



CIVIL SOCIETY AND THE POLITICS OF POLLUTION ENFORCEMENT

This [economic] miracle will end soon because the environment can no longer keep pace. . . . We recently shut down 30 projects, including several power plants, [because] the companies involved failed—as required by law—to review what effect their new investments would have on the environment. . . . My agency has always gone against the grain. In the process, there have always been conflicts with the powerful lobbyist groups and strong local governments. But the people, the media, and science are behind us. In fact, the pressure is a motivator for me. Nobody is going to push me off my current course.

—PAN YUE, PRC DEPUTY MINISTER OF THE ENVIRONMENT

IN FUTIAN, the agrarian livelihood was the primary frame through which villagers conceived of and expressed their environmental values. Consequently, factory emissions were perceived as a threat to the agroecosystem and to the subsistence activities supported by the ecosystem. I wish to build upon this concept in the present chapter by showing how villagers' actions and responses to pollution, mostly motivated by concern for their livelihoods, contributed to enforcement of pollution standards and ultimately to the closure of local factories at the hands of Environmental Protection Bureau officials. As the key agency representing the Chinese state in matters of environmental quality, what role does SEPA play in establishing and enforcing pollution standards? From where do agency officials derive their mandate to act? Such questions relate to the growing institutional capacity of regulatory agencies such as SEPA, but they also have to do with the burgeoning of civil-society organizations and their intersection with environmental issues in contemporary China.

MOBILIZING THE NATION FOR POLLUTION CONTROL

China's seemingly intractable environmental problems, of which rural industrial pollution is but one, have led to the perception in the West that its government is unconcerned about the environment. In the classes I teach on contemporary Chinese society and on environmental anthropology, students tend to think of the Chinese environment as a kind of regulatory "wild west" where anything goes, particularly since lax environmental laws seem to be one of China's comparative advantages in the global economy, attracting dirty industries funded by foreign capital.

This perception, while not without some basis, is overly simplistic. Despite its obvious and persistent pollution problems, China is currently deepening its institutional and fiscal commitments to environmental protection. For example, during the Ninth National People's Congress in 1998, amidst massive cuts in the national bureaucracy, the State Environmental Protection Administration not only survived, but was granted more administrative authority (Jahiel 1998).¹ In March 2008, the National People's Congress voted to elevate the agency to full ministerial status, renaming it the Ministry of Environmental Protection. This originally small environmental-protection bureaucracy, begun in the late 1970s with a few thousand employees nationwide, has grown into a powerful institution with a broad mandate to draft environmental laws, conduct environmental-impact assessments, and monitor and enforce nationally set emissions standards (the administrative structure of SEPA is shown in figure 6.1). In its recent Five-Year Plan for Environmental Protection (2006–2010), SEPA set ambitious goals for cutting emissions of key air and water pollutants. Chinese pollution standards are similar to, if slightly more lax than, those of developed countries such as the United States.

Although its power within the central administration remains limited in comparison with other state agencies whose mandate rests firmly in the arena of economic development, such as the State Development Planning Commission and the Ministry of Construction, SEPA is unarguably gaining capacity and momentum. In January 2005, for example, Chinese citizens and the world watched as the agency temporarily halted thirty large-scale industrial projects, many of them with considerable investment from municipal and provincial governments, for failure to conduct proper environmental-impact analyses. Several of these projects were massive hydroelectric facilities that had been in the works for years and were collectively

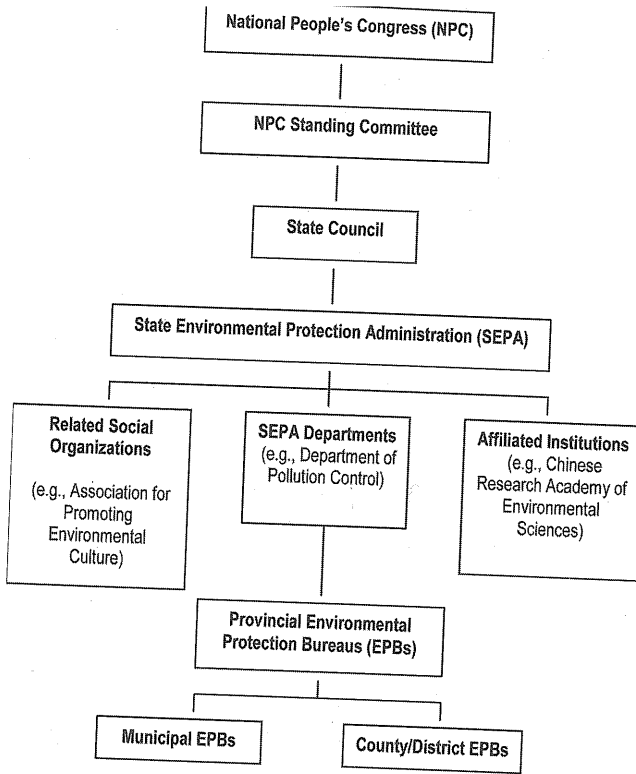


FIGURE 6.1. The administrative structure of SEPA.

valued at billions of dollars. As the words of Pan Yue, deputy minister of the environment, suggest, SEPA's mandate runs "against the grain" of China's headlong rush to industrial development. This bold move was one of the first serious tests of the national Environmental Impact Assessment Law, which was passed in 2003, and a legitimation of SEPA's growing authority (*Renminwang* 2005).

