Environmental NGOs in China: Roles and Limits

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Chinese government officials and the general public are expressing growing concern over China's deteriorating environment. The central government has responded by developing new policies, laws and regulations aimed at protecting the environment. However, with the 1978 initiation of economic reforms, environmental protection initiatives were complicated by the steady devolution of decision-making and enforcement powers from the central government to the provincial and sub-provincial levels, with the result that environmental protection is currently largely a sub-national responsibility.

Due to the nature of incentives that drive sub-national Chinese government officials to act, environmental protection often loses to the more attractive goal of economic development. Recognizing the need for an alternative to state intervention, the state has turned to non-state actors to carry some of the environmental protection burden. Focusing on one expression of the non-state community, this paper explores the capacity of public organizations, in the form of environmental non-governmental organizations (NGOs), to compensate for declining central government influence and shifting local government priorities regarding environmental protection.

Decentralization in China

With the initiation of reform in China, the central government has increasingly decentralized control. Local governments enjoy increasing responsibility over policy development and implementation. However, decentralization does not imply that China's provinces have become independent of the centre. The top leadership in China has compensated for declining micro-control by strengthening macro-control. Thus, the central government has ensured for itself preferred access to resources such as information and technologies not available to lower levels of government. In the revenue sphere, the 1994 tax reforms initiated by the central government have enabled it to reassert control over the resources necessary to advance policy initiatives.1 In addition, the centre retains control over an

1 Roy Bahl, China: Tax Structure and Intergovernmental Fiscal Relations, Policy Research Center, College of Business Administration, Georgia State University. Prepared for the World Bank (March 1994). Reforms reversed the flow of tax revenue from the centre to the provinces.
extremely potent tool: the power to appoint, transfer or dismiss top provincial leaders. Any provincial official displaying too independent an attitude towards the centre faces the threat of demotion, delayed promotion or promotion into a meaningless post. In the environmental protection sphere, the central government retains primary responsibility for developing laws, regulations and policies to be implemented by sub-national governments.

On paper, these policies are meaningful, and if effectively enforced, should stop and even reverse environmental degradation. But how well are they implemented? According to Kenneth Lieberthal, to successfully implement policies, three preconditions must be met: first, top leaders agree on the need for a particular policy; second, top leaders support giving said policy high priority; and finally, compliance by lower levels of government is measurable.

In the environmental sphere one would therefore expect to encounter unambiguous and public calls for environmental protection by China’s leadership; significant investment of resources and prestige in advancing environmental protection at sub-national levels; and clear tools to evaluate environmental protection efforts. Is environmental protection sufficiently important to meet these three preconditions? To address this question, I evaluate the Chinese environmental protection bureaucracy.

The Structure of the Chinese Environmental Protection Bureaucracy

The State Environmental Protection Administration (SEPA) is the most important environmental protection unit in the Chinese bureaucracy. SEPA responsibilities include drafting regulations, policies, guidelines and environmental protection development plans for all levels of government. It conducts environmental impact assessments (EIAs) on major industrial projects, and is responsible for developing and supervising programmes in key regions (identified by the state council). SEPA also liaises with Environmental Protection Units that exist within other ministries and

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3 Sub-national governments may develop laws, regulations and policies. These must be equally or more stringent than central government laws, regulations and policies.


5 Kenneth Lieberthal, "China's Governing System and its impact on Environmental Policy Implementation," (Fall 1997), available at <http://www.cecsp.si.edu> (Website of Woodrow Wilson International Center for Scholars). Site last accessed 10 March 2003. In this paper I focus on the first two criteria. This is justified by the fact that failure to fulfill any of the three is sufficient to compromise effective enforcement.
agencies, and sets overall policies and regulations governing sub-national Environment Protection Bureaux (EPBs).\textsuperscript{6}

Chinese law requires that all provincial and municipal governments enforce national environmental protection policies. As a result, all provinces and municipalities and many counties have established environmental protection units with responsibility for enforcing environmental protection policies. These units also monitor environmental conditions, maintain records and collect fees.\textsuperscript{7} SEPA supervises and coordinates these environmental protection efforts. In theory, EPBs are subordinate to both SEPA and their local governments. However, since EPB funding is provided almost entirely by local governments (provincial-level EPBs are funded by the province, municipal-level EPBs are funded by the municipalities, etc.) these governments tend to enjoy greater influence than does SEPA. In an effort to alter the balance, a recent central government initiative introduced a new requirement that prior to appointment, local EPB chiefs must first receive higher-ranking EPB endorsement. In addition, many lower-level EPBs have been given higher or independent bureaucratic status, effectively increasing their administrative leverage vis-à-vis local governments.

In an additional effort to strengthen SEPA and express support for environmental protection, in 1998 SEPA was elevated to full ministry status and was given additional responsibilities.\textsuperscript{8} Promotion to full ministry status has improved SEPA’s official standing vis-à-vis other ministries. Prior to its elevation, ministries, including provincial governments, were able to easily override or ignore SEPA recommendations. Now these ministries, while not bound by SEPA recommendations, must give them attention. In 2002 the SEPA budget was doubled and made independent. Thus, while past budgets were drawn from a lump-sum transfer for development, SEPA enjoys greater autonomy as an independently budgeted unit.

Finally, China’s leading officials have repeatedly and publicly stressed their commitment to environmental protection and their willingness to fund further environmental protection initiatives. Thus, China’s new secretary general and president, Hu Jintao, recently openly called for sustainable development and environmental protection. Outgoing Premier Zhu Rongji

\textsuperscript{6} According to its official mandate, SEPA has 12 basic functions. A detailed description of SEPA responsibilities is available at <http://www.zhb.gov.cn>. (Website of Chinese State Environmental Protection Administration - SEPA). Site last accessed 7 March 2003.

