

THE ENVIRONMENT

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Findings

- China's environmental problems remain serious. This year's report highlights heavy metal and growing rural pollution problems. Citizens continued to express their environmental grievances and sometimes protested in the streets, including at a protest against a chemical plant in Dalian city, Liaoning province, involving over 10,000 citizens who "took a walk" in front of government and Communist Party buildings. In some cases, officials suppressed demands for a cleaner environment. Local authorities detained, harassed, or threatened people including parents of children affected by lead poisoning in several provinces who raised grievances or sought redress; citizens demonstrating or complaining about landfill operations in Fujian province; citizens protesting operations of a waste incinerator in Jiangsu province; and citizens protesting expanded mining operations in the Inner Mongolia Autonomous Region and Tibetan autonomous areas.
- Corruption, noncompliance with and uneven implementation and enforcement of environmental laws and regulations, and the lack of legal recourse, remain significant challenges for China in managing its environmental problems. Sometimes environmental protection authorities do not take enforcement actions as required by law, and at times courts refuse to accept lawsuits because of concerns over "social stability." Environmental protection was among the areas to have the highest levels of bribery and corruption in the first six months of 2010.
- Central and some local Chinese environmental protection officials have taken steps to improve information disclosure. Yet, efforts to implement disclosure measures remain underdeveloped. Some citizens have been proactive in requesting information; however, several challenges to accessing information remain, including administrative provisions that limit the scope of information that environmental authorities can disclose. The most difficult type of information to obtain in some cases is that related to polluting enterprises, which has potential implications for citizen health. Chinese citizens and experts have expressed concern over the speed and lack of transparency of developing hydroelectric and nuclear power projects. The nuclear power plant disaster in Japan in March 2011 appeared to embolden Chinese citizens and experts to speak out about safety concerns, and prompted Chinese officials to conduct a safety review and consider new legislation that could improve the transparency of China's nuclear industry.
- Environmental protection remains a sector in which public participation is somewhat encouraged, yet officials also con-

tinue to seek to “guide” or manage participation. A new national-level official guiding opinion requires environmental groups to report on their international cooperative projects with foreign non-governmental entities for “examination and approval.” The opinion also calls for the further strengthening of relations and cooperation between the government and social organizations, as well as greater political indoctrination of environmental groups by relevant authorities.

- Top Chinese authorities reportedly consider China to be vulnerable to the impacts of climate change and have taken steps to mitigate and adapt to climate change. Chinese leaders plan to voluntarily reduce carbon dioxide intensity (i.e., emissions per unit of GDP) by 17 percent by 2015. While non-governmental organizations continue some activities to address climate change, public participation in climate change policy processes is minimal. Chinese leaders stated they would improve data reliability and transparency in relation to energy and climate change; however, Chinese leaders face significant challenges in these areas. Official Chinese measures to address climate change, as well as their implementation, could place the rights of citizens at risk without sufficient procedural and safety protections.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- Call upon the Chinese government to cease punishing citizens for their grassroots environmental activism or for utilizing official and institutionalized channels to voice their environmental grievances or to protect their rights. Support efforts by Chinese and U.S. groups working in China to expand awareness of citizens’ environmental rights and to promote the protection of those rights. Projects might include supporting U.S.-China discussions about complaint resolution mechanisms and strengthening U.S.-China cooperation regarding researching and addressing environmental health problems. Include environmental law issues in the bilateral human rights and legal expert dialogues.
- Support multilateral exchanges regarding environmental enforcement and compliance tools, including environmental insurance, market mechanisms, criminal prosecution of serious environmental infringements, and public interest litigation mechanisms. Encourage Chinese leaders to strengthen environmental impact assessment processes and citizen participation in those processes. Engage Chinese officials and others who seek to devise a realistic and fair compensation system for people harmed by pollution in China that could aid enforcement efforts.
- Support continued expansion of environmental information disclosure in China. Share U.S. Government experiences with the Toxics Release Inventory Program and other U.S. programs that seek to provide more environmental transparency. Support programs that educate Chinese citizens about China’s sys-

tem of open government information. Encourage Chinese officials to make government and expert research reports regarding climate change and its impacts in China public and easily accessible. In addition, continue U.S. Government engagement with relevant ministries, academic institutions, experts, and non-governmental organizations (NGOs) in developing China's capacity to measure, report, publicize, and verify emissions reduction strategies and techniques reliably.

- Encourage the development of environmental NGOs in China, including incorporating joint non-governmental participation in bilateral projects. Support efforts to raise the technical and operational capacity of Chinese environmental NGOs.

- Engage local Chinese leaders in their efforts to reconcile development and environmental protection goals. Call upon U.S. cities with sister-city relationships in China to incorporate environmental rights awareness, environmental protection, and climate change components into their sister-city programs. When making arrangements for travel to China, request meetings with officials from central and local levels of the Chinese government to discuss environmental governance and best practices. Invite Chinese local-level leaders, including those from counties, townships, and villages, to the United States to observe U.S. public policy practices and approaches to environmental problem-solving.

Introduction

During the Commission's 2011 reporting year, the Chinese government continued to strengthen regulatory efforts to address China's serious environmental problems. Inadequate access to information, unreliable access to legal remedies, an underdeveloped compensation system for individuals and groups harmed by pollution, uneven enforcement and lax compliance, corruption, and other issues, however, have contributed to the continuation of these serious environmental problems and to the potential for the infringement of citizens' rights. Chinese authorities have taken some steps to improve collection of environmental data and to expand "open environmental information," but significant challenges remain, especially in relation to obtaining information on industrial pollution sources. Access to legal remedies also remains a challenge, and channels available to citizens to express environmental grievances are not always open, contributing to the rise of citizen anti-pollution demonstrations. Chinese authorities continued to selectively stifle environmental activism and environmental grievances or suppress people who were involved in or organized collective action to halt perceived environmental harms. During this reporting year, citizen grievances regarding hydroelectric dam construction, lead pollution, chemical plants, and waste incinerator and landfill operations were prominently covered in Chinese and foreign media.

Serious Environmental Challenges: Focus on Rural and Heavy Metal Pollution

China's environmental problems reportedly remain severe, despite some regulatory advances and isolated reductions in a limited number of pollutants.¹ Examples highlight the seriousness of these problems and the legal challenges they pose. In October 2010, a Chinese research institute completed a "Green GDP" report on the economic impacts of environmental pollution in China, which asserts that the economic costs of environmental pollution and ecological damage have risen 74.8 percent over a five-year period from 2004 to 2008, equaling about 3 percent of GDP.² In February 2011, a Chinese scholarly report revealed that 10 percent of the rice in markets in many cities contained cadmium levels above standard; soil pollution is seen as the culprit.³ In August, it came to light that the Luliang Chemicals Company dumped over 140 truckloads, totaling over 5,200 tons, of hexavalent chromium slag in Yunnan province, where it could wash into the Pearl River via its tributaries.⁴ The chromium reportedly killed fish and livestock and threatens drinking water sources.⁵ The dumping case underscores the lack of official transparency and reportedly may have involved official complicity, highlighting governance problems.⁶ An employee of the plant reportedly admitted that the company had dumped or buried over 288 thousand tons of chromium dregs between 1989 and 2003.⁷ Across 12 provinces, there reportedly may be 1 to 1.3 million tons of chromium waste (from a variety of sources) not disposed of properly, with some dumped in water sources and densely populated areas.⁸

During this reporting year, authorities continued to develop regulatory instruments to manage these pollution problems. Chinese of-

officials currently have reduction targets for only two pollutants but have announced plans to expand this to four in the next five-year period (2011–2015).⁹ Environmental officials reportedly discussed revisions to the Environmental Protection Law, circulated a draft for comment of a technical guideline for public participation in environmental impact assessment processes, issued the Opinions Regarding Initiation of Environmental Pollution Damage Assessment Work, which outlines the initial steps toward an environmental compensation system, and issued several other relevant laws, policies, and measures on environmental issues.¹⁰

Over the past year, officials focused on growing rural pollution problems, which highlight ongoing challenges in applying the laws evenly and in protecting citizens' health, especially the health of children and the rural poor. Authorities reportedly acknowledged environmental conditions in many villages are still severe, partially due to the increasing movement of polluting enterprises from urban to village areas.¹¹ In June 2011, a top environmental official stated that environmental protection efforts in rural areas lag far behind those in urban areas, the foundation for rural environmental management is weak, regulatory standards are incomplete, and the ability to monitor problems is insufficient.¹² These problems put the health of rural populations at risk. In January 2011, central government officials announced long-term plans to address rural pollution challenges, primarily relying on the policy of "using rewards to promote control."¹³ In June 2011, Chinese news reports further described the steps officials said they would take during the next five-year period.¹⁴ The Minister of Environmental Protection stated that China would "work hard" to make initial improvements in rural village environmental quality by 2015 and to control prominent environmental problems in key villages and townships across the country by 2020.¹⁵