China's fiscal expenditures on environmental protection also underscore its commitment to the cause. Nationwide, these expenditures have risen steadily over the past thirty years, from a tiny fraction of GDP in the 1980s to 1.4 percent of GDP in 2005 (Zhang 2005). While this is slightly less than the amount the United States spends on environmental compliance, which is estimated to be about 2.6 percent of GDP, and less than most other developed countries, it is similar to many developing and middle-income countries. Because China's economy technically still functions under a central plan, the National Development and Reform Commission releases five-

year plans for economic development. The current plan, which spans 2006 through 2010, calls for significant further increases in national investment in environmental protection. As I explored government statistics specifically related to pollution control and treatment, I discovered that government subsidies to promote environmental monitoring and mitigation at factories of all sizes grew from 8.2 billion yuan in 1999 to 16.3 billion yuan in 2003 (Chinese Statistical Bureau 2004).

Rural factories have attracted a great deal of attention from the environmental-oversight bureaucracy since the 1990s. Chinese scientists and policymakers acknowledge a wide array of systemic environmental problems with rural industry, including a high rate of natural-resource consumption, a lack of investment in pollution-control technology, and largely unquantified effects on human health and ecological systems in rural areas (Ren and Li 2002; Meng 1999). A number of legislative and policy tools provide SEPA with a mandate to enforce pollution standards in the rural industrial sector. The bedrock of this policy framework is the Environmental Protection Law, which was implemented on a trial basis in 1979 and formalized by the Standing Committee of the National People's Congress in 1989. Chapter 3, article 16 of this legislation gives local governments throughout the country a great deal of power and discretion over protecting the environment. According to article 16, "Local people's governments at various levels shall be responsible for the environmental quality of areas under their jurisdiction and shall take measures to improve the quality of the environment."

This local autonomy, codified in China's foundational Environmental Protection Law, is known as the environmental-protection target-responsibility system (*huanjing baohu mubiao zerenzhi*). In a sense, it represents an application of the Reform and Opening logic to environmental issues as the central government continues to retreat from many of its heavy-handed oversight duties. This delegation of control to the periphery has an important practical implication: the responsibility of overseeing environmental compliance firmly rests with the Environmental Protection Bureaus, which are located within municipal and county-level governmental units. Numbering about 2,500 nationwide, the EPBs represent the frontline defense against pollution and the extension of SEPA's authority to the most peripheral areas of the country.

China's pollution-levy system is the primary instrument through which EPB officials exact environmental compliance from factories. Article 18 of the Environmental Protection Law states that "in cases where the discharge of pollutants exceeds the limit set by the state, a compensation fee shall be charged according to the quantities and concentration of the pollution

released." By 1996, this comprehensive levy system, overseen primarily by local EPBs, was in effect in nearly all counties and cities. The levy system is based on self-reporting by polluting factories, which are required to register with their respective EPBs and to disclose information regarding their financial outlook, production-process diagrams, noise pollution, and the so-called three emissions (*san fei*): air pollution, water pollution, and solid waste (Wang and Wheeler 2005).

In practice, however, this delegation of control has had some unintended consequences. EPB officials exercise considerable discretion over how to formally identify factories as noncompliant, how to prioritize their monitoring and enforcement efforts, and how to exact compliance from factories. This leads to substantial ambiguity in the way environmental enforcement is implemented, which a group of World Bank scholars has aptly dubbed the "political economy of regulation" (Wang et al. 2003; Dasgupta, Wang, and Wheeler 1997). In short, EPB officials must weigh the ecological and health consequences of industrial pollution against the economic and fiscal benefits of industrial production. Their jobs are complicated by the fact that EPB officials possess limited organizational resources and thus must prioritize their enforcement efforts.

THE ANATOMY OF ENFORCEMENT

Conducting fieldwork in Futian gave me the rare opportunity to observe China's environmental-oversight process as it unfolded on the ground. The process was at times quite convoluted and difficult to understand, but in retrospect I have come to realize that it was driven by a complex array of political, economic, and cultural factors. Although I was able to witness key proximate events in the enforcement process, other events preceded my arrival in the township. I have thus pieced together a portrait of the environmental-enforcement process by interviewing officials, analyzing published documents, conducting retrospective interviews with factory owners, and conducting participant observation in the township.

In 1996, the State Council, China's primary legislative body, issued *Decisions Concerning Certain Environmental Protection Issues* (Chinese State Council 1996). One section of this legislation was devoted to addressing the growing problem of rural industrial pollution, singling out for closure fifteen types of township and village enterprises that were considered particularly deleterious to the environment. These "fifteen smalls [*shiwu xiao*]" included notorious polluters such as pulp and paper mills, tanneries, and

zinc smelters. SEPA scientists had known for years about the harmful effects of water pollution, especially dioxins and heavy metals, from these types of factories.