\textsuperscript{7} Interview 1, with a high-ranking official from the SEPA law enforcement branch (1998). For aspects of the paper I rely on interview data from field studies in 1998, 2002 and 2003. Interviews were conducted with SEPA, NGO and local and central government officials. As a condition for being granted an interview, the majority of interviewees requested anonymity. Questions relating to the interviewees should be directed to the author. Also, World Bank Report on China #9669-CHA, China Environmental Strategy Paper, Environment, Human Resources and Urban Development Operations Division, China and Mongolia Department, East Asia and Pacific Regional Office, vol. 2 (Washington DC, April 1992), p. 6.

\textsuperscript{8} New responsibilities include auto emissions controls and radioactive waste/nuclear safety and natural resources conservation.
echoed this call. These policies and initiatives reflect the growing commitment of the central government to Chinese environmental protection. Referring to Lieberthal’s preconditions, high commitment levels by top officials are central to effective environmental policy implementation.

**Enforcement Tools**

In general, SEPA shares authority with other agencies where interests overlap. For example, SEPA and the Ministry of Agriculture share authority over fishing, while conservation issues are shared with the State Forestry Administration. SEPA has a number of avenues to enforce environmental protection policies, but notably lacks independent enforcement authority.

*Criminal Sanctions:* Criminal law is one avenue available for combating environmental pollution. The 1989 Environmental Protection Law provides that criminal negligence causing serious pollution leading to major losses of public or private property, personal injury or death, or a serious breach of public duty, necessitates criminal punishment.

*Civil/Administrative Sanctions:* Environmental regulation and law enforcement is achieved largely with the help of administrative and civil sanctions. Administrative sanctions often combine EIAs with “criticism,” permits, taxes, bans, warnings, fines, compliance orders, inspections, suspension or cessation of operations orders, revocation of business licenses, relocation or closure of the enterprise, removal of managerial positions, and Party disciplinary sanctions. Civil and administrative sanctions rely heavily on the levy system. Levies are imposed on enterprises whose emissions exceed set government standards. An enterprise is judged noncompliant if its officially reported wastewater discharge contains at least one pollutant whose concentration exceeds the standard. A maximum of 80 percent of funds collected under the levy system are returned to the enterprises as concessional loans for pollution control or maintenance activities to reduce pollution. The remaining 20 percent are retained by EPBs to support environmental activities.

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10 Interview 65, with a US government representative to China (2002).


12 Yang, “Punishing for Environmental Protection?” p. 679.


Punishment options available to EPBs are divided into four levels of severity. As the most severe sanction, the EPB can require a temporary production stoppage. Second, the EPB can prohibit waste production. Third, the EPB can fine the factory, and fourth, the EPB can give warnings. Closure of a factory can only be decided by the relevant level of government (the provincial government can close provincial-level factories and so forth), and is implemented by the Public Security Bureau. The Public Security Bureau also assists with enforcement in cases where EPBs encounter resistance. Reflecting SEPA’s growing importance, SEPA Minister Xie Zhenhua has been elevated in prominence. Thus, for example, he was promoted to the Central Committee of the CCP and the Commission for Discipline Inspection. As a result, Xie has been able to more effectively promote environmental protection.

Based on the scope, reach and efforts by the central government to protect the environment through the recentralization of powers to the environmental protection bureaucracy, greater investment is one of the actions taken to strengthen the environmental protection bureaucracy, and the elevation of SEPA in the bureaucracy, one might assume China’s environmental protection efforts will fulfill at least two of Lieberthal’s three criteria for effective enforcement: a committed leadership that gives environmental protection increasing priority. Indeed, reflecting the strength of official commitment to environmental protection, chairman of the Environmental Protection and Natural Resource Conservation Committee of the National People’s Congress, Qu Geping, states that environmental protection requirements are being revamped rapidly to the point that they will soon achieve standards similar to those in far more developed countries.\textsuperscript{15} And yet the system remains weak and enforcement is highly problematic.

\textit{Weaknesses of the State Environmental Protection System}

In the face of constrained revenue and with the goal of strengthening economic growth, the central government acted to decentralize government in 1998. The impact on SEPA included staff reductions from 321 to 200. Shrinking staff numbers constrain SEPA’s ability to carry out one of its main responsibilities: educating and training government officials about the importance of environmental protection. Education and training are extremely important, especially given the complex nature of environmental challenges, the clear short-term costs of investing in environmental protection, and the often uncertain long-term benefits. SEPA’s inability to provide sufficient education and training to government officials results in

low government awareness and skills, and most likely less interest in and commitment to environmental protection.

At the local levels, the funding and resources necessary to implement and enforce effective environmental protection initiatives have become a local responsibility. This forces local officials into the difficult position of grappling with seemingly contradictory expectations. On the one hand they are required to enforce environmental protection policies while on the other they are expected to increase economic output, employment and service provision. Improvements in these latter spheres, not environmental protection, remain the key criterion for promotion.

As Stephen Krasner points out, the capacity of a state (or sub-state actor) to act effectively in one issue area does not reflect its ability to act effectively in a different issue area. States focus resources on the most pressing and rewarding sectors. Environmental protection is viewed by most officials as providing long-term, diffuse and controversial benefits. By contrast, job creation or infrastructure development offer immediate and obvious benefits, contributing to the legitimacy of the officials supporting these activities. For these reasons, the main focus of state and sub-state actors is unlikely to be environmental protection. In addition, many Chinese officials subscribe to the Environmental Kuznets Curve theory that suggests that pollution levels increase as a state develops, but that once a certain level of economic development is attained, pollution levels decline. Local and central government officials question why they should invest in environmental protection when the solution to environmental degradation lies in economic development.

As noted, local-level EPBs receive little or no funding from the financially strapped SEPA. Instead, their funding derives from two sources: local government budgetary transfers, and levies and fees. Depending on the importance attributed to environmental protection by the relevant level of government, funding for EPBs may be generous or limited, though in most cases it is limited. EPBs must therefore rely more heavily on levies and fees collected from polluting factories under their jurisdiction. However, such reliance presents EPBs with a quandary: their task is to lower pollution output, yet success will drive their main revenue source out of existence. Herein lies a perverse disincentive to enthusiastic environmental protection.

