bottom-up influence since only after continuous public resistance the (local) government suspended the proposed projects and consented to dialogue. Other methods seem to be smothered in bureaucracy. Finally, by confirming that the gap between the Chinese state and the environmental mass incidents does not necessarily damage the relation between the one party leadership and the public (since environmental pollution afflicts people without discrimination so both sides face the same enemy, namely environmental degradation), it is worth the effort to study whether a more participatory approach in environmental decision making in China could eventually lead to the sustainable development that China so much needs.

References

Asici, A. A. (2011). Economic growth and its impact on environment: A panel data analysis, (30238). Retrieved from http://mpra.ub.uni-muenchen.de/30238/

Chunmei, W., & Zhaolan, L. (2010). Environmental policies in China over the past 10 years: Progress, problems and prospects. Procedia Environmental Sciences, 2(5), 1701–1712. http://doi.org/10.1016/j.proenv.2010.10.181

Du, K., & Lin, B. (2015). Understanding the rapid growth of China ' s energy consumption : A comprehensive decomposition framework. Energy, 90, 570–577. http://doi.org/10.1016/j.energy.2015.07.079

Enserink, B., & Alberton, M. (2016). Public Participation in China: Strengths, Weaknesses, and Lessons Learned. *Journal of Environmental Assessment Policy and Management*, *18*(1), 1650005. http://doi.org/10.1142/S1464333216500058

Felstiner, W., Abel, R., & Sarat, A. (1981). The Emergence and Transformation of Disputes: Naming, Blaming, Claiming . . . *Law & Society Review*, *15*(3), 631–654. http://doi.org/10.2307/3053505

Freedom House. (2016). *Anxious Dictators, Wavering Democracies: Global Freedom under Pressure*. Retrieved from https://freedomhouse.org/sites/default/files/FH_FITW_Report_2016.pdf

Han, L., Zhou, W., Li, W., & Li, L. (2014). Impact of urbanization level on urban air quality: a case of fine particles (PM(2.5)) in Chinese cities. *Environmental Pollution (Barking, Essex : 1987)*, *194*, 163–70. http://doi.org/10.1016/j.envpol.2014.07.022

Ho, P. (2007). Embedded Activism and Political Change in a Semiauthoritarian Context. China Information, XXI(2), 187–209. http://doi.org/10.1177/0920203X07079643

Horsley, J. P. (2009). Public participation in the people's republic: developing a more participatory governance model in China. Retrieved from http://www.law.yale.edu/documents/pdf/Intellectual_Life/CL-PPPP_in_the__PRC_FINAL_91609.pdf

Lee, K., & Ho, M. (2014). The Maoming Anti-PX Protest of 2014: An environmental movement in contemporary China. *China Perspective*, *3*, 33–39. Retrieved from http://chinaperspectives.revues.org/6537?file=1

Li, W., Liu, J., & Li, D. (2012). Getting their voices heard: Three cases of public participation in environmental protection in China. *Journal of Environmental Management*, *98*(1), 65–72. http://doi.org/10.1016/j.jenvman.2011.12.019

Li, Y. (2016). *Governing Environmental Conflicts in China: Government responses to protests against incinerators and paraxylene (PX) plants*. Erasmus University Rotterdam. Retrieved from http://hdl.handle.net/1765/93089

Liu, J. (2016b). From "moments of madness" to "the politics of mundanity" - researching digital media and contentious collective actions in China. *Social Movement Studies*, *2837*(June), 1–15. http://doi.org/10.1080/14742837.2016.1192027

Moser, A., & Yang, T. (2011). Environmental Tort Litigation in China. *Environmental Law Reporter*, *41*(2002), 10895–10901. Retrieved from http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1821748

O'Brien, K. (2002). Neither Transgressive Nor Contained: Boundary-Spanning Contention In China. Mobilization: An International Quarterly, 8(1), 51–64. http://doi.org/10.17813/maiq.8.1.6543n6m111722u42

Rowe, G., & Frewer, L. J. (2005). A Typology of Public Engagement Mechanisms. Science, Technology & Human Values, 30(2), 251–290. http://doi.org/10.1177/0162243904271724

Steinhardt, H. C., & Wu, F. (2016). In the Name of the Public: Environmental Protest and the Changing Landscape of Popular Contention in China. *The China Journal*, *20*(75), 61–82. http://doi.org/10.1086/684010

Wang, S., & Hao, J. (2012). Air quality management in China: Issues, challenges, and options. Journal of Environmental Sciences, 24(1), 2–13. http://doi.org/10.1016/S1001-0742(11)60724-9

Wu, F. (2016). In the Name of the Public: New Environmental Protest in China. [Power Point Slides]. Retrieved from https://www.wilsoncenter.org/sites/default/files/wu_fengshi_in_the_name_of_the_public_-_new_environmental_protests_in_china_0.pdf

Xie, L.-L., Yang, Y., Hu, Y., & Chan, A. P. C. (2014). Understanding project stakeholders' perceptions of public participation in China's infrastructure and construction projects: Social effects, benefits, forms, and barriers. *Engineering, Construction and Architectural Management*, *21*(2), 224–240. http://doi.org/10.1108/ECAM-12-2012-0115

Yu, K. Theoretical issues regarding public participation. Available from: http://theory.people.com.cn/GB/49150/49152/5192300.html

Zhang, X., 2011. *Political opportunity structure: a key factor impacting public participation in governmental environmental decision making in P.R.China*. Shenyang: Northeastern University Press.

Zhong, Y., & Hwang, W. (2015). Pollution, Institutions and Street Protests in Urban China. *Journal of Contemporary China*, *564*(October), 1–17. http://doi.org/10.1080/10670564.2015.1075719