The following year, the National Environmental Protection Agency (the predecessor of SEPA), in conjunction with the Ministry of Agriculture and several other national agencies, issued *Regulations Concerning Environmental Protection at Township and Village Enterprises*, which gave EPBs a stronger mandate to enforce emissions standards in rural areas. The World Bank also published *China's Environment in the New Century: Clear Water, Blue Skies*, a damning report on the state of China's environment, which closely examined the rural industrial sector as a primary culprit (World Bank 1997). Early in 2000, Xie Zhenhua, then serving as minister of SEPA, spoke at a national conference on environmental protection, where he emphasized that the government would continue to pursue and prosecute small-scale factories that failed to meet emissions standards. The *China Daily* reported on this news with an article that ran under the headline "Headway in Curbing China's Worsening Environmental Pollution" (*China Daily* 2000). This new regulatory framework succeeded in closing some of the worst polluters nationwide, including more than 4,000 small-scale factories in Sichuan province alone (China Environmental Yearbook 2001). Their effect in Futian was negligible, however, where the newly privatized factories continued their operations unabated.

The Renhe District EPB oversees environmental compliance in Futian. It had 14 townships and more than 120 industrial factories under its jurisdiction and conducted regular inspections of the factories under its charge, although limited funding and manpower prevent it from doing so more than every other year. In 1999 a group of inspectors conducted air quality monitoring in Futian, the results of which revealed that sulfur dioxide emissions at Futian's zinc smelter were in violation of SEPA standards. Using the pollution levy system as its guide, the EPB issued a fine and ordered Mr. Zhang, the smelter's main investor, to purchase a smokestack that would vent emissions higher into the air, thereby mitigating some of the health effects for workers and residents in the immediate vicinity. Mr. Zhang and his wife and son complied by spending 40,000 yuan on the smokestack; a portion of this investment came from the factory's discharge fees, which EPB officials returned to Mr. Zhang in accordance with the pollution levy system (Wang et al. 2003:247).

But the problems for Futian's factories were far from over. In 2000, several members of one production cooperative in Wuzitian village, angered and emboldened by the fifty-yuan compensation package offered to them

by the district EPB in exchange for the sullyng of their irrigation water by the coal-washing plant, which continued to pump out untreated effluents, formed a coalition. Together, they lodged complaints with the township government and with the district EPB. Health concerns were only secondary; the farmers' primary complaint was that the pollution threatened their livelihoods since contaminated water could not be used for irrigation or for watering stock animals. Even after the settlement, members of the cooperative, now feeling slighted by factory managers, township cadres, and EPB officials, continued to complain to the EPB.

Meanwhile, the national legal framework for enforcing air-quality standards in rural areas grew more stringent. In September 2002 the State Council issued a new directive to "strictly implement acid rain control in the two control areas," one of which includes Sichuan, where coal reserves are known to be particularly high in sulfur content. Designed to curb the growing acid rain problem, this plan required each prefecture and city within the two control zones to design plans to meet national emissions standards for sulfur dioxide by 2010. Futian's zinc smelter, which technically should have ceased operations six years previously under the "fifteen smalls" directive, was now the last in operation within Renhe District, probably because Futian is the westernmost township in the district and any monitoring or oversight by EPB officials required a fifty-kilometer Jeep ride over precarious roads.

The watershed event in the enforcement process occurred in late December 2002. A news crew from Sichuan Television Station, which is operated by the provincial government, was alerted by the coalition of local farmers and arrived in Futian to film an exposé program on pollution enforcement for a soft-news television segment called *Jinwan Shifen* (Ten Minutes Tonight). Township cadres were very agitated about the fact that Futian had been under the bright lights of the media. They waited with considerable anticipation for several days before the program aired. On the evening of the broadcast, my wife and I happened to be chatting with one of the owners of a small retail shop on the main road in the open district. The television was tuned to the Sichuan station, and the three of us shelled and ate peanuts while distractedly watching a drama set in the Qing Dynasty.

When the program was over, we watched in amazement as Futian appeared on the television screen. A reporter, wielding a grainy and wobbling hidden camera, interviewed Mr. Zhang, the owner of the zinc smelter, who, oblivious to the fact that he was being filmed, explained how his factory was immune to regulation because it constituted a vital source of tax revenue for the local government. He wasn't worried about environmental

regulators, he maintained, because his smelter was so lucrative, not just to him personally but also to the township. The reporter also interviewed several workers from the smelter, and the broadcast interspersed their comments with wide-angle shots of the factory belching black smoke into the sky. Mayor Zhang and Party Secretary Wang also appeared on the program, discussing the state of the township's industrial development and its impact on the local environment and the health of the township's citizens. No one could have predicted it at the time, but this media scrutiny had immediate and lasting consequences. In January 2003, within a few weeks of the television broadcast, Renhe District EPB officials conducted an unannounced inspection and issued a written order that all factories in the township must close because of noncompliance with emissions standards pending further notice. Copies of the order were distributed to factory investors and township cadres.

The story of the zinc smelter and its closure has come to epitomize for me the financial losses that were at stake for local investors and laborers and for the township government. Mr. Zhang, its primary investor, had relocated along with his family from Guizhou in the late 1990s after retiring as a secondary-school teacher. He had formed a business partnership with his wife and adult son, and the group had invested Mr. Zhang's retirement savings, along with money from personal bank loans (approximately 450,000 yuan in total), in the purchase, enlargement, and improvement of the smelter, which had been under the collective ownership of the township government since its construction a decade earlier. Twenty men, most of them from Guizhou, worked in the smelter, and many had brought their wives and children to live with them in the industrial compound. The prospect of permanently closing the smelter was deeply troubling to the investors, who stood to lose most of their capital investment, and to the workers, who would lose their jobs.