19 Interview 64, with the GONGO director; and interview 69, with the chairman of a Chinese consulting firm (2002).
The environmental protection bureaucracy in China has strong policies, laws and regulations at its disposal, coupled with an increasingly clear enforcement process. It also enjoys high-profile support. However, ongoing decentralization has strengthened local governments and increased the influence of local interests with a generally short-term, economic growth focus. SEPA has been further hampered by being new, small and provided with limited enforcement capabilities. Thus, environmental protection cannot fully meet Lieberthal’s criteria. Although top officials have indicated a commitment to environmental protection, they have failed to provide sufficient resources to advance environmental protection, or convey strongly enough to lower levels of government their expectations regarding environmental protection. China’s ongoing environmental degradation—despite relatively meaningful policies—is sufficient to attest to a failure of environmental protection efforts.

Based on the above analysis, it is clear that decentralization is not strengthening environmental protection. The central government has responded by turning to a new partner in environmental protection: environmental civil society. Can environmental civil society compensate for the gap left by the state bureaucracy? But first, what is civil society in the Chinese context?

Civil Society in Environmental Protection

The term civil society is amorphous, having been defined in numerous ways. One popular definition identifies three criteria for civil society: 1) an intermediate associational realm situated between the state and the building blocks of society (individuals, families and firms); 2) populated by social organizations separate from the state, enjoying a level of autonomy from the state; and 3) formed voluntarily by people to protect or advance their interests and values. Civil society finds expression in social organizations that enjoy varying degrees of independence from the state, are self-regulating and are voluntary in nature. Civil society organizations are sometimes difficult to identify based on these criteria because in many cases they are connected to the state (e.g., some unions).

The debate over the nature or very existence of a Chinese version of civil society has been ongoing. In the early 1980s, a time of relative openness and optimism, scholars argued that decentralization would lead to power

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being transferred from the state to an increasingly autonomous society. However, unlike the Western conception of confrontational state-civil society relations, these scholars emphasized a rather weak and passive civil society. Thus, civil society was viewed as a depoliticized sphere of social and economic life with political power remaining in the hands of the state. This view was challenged by those who saw civil society as confrontational. Civil society as a sphere of social and economic life separated from the political life of the state is not difficult to identify in China. By contrast, a more constricted definition of civil society that emphasizes confrontation and challenges over control of political space may lead to the conclusion that civil society remains an irrelevant concept in China. For the purposes of this analysis, I consider civil society organizations to be domestic social organizations that meet these three criteria. As will become clear in the China case, the three criteria are met to varying degrees by organizations that consider themselves non-governmental organizations in the environment sphere.

However, it is not the case that the sole non-state actors influencing environmental protection in China are civil society organizations. In fact, the state makes ongoing efforts to encourage participation by individual citizens in environmental protection. Thus, the 1996 State Council Decision Concerning Certain Environmental Protection Issues encourages public reporting on, and exposing of, violations of environmental protection laws and regulations and participation in environmental protection.  

Individuals can complain to a variety of agencies, including the complaints divisions of Environmental Protection Bureaux, mayors' offices and even local People's Congresses. Data on these complaints, in the form of letters, phone calls or visits, are collected in Statistical Yearbooks. Additional avenues of complaint include telephone hot lines, reports in the media and public protests or even rioting. Increasingly, the public has the opportunity to sue pollution offenders and local authorities who fail to implement national environmental laws and regulations. One increasingly active organization in this sphere is the Center for Legal Assistance to Pollution Victims (discussed later). However, unlike in the West, the recourse available to individuals is limited to reactions to existing pollution problems. There are few opportunities to challenge plans before they become pollution problems. Pre-emptive actions and lobbying require greater long-term planning and organization. These are better achieved via formal civil society organizations.

24 Ma and Ortolano, Environmental Regulation in China, p. 72.
As a basic assumption, the view that NGOs can and do play an active role in civil society and [unclear to me what the hyphen here indicated] (i.e. NGOs play an active role in the relationship between civil-society and the state) state relations suggests the existence of popular organizations working in a political space (varying in size depending on the local political culture and regime type). In countries where political space is constrained, civil society is necessarily far more limited in its ability to influence the state. According to Catriona Glazebrook, even though China’s environmental NGOs are not authorized to make policies, they may influence policy making and implementation if they become strong enough (my emphasis). However, this is a big “if” that draws our attention to the nature of the political space and capabilities available to China’s environmental NGOs. It is to an evaluation of these that I now turn. Does the political space necessary for active and influential environmental NGOs exist in China? If so, is the political space “conferred,” suggesting “guidance” by the state, or is it “captured,” suggesting autonomy?

**Chinese Environmental NGO Types**

Environmental NGOs first began appearing in China in 1994. According to SEPA, China had approximately 2,000 registered environmental NGOs by the year 2000. A more conservative estimate of 40 such NGOs is offered by Jennifer Turner and Fengshi Wu of the Woodrow Wilson Center. Understanding the reason for these widely differing estimates requires a clear grasp of how NGOs are defined. Many Chinese NGOs are best described as GONGO—governmental non-governmental organizations. Wu suggests that GONGO differ from NGOs in that government agencies or institutions establish GONGO. Elizabeth Knup provides two quantitative measures to distinguish genuine NGOs from GONGO: one, the percentage of funding received from government; and two, the number of government officials serving among the NGO staff or boards of directors.

While identifying important distinguishing features, Knup’s quantitative differentiation ignores the fact that Western NGOs are considered non-

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26 China-based NGOs are listed at <http://www.zhb.gov.cn/english/NGO/index.htm>. (Website of China’s State Environmental Protection Administration) Site last accessed 3 March 2003. NGOs come under the rubric of Shi Ye Danwei—civic society units—of which there are approximately 1.3 million.

27 Jennifer L. Turner and Fengshi Wu, “Development of Environmental NGOs in Mainland China, Taiwan and Hong Kong,” Green NGO and Environmental Journalist Forum (Woodrow Wilson International Center for Scholars, 2001), held 9-10 April 2001 in Hong Kong.


governmental even though they often are at least partially dependent on
government funding and occasionally work quite closely with government
offices. Where does one draw the line between an NGO that receives some
government funding and an increasingly independent GONGO? Similarly,
distinguishing GONGOs from NGOs based on who established them ignores
cases where GONGOs become increasingly independent of the government.