Environmental protection officials also prioritized heavy metal pollution problems, including lead pollution that is linked to cases of lead poisoning involving thousands of children in several provinces in 2009 and 2010.¹⁶ Some of these cases involve the violation of citizens' rights.¹⁷ [See Access to Justice and Suppression of Citizen Demands for a Cleaner Environment in this section for more information on these cases.] In response to the series of lead poisoning cases, authorities reportedly released a circular in May 2011 that outlined steps to address heavy metal pollution, including better management and disposal of pollutants, punishment of violators, and enhanced transparency.¹⁸ However, the circular does not have the power of a legally binding regulation.¹⁹ In June 2011, environmental authorities launched a special campaign to try to reduce heavy metal pollution and asserted that they would use their authority to suspend approval of new projects in areas where heavy metal pollution cases have occurred.²⁰ In August, the Ministry of Environmental Protection reportedly suspended production at 1,015 lead battery manufacturing, assembly, and recycling plants and made public the names of these plants. Authorities shut down 583 of the plants, but the news agency reporting the story did not indicate how many of the plants moved production facilities to other locations.²¹

Access to Justice and Suppression of Citizen Demands for a Cleaner Environment

Environmental problems, including heavy metal pollution, continued to trigger citizen grievances and demands for better environmental quality. In June 2011, nearly 1,000 citizens blocked a road protesting pollution from a battery plant in Heyan city, Guangdong province; one citizen reported that 10 people were injured in the ensuing conflict between citizens and police and that police killed one person.²² In August, more than 10,000 citizens peacefully protested a chemical plant that manufactures paraxylene (PX) in Dalian city, Liaoning province, by “taking a stroll,” after a typhoon damaged an ocean wall protecting the plant, triggering citizen concerns about a chemical leak.²³ Prior to the storm, factory workers, reportedly ordered by plant bosses, stopped and beat reporters who wanted to investigate possible impacts of a storm on chemical storage tanks.²⁴ The story of this event reportedly was pulled from TV coverage.²⁵ Local Communist Party and government leaders quickly responded to the protest and reportedly put the “relocation of the plant on the government work agenda.”²⁶ One international press report noted that the government was considering closing down the plant prior to the protests. It also noted that the plant had been approved during the term of a previous Party Secretary, speculating that the current cohort of authorities may have had political motives for allowing such a large demonstration.²⁷ Nevertheless, the *Global Times*, which operates under the official *People’s Daily*, stated that citizens taking to the streets to express their views “should not be advocated in China” and that “Chinese society objected” to the street protests as evidenced by the fact that “[r]eports on this incident have not gained much ground in China’s mainstream media”²⁸

Access to legal remedies remains unreliable, contributing to citizen protests, despite a growing number of specialized environmental courts. In 2010, regular Chinese courts completed 12,018 environmental pollution compensation cases, an increase of 2.83 percent over the previous year.²⁹ However, notably, a study by a Peking University professor reportedly found that courts often refuse to take cases in the name of “social stability.”³⁰ One expert with an international environmental organization noted that Chinese lawyers said they believe it is more difficult to have an environmental damages case accepted by the courts now than in the past.³¹ The same expert noted that public supervision via the courts has been constrained in recent years, emphasizing that while litigation in some cases has driven legal reform or compelled a local government to act, it has not been as effective in stopping pollution problems or for compelling pollution cleanup.³² In some cases, the expert noted, litigation has led to compensation for citizens, but he pointed out that compensation is sometimes difficult to obtain due to evidentiary burdens and problems in proving causality.³³ In some cases, it can be difficult to obtain compensation even when a party has been ordered to pay it.³⁴ One former environmental protection official told a reporter that “[w]ith limited fines and low compensation, breaking the law is often cheaper than following it”³⁵ Specialized environmental courts may still

benefit environmental litigation, although critics reportedly believe they have not resolved the challenges of local protectionism or judicial independence.³⁶ Some of these courts, which are growing in number, set local rules providing for public interest litigation cases brought by procuratorates, environmental agencies, non-government organizations, and individuals.³⁷ In January 2011, the Kunming Intermediate People's Court in Yunnan province awarded approximately 4 million yuan (US\$626,300) compensation for citizens whose drinking water had been contaminated in a public interest case brought by the Kunming City Environmental Protection Bureau and supported by the city procuratorate.³⁸ The Commission's 2010 Annual Report noted a couple of these courts have accepted a few cases brought by the All-China Environment Federation (ACEF), an environmental group that is overseen by the Ministry of Environmental Protection;³⁹ the ACEF demonstration cases appear to have been the only quasi-NGO or NGO public interest cases accepted by the courts.

In some cases, officials suppressed citizen demands for a cleaner environment. The study by the Peking University professor reportedly found that criminal liability for pollution is rarely enforced and that in many cases, citizens exposed to environmental harms have little access to legal remedies and may resort to violence to pressure the polluter to act.⁴⁰ Further, the study pointed out that those who use violence to protest pollution are often prosecuted.⁴¹ Some recent incidents of official suppression of largely peaceful citizen demands for a cleaner environment include the following:

- According to a June 2011 Human Rights Watch Report, local officials in four provinces—Henan, Hunan, Shaanxi, and Yunnan—in recent years “imposed arbitrary limits on access to blood lead testing; refused appropriate treatment to children and adults with critically high lead levels; withheld and failed to explain test results showing unaccountable improvements in lead levels; and denied the scope and severity of lead poisoning.”⁴² Other sources provide additional information on cases in Hunan and Shaanxi.⁴³ Parents reportedly stated that local police threatened some people who tried to obtain information and detained or arrested individuals protesting against polluting factories or seeking help for their sick children.⁴⁴ In addition, journalists, including one foreign reporter, indicated they had been harassed when they tried to report on some of the lead poisoning cases.⁴⁵
- In October 2010, over 1,000 citizens in Pingnan county, Ningde city, Fujian province, signed a collective petition complaining about pollution from a local landfill facility⁴⁶ following a protest that resulted in the detention of four citizens.⁴⁷ After receiving no response from local government officials, five village representatives took the collective petition to the provincial government office of letters and visits.⁴⁸ County officials intercepted and detained the representatives on suspicion of “disrupting social order.”⁴⁹ Their detention triggered a protest by village residents.⁵⁰ News reports do not provide additional information on those detained.
- In late 2010, authorities allegedly beat and detained 17 persons who participated in protests or who petitioned against

proposed mining operations in Rikaze (Shigatse) prefecture, Tibet Autonomous Region (TAR).⁵¹ Also in late 2010, authorities detained over 20 Tibetans, some briefly, for their protest or petitioning activities against a construction team said to have a mining permit.⁵² In August 2010, officials reportedly fired upon a group of 100 Tibetans and possibly killed one to four citizens. They were protesting gold-mining operations in Ganzi (Kardze) Tibetan Autonomous Prefecture, Sichuan province, because of the harmful environmental effects. Authorities also reportedly detained 35 Tibetans in this case.⁵³ In July 2011, authorities in Zuogong (Dzogang) county, Changdu (Chamdo) prefecture, TAR, reportedly detained about 50 Tibetans because they protested mining activities.⁵⁴ Authorities reportedly warned citizens that protest activities would be considered “politically motivated.” Officials detained the “village officials” who traveled to Lhasa, the TAR capital, to “protest” the mining and the other detentions, as well as the alleged protest “ringleaders.”⁵⁵ [See Section V—Tibet for more information on these incidents.]

- In May 2011, citizens and police clashed in a large-scale conflict involving as many as 10,000⁵⁶ residents in a village in Wuxi city, Jiangsu province, after residents gathered to protest the operation of a waste incinerator that they have opposed since 2007 because they claim to have been tricked into accepting it.⁵⁷ Authorities reportedly injured several citizens and took a few residents into custody,⁵⁸ although reports do not provide further information on those detained.

- In June 2011, Mongol herders in Bayannuur city, Inner Mongolia Autonomous Region, shut down the water pump to a lead mine, which had expanded into grazing land, after “repeatedly petitioning the government.”⁵⁹ Some protesters set up traditional tents outside of government offices for nearly two weeks.⁶⁰ The herders believed the mine was polluting the environment and endangering their health.⁶¹ The local government sent more than 50 riot police to the scene, and they reportedly beat and detained many of the protesters.⁶² A group of 600 herders reportedly sought compensation for pollution linked to the mine.⁶³ The mine reportedly agreed to compensate the group with 1.2 million yuan (US\$188,000), and the herders ended their protest.⁶⁴ News stories do not provide further details regarding the herders detained by police. The demonstration followed herder protests in May linked to the death of a herder at the hands of a mine worker.⁶⁵ [See Section II—Ethnic Minority Rights for more information on the May protests.]