Because the zinc smelter's investors were vocal in their opposition to the factory closures, their factory became the site of some of the bitterest controversy surrounding the EPB-mandated shut-down in Futian. Furious about the EPB director's decision, Mr. Zhang told me, "I want him to look me in the face when he tells us to shut down." He soon got his wish: immediately following the Spring Festival holiday (*chunjie*) in early 2003, which celebrated the advent of the year of the sheep, the monitoring-station chief at the Renhe District EPB agreed to come to Futian to meet with the investors and discuss the fate of their factories. Accompanied by three bureaucrats from the agency, the monitoring-station chief ascended the scrub-covered hill leading to the factory compound in a Jeep bearing the EPB logo,

parking in front of the row of dilapidated workers' houses adjacent to the factory. Two of the smelter's six furnaces were in operation, both producing steady black puffs of noxious smoke. The air smelled vaguely metallic.

The monitoring-station chief had visited Futian immediately after the television program had aired to inform the township's factory owners of the EPB's demand that local factories close; it was his intention during this visit to ensure that all factories were in compliance. After exchanging pleasantries and graciously accepting a glass of orange juice from Mr. Zhang's wife, the monitoring-station chief sat down next to one of the furnaces and began the business of negotiation with Mr. Zhang, which I was able to observe firsthand:

MR. ZHANG: Did you get the report I sent to your office about our business practices and air-pollution emissions?

MONITORING-STATION CHIEF: I got it. But I've told you before, there's nothing I can do. Your factory doesn't meet emissions standards. The smoke is even worse than it was the last time I came up here. It's terribly dirty.

MR. ZHANG: There's some smoke, but it's very clean. It's not harmful. Anyway, you have to give us more time. We are retired, and we've invested our savings in this [factory]. You have to just give us three more weeks to finish off the zinc ore we've purchased.

MONITORING-STATION CHIEF: I've given you enough time. We agreed last time I came here to monitor that you'd close the factory. It's been several weeks now.

MR. ZHANG: [getting agitated] But we did close. We've only got two furnaces out of six running now. Look over here, and you tell me: are the other four furnaces hot or cold?

MONITORING-STATION CHIEF: Okay, okay. Calm down.

MR. ZHANG: Feel them. Are they hot or cold?

MONITORING-STATION CHIEF: [placing a hand on one furnace] They're cold.

At the end of this exchange, Mr. Zhang and his wife presented a series of requests to the district EPB. First, they requested to keep the factory open on a provisional basis for three more months in order to repay as much of their loan as possible and to use up the remaining raw coal that had already been purchased to fuel the smelter furnaces. Second, they requested that the Renhe District government formally recognize in writing that the investors had put their personal money, along with loans, into the enterprise and

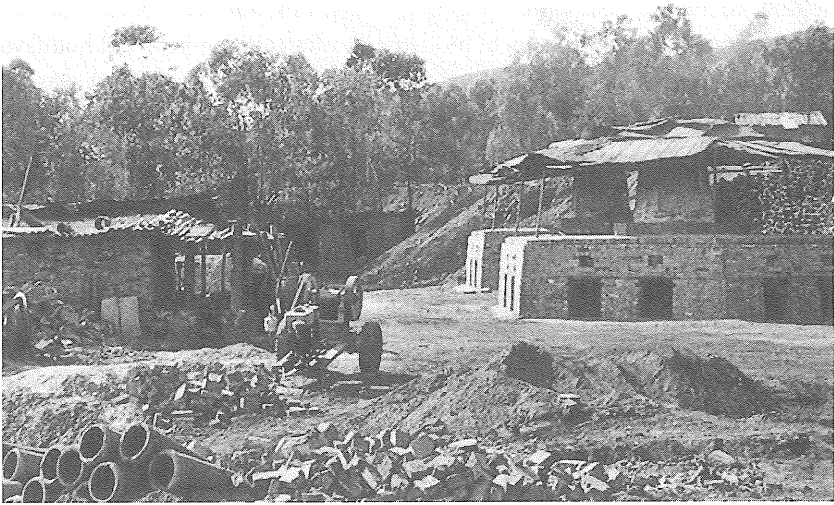


FIGURE 6.2. Remnants of the zinc smelter after its closure.

that, as a result, the smelter was to be considered private property. Finally, the investors requested that the district government take steps to mitigate their financial damages. In the end, the investor's pleas for compensation went unheeded by district officials: the zinc smelter, along with Futian's coking plant and coal-washing plant, was forced to cease operations completely. Investors recouped only part of their losses by selling off factory equipment and leftover stocks of raw coal.