Drawing on the efforts of Knup and Wu, I define environmental NGOs as
organizations registered with the government Ministry of Civil Affairs, that
receive no state funding, and have no official ties to government beyond the
necessity of a sponsoring unit (*danwei*). Thus, NGOs are private institutions
that do not draw on state funding or utilize state assets, but do engage in
non-profit social activities.  

Environmental GONGOs are organizations that are both registered with
the government and are directly affiliated with the state bureaucracy. Thus,
a GONGO may become an NGO by ending its affiliation with government.
This distinction necessitates a third category—semi-NGOs—of organizations
that are not registered with the Ministry of Civil Affairs, but are indirectly
affiliated with government. While this paper considers both GONGOs and
semi-NGOs, the main focus will be on NGOs and their current and potential
roles. Can China’s NGOs effectively fill the environmental protection gap
left by a decentralized state?

**Traditional Environmental NGOs**

According to the revised (1998) regulations governing registration and
management of social organizations, NGOs must formally register with the
Bureau for Administration of NGOs, a section within the Ministry of Civil
Affairs. Failure to register means the NGO cannot become an independent
and legal social organization, and will not have a sponsoring unit.  
Without legal status and a sponsor, NGOs will encounter difficulties accessing funding,
obtaining legal protection and interacting with government organizations.

To register, NGOs must first undergo examination by a government bureau
with a connection to the NGO’s area of interest. After an initial screening
process, application can be made to the Ministry of Civil Affairs. The relevant
government bureau then plays a supervisory and leadership role for the

30 For the state definition, see Kenji Otsuka, “China: Social Restructuring and the Emergence of
NGOs,” in Shinichi Shigetomi, ed., *The State and NGOs: Perspective from Asia* (Singapore: Institute of

31 The focus on well-established environmental NGOs is justified because they reflect the most
advanced examples of the Chinese NGO community and the path most NGOs strive to follow. Interview
76, with the deputy director general of a Chinese GONGO (2003).

32 Jin Jainan, “The Growing Importance of Public Participation in China’s Environmental
Movement,” *Woodrow Wilson International Center for Scholars Green NGO and Environmental Journalist
NGO, with responsibility for financial and political affairs. Registration must be renewed annually, with rejection an ever-present possibility.\(^ {33}\)

Registration can be refused in accordance with the rules governing NGO registration and management. Specifically, NGO registration is rejected should an NGO oppose the basic principles of the constitution (e.g., CCP leadership); harm national unity and security or national interests; social interests; the interests of other organizations and citizens; or carry out acts contrary to social and public morals.\(^ {34}\) In addition, no NGO may be established in an issue area in which an NGO already exists, nor can an NGO establish branch offices. The breadth of these restrictions provides the government with immense latitude to decide the fate of NGOs. The relevant government bureau evaluates NGO activities and statements, and can close NGOs down should they behave in ways interpreted as unsatisfactory. As a result, NGOs tread carefully, avoiding strong criticism of government environmental protection failures.

Still, the government-NGO relationship does provide NGOs with some benefits. Chinese NGOs face shortages of staff, skills and funds needed to handle the many administrative and legal issues inherent to institutional existence. Sponsoring work units can provide services such as legal defence and accountancy. These essential services are beyond the means of most NGOs. In return, NGOs normally pay a small management fee and provide compulsory annual reports as part of the re-registration process.\(^ {35}\)

Clearly, China’s environmental NGOs are constrained by the nature of their dependence on government benevolence. However, this is not the sole obstacle to NGO activities. China’s environmental NGOs are also constrained by their paucity of human capital. While many staffers may be well educated and committed to environmental protection, the vast majority have little or no environmental sciences or professional background.\(^ {36}\) The lack of human capital is attributable to a number of factors, such as a shortage of well-trained people throughout China in the fields of environmental sciences and the administration of non-profit organizations. In addition, there is generally little enthusiasm for NGOs among the few highly trained professionals who do exist. These professionals often view NGOs as relatively weak organizations. The contrast is especially obvious when NGOs are compared to state organs that enjoy both greater influence in decision-making circles as well as greater access to resources. Compensation is another constraint to attracting human capital. As one interviewee noted, the relatively small number of Ph.D. holders in China expect to be well paid—an unlikely

\(^{33}\) In 2003, 136 NGOs were rejected. Interview 76, with the deputy director general of a Chinese GONGO (2003).

\(^{34}\) Otsuka, “China: Social Restructuring and the Emergence of NGOs,” p. 232.

\(^{35}\) Interview 66, with the GONGO director.

\(^{36}\) Interviews 67, with the NGO official (2002); interview 72, with the NGO member (2002); interview 76, with the deputy director general of a Chinese GONGO, (2003).
prospect in the NGO community.\textsuperscript{37} Lacking sufficient numbers of experienced and well-trained members, NGOs are limited in their capacity to evaluate or enforce environmental policies.

Even should China’s environmental NGOs overcome the constraint of insufficient human capital, their efforts are circumscribed by their lack of access to data on actual conditions. As of 1996, detailed reports on pollution incidents that had a serious impact have become classified.\textsuperscript{38} Detailed reports on environmental protection efforts under the jurisdiction of the national and provincial level governments also remain secret. Thus, NGOs are unlikely to obtain access to sensitive data. NGO efforts to independently gather information from across the country are constrained by prohibitions restricting them from opening branches or affiliated offices in other regions of the country.\textsuperscript{39}

The sensitivity surrounding NGO expansion and activism is illustrated by the example of FN (Friends of Nature). This Beijing-based environmental NGO has grown to employ six full-time staff and two part-time staff in addition to a large volunteer base.\textsuperscript{40} It has 1,500 members, but based on the level of public interest could have over 100,000 members and numerous regional branches.\textsuperscript{41} FN limits its membership and rejects branch office or affiliation requests, concerned that if it attracts too many members or even establishes a close relationship with any regional groups, it might be viewed as contravening government restrictions on NGO activities.