Hydroelectric Dam and Water Project Construction: Rights and Safety Controversies

Increasing reliance on renewable energy and reducing China’s carbon dioxide and other air pollutant emissions are among the reasons Chinese authorities cite for escalating the construction of hydroelectric dams.⁶⁶ Some of these projects reportedly continue to raise safety concerns and include forcible relocation practices. To date, China has constructed 25,800 large dams, and the associated land requisition projects reportedly have led to the relocation of

more than 10 million people.⁶⁷ Central-level authorities announced in early 2011 that development of hydropower, including the controversial series of dams along the Nu River (Salween River), is a “must.”⁶⁸ Local officials rapidly built many smaller hydroelectric projects along the Nu River that did not need State Council approval over the past two years, some of which are in areas of relative geological instability, leading to heightened concerns among experts and citizens.⁶⁹ In May 2011, Xinhua reported that the State Council had recognized “urgent” problems associated with the Three Gorges Dam.⁷⁰ During the same month, the State Council Standing Committee passed a plan to address these issues.⁷¹ Estimates of the number of people resettled because of the Three Gorges Dam so far range from 1.4 million to 4 million.⁷² There have been numerous reports of infringements on the rights of populations affected by the Three Gorges Dam, including an attack on activist Fu Xiancai that left him paralyzed.⁷³ Additional areas with reports of forced resettlement practices include Fujian, Hunan, and Yunnan provinces.⁷⁴ In some cases, these resettlement practices triggered citizen protests. For example, in March 2011, as many as 2,000 to 3,000 citizens reportedly blocked roads to protest compensation levels for their homes and farmland in Suijiang county, Zhaotong prefecture, Yunnan province, to make way for the Xiangjiaba Dam along the Yangtze River.⁷⁵ Authorities reportedly administratively detained several men for two weeks in what appeared to be punishment for participating in the demonstrations.⁷⁶ Central authorities acknowledged problems with compensation schemes, and the PRC Outline of the 12th Five-Year Plan on National Economic and Social Development (12th Five-Year Plan) notes intended reforms to the land requisition system, including shrinking “the scope of requisitioned land, and increas[ing] the compensation standard for requisitioned land.”⁷⁷

The relocation of some of the 330,000 people relocated in Hubei and Henan provinces to make way for the central route of the South-to-North Water Diversion Project, which is slated for completion in 2014 and will divert water from China’s southern regions to dryer northern regions,⁷⁸ so far reportedly has involved less forcible practices. The relocation projects, however, have already triggered a protest and citizen grievances. According to an international non-governmental organization report released in August 2010, authorities utilized persuasion rather than physical force in some citizen relocation projects in Danjiangkou city, Hubei province, which the report described as an improvement from the practices employed in Three Gorges Dam relocations. The government employees who were responsible for persuading people to relocate, however, reportedly were required to live among the villagers and were not permitted to return home until the villagers all agreed to relocate.⁷⁹ News reports indicate the project has already triggered a multi-day villager protest in Qianjiang city, Hubei province;⁸⁰ led to complaints by relocated farmers about inadequate compensation,⁸¹ poor job prospects, and unprofitable land;⁸² and triggered at least one instance in which officials threatened citizens who took their grievances to higher levels.⁸³ In addition, the central route of the relocation project reportedly generated claims of dishonest officials and corruption, as well as additional citizen hardships.⁸⁴

Environmental Transparency and Public Participation

Central and some local Chinese environmental protection officials have taken steps to improve environmental transparency, but regular disclosure of information remains a problem. Central authorities took a positive step when they reportedly acknowledged the link between pollution in the Huai River basin and the high number of cancerous tumors found in residents along the river.⁸⁵ According to its 2010 annual work report, the Ministry of Environmental Protection received 226 requests for information in 2010, an increase of 205 percent.⁸⁶ The report does not indicate how many requests were granted or denied, only that the ministry responded to every request, except one which was still in process.⁸⁷ The ministry received 25 requests for administrative reconsideration.⁸⁸ A joint Chinese-international study released in December 2010 found that there had been some improvement in awareness of the need for transparency on the part of government officials but that more efforts are necessary to translate this awareness into regular disclosure of information.⁸⁹ The study also found that the types of information hardest for researchers to obtain included “list(s) of polluting enterprises whose pollutant discharge exceeds national or local standards, list(s) of enterprises with major or serious environmental pollution accidents or incidents, and list(s) of enterprises refusing to carry out effective environmental administrative penalties.”⁹⁰ The results of a second joint study by Chinese and international non-governmental organizations (NGOs) on open environmental information in 113 cities released in December 2010 noted overall improvement in information disclosure from 2009 to 2010 but also noted that some cities’ disclosure performance declined.⁹¹ Eleven cities (9.73 percent) earned “passing” scores of 60 or above in 2009–2010, an increase from four cities (3.54 percent) in 2008.⁹² The study noted that “many facilities in violation of emissions and clean production standards failed to publicly disclose emissions data as required by law.”⁹³

During this reporting period, environmental groups have utilized environmental open government information procedures to obtain information, although barriers to transparency continue. A December 2010 article by a Chinese author noted that at least 35 organizations joined an ongoing campaign promoting green consumption and that these NGOs had requested information on polluting factories.⁹⁴ Over 300 enterprises reportedly responded to the requests by explaining the reasons for the pollution problems, and 50 of those companies consented to “third-party audits” by NGOs.⁹⁵ Administrative provisions, however, remain a major obstacle to transparency as environmental protection authorities use them as the basis for restricting information disclosure.⁹⁶ Authorities refused to grant information in two recent environmental information disclosure cases discussed in the Chinese media. In the first case, the Ministry of Agriculture refused a 2011 request for information about the downsizing of a national nature reserve along the Yangtze River because it involved “procedural information.”⁹⁷ In the second case, local environmental officials in Hai’an county, Nantong prefecture, Jiangsu province, denied a 2011 request regarding a waste incinerator, reportedly responding that they had

“already approved an environmental impact assessment” for the project. The lawyer who submitted the request on behalf of an environmental group reportedly noted that “this answer was unrelated to the information requested.”⁹⁸ In May, the lawyer filed an administrative reconsideration request to the environmental protection bureau at the next highest level.⁹⁹

Chinese citizens and experts have expressed concern over the perceived lack of transparency and the potential risks associated with the rapid development of nuclear power projects. The nuclear disaster in Japan in March 2011 appeared to embolden Chinese citizens and experts to speak out about safety concerns.¹⁰⁰ For example, a noted Chinese scientist stated that China is “seriously unprepared, especially on the safety front,” for speedy development of nuclear plants.¹⁰¹ The disaster also prompted Chinese officials to conduct a safety review of currently operating and planned nuclear power plants.¹⁰² In June, a Ministry of Environmental Protection vice minister announced that officials had found all of China’s 13 operating nuclear reactors were safe.¹⁰³ The Chinese government reportedly will adhere to its current medium- and long-term plans for nuclear power development.¹⁰⁴ Chinese authorities are reportedly considering a new nuclear energy law¹⁰⁵ that one researcher notes could spur transparency in China’s nuclear power industry.¹⁰⁶

PUBLIC PARTICIPATION AND ENVIRONMENTAL OUTCOMES

Environmental protection remains a sector in which central authorities state a need for greater public participation but within the confines of state control. In December 2010, the Ministry of Environmental Protection passed a guiding opinion, which states that China needs to further expand efforts to cultivate and guide environmental social organizations, as well as further strengthen relations and cooperation between the government and social organizations.¹⁰⁷ The opinion requires environmental social organizations that want to engage in cooperative projects with foreign non-governmental entities to report to foreign affairs departments for “examination and approval.”¹⁰⁸ In addition, the opinion also stipulates that various levels of environmental departments must “strengthen political thought construction” (*sixiang zhengzhi jianshe*) of environmental social organizations.¹⁰⁹

This past year, authorities’ responsiveness to citizen environmental grievances varied across the country. One case that highlights the influence of environmental groups involves the shuttering and relocation of a polluting chemical plant in Qiugang village, Bengbu municipality, Anhui province.¹¹⁰ Residents unsuccessfully utilized the court system over a period of years to find relief from pollution associated with nearby chemical plants but then worked with an environmental group to utilize alternative ways to bring pressure on officials to act.¹¹¹ Local officials relocated one of the main polluting plants, although the site still requires a large cleanup effort.¹¹² Another case involves a waste incineration plant in Beijing municipality. A Chinese newspaper reported in February 2011 that authorities in Haidian district, Beijing, cancelled construction of the incinerator reportedly because of its environmental impacts, citizen protests, and its close proximity to “high-end resi-

dential complexes.”¹¹³ In addition, authorities in Dalian municipality, Liaoning province, responded quickly to the more than 10,000 people who protested a paraxylene (PX) plant in the city.¹¹⁴ In contrast, in May, in Panyu district, Guangzhou municipality, Guangdong province, 5,000 citizens signed a petition to voice opposition to five incinerators. Authorities, however, counted the petition only as “one opposition vote” because the citizens did not provide their addresses and phone numbers on the petition.¹¹⁵ [See Access to Justice and Suppression of Citizen Demands for a Cleaner Environment in this section for more examples of less responsive authorities in pollution cases.]