For Mr. Zhang, the EPB enforcement activities were ultimately about the rule of law in contemporary China. In a foul mood several days after the visit from EPB authorities, he told me that China's main problem was that rather than being governed by the rule of law (*fa da yu quan*), it was a country in which power and influence routinely trumped the law (*quan da yu fa*). We were sitting on wooden stools in front of his house, overlooking the smelter, which lay dormant, and the main valley of Wuzitian village below. Many of the farm plots were planted in a winter crop of peas, their sprawling vines covered in tiny white flowers. Mr. Zhang distractedly fed a bowl of rice and table scraps to his family's guard dog, an emaciated creature on a chain who never quite warmed to my presence, growling at me every time I came near. To illustrate his point, he showed me a series of glossy brochures, published by the district government under the title *Renhe District Investment Guide*, which were designed to attract outside

investors to the area. The documents cited the rich natural resources in the region, including coal, zinc, titanium, vanadium, and iron ores, and outlined plans for developing local industry by offering one-year tax holidays and three-year periods of reduced taxes for new investors. What was an entrepreneur to do, Mr. Zhang wondered, when the government sent mixed messages by attracting private capital to the area and then summarily forcing them to close, without financial compensation, because of environmental infractions? "Our investment is great, and so is our risk [*touzi da, weixian ye da*]," he said.

In my conversation with Mr. Zhang, I couldn't help reflecting on the possibility that my presence as a foreign researcher in Futian helped to precipitate the media coverage of his factory's environmental infractions. It was difficult to ignore the synchronicity between my arrival and the increased scrutiny of environmental regulators. My research plans and study design were on file with the Office of Foreign Affairs at Sichuan University and with the many local political offices in Panzhuhua who had granted me permission to conduct the study, so provincial and local officials clearly knew of my ongoing work in Futian. Mr. Zhang assured me that these recent events were not unexpected but were in fact part of a larger environmental-enforcement trend that he and other factory owners had been watching closely for some time. Several months later, when I had the opportunity to ask members of the Sichuan Television Station crew who had covered the Futian story about whether their reporting was in some way related to the probing of a Western anthropologist, they were emphatic that it was not. I will likely never know for sure.

As I pieced together the pollution enforcement process in Futian, I came to realize that it was driven by a range of factors (shown in figure 6.3). SEPA policy served as an ultimate driver of regulatory behavior since it provided the policy structure within which the district EPB had to operate. However, my interviews with EPB officials revealed that multiple other factors were weighed in the decision about how to prioritize and carry out their enforcement duties. Economic and fiscal concerns were of particular importance. Officials had to judge the financial solvency of a given factory based on the factory's own reports; firms facing an adverse financial situation were, by law, less likely to incur strict enforcement (Wang et al. 2003). If the factory constituted a vital revenue source for either the township or district government, it was likewise less likely to be the target of strict enforcement. Although the factories in Futian were a significant revenue source for the township government, their effect on the economy at the district level was negligible since the district contained some 120 factories, most of which were larger and more technologically advanced than Futian's.

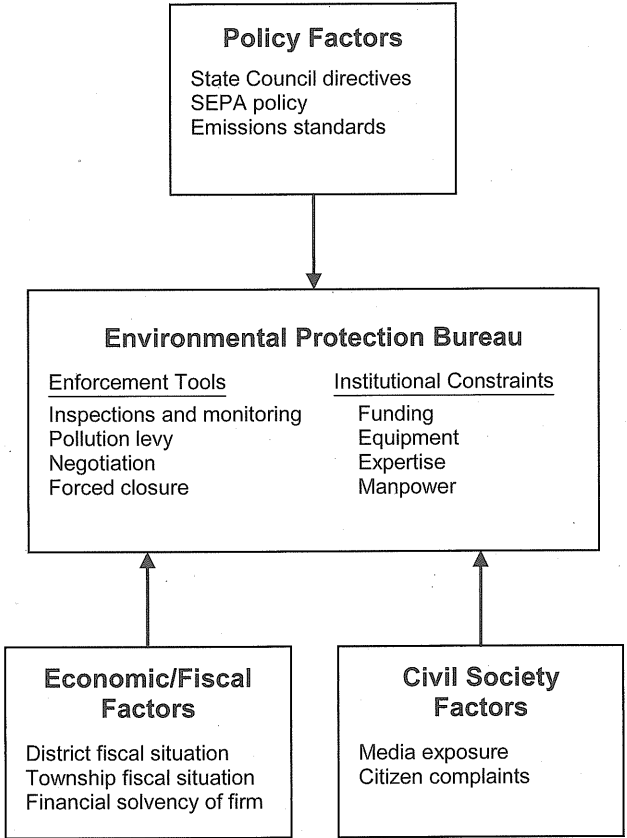


FIGURE 6.3. The range of factors affecting EPB pollution enforcement.

I found it particularly interesting that citizens' complaints and media exposure, what might broadly be called "civil-society factors," provided the immediate impetus for EPB officials to take decisive and strict regulatory action (see Tilt 2007). The township's factories, particularly the zinc smelter, were known to be in violation of national emissions standards for years while receiving only minimal sanction, mostly in the form of pollution-discharge fees. The media played a key role in this case; the provincewide television program constituted a serious loss of "face," or *mianzi*, for local EPB officials, who appeared at best incompetent and at worst corrupt. In rural China, "face" is possessed by people in positions of authority; it is an essential component in accomplishing official tasks (Yan 1996:133–38). One gains face by being a decisive and charismatic leader; conversely, one may lose face (*diu mianzi*) when one's authority is publicly undercut. Regulatory

officials at the EPB admitted that they were deeply shamed by the public airing of their failings on television.