With the rise of Falun Gong activism, the state has become especially sensitive to NGO-related issues. This sensitivity has convinced FN to maintain a low, non-confrontational profile. Instead of establishing regional affiliations (which would in any case be illegal) or increasing its membership, FN encourages interested citizens to establish their own independent NGO or community groups.\textsuperscript{42} This approach cannot be as effective as close collaboration with branch offices and a large and active membership, but is less likely to draw negative attention from the government.

Another challenge facing Chinese environmental NGOs is the future of their organizations following the departure of the founders. The most successful Chinese environmental NGOs depend on the personal status and abilities of lead figures. One example is CGV (Chongqing Green Volunteers),

\textsuperscript{37} Interview 68, with the founder of BEDI (2002).

\textsuperscript{38} Kenji Otsuka, "Social and Institutional Bases for Public Involvement in the Resolution of Environmental Pollution Disputes in China," Studies on Environmental Pollution Disputes in East Asia: Cases from Mainland China and Taiwan (Tokyo: JRP series, no. 128, 2001), pp. 15, 29.

\textsuperscript{39} Otsuka, "China: Social Restructuring and the Emergence of NGOs," p. 292.

\textsuperscript{40} In 1999 FN had 600 members and only two full-time staff. Interview 20, with Liang Congjie, head of FN (1999).

\textsuperscript{41} Interview 67, with the NGO official. The cost of membership is not a constraint, since it is only 50 RMB/year.

\textsuperscript{42} Another concern is that applicants for membership often want to be active. FN lacks the capacity to meet such requests and would prefer more "checkbook activism." Interview 67, with the NGO official.
a group loosely affiliated with GVB (Global Village Beijing). When first established, CGV focussed on activities most often attributed to China’s environmental NGO community, such as environmental awareness building in local schools, coupled with tree planting. CGV has since expanded its scope, successfully utilizing the mass media to pressure loggers to stop illegal logging. This relatively young NGO was established by a charismatic person, Wu Deming, who has attracted a large number of volunteers. Both Liang Congjie of FN and Sherry Liao of GVB play similar roles in their own organizations.

Liang’s connections play an important part in FN successes. The fact that Liang Congjie is both a famous person with many personal contacts, and is a member of the Chinese People’s Political Consultative Conference Standing Committee, buffers FN from potentially hostile criticisms by government officials. Liang’s status has also enabled him to successfully achieve domestic and international credibility for FN, and attract domestic and international funding. He can convey FN ideas directly to government decision makers, forcing many otherwise unsympathetic officials to consider his agenda. However, despite these advantages, FN members still cannot criticize the government or lobby for specific policies. FN is limited to expressing opinions and criticizing obliquely.

Barring Liang’s presence, it is unlikely that FN would enjoy its current level of international and domestic recognition and prestige. FN members express concern that when Liang departs, the limited freedom of action currently enjoyed by FN will be constrained and the very existence of the organization will come into question. In some respects, GVB faces a more uncertain future since control over GVB is more tightly situated in the director’s hands.

Environmental NGOs face immense constraints on their activities, including difficulties registering, and remaining registered; obtaining data on the state of the environment; expanding membership and establishing branch offices; developing a well-trained and educated organization capable of providing practical and well-researched policy recommendations; and finally, breaking a heavy dependence on key, charismatic figures to attract domestic and international attention and buffer themselves from hostile officials. But perhaps the greatest constraint on China’s environmental NGOs is funding.

In China there has yet to develop the same culture of philanthropy that exists in many Western countries. As a result, domestic environmental NGOs are forced to scramble for funding, increasingly looking to foreign governments, philanthropists and corporations. Exemplifying foreign

43 Interview 73, with a Canadian government aid official (2002).
44 Interview 67, with the NGO official (2002).
45 Interview 63, with a foreign foundation official (2002).
government funding is the Canadian Civil Society Project.46 This organization funds projects to strengthen Chinese civil society in a variety of spheres, including environmental NGOs. However, foreign-government-supported initiatives tend to be constrained by limited funds, the bureaucratic requisites of funding governments and the desire of those governments to avoid offending the Chinese government. In other cases, internal political constraints in donor countries limit funding.47

International philanthropies are a second potential funding source. While these play a central role in funding innovative and important NGO sector work, they too are limited in the amount of funding they can provide and by the constraints of their mission statements. In addition, the application process for obtaining funding from these organizations is extremely complicated and time consuming. In most cases, foundation grants exclude support for basic operating expenses. NGOs are then forced to scramble for funds to cover expenses such as salaries, rent and electricity.48

Given the constraints of time and resources facing NGOs, obtaining funding is often extremely difficult. Thus, in the hunt for funding, environmental NGOs increasingly find themselves turning to MNCs (multinational corporations) whose requirements are often more relaxed. Beginning in 1998, and after a long period of refusing offers of support, FN and GVB turned to Royal Dutch Shell and Dupont. Both NGOs agreed to first meet representatives from these MNCs, and eventually to accept their funding. According to Nick Young, publisher of China Brief, the impact was immediate.49 The environmental NGOs have become "softer," with FN participating in joint programs with Shell and even distributing company literature to FN members and attendees at Shell-sponsored environmental conferences.

In some cases, Chinese environmental NGOs believe that they will be able to alter MNC behavior. However, these corporations are immense and highly compartmentalized entities. The MNC public relations personnel who deal directly with the local NGOs have little or no influence over management decisions that directly impact the environment. MNCs benefit from their support of environmental NGOs because affiliation enhances their corporate image. Thus, while corporations improve their public images and develop useful contacts, influence in the other direction is minor.

Suffering from limited skills, funding and autonomy and operating in a highly controlled political space, the ability of China’s NGOs to influence

46 Interview 73, with a Canadian government aid official. Grants average 50,000 to 100,000 RMB, though grant levels are expected to rise.
47 Interview 65, with a US government representative to China (2002). For example, since 1989, US aid to China is limited to AIDS and legal development related efforts.
48 Interviews 63, with a foreign foundation official (2002) and 66 with the GONGO director.
China's environmental policy development and enforcement is limited. While NGOs do enjoy certain freedoms, their activities are largely restricted to advancing government-approved agendas such as education and awareness building, and initiating public “green” campaigns. Clearly Catriona Glazebrook’s "if" (i.e., Chinese NGOs can have a significant impact if they become strong enough) has not been met by the NGO community.