Challenges of Enforcement, Compliance, and Official Corruption

Uneven implementation and enforcement of environmental laws and regulations, along with non-compliance and corruption, remain significant challenges for the development of rule of law in the environmental sector, including in relation to environmental impact assessments. In September 2010, a study done by a Peking University professor reportedly noted that officials face difficulties in enforcing legal sanctions, that environmental criminal law remains weak, and that often a law’s overall objectives contradict the articles within the law.¹¹⁶ In addition, news reports indicated high levels of bribery and corruption among officials in ecological and environmental protection during the first six months of 2010.¹¹⁷ A 2010 international study found that enforcement of pollution standards varied across time and location in China for a variety of reasons, including the level of support from central authorities, public pressure, the level of commitment of local government officials, enforcement capacity, the characteristics of businesses, and the economic context.¹¹⁸ In August 2011, the Ministry of Environmental Protection (MEP) announced at least two special programs to “supervise” seven sewage plants across China because they turned off their systems “without good reason” and eight power plants across China for fabricating emissions monitoring data.¹¹⁹ In June, five non-governmental organizations (NGOs) sent a letter to the MEP noting that the Chinese Academy of Meteorological Sciences (CAMS) had given a “grade A environmental impact assessment” to a waste incineration plant and reportedly had “falsified public feedback.” The letter urged officials to reject the environmental impact assessment (EIA), investigate and fine CAMS, and reform the EIA system.¹²⁰ The Hebei Provincial Environmental Protection Bureau had previously revoked a different CAMS EIA in May for “fabricated public feedback.”¹²¹ One report suggests that of the 68 hydropower projects approved by local authorities in Zhouqu (Drugchu) county, Gannan (Kanlho) Tibetan Autonomous Prefecture, Gansu province, 67 had not undergone an EIA or geological assessment.¹²² In August, one Chinese newspaper article outlined several alleged problems with the current EIA system, including low penalties for construction companies that break the law, EIA organizations’ lack of integrity, difficulties in getting public information on EIAs, and the symbolic nature of public participation.¹²³ One Chinese expert notes that “it is more common in China for the public wish to participate in environmental impact assessments to be thwarted.”¹²⁴ An international NGO noted that a Chinese scholar reported that

there are times when local government officials will protect polluting businesses.¹²⁵ A December 2010 joint Chinese and international report noted that from 2009 to 2010, “[l]ocal environmental protection bureaus often failed to impose any fines or take other actions in response as required by law.”¹²⁶ For example, in Shaanxi province, local environmental protection bureau personnel on several occasions reportedly agreed to an electric power company’s requests for a delay in execution of penalties for commencing regular operations without first gaining environmental approvals.¹²⁷

Climate Change: Rule of Law and Public Participation

China’s efforts to address climate change relate to the development of the rule of law in China, the incorporation of public participation in policy processes, and cases of rights infringement. China surpassed the United States to become the world’s top emitter of carbon dioxide in 2007¹²⁸ and reportedly may become responsible for one-third to one-half of the world’s carbon dioxide emissions by 2030.¹²⁹ Top officials reportedly consider China to be vulnerable to the impacts of climate change¹³⁰ and during this reporting year undertook a variety of actions¹³¹ and laid out plans¹³² to address the issue, including engaging in cooperative programs with the United States.¹³³ Chinese leaders signed the UN Cancun Agreements in December 2010,¹³⁴ but as a developing country, China is not bound to reduce greenhouse gases under relevant international climate change agreements.¹³⁵ Nevertheless, domestically, Chinese leaders included a carbon dioxide intensity reduction target of 17 percent in the PRC Outline of the 12th Five-Year Plan on National Economic and Social Development.¹³⁶ In addition, the National Development and Reform Commission (NDRC) reportedly established a working group to draft a climate change law,¹³⁷ for which officials sought public comments between March and September 2011.¹³⁸ Despite the call for public input, the lack of transparency hinders public participation in climate change policy processes.¹³⁹ While in general, participation in policy processes is minimal,¹⁴⁰ citizens do engage in some activities addressing climate change. For example, 60 NGOs reportedly organized 20 events surrounding the NGO side event at the UN Climate Change Conference in Tianjin municipality and published a position paper on Chinese NGOs’ response to climate change, among other projects.¹⁴¹ In recent years, citizen protests reportedly took place in Shanxi and Liaoning provinces, as well as the Xinjiang Uyghur Autonomous Region, because of the lack of public input and the land requisition practices associated with experimental carbon capture projects to help mitigate carbon dioxide emissions in industrial processes.¹⁴² [For additional cases of policies to promote use of renewable energy sources to address climate change that can be linked to cases of rights infringement, see Hydroelectric Dam and Water Project Construction: Rights and Safety Controversies in this section.]

Data Reliability and Transparency: Climate Change

Chinese leaders have pledged to improve data reliability and transparency related to energy and climate change. Nevertheless,

they reportedly face significant challenges, such as obtaining from provinces comprehensive statistics on coal, transportation energy, coal-bed methane, biomass, and clean energy sectors.¹⁴³ China is reportedly still developing the institutions and capacity to evaluate energy figures provided by provincial governments, some of which may have incentives to provide false information.¹⁴⁴ Authorities specified in the PRC Outline of the 12th Five-Year Plan on National Economic and Social Development the intention to establish a greenhouse gas emissions statistical accounting system,¹⁴⁵ which could improve data collection if implemented. In October 2010, a high-level NDRC official stated that China would begin greenhouse gas inventory pilot projects in provinces and cities and develop a publicly available greenhouse gas inventory database.¹⁴⁶ Chinese leaders have indicated they would continue to rely on domestic monitoring, reporting, and verification of China's greenhouse gas emissions and reduction data in relation to projects using domestic financing and technology.¹⁴⁷ They reportedly stated their willingness to share this information with the international community¹⁴⁸ and to do their utmost to improve transparency.¹⁴⁹

Endnotes

¹Wu Jingjing, “Vigorously Explore New Paths for Environmental Protection in China—Interview With Ministry of Environmental Protection Minister Zhou Shengxian” [Jiji tansuo zhongguo huanjing baohu xin daolu-huanjing baohubu buzhang zhou shengxian fangtan], Xinhua, 25 December 10. Zhou describes regulatory and institutional improvements and notes that carbon oxygen demand dropped 9.66 percent and sulfur dioxide emissions dropped 13.4 percent between 2006 and 2009. He also notes that pollution problems remain severe. Ian Johnson, “China Faces ‘Very Grave’ Environmental Situation, Officials Say,” *New York Times*, 3 June 11.

²Guangdong Municipal Environmental Protection Science Research Institute, “Five Years of Economic Development in China Gives Rise to Environmental Pollution Costs Nearing One Trillion Yuan” [Woguo 5 nian jingji fazhan zaocheng de huanjing wuran chengben jin wanyi], reprinted in *Greenlaw*, 14 January 11. The original report title is: “*Zhongguo Huanjing Jingji Hesuan Yanjiu Baogao*” and it asserts that economic losses due to pollution and ecological damage total nearly a trillion yuan (US\$157 million) for the five-year period.

³Gong Jing, “Cadmium Rice Killing Machine” [Gemi shaji], *New Century*, reprinted in *Caixin Net*, 14 February 11.

⁴Yu Dawei, “Yunnan Circulates Notice Chromium Dregs Reason for Pearl River Pollution, for the Moment, Water Quality Has Not Appeared Abnormal” [Yunnan tongbao gezha wuran yuanyin zhujiang shuizhi zhan weijian yichang], *Caixin Net*, 15 August 11; Meng Si, *Chinadialogue*, “On Yunnan’s Chromium Trail,” 30 August 11.

⁵Meng Si, *Chinadialogue*, “On Yunnan’s Chromium Trail,” 30 August 11; “Experts To Probe Toxic Dumping,” *South China Morning Post*, 15 August 11.

⁶Zhang Yanling, “Scholar Urges Third Party Institution Investigate Yunnan Chromium Pollution” [Xuezhe huyu disanfang jigou diaocha yunnan gezha wuran], *Caixin*, 16 August 11; An Baijie, “Watchdog Suspected Over Toxic Waste,” *China Daily*, 25 August 11; Meng Si, *Chinadialogue*, “On Yunnan’s Chromium Trail,” 30 August 11. Yunnan officials reportedly did not inform downstream provinces of the problem in a timely manner.