In this sense, EPB officials did not operate in a social vacuum; rather, their regulatory decisions and actions were guided by a range of policy and fiscal factors, as well as by concerns about citizen and media mobilization. These proximate factors were enough to overcome the regulatory inertia posed by counter-factors such as the economic concerns of factory investors and township government officials. Enforcement activities were also certainly hindered by the institutional constraints of the EPB itself, including limited funding, equipment, expertise, and manpower. When I interviewed the monitoring-station chief at the Renhe EPB, who happened to share the surname Zhang with the zinc-smelter investor, he conceded that his entire enforcement team consisted of three technicians and himself and that they frequently felt overwhelmed by their duties, which included monitoring nearly 120 factories spread across 14 townships. Both regulatory officials and township government officials also acknowledged that Futian's remote location probably discouraged regular inspections and monitoring, given the limited staff of the EPB.

When it came to actually enforcing the environmental quality standards set by SEPA, EPB officials had a number of enforcement tools at their disposal, including a regular regime of inspections and emissions monitoring, collecting pollution levies, negotiating with firm managers, and—when these measures failed—the forced closure of factories under their jurisdiction. Officials used increasingly coercive enforcement measures as public scrutiny about factory pollution intensified. After viewing the embarrassing television coverage, the monitoring-station chief told me, “This is a war, and I am on the front line [*zhe shi zhanzheng, wo zai qianxian*].”

CIVIL SOCIETY AND THE ENVIRONMENT

The pollution-enforcement process in Futian illustrates some of the ways in which civil society engages with environmental problems in reform-era China. In using the term “civil society,” I am referring to an intermediate realm between the family and the state characterized by collective action around shared values, interests, and goals (Hefner 1998; Seligman 1992). As the CCP has liberalized the nation's economy over the past three decades, it has also gradually reduced the scope of its administrative power, increasing the space within which civil society organizations may operate (Chan 2005; Weller 2005). Yet contemporary China presents us with some special chal-

enges in thinking about civil society in regards to the environment since there is little precedent for the protection of individual rights and the single-party nature of the political system severely constrains collective action. In short, a set of empirical questions arises: Where do civil-society strategies come from? What cultural values, historical precedents, and legal statutes underpin them? In what social and political contexts are they deployed? How do various facets of civil society in China engage with the nation's seemingly intractable environmental problems?²

The nature of the civil society I observed in Futian bears little resemblance to what students of Western political history might expect to see. Indeed, there was little of the formal civic institutions, voluntary associations, and open social dialogue that are considered part and parcel of the civil society of the West.³ This is perhaps not surprising, given the repressive nature of politics in China: from the 1989 crackdown on the student-led democracy movement in Tiananmen Square, to the ongoing suppression and persecution of members of the Falungong religious sect, to the quashing of protests in Tibet during the run-up to the 2008 Summer Olympic Games, China's top political leaders have shown time and again that despite new openness in the economic arena, social order is more important than individual liberty when it comes to politics. The mobilization of civil society in Futian over industrial pollution, hardly an unequivocal environmental victory, reveals a certain caution and circumspection on the part of civil-society actors. Environmental civil society in China is undoubtedly still in its infancy. How, then, are we to analyze its role in contemporary China and judge its successes or failures?

PILLARS AND PROCESSES

While the concept may take a unique form within China's peculiar political, cultural, and economic context, I suggest that civil society comprises two key elements: pillars and processes. Pillars, as the term implies, are sturdy, well established social norms grounded in historical precedent that undergird civil society. Processes, meanwhile, can be thought of as the array of strategies that individuals and institutions use to accomplish their desired ends.

At least two pillars serve to support China's burgeoning environmental civil society. The first, ironically, is a deep historical legacy of public mobilization and protest that is grounded in millennia-old social norms. As early as the twelfth century B.C., rulers of the Zhou Dynasty governed the nation

based on the “mandate of heaven [*tianming*],” an idea that served to legitimize their rule so long as they governed virtuously. As a corollary, however, imperial subjects had the right to rebel if their leaders made unjust demands or ruled ineffectively; consequently, the dynastic cycle waxed and waned over the centuries as a given ruling family obtained then lost the mandate of heaven (Starr 1997:52–54). Even during the Cultural Revolution (1966–1976), the height of the socialist experiment and the point at which the power of the Chinese state was nearly absolute, this tradition of public engagement in civic affairs remained viable. Citizens were encouraged to purge intellectuals and other “bad elements” from their midst and also to “struggle” against corrupt leaders who abused their political power. For all its brutality, the Cultural Revolution kept alive this tradition of justified public protest. Civil-society mobilizations today—whether they seek to address political, religious, economic or environmental issues—bear the stamp of this legacy (Perry 2003).

The second pillar of environmental civil society is more formal and institutional in nature. China’s recent economic reforms have been remarkable in their speed and scope; political reforms, meanwhile, have been incremental but significant, resulting in a growing framework of codified individual rights and a growing consciousness of these rights on the part of the populace. Two key laws are transforming rural China in this regard: the Administrative Litigation Law (1989), which allows individuals to bring lawsuits against governmental units and officials, and the Organic Law of Villagers’ Committees (1998), which established a system of self-government by which villagers elect rural cadres. The effectiveness of such laws in fostering meaningful public participation in the governing process is widely questioned, but official statistics show a tenfold increase in litigation of all types over the past two decades, indicating increased public participation in the legal system (O’Brien and Li 2004; Pei 2003).