**Environmental GONGOs**

Relative to NGOs, GONGOs are more clearly established within the existing political structure. In cost-cutting efforts, SEPA has established affiliations with a variety of GONGOs (many having been spun off of SEPA) to complete tasks once the sole responsibility of SEPA. Indeed, according to some experts, GONGOs are separate from government only in name.50 GONGO leaders are normally state appointees and some receive state salaries. GONGOs are largely dependent on government political support and are required to adhere to government policy.

CEPF (China Environmental Protection Foundation) is an early example of a Chinese GONGO. Established in 1993, CEPF cooperates closely with the state, raising funds to support and reward individual and group environmental protection efforts. CEPF also organizes and trains environmental volunteers, striving to develop cooperative relationships and technology exchanges with international organizations interested in Chinese environmental protection.51

As should be clear from the CEPF-State relationship, GONGOs enjoy a relatively easy existence. They maintain access to government officials and data, as well as easier connections via SEPA with international and domestic organizations. In contrast to NGOs, the result is often fewer funding concerns, higher quality research and greater policy impact. However, close ties to the state can also result in greater constraints on the types and nature of research conducted and the extent of criticism allowed.

Two further examples of GONGOs are the CEEC (Center for Environmental Education and Communications) and the PRCEE (Policy Research Center for Environment and Economy). While these organizations once received full SEPA funding, they are now required to be self-funded, though SEPA does pay for projects undertaken on its behalf. According to CEEC project manager Niu Lingjuan, the CEEC assists SEPA in advancing initiatives in the following spheres: increasing environmental awareness by organizing world environment days and other major environmentally related

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50 Interviews 64 (with the GONGO director), 72 (with the NGO member, 2002). Many GONGO officials use SEPA e-mail addresses.

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commemoration days; organizing and publishing education materials related to environmental protection; developing training programmes for directors of local EPBs and provincial-level EPBs from around China; establishing a network for institutions that provide on-the-job training for county-level EPBs; training for ISO 14000 (environmental management) certification; and developing international contacts for training and cooperation on publicizing, educating about, and training in environmental protection. According to a PRCEE official, 70 percent of PRCEE’s responsibilities are taken up in addressing SEPA requests for information, research and recommendations relating to environmental policy and laws.\textsuperscript{32}

In many cases, GONGO members are former government officials trained within the state system. These members often retain contacts in the state bureaucracy, utilizing the contacts to advance GONGO initiatives. According to Niu (CEEC), NGOs cannot provide equivalent training, not only because they are poor and lack the skills, but also because they lack access to potential government trainees.

The often close ties between SEPA and GONGOs are reflected in the environmental policy newsletter published for SEPA by the PRCEE. The newsletter offers policy recommendations and is read by SEPA officials, including Environment Minister Xie Zhenhua. Also suggestive of the close SEPA-GONGO relationship, a high-ranking figure in the CEEC is the wife of the SEPA minister.

GONGOs also benefit from SEPA contacts abroad. Data on international partnerships compiled in 2002 reflect the greater access—in comparison to NGOs—that GONGOs enjoy to international environmental NGOs.\textsuperscript{53} This greater access largely derives from SEPA directing international funds towards GONGOs, whereas NGOs must independently develop contacts. Thus, in contrast to NGOs, China’s GONGOs enjoy access to government officials that enables them to more effectively influence the direction of Chinese environmental protection policies, priorities and enforcement.

However, in some ways GONGOs face more significant constraints than do NGOs. As government affiliates, GONGO members may criticize local-level environmental protection officers, but must be circumspect at the central government level. Furthermore, GONGOs cannot easily refuse to accept government tasks. In part, this is a result of SEPA influence over GONGO hiring, salaries and promotions. GONGOs enjoy greater access to government resources and officials and enjoy a more stable existence than their NGO counterparts. And yet, to a greater extent than NGOs, GONGOs have limited autonomy and are constrained in their ability to take positions critical of government environmental protection initiatives.

\textsuperscript{32} Interview 71, with a GONGO official (2002).
\textsuperscript{53} Wu, "New Partners or Old Brothers?" Table 1, p. 49.
Environmental Semi-NGOs

Semi-NGOs represent a third type of organization existing alongside China’s environmental NGOs and GONGOs. Semi-NGOs neither register with the ministry of Civil Affairs, nor are they directly connected to SEPA. Instead, they register within the Chinese university system. As university organizations (apart from a limited number of private institutions, Chinese universities are government funded), semi-NGOs cannot be deemed entirely independent. Semi-NGOs normally do not have direct ties to government, rely on international funding (though not for salaries or facilities), and enjoy relatively broad autonomy. As university-affiliated organizations, these semi-NGOs are staffed and led by trained people—often professors and graduate students. As a result, their work is normally of a higher caliber than that produced by NGOs, and is potentially more independent than that produced by GONGOs.

A central goal for semi-NGOs is to improve the capacity and awareness of government officials and to increase the willingness of officials to take on vested interests opposed to implementing environmental protection policies. Two examples of this type of organization are BEDI (Beijing Environment and Development Institute) and CLAPV (the Center for Legal Assistance to Pollution Victims).