⁷Fiona Tam, “Yunnan Plant Dumped Toxins for 20 Years,” *South China Morning Post*, 17 August 11.

⁸Zhou Wenting, “Huge Stockpile of Toxic Waste in 12 Provinces,” *China Daily*, 31 August 11.

⁹National People’s Congress, PRC Outline of the 12th Five-Year Plan on National Economic and Social Development [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shier ge wunian guihua gangyao], passed 14 March 11, issued 16 March 11, chap. 3(5). Authorities plan to reduce carbon oxygen demand (COD) and sulfur dioxide by 8 percent by 2015, as well as reduce by 10 percent the amounts of two new pollutants, ammonia nitrogen and nitrogen oxide.

¹⁰“Scholar Calls the Content of the Environmental Protection Law Out of Touch With Reality” [Xuezhe cheng “huanjing baohu fa” neirong yu xianshi tuojie], *Radio Free Asia*, 16 June 10; Ministry of Environmental Protection, “Circular Letter Regarding Soliciting Comments on Environmental Protection Standard (Environmental Impact Assessment Technical Guidelines Public Participation) (Draft for Comment)” [Guanyu zhengqiu guojia huanjing baohu biao zhun “huanjing yingxiang pingjia jishu daoze gongzhong canyu” (zhengqiu yijiangao) yijian de han], 30 January 11; State Council Standing Committee, Hazardous Chemicals Safety Management Regulations, issued 26 January 02, amended 16 February 11; Yang Zhanghuai, “Hubei Dazhi Formally Establishes ‘Environmental Police’” [Hubei dazhi zujian “huanbao jingcha”], *Southern Metropolis Weekend*, 13 May 11; “Legal Aid in Environmental Pollution Cases Just in Time” [Falu yuanzhu huanjing wuran an zhengdang qishi], *Beijing News*, 8 October 10. According to the above *Beijing News* article, Beijing included air pollution cases among the cases eligible for legal aid in the city. “China Will Write Legislation Regarding Genetically Modified Organisms Safety, Ministry of Environmental Protection To Draft Bill” [Zhongguo jiang dui zhuan jiyin shengwu anquan lifa huanbaobu qicao fa’an], *People’s Daily*, 7 January 11; National People’s Congress Standing Committee, PRC Water and Soil Conservation Law [Zhonghua renmin gonghe guo shuitu baohufa], issued 29 June 91, amended 25 December 10; “Our Suggestions for Air Pollution Law Revision” [Wo wei daqifa xiuding jianyan], *China Environment News*, 9 December 10; Meng Si, *Chinadialogue*, “Seeking Damages,” 21 July 11.

¹¹“Ministry of Environmental Protection: Rural Pollution Emissions Account for Half of the Country’s Pollution” [Huanbaobu: nongcun wuran paifang yi zhan zhongguo “banbi jiangshan”], *China Youth Daily*, 3 June 11. According to the above *China Youth Daily* article, environmental protection Vice Minister Li Ganjie stated that environmental pollution in rural areas is serious. Liu Yu, Ministry of Environmental Protection, “Zhou Shengxian Chairs Opening of the Ministry of Environmental Protection Standing Committee Meeting” [Zhou shengxian zhuchi zhaokai huanjing baohubu changwu huiyi], 31 December 10; Ian Johnson, “China Faces ‘Very Grave’ Environmental Situation, Officials Say,” *New York Times*, 03 June 11.

¹²“Ministry of Environmental Protection: Rural Pollution Emissions Account for Half of the Country’s Pollution” [Huanbaobu: nongcun wuran paifang yi zhan zhongguo “banbi jiangshan”], *China Youth Daily*, 3 June 11.

¹³Liu Yu, Ministry of Environmental Protection, “Zhou Shengxian Chairs Opening of the Ministry of Environmental Protection Standing Committee Meeting” [Zhou shengxian zhuchi zhaokai huanjing baohubu changwu huiyi], 31 December 10. In conjunction with the basic policy approach, authorities plan to strengthen planning leadership, expand financial investment, strengthen the evaluation of targets, spread technology, and promote “coordinated action.”

¹⁴“Ministry of Environmental Protection: Rural Pollution Emissions Account for Half of the Country’s Pollution” [Huanbaobu: nongcun wuran paifang yi zhan zhongguo “banbi jiangshan”], *China Youth Daily*, 3 June 11. According to the above *China Youth Daily* article, at a press conference, environmental protection Vice Minister Li Ganjie noted the steps in the strategy to tackle rural pollution. The first step is to design environmental protection plans; the second step

is to pass livestock and poultry waste and soil pollution prevention legislation; the third step is to organize environmental monitoring, enforcement, and education activities in villages and establish environmental teams to extend supervision coverage to villages; the fourth step includes using “rewards to promote control” demonstration projects and official environmental comprehensive control target responsibility system assessments; the fifth step concentrates on making advances in drinking water safety, trash management, and soil protection, as well as preventing and controlling livestock, poultry, and farm pollution. National People’s Congress, PRC Outline of the 12th Five-Year Plan on National Economic and Social Development [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shier ge wunian guihua gangyao], passed 14 March 11, issued 16 March 11. The plan also notes efforts will be made to protect drinking water, control fertilizer and pesticide pollution, speed up the handling of solid waste management, and strictly prohibit urban and industrial pollution from spreading to rural areas, among other goals.

¹⁵Liu Yu, Ministry of Environmental Protection, “Zhou Shengxian Chairs Opening of the Ministry of Environmental Protection Standing Committee Meeting” [Zhou shengxian zhuchi zhaokai huanjing baohubu changwu huiyi], 31 December 10.

¹⁶Elaine Kurtenbach, “Arrests and Closures in Lead Poison Crackdown,” Shanghai Daily, 31 May 11; “Ministry Allocates Fund To Inspect Environmental Emergencies,” Xinhua, 13 June 11. In 2010, 14 major pollution cases involving heavy metals occurred and there had already been 7 cases in 2011 as of the end of May.

¹⁷“Ministry Allocates Fund To Inspect Environmental Emergencies,” Xinhua, 13 June 11.

¹⁸“China Intensifies Regulation on Battery Industries After Lead Poisoning Case,” Xinhua, 19 May 11.

¹⁹Mimi Lau, “Crackdown on Cities With Major Lead Pollution,” South China Morning Post, 20 May 11.

²⁰“Chinese Environment Minister Warns of Project Approval Suspension Amid Crackdown on Heavy Metal Pollution,” Xinhua, 1 June 11.

²¹“China Shuts Down 583 Plants in Lead Battery Plant Overhaul,” Xinhua, 2 August 11.

²²“Heyuan Conflict Erupts, Villager Says Police Beat Someone to Death” [Heyuan bao chongtu, cunmin cheng jingcha dasi ren], Bingbao, reprinted in Sina, 20 June 11.

²³“Dalian PX Project Triggers Concerns, Thousands of Citizens Gather in Protest” [Dalian PX xiangmu yinqi danyou shuwan minzong shi zhizheng jihui kangyi], Radio Free Asia, 14 August 11.

²⁴Christina Larson, “The New Epicenter of China’s Discontent,” Foreign Policy, 23 August 11.

²⁵Meng Si, Chinadialogue, “PX Factory in Typhoon,” 11 August 11.

²⁶“Dalian PX Project Stopped and Will Be Moved” [Dalian PX xiangmu tingchan daiban], Southern Metropolis Daily, 15 August 11.

²⁷“Dalian’s People—and Power,” Wall Street Journal, 15 August 11.

²⁸“Dalian Incident Shows More Adaptable Government,” Global Times, 15 August 11.

²⁹“Highlights of Work Report of Supreme People’s Court,” Xinhua, reprinted in China Daily, 11 March 11.

³⁰Wang Jin, Chinadialogue, “China’s Green Laws Are Useless,” 23 September 10. A survey of 12,000 judicial employees revealed that 50 percent of them believed environmental lawsuits were regularly being refused by courts.

³¹Alex Wang, Chinadialogue, “Green Litigation in China Today,” 18 July 11.

³²Ibid.

³³Ibid.

³⁴Ibid.

³⁵Meng Si, Chinadialogue, “Seeking Damages,” 21 July 11.

³⁶Alex Wang, Chinadialogue, “Green Litigation in China Today,” 18 July 11.

³⁷Ibid. The author counts 39 environmental courts, which is an increase from a handful of courts noted in the CECC 2009 Annual Report. CECC, 2009 Annual Report, 10 October 10, 191, 195. CECC staff interviews found that other estimates of the number of environmental courts run from 50 to 100.

³⁸“Kunming’s First Environmental Public Interest Case Announces Judgment, 4 Million in Compensation” [Kunming shouli huanjing gongyi susong anjian xuanpan peichang 400 wan], Jinghua News, reprinted in NetEase, 30 January 11.