As public consciousness grows regarding the rule of law and the contractual obligations that bind citizens to the state, a greater discursive space is beginning to open up, within which the processes of civil society may operate. The political scientists Kevin O’Brien and Lianjiang Li have aptly described this growing phenomenon as “rightful resistance,” which they define as follows:

A form of popular contention that operates near the boundary of authorized channels, employs the rhetoric and commitments of the powerful to curb the exercise of power, hinges on locating and exploiting divisions within the state, and relies on mobilizing support from the wider public. In particular,

rightful resistance entails the innovative use of laws, policies, and other officially promoted values to defy disloyal political and economic elites.

(2006:2)

It is important to distinguish rightful resistance from open rebellion against existing power structures, which in contemporary China can prove politically ineffectual and downright dangerous to those who are seen as challenging the state. Rightful resistance must remain within the bounds of legality set by the government and, if it is to be successful, must invoke some of the ideas and discourses of the government itself. In this sense, rightful resistance straddles “the border between what is usually considered popular resistance and institutional participation” (O’Brien and Li 2006:2). In Futian, the coalition of farmers who spoke out against factory pollution did so on the basis of several recent SEPA policies and regulations that had been successful in closing small-scale factories throughout the country. In this way, they had the rhetoric of the central government on their side.

These pillars support a variety of processes, or strategies, for mobilizing civil-society organizations around environmental interests. The first is the burgeoning environmental NGO movement. Since the 1980s, the central government has cautiously sanctioned the growth of nongovernmental organizations, which are often referred to as “social organizations,” or *shehui tuanti*. These groups address a wide array of social issues, from poverty to health care to environmental protection. Friends of Nature, a group founded in 1994 by Liang Congjie, is widely cited as the country’s first environmental NGO. The organization has been quite visibly involved in a number of causes over the years, including biodiversity conservation and the protection of several high-profile wildlife species, including the Tibetan antelope. Many groups have followed in the path of Friends of Nature; the past decade has seen a proliferation of environmental NGOs that have mobilized to combat unsustainable forest-harvesting practices, the loss of indigenous environmental knowledge, the requisitioning of rural lands for urban expansion, and the environmental and public-health consequences of industrial pollution. A recent study identified seven organizational types of environmental NGOs: registered NGOs, nonprofit enterprises, unregistered voluntary groups, Web-based groups, student environmental associations, university research centers, and government-organized NGOs (Yang 2005). Such groups share many characteristics, including strong financial and scientific ties to international NGOs and a reliance on leaders with cultural prestige or political power that serves to buffer the organization somewhat from state

interference. In the area of pollution advocacy, one important example is the Center for Legal Assistance to Pollution Victims, which is headquartered at Beijing Legal University. Sponsored in part by a Spanish government agency, CLAPV brings together scholars, lawyers, and scientific experts to support citizens in taking legal action against polluters.

While such groups currently number in the hundreds, they are subject to a dizzying set of controls and regulations from the State Council and Central Committee. These controls include allowing no more than one organization of a type to be registered with the Ministry of Civil Affairs and requiring each social organization to be affiliated with an approved governmental unit (Chan 2005; Yang 2005). Indeed, environmental NGOs occupy shaky political ground, given that the central government is still extremely hesitant to grant complete autonomy to nonstate actors, a discomfort that is embodied nicely by the fact that the Chinese term “nongovernmental organization [*fei zhengfu zuzhi*]” sounds suspiciously like “anti-governmental organization [*fan zhengfu zuzhi*].” As Peter Ho has noted, environmentally oriented citizens’ groups lack “both the opportunity and the immediate urgency to openly confront the central government” (Ho 2001:897).

There is often a fine line between formal organizing under the banner of an environmental NGO and the second process I would like to discuss: less-institutional, ad hoc mobilization on the part of concerned citizens. The Futian case makes an interesting point, namely, that ad hoc environmental action at the local level can be quite effective. The coalition of local farmers concerned about the effects of pollution on their livelihoods did not need to “openly confront the central government” because environmental enforcement in China is neither centralized nor uniform. Rather, these concerned villagers, who came from the same production cooperative in Wuzitian Village, focused their efforts on influencing regulatory officials in the Environmental Protection Bureau by lodging complaints and by alerting the provincial media to the environmental infractions of local factories. Similar citizen protests happen every day in rural China. While it is extremely difficult to estimate the frequency with which environmental protests occur, in part because of the difficulty in defining precisely what constitutes a “protest,” data published by the central government show a marked increase in citizen complaints to EPBs beginning in the late 1990s and culminating with more than 600,000 per year by the mid-2000s (Mol and Carter 2006).

Environmental Protection Bureaus are the most integral pieces of the pollution-enforcement puzzle in contemporary China. EPB enforcement priorities and actions are guided by State Council directives and SFPA

policy, but citizen complaints and media exposure, what I have broadly called “civil-society factors,” played a key role in determining the regulatory course of action for officials in the Renhe District EPB. Cultural norms, including the EPB officials’ aversion to losing “face,” were also crucial in this process. Notably, the political economy of China’s rural industrial sector was also an important element in the enforcement process. Factories were formerly held by the township government as collective assets, which meant that any criticism of the factory was ultimately criticism of the state, albeit the local state. When the factories were privatized as part of Reform and Opening, however, industry and state were effectively decoupled, which allowed citizens to complain about industrial pollution without posing any direct affront to state power. By transferring capital and the means of production from the collective into individual hands, the liberal economic reforms are undoubtedly nudging China’s political and legal systems toward greater openness.