In 1995, Professor Ma Zhong established BEDI under the auspices of Beijing People’s University. Ma asserts that successfully raising capacity and awareness among government officials requires extensive training. However, given the size of the government bureaucracy and the focus on economic growth, training alone is insufficient. Since most environmentally-related policy making occurs at the central government level, it is important to identify means of illustrating to relevant leaders the economic benefits of environmentally sound projects. BEDI addresses this need by focussing on practical research projects that result in policy recommendations to the government in the spheres of development planning and protection.\(^5\) BEDI achieves this goal by developing pilot projects that illustrate the economic benefits of environmentally sound production.\(^5\)

Another focus for semi-NGOs is illustrated by the activities of CLAPV. CLAPV, based at Beijing University of Law and Politics, aims to do the following: improve the quality of existing environmental laws and regulations to make them more practical; train environmental law enforcement and court officials; improve public awareness of environmental laws; and provide legal assistance to pollution victims in cases that can establish the scope and reach of environmental laws. In this role, CLAPV relies on numerous lawyers

\(^5\) Interview 68, with the founder of BEDI, 2002) For example, honey production by black bees in northern Heilongjiang province. BEDI identified a profita ble way to utilize the region’s comparative advantage, provide employment and protect the region.

\(^5\) Recall that economic criteria continue to dominate in evaluating government officials.
(normally unavailable to NGOs) and can take on cases that would be rejected by more tightly constrained GONGOs.\textsuperscript{56}

Semi-NGOs enjoy some real advantages over their NGO and GONGO counterparts. They benefit from protection under the umbrella of university affiliation; are staffed by well-trained and educated people; have access to funding both from their home institutions (in the form of facilities, base salaries, etc.) and from the international community; and have access to government officials (as experts in their respective fields). These advantages are notable when compared with the constraints on NGOs and GONGOs.

To this point we have considered three categories of environmental non-state actors: NGOs, GONGOs and semi-NGOs. In the following section I focus on the potential contribution of environmental NGOs in particular to improved environmental protection in China.

**A Role for Chinese Environmental Non-Governmental Organizations?**

As Fareed Zakaria notes, the state recognizes that in an increasingly complex and expanding system, it is unable to continue to dominate all aspects of China's social, economic and political life.\textsuperscript{57} As a result, the state has in a top-down manner allowed civil society groups to form in order to advance state goals. B. Michael Frolic suggests that the Chinese central government views civil society not as a potential vehicle rising up to overthrow its rule, but rather as a benefit bestowed from above by a benign leadership.\textsuperscript{58} As conceived by the Chinese central government, the role of civil society is to link citizens to the state, thereby ensuring the more effective flow of public policy while avoiding disorder. Civil society is not democratic, nor is it considered a precursor to democratization. Civil society is state-led, and cooperates with, rather than opposes, the state.\textsuperscript{59} Political space is thus conferred and by extension guided by the state.

The Chinese government confers political space out of recognition that: 1) the public is more likely to believe civil society organizations than the government; 2) participants in these organizations tend to be highly committed to environmental protection; 3) the activism of these organizations attracts goodwill and funding from the international community; 4) NGOs take on responsibilities that would otherwise fall in the lap of an over-stretched and under-funded environmental protection.

\textsuperscript{56} Interview with the Director of CLAVP Wang Canfa, June 2002.


\textsuperscript{59} By contrast, environmental civil society in the former Soviet Union rose up in opposition to the state. Ronnie D. Lipschutz, *Global Civil Society and Global Governance: The Politics from Place to Planet* (Albany: State University of New York Press, 1997), p. 76.
bureaucracy; 5) environmental degradation is a major concern and environmental protection is not a socially or politically threatening cause, and 6) these organizations generally lack a larger political agenda.

Opening up political space for environmental non-state actors by no means suggests that the central government is providing a carte blanche for Hundred Flowers-like criticism of the state. Indeed, Chinese environmental non-state actors are expected to cooperate closely with government institutions and agencies. Thus, while Chinese environmental non-state actors may share the “non-governmental” title with Western NGOs, in fact they are quite different. Western environmental NGOs include a vast array of organizations with a range of professional skills that address a broad spectrum of issues in an independent and sometimes confrontational manner. The main tasks attributed to Chinese NGOs by the government are to raise public awareness through education; organize clean-up campaigns; and attract aid from foreign organizations that refuse to work directly with the Chinese government. These tasks are to be fulfilled within a government-mandated framework.

As one SEPA official opined, “Westerners view Chinese environmental NGOs as a path to greater public participation in a wide range of issues, a crack in the door of eventual democratization.” The Chinese government is well aware of this conception and makes every effort to ensure that no such democratization develops. Perhaps not surprisingly, many NGO members share a similar view of the role NGOs can play.

According to non-state-actor interviewees, in the best-case scenario, NGO research is sponsored by an international organization. In such cases, research results are publicized by the international organization and submitted to relevant Chinese authorities. The Chinese authorities may choose to act on the results as part of a wider effort to strengthen relations with the international organization. However, in general, NGOs recognize that their influence is highly constrained.

Even the NGO descriptor can be problematic. In Mandarin, the term NGO, “Fei Zhengfu de tuanti,” can be translated in a number of ways, including anti-government organization. According to some NGO members, this

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60 According to a China Environmental Journalist’s Forum/Unilever/Beijing University survey, environmental protection has become a top concern among Chinese people. Forty-nine percent of those surveyed identified environmental protection as the most important issue China now faces; 15% identified China’s large population; and 12% the backwords education system. (People’s Daily, May 29, 2001). <http://fpeng.peopledaily.com.cn/200105/29/eng20010529_71288.html>. Site last accessed 14 January, 2004.

61 Interview 72, with the NGO member; (2002).

62 Interview 72, with the NGO member; (2002), 68, with the founder of BEDI (2002).

63 In Mandarin, “anti” translates as “fan.” However, “fei” is also used for “anti.” Liang Shichiu, ed., A New Practical Chinese-English Dictionary (Taipei: The Far East Book Company, 1989). Quisha Ma notes that domestic NGOs in China are reluctant to use the term “fei” because it can be understood as “not,” “wrong” or even “anti.” This was also the view of interviewees. See Quisha Ma, “Non-governmental and Nonprofit organizations and the evolution of Chinese civil society,” testimony before the Congressional-Executive Commission on China.
descriptor can influence the perception among government officials of the nature and activities of NGOs. Such misperceptions are especially likely in less developed regions where officials have limited exposure to NGO activities. These NGO members suggest changing the NGO descriptor from Fei Zhengfu to something less confrontational, such as “minzhu tuanti,” which means people’s organization.64

A substantive concern relates to Western expectations of the role Chinese NGOs can play. According to some members of the Chinese NGO and international lending community, Western expectations are too great.65 A seeming “feeding frenzy” of international organizations searching for as yet “undiscovered” Chinese environmental NGOs to adopt has been ongoing. This “race to adopt” often occurs without a clear understanding of the nature of NGO-state relations in China. As a result, a gap is growing between foreign funding agency expectations and the ability of the NGOs to fulfill those expectations. Chinese NGO members repeatedly express concern that international donors will grow frustrated with the limited results achieved by China’s environmental NGOs and withdraw funding.

Conclusion

Decentralization, conceived of as the transfer of power from the central government to local level governments, is widely viewed as contributing to more effective, responsive government. However, as the environmental protection case in China illustrates, decentralization is not always beneficial. The local government focus on short-term economic growth results almost inevitably in declining incentives for environmental protection. The Chinese central government is responding to weakening environmental protection in two ways. First, it has invested in strengthening the environmental protection powers of the environmental protection bureaucracy. Second, in a top-down manner it has drawn upon civil society by expanding the “political space” available to environmental non-state actors. Strengthening the environmental protection bureaucracy has proved insufficient to secure a healthy Chinese environment. Drawing on civil society, while a popular strategy in the West, has had limited impact in China.

In essence, the Chinese central government is caught between the goals of environmental protection and continued control over the activities of potentially independent organizations. And yet the government accepts that protecting China’s deteriorating environment will require a mixture of both

64 Normalized translated as “democratic group,” in this context minzhu tuanti translates as people’s organization.
65 Interviews 63, with a foreign foundation official (2002), 64, with the GONGO director, 68, with the founder of BEDI (2002), 73, with a Canadian government aid official (2002), and interview 75, with a semi-NGO official (2002).
central government action and civil society activism. Government efforts to “square this circle” mean that environmental non-state actors find themselves in a no-man’s land where the parameters of permitted activity are unclear. These non-state actors continue to test the limits of “allowed” environmental activism.

While not as “purely” non-state as China’s environmental NGOs, semi-NGOs enjoy real advantages in the education and training of their members, have greater access to government and international resources, and are more influential in their ability to advance an agenda. The goal of those interested in improving environmental protection in China must be to expand the conception of civil society in order to accommodate China’s unconventional non-state sector. In so doing, semi-NGOs will enter the discourse on civil society-state interactions. The semi-NGO community currently offers the greatest potential for change in China’s environmental non-state sector and therefore deserves greater attention.

GLOSSARY

国家环保总局  Guojia huanbao zongju - State Environmental Protection Administration (SEPA)

解振华  Xie Zhenhua (Director of SEPA)

环保局  Huanbao ju - Environmental Protection Bureau (EPB)

自然之友  Ziran zhiyou - Friends of Nature

梁从诫  Liang Congjie (Director of Friends of Nature)

环境资源法研究和服务中心  Huanjing yiyuan fa yanjiu he fuwu zhongxin - Center for Legal Assistance to Pollution Victims (CLAPV)

王灿发  Wang Canfa (Director of CLAPV)

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北京地球村  Beijing diqiu cun - Global Village Beijing (GVB)

廖晓义  Liao Xiaoyi - Ms. Sherry Liao (Director of GVB)

北京环境与发展研究所  Beijing huanjing yu fazhan yanjiusuo - Beijing Environment and Development Institute (BEDI)

马中  Ma Zhong (Director of BEDI)

重庆绿色志愿者组织  Chongqing luse zhiyuanzhe zuzhi - Chongqing Green Volunteers

中国环保基金会  Zhongguo huanbao zijin hui - China Environmental Protection Foundation

非政府的团体  fei zhengfu de tuanti - Anti-Government Organization

民主团体  minzhu tuanti - People's Organization

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ABSTRACTS

Helping to keep the Peace (Albeit Reluctantly):
China's Recent Stance on Sovereignty and Multilateral Intervention

Allen Carlson

This article argues that the conventional wisdom about Chinese intransigence on intervention (and sovereignty) is inaccurate. It does so by illustrating that a subtle yet significant shift in the Chinese stance on both issues took place over the course of the last fifteen years. Indeed, since the early 1990s, the Chinese have committed to a series of multilateral endeavours that gradually modified China's stance on intervention and, by extension, sovereignty's role in international politics. This development was initially the product of a historically framed set of calculations within China concerning the relative costs and benefits involved in allowing for a redefinition of the balance between state sovereignty and intervention in the international arena. However, these considerations were supplemented over the course of the decade by two new forces: (1) repeated Chinese participation in humanitarian operations created a new precedent which affected the way some within the foreign policy community interpret the legitimacy of intervention; and (2) growing interest in Beijing in portraying China as a responsible member of the international community pushed the Chinese to make more compromises on the sovereignty-intervention nexus.

Environmental NGOs in China: Roles and Limits

Jonathan Schwartz

There exists an ongoing debate over the nature of state-civil society relations in authoritarian regimes. There are those who argue that civil society organizations represent the beginning of the democratization process. This view suggests a zero-sum relationship between the state and civil society, with the state ceding control of public space to increasingly powerful civil society organizations. Others argue that civil society organizations can work with the state in a positive-sum relationship where both sides benefit from cooperation to achieve shared goals. This debate has growing relevance in China where civil society organizations are increasingly finding a voice. What is the nature of state-civil society relations in China? What roles can civil society organizations in China play? In this paper I explore these questions by focusing on China’s environmental non-governmental organization community—arguably the most advanced manifestation of Chinese civil society. I identify three main manifestations of environmental non-governmental organizations that have arisen in China, noting their strengths and weaknesses. Drawing on examples of these various manifestations, I evaluate their influence, impact and potential. What activities do these organizations carry out? Why do they enjoy state support? I conclude that China’s environmental civil society remains highly constrained by the state even as it continues to gain power and influence. Of the various manifestations of environmental non-governmental organizations, the greatest potential for effectiveness lies with the form that I define as semi-NGOs.