³⁹CECC, 2010 Annual Report, 10 October 10, 156. Also see Alex Wang, Chinadialogue, “Green Litigation in China Today,” 18 July 11.

⁴⁰Wang Jin, Chinadialogue, “China’s Green Laws Are Useless,” 23 September 10.

⁴¹Ibid.

⁴²Human Rights Watch, “‘My Children Have Been Poisoned’: A Public Health Crisis in Four Chinese Provinces,” 15 June 11, 25–31.

⁴³For more information about one of the cases in Hunan (Wugang city), see Michael Wines, “Lead Sickens 1,300 Children in China,” New York Times, 20 August 09; “Lead Poisoning in Children in Hunan Triggers Protests by Parents and Raises Questions About Governmental Accountability,” CECC China Human Rights and Rule of Law Update, No. 1, 8 January 10, 2. For more information about the Shaanxi (Fengxiang county) lead poisoning case, see Tu Chonghang, “Shaanxi Lead Poisoning Incident From Start to Finish” [Shaanxi fengxiang qian zhongdu shijianshiwei], Beijing News, reprinted in China Law Information Net, 21 August 09; “Lead Poisoning Incident in Shaanxi Leads to Protests, Rights Infringements Reported,” CECC China Human Rights and Rule of Law Update, No. 6, 9 December 09, 8.

⁴⁴Human Rights Watch, “‘My Children Have Been Poisoned’: A Public Health Crisis in Four Chinese Provinces,” 15 June 11. Police in Shaanxi detained citizens demonstrating in front of a lead-processing facility and police in Hunan reportedly arrested seven people seeking assistance with their sick children.

⁴⁵Ibid. Authorities in Shaanxi forced a journalist who tried to report on the lead poisoning cases to leave the area.

⁴⁶“Six Environmental Protection Villagers Detained for Petitioning on Behalf of Over One Thousand Villagers in Pingnan, Fujian Province.” [Fujian pingnan liuwei huanbao cunmin wei yuqian cunmin shangfang bei juliu], Radio Free Asia, 25 October 10.

⁴⁷“Pingnan County, Fujian Province: Nearly 100 Villagers Kneel in Supplication for Detained Villagers’ Release” [Fujian pingnan jin bai cunmin guiqiu shifang bei bu cunmin], Radio Free Asia, 10 May 10.

⁴⁸“Six Environmental Protection Villagers Detained for Petitioning on Behalf of Over One Thousand Villagers in Pingnan, Fujian Province” [Fujian pingnan liuwei huanbao cunmin wei yuqian cunmin shangfang bei juliu], Radio Free Asia, 25 October 10.

⁴⁹Ibid.; “Pingnan County, Fujian Province: Nearly 100 Villagers Kneel in Supplication for Detained Villagers’ Release” [Fujian pingnan jin bai cunmin guiqiu shifang bei bu cunmin], Radio Free Asia, 10 May 10.

⁵⁰“Pingnan County, Fujian Province: Nearly 100 Villagers Kneel in Supplication for Detained Villagers’ Release” [Fujian pingnan jin bai cunmin guiqiu shifang bei bu cunmin], Radio Free Asia, 10 May 10.

⁵¹Voice of Tibet, “Tibetans in Tibet Beaten and Detained by Authorities for Opposing Mine” [Jingnei zangren yin fandui kaikuang zao zhonggong duda he jubu], reprinted in Boxun, 11 February 11 (protests and petitioning began on November 22; beatings and detention on December 18); “15 Tibetans Put Behind Bars Over Anti-mining Protests in Shigatse,” Phayul, 14 February 11. See the Commission’s Political Prisoner Database for more information on the cases.

⁵²“Tibetan Dam Protesters Detained,” Radio Free Asia, 7 October 10. See the Commission’s Political Prisoner Database for more information on the cases. “Villagers Block Work on Dam,” Radio Free Asia, 30 September 10 (the mountain’s name is Lhachen Naglha Dzamba). According to the news report, workers claimed “their permit to mine in the area had been approved by the Communist Party secretary of the TAR.” The TAR government would issue such a permit, but a TAR Party official may have signified agreement.

⁵³Kalsang Rinchen, “Police Firing Kills 3, Injures 30 Tibetans in Palyul County,” Phayul, 24 August 10; “Police Fire on Mine Protesters,” Radio Free Asia, 26 August 10; Phurbu Thinley, “China Says Only One Tibetan Shot Dead in Palyul Mine Protest,” Phayul, 1 September 10; “Tibetan Accidentally Shot Dead in Dispute With Police,” Xinhua, reprinted in China Internet Information Center, 30 August 10.

⁵⁴“Tibetan Mine Protesters Detained,” Radio Free Asia, 5 August 11.

⁵⁵Ibid.

⁵⁶“Wuxi Huangtutang Trash Incinerator Mass Incident, More Than 10,000 Gather” [Wuxi huangtutang laji ranxiao qunti shijian yiwan duo ren juji], Boxun, 9 April 11.

⁵⁷“Wuxi Police and Citizens Tangle in Protest Against Operation of Incinerator” [Kangyi fenhualu touchan wuxi jingmin hunzhan], Mingpao, reprinted in Sina, 29 May 11; Feng Yongfeng, “Jiangsu, Wuxi ‘Grandfather Gallery’ Morphs Into ‘Waste Incinerator’” [Jiangsu, wuxi “huangtutang” bianshen “laji fenshaochang”], Wohua Media Net, reprinted in QQ News, 31 May 11. The village secretary reportedly convinced 77 percent of the villagers in the area to sign over their land to build a “Grandfather Gallery,” but then proceeded to build an incinerator instead.

⁵⁸“Wuxi Police and Citizens Tangle in Protest Against Operation of Incinerator” [Kangyi fenhualu touchan wuxi jingmin hunzhan], Mingpao, reprinted in Sina, 29 May 11.

⁵⁹“Chinese Mongolians Protest Again, Herders Beaten: Rights Group,” Reuters, 30 June 11; “Herders in China’s Inner Mongolia Protest Over Lead Mine in Latest Unrest, Some Reported Hurt,” Washington Post, 30 June 11; Southern Mongolian Human Rights Information Center, “New Round of Herders’ Protest Erupts in Southern (Inner) Mongolia,” 29 June 11; Southern Mongolian Human Rights Information Center, “Fresh Protest by Mongolian Herders, Dozens Hospitalized,” 23 July 11.

⁶⁰“Herders in China’s Inner Mongolia Protest Over Lead Mine in Latest Unrest, Some Reported Hurt,” Washington Post, 30 June 11.

⁶¹“Chinese Mongolians Protest Again, Herders Beaten: Rights Group,” Reuters, 30 June 11.

⁶²Ibid.; Southern Mongolian Human Rights Information Center, “New Round of Herders’ Protest Erupts in Southern (Inner) Mongolia,” 29 June 11; Southern Mongolian Human Rights Information Center, “Fresh Protest by Mongolian Herders, Dozens Hospitalized,” 23 July 11.

⁶³“Herders in China’s Inner Mongolia Protest Over Lead Mine in Latest Unrest, Some Reported Hurt,” Washington Post, 30 June 11.

⁶⁴Ibid.

⁶⁵See, e.g., Southern Mongolian Human Rights Information Center, “Protests Spread in Southern Mongolia, Thousands More Take to the Streets,” 26 May 11; Andrew Jacobs, “Anger Over Protesters’ Deaths Leads to Intensified Demonstrations by Mongolians,” New York Times, 30 May 11.

⁶⁶Wenran Jiang and Zining Liu, Jamestown Foundation, “Energy Security in China’s 12th Five-Year Plan,” China Brief, Vol. 11, No. 11, 17 June 11; National Human Rights Action Plan and China National Development and Reform Commission, “Medium and Long-Term Development Plan for Renewable Energy in China (Abbreviated Version),” China Net, September 2007, secs. 3.2, 4, 4.1. See the following articles for examples of reasons given by Chinese officials as to why dams are built, which include increasing reliance on renewable energy, flood control, transportation, establishing a reliable reservoir of water for irrigation or drinking, stimulating economic development, and generating local government revenues. “Massive Chinese Hydro Project Moves Ahead,” Breakbulk Online, 27 January 11; Fu Wen and Teddy Ng, “Experts Cast Doubt Over Benefits of Hydropower,” Global Times, 24 November 11; “China Daily: China Pledges Water Will Still Flow,” China Daily, 19 November 11; S. Anuradha, International Rivers Network, “China’s Sinohydro Says Hydropower Growth Likely To Fall in Asia on Growing Resistance,” 11 November 10; Christina Larson, “Where the River Ends,” Foreign Policy, 2 June 11; “Lessons To Be Learned,” China Daily, 8 August 11.

⁶⁷Xu Donghuan, “Ecologists Dread New Dam Boom,” Global Times, 10 February 11.

⁶⁸“Is Hydropower Exploitation of the Nu River in China a Must?” Guardian blog, 10 February 11; Jonathan Watts, “China’s Big Hydro Wins Permission for 21.3GW Dam in World Heritage Site,” Guardian, 1 February 11; “National Energy Bureau Responsible Person Declares for First Time: Nujiang Will Be Developed” [Guojia nengyuanju fuzeren shouci biaotai: nujiang yiding hui kaifa], China National Radio, reprinted in People’s Daily, 31 January 11; Fu Wen and Teddy Ng, “Experts Cast Doubt Over Benefits of Hydropower,” Global Times, 24 November 10.

⁶⁹Xu Donghuan, “Ecologists Dread New Dam Boom,” Global Times, 10 February 11. According to the Global Times report, a Beijing-based river expert stated that “[t]hese sub-standard small hydroelectric stations can trigger landslides and are a great threat to the local ecological system.” Authorities have dammed 60 tributaries to the Nu River, with 42 projects completed and 88 slated to be completed. A top official noted that a number of national studies show the Nu River valley in Yunnan province is subject to geological and seismological disasters, and she prepared a proposal calling on the central government to “pay attention to the special and complex geological and seismological conditions in the Nu River valley and take caution in making decisions about hydraulic power development there.” Li Xing and Wang Huazhong, “Earthquake Casts Doubt on Hydropower,” China Daily, 12 March 11; “Lessons To Be Learned,” China Daily, 8 August 11.

⁷⁰“Wen Jiabao Opens State Council Meeting, Discusses and Passes ‘Three Gorges Follow-Up Work Plan’” [Wen jiabao kai guowuyuan hui taolun tongguo “sanxia houxi gongzuo guihua” deng], Xinhua, 18 May 11. These problems include the “stability” and livelihood of resettled populations and the prevention of geological disasters. Leaders also acknowledged that the dam had affected the “transportation in the middle and lower reaches of the Yangtze River, irrigation, and the supply of water,” among other problems.

⁷¹Ibid. The plans include the “Three Gorges Follow-Up Work Plan” and the “Yangtze Middle and Lower Reaches Watershed Water Pollution Prevention and Control Plan.” According to Xinhua, the Three Gorges Follow-Up Work Plan’s objectives include bringing the standard of living of those relocated because of the dam up to a level equal to that of residents in Hubei province and Chongqing municipality.

⁷²Dai Qing, Probe International, “On the Completion of the Three Gorges Project,” 22 January 11. Some estimates are higher because they include people who the government said were resettled for “urbanization” or “employment” programs. Dai Qing reports the official number of people relocated to make way for the Three Gorges dam to be 1.4 million. Probe International estimates that 3.7 million people have been relocated and Dai Qing estimates the number is higher at 4 million.

⁷³These reports have uncovered forced evictions, below-standard compensation, suppression of advocates, and government corruption during resettlement processes, as well as documented the threat of severe hardships that may be faced by relocated citizens, including homelessness, unemployment, conflicts between resettled citizens and existing populations, and poverty among resettled migrants. See, e.g., Peter H. Gleick, “Three Gorges Dam Project, Yangtze River, China,” in *Water Brief 3, The World’s Water 2008–2009* (Oakland, CA: Pacific Institute, 2009), 145–46; Jim Yardley, “Chinese Dam Projects Criticized for Their Human Costs, Choking on Growth, Part IV,” *New York Times*, 19 November 07. For information on activist Xie Fulin, see CECC, 2006 Annual Report, 20 September 06, 103; “Three Gorges Resettlement Activist Paralyzed After Assault,” CECC China Human Rights and Rule of Law Update, July 2006, 10–11; Stacy Mosher, Human Rights in China, “The Case of Fu Xiancai,” *China Rights Forum*, No. 3, 2006, 48–51. See the Commission’s Political Prisoner Database for more information on Fu Xiancai.

⁷⁴International Rivers, “Resettlement in Action,” 25 August 10.

⁷⁵Choi Chi-yu, “2,000 Battle Police in Yunnan,” *South China Morning Post*, 31 March 11.

⁷⁶Rachel Beitarie, “Burst of New Dams in Southwest China Produces Power and Public Ire,” *Circle of Blue*, 22 March 11.

⁷⁷National People’s Congress, PRC Outline of the 12th Five-Year Plan on National Economic and Social Development [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shier ge wunian guihua gangyao], passed 14 March 11, issued 16 March 11, chap. 8(2).

⁷⁸International Rivers, “Resettlement in Action,” 25 August 10, 1; “More Resettled for S-N Water Diversion Project,” Xinhua, reprinted in *China Daily*, 20 September 10.

⁷⁹International Rivers, “Resettlement in Action,” 25 August 10, 8.

⁸⁰“Migrants Hold Large Protest at Median Line of South-to-North Water Diversion Project, Vice Governor Assumes Command, Moves Armed Police To Disperse With Force” [Nanshui beidiao zhongxian yimin da kangyi fushengzhang zuozhen tiaojing qiang qusan], *Radio Free Asia*, 26 November 10; Carla Freeman, *China Environment Forum*, Woodrow Wilson International Center for Scholars, “Quenching the Dragon’s Thirst, the South-North Water Transfer Project—Old Plumbing for New China?” last visited 9 February 11, 6.

⁸¹Jamil Anderlini, “China: A Blast From the Past,” *Financial Times*, 14 December 09.

⁸²Chris Buckley, “China To Move Tens of Thousands for Huge Water Scheme,” *Reuters*, 29 June 10. According to Reuters, some farmers relocated for the Danjiangkou Dam have complained they are being relocated to less arable land and have sparse job prospects. The dam’s reservoir will provide water for the diversion project. Carla Freeman, *China Environment Forum*, Woodrow Wilson International Center for Scholars, “Quenching the Dragon’s Thirst, the South-North Water Transfer Project—Old Plumbing for New China?” last visited 9 February 11, 6. In 2009, villagers near the Danjiangkou Dam construction site “verbally attacked village officials and threatened resistance over plans to resettle them elsewhere in central China.” Wang Dazhong, Nanyang City Party Committee, Mass Work Department, and Nanyang City Petition Bureau, “Several Points To Ponder in Addressing South-to-North Water Diversion Central Route Project Danjiangkou Reservoir Migrant Petitions” [Dui nanshui beidiao zhongxian gongcheng danjiangkou kuqu yimin xinfang de jidian sikao], 13 October 10; Michael Bristow, “China Villagers Moved To Quench the Urban Thirst,” *BBC*, 3 March 10. The above report pro-

vides some information about the nature of citizen complaints related to the Danjiangkou Dam relocation project.

⁸³“Officials Lure Villagers, Force Them To Accept Place To Settle, Threaten Petitioners” [Ganbu youdao cummin qiangzhi jieshou anzhidian konghe shangfang zhe], China Journalist Survey Net, reprinted in Bangkao.com, 3 September 10.

⁸⁴Wang Dazhong, Nanyang City Party Committee, Mass Work Department, and Nanyang City Petition Bureau, “Several Points To Ponder in Addressing South-to-North Water Diversion Central Route Project Danjiangkou Reservoir Migrant Petitions” [Dui nanshui beidiao zhongxian gongcheng danjiangkou kuqu yimin xinfang de jidian sikao], 13 October 10; Michael Bristow, “China Villagers Moved To Quench the Urban Thirst,” BBC, 3 March 10.

⁸⁵Xu Chao, “The Relationship Between Huai River Basin Pollution and Cancer Basically Established” [Huaihe liuyu wuran yu aizheng guanxi jiben zhengshi], *Caijing*, 27 December 10.

⁸⁶Ministry of Environmental Protection, “Ministry of Environmental Protection Open Government Information Work 2010 Annual Report” [Huanjing baohubu zhengfu xinxi gongkai gongzuo 2010 niandu baogao], 14 March 11.

⁸⁷Ibid.

⁸⁸Ibid.

⁸⁹Article 19 and Center for Legal Assistance to Pollution Victims, “Access to Environmental Information in China: Evaluation of Local Compliance,” December 2010.

⁹⁰Ibid.

⁹¹Natural Resources Defense Council and Institute of Public & Environmental Affairs, “Environmental Open Information: Between Advance & Retreat—The 2009–2010 Pollution Information Transparency Index (PITI) Second Annual Assessment of Environmental Transparency in 113 Chinese Cities,” 28 December 10, 3. According to the study’s results, out of 100 possible points, the average score of the cities examined increased from 31 points in 2008 to 36 points in 2009–2010 (p. 3).

⁹²Ibid.

⁹³Natural Resources Defense Council and Institute of Public & Environmental Affairs, “Environmental Open Information: Between Advance & Retreat—The 2009–2010 Pollution Information Transparency Index (PITI) Second Annual Assessment of Environmental Transparency in 113 Chinese Cities,” 28 December 10, 4.

⁹⁴Ma Jun, Chinadialogue, “Advancing Energy Conservation and Reducing Pollution With Environmental Open Information” [Yi huanjing xinxi gongkai cujin jieneng jianpai], 13 December 10.

⁹⁵Ibid.

⁹⁶For example, one online response to an open environmental information request on the Anhui Government Open Government Information Net Web site listed a provision and its appendix as the basis for not releasing some of the information requested. Anhui Province People’s Government Open Government Information Net, “Description of Needed Information Contents, Yangtze River, Anchuang Section, Wuwei Section and Chaohu Lake Region Related Water Quality Raw Data from 2007–2010” [Suo xu xinxi de neirong miaoshu, changjiang anqing duan, wuwei duan he chaohu huqu zi 2007–2010 de xiangguan shuizhi yuanshi shujù], 20 October 10. According to the response posted on the Anhui Province government Web site, the response to the environmental information request cites provisions that environmental protection authorities apparently issued in 2004, i.e., “Provisions on the Scope of State Secrets in Environmental Protection Work” (Provisions). Based on the response to the open environmental information request cited above, the Provisions appear to have an appendix that stipulates environmental protection work secrets, i.e., the “Environmental Protection Work State Secrets Catalog” [Huanjing baohu gongzuo guoji mimi mulu]. Based on a review of the Catalog of National Environmental Departmental Normative Documents Remaining in Force cited below, the Provisions were in force as of September 2010, but Commission staff could not locate a copy of them on the Internet. Hubei Environmental Protection Portal, “Appendix: Catalog of National Environmental Departmental Normative Documents Remaining in Force” [Fujian: jixu youxiao de guojia huanbao bumen guifanxing wenjian mulu], 30 September 10.

⁹⁷Xi Jianrong, “Environmental Protection Organization Seeks Investigation Into Legality of ‘Procedural Information’” [Huanbao zuzhi tiqing “guochengxing xinxi” hefaxing shencha], *Legal Daily*, 25 March 11; Zhang Ke, “Environmental NGO Petitions State Council To Question Whether Fish Reserve Restructuring Serves Power Station” [Huanbao zuzhi shangshu guowuyuan zhiyi yulei baohuqu wei dianzhan tiaozheng], Number One *Caijing Daily*, reprinted in China Transparency, 8 June 11. For more complete information about the case, see Xi Jianrong, “NGO Requests Publication of Information on Nature Reserve Restructuring” [Minjian zuzhi jiu ziran baohuqu tiaozheng shenqing xinxi gongkai], *Legal Daily*, 20 January 11; Ministry of Environmental Protection, “Ministry of Environmental Protection: Announcement on Applications for Promotion and Restructuring of National Level Nature Reserves” [Huanjing baohubu gonggao: dui shenqing jinsheng he tiaozheng de guojia ji ziranbaohuqu jinxing gong shi], 4 January 11; Xi Jianrong, “Scholars Request Hearing on National Level Nature Reserve Restructuring” [Xuezhe qingqiu jiu changjiang shangyou guojia ji ziranbaohuqu tiaozheng tingzheng], *Legal Daily*, 1 March 11; Beijing Impact Law Firm, “Upper Yangtze National Level Rare Fish Nature Reserve To Be Downsized” [Changjiang shangyou zhenxi teyou yulei guojia ji ziranbaohuqu mianji bei suojian], 24 March 11.

⁹⁸Han Lewu, “Application for Publication of Environmental Information on Waste Incineration Plant Rejected, Environmental NGO Seeks Administrative Review” [Shenqing gongkai laji fenshaochang huanjing xinxi beiju huanbao zuzhi tiqi xingzheng fuyi], *Legal Daily*, 8 June 11. According to the *Legal Daily* article, the Darwin Nature Knowledge Society submitted open government information requests to the Hai’an County Environmental Protection Bureau among other environmental departments asking for the environmental impact assessment reports for a waste incineration power plant and related waste management projects, as well as requesting information about the power plant’s emissions data. Xi Jianrong, “Environmental Organization

Requests Environmental Impact Assessment of Beijing Sujiatuo Incineration Plant” [Huanbao zuzhi shenqing gongkai beijing sujiatuo fenshaochang huanping xinxi], *Legal Daily*, reprinted in *China Transparency*, 16 June 11.

⁹⁹Han Lewu, “Application for Publication of Environmental Information on Waste Incineration Plant Rejected, Environmental Protection NGO Seeks Administrative Review” [Shenqing gongkai laji fenshaochang huanjing xinxi beiju huanbao zuzhi tiqi xingzheng fuyi], *Legal Daily*, 8 June 11.

¹⁰⁰Malcolm Moore, “Leading Physicist Calls China’s Nuclear Programme ‘Rash and Unsafe,’” *Telegraph*, 1 June 11; “Minister Recommends China Have Independent Nuclear Safety Regulator in Wake of Japan Crisis,” *Associated Press*, 3 June 11. Other Chinese experts and top international nuclear authorities also expressed the need to increase oversight of nuclear power plants. Keith Bradsher, “Nuclear Power Expansion in China Stirs Concerns,” *New York Times*, 15 December 09. An International Atomic Energy Agency official noted there was some concern that China might not have enough nuclear inspectors with sufficient training to manage the rapid growth of nuclear power. Choi Chi-yuk, “Nuclear Threat From Mountain of Spent Fuel,” *South China Morning Post*, 1 April 11. One Chinese nuclear engineer was quoted as saying “. . . previously produced waste has yet to be properly dealt with. . . .” “It will pose a tremendous safety threat to the public as a result of the piling up of more and more nuclear fuel, year after year.”

¹⁰¹Malcolm Moore, “Leading Physicist Calls China’s Nuclear Programme ‘Rash and Unsafe,’” *Telegraph*, 1 June 11.

¹⁰²Liu Yiyu, “New Nuclear Power Plants ‘Set To Be Approved,’” *China Daily*, 22 April 11. Chinese authorities reportedly suspended approvals for new nuclear power projects and inspected plants in operation and under construction.

¹⁰³Brian Spegele, “Beijing Says Its Reactors Are Safe,” *Wall Street Journal*, 16 June 11.

¹⁰⁴Liu Yiyu, “New Nuclear Power Plants ‘Set To Be Approved,’” *China Daily*, 22 April 11; “China Says Its Nuclear Reactors Passed Inspections,” *Associated Press*, reprinted in *New York Times*, 15 June 11. China reportedly plans to have more than 100 plants in operation by 2020.

¹⁰⁵Wang Huazhong, “Japan Nuclear Crisis Prompts ‘Urgent’ Drafting of New Law,” *China Daily*, 26 April 11. China currently does not have an overarching nuclear energy law and two previous attempts to pass one in 1984 and 2008 were not successful. The law would reportedly include stipulations related to uranium mining, nuclear material management, nuclear power plant operation, nuclear waste, emergency management, and compensation.

¹⁰⁶*Ibid.*

¹⁰⁷Ministry of Environmental Protection, *Guiding Opinion on Cultivating and Guiding Orderly Development of Environmental Non-Governmental Organizations* [Peiyu yindao huanbao shehui zuzhi youxu fazhan de zhidao yijian], issued 10 December 10, arts. 2, 10.

¹⁰⁸*Ibid.*, art. 10.

¹⁰⁹*Ibid.* This may indicate efforts to strengthen Party control over environmental groups.

¹¹⁰Alex Wang, “The Warriors of Qiugang—A New Documentary on the Struggle To Save China’s Environment,” *Natural Resources Defense Council Switchboard Blog*, 11 January 11 (has a link to the video).

¹¹¹*Ibid.*

¹¹²*Ibid.*

¹¹³Wang Qingchu, “Pollution Fear Cancels Beijing Power Plant Plan,” *Shanghai Daily*, 10 February 11.

¹¹⁴“Dalian PX Project Stopped and Will Be Moved” [Dalian PX xiangmu tingchan daiban], *Xinhua*, reprinted in *Southern Metropolis Daily*, 15 August 11; “Dalian PX Project Triggers Concerns, Thousands of Citizens Gather in Protest” [Dalian PX xiangmu yinqi danyou shuwan minzhong shi zhizheng jihui kangyi], *Radio Free Asia*, 14 August 11.

¹¹⁵Tao Dapin, “5,000 People Press Thumbprints To Oppose Panyu Waste Incinerator, Only Counted as One Opposition Vote?” [5 qian ren an shouyin fandui panyu laji fenshaochang zhi suan yizhang fandui piao?], *Asia News*, 24 May 11.

¹¹⁶Wang Jin, *Chinadialogue*, “China’s Green Laws Are Useless,