The farmers of Wuzitian village were not vociferous protestors, marching with signs and shouting demands at local cadres and factory bosses. Indeed, it is not always the case that we can see various, discrete interest groups neatly divided against one another. In their view, villagers were merely asking officials to make good on their professed commitment to protect the health, welfare, and livelihoods of the villagers under their charge by complying with existing laws and regulations. Informal in structure and opportunistic in strategy, the actions of Futian villagers may seem to share common ground with James Scott’s (1985) “everyday resisters,” but they differ in one important way. While everyday forms of resistance consist of covert acts such as “foot-dragging” designed to cumulatively and subtly undermine state power, rightful resistance works in a more straightforward fashion by demanding adherence to the values, laws, and policies of the state itself. As Anna Tsing has observed, environmental movements, somewhat paradoxically, often gain momentum under tight political regimes. In Indonesia in the 1980s and 1990s, for example, the environment was one of the few topics open to discussion and debate precisely because it was discursively tied to national-development goals and ideals; as a result, “saving the nation and saving the environment became linked causes” (Tsing 2005:217).

Although the actions of villagers in Futian were carefully orchestrated to avoid repercussions, they speak volumes about the political changes taking place in reform-era China. During the Maoist era, the interests of the individual were completely subsumed by those of the state. Inciting one’s kin and neighbors to oppose the destruction of their livelihoods at the hands of industrial development would have been unthinkable, first, because the household was not a salient economic unit since production was in the

hands of the commune and, second, because the government would likely have shown little tolerance for it. Still, civil-society mobilizations of any kind in China seem to be guided by one axiomatic rule: Do not upset social stability (*shehui wending*), the paramount concern of top political leaders, or there will be consequences.

Finally, the media constitutes a vital avenue for fostering the development of environmental civil society. Given the state's explicit commitment in law and policy to strict environmental standards, environmental issues are increasingly considered nonsensitive by government officials, which means that covering industrial accidents or infractions has become more routine in recent years (Mol and Carter 2006). The vast majority of this media coverage is conducted through legal channels since all major television stations and print media are managed by the government, typically at the central or provincial levels. The Futian case is just one of many examples. To cite another, more high-profile example, when an explosion at the PetroChina plant released more than 100 tons of benzene into the Songhua River upstream from the major northeastern city of Harbin in 2005, local officials attempted to cover up the incident. But a deluge of media reports via newspapers and popular television programs brought the issue into the limelight and ultimately resulted in the firing of Xie Zhenhua, the minister of SEPA, who has the distinction of being the highest-ranking official ever to lose his job over an environmental accident (*New York Times* 2005).⁴ More dynamic information technologies such as the Internet will undoubtedly facilitate the public's ability to gain information about environmental issues, although currently only about 5 percent of the Chinese populace—mostly well-off, educated, urban people—have regular access to the Internet (Yang 2005:58–59).⁵ All of these processes point to a growing desire for transparency and public participation in environmental decision making.

A common historical saying in Chinese politics holds that “there are policies from above, and countermeasures from below [*shang you zhengce, xia you duice*].” In other words, no matter how solid a grip the central government appears to have on its citizens and on local officials, its control is never absolute; individuals and organizations at the margins always have strategies for getting what they need from the political system. Nevertheless, a cautionary note is in order. Civil-society actors—whether in religious, social, or environmental arenas—occupy a tenuous space in Chinese politics. If the mobilization of civil society in Futian tells us anything, it is that greater openness in environmental decision making will come slowly and incrementally and from working within existing power structures, rather than seeking to overturn them.



STRUGGLING FOR SUSTAINABILITY

Over the past few years, there has been more economic development, and more opportunities than ever before. But now our factories are shut down, so we've stopped developing.

—MAYOR HU

AS CHINA'S legal framework for controlling pollution becomes more stringent, pollution control is also becoming a fundamental part of the nation's commitment to sustainable development. Yet cadres in Futian, who faced real social and economic consequences because of the closure of the township's factories, struggled to reconcile their interests, and the fiscal needs of the township, with this national mandate for sustainable development. Recent speeches by high Communist Party officials, coupled with a growing body of environmental law and policy, point to a shift toward a new discourse of environmental sustainability on the part of the central government in Beijing. This discourse borrows heavily from the international discourse of sustainability that gained momentum after the 1987 World Commission on Environment and Development, which introduced the phrase "sustainable development" into the popular lexicon. When viewed in the light of SEPA's growing commitment to pollution enforcement, including the stringent actions taken in Futian, this discursive shift signals the Chinese Communist Party's willingness to acknowledge the importance of environmental sustainability in its development goals.

As the Futian case illustrates, the rural industrial sector represents one of the most salient environmental and health risks currently faced by China's population. Because of its prominent role as the engine of economic growth in the countryside, it also represents a focal point in the growing controversy over sustainable development and the necessity of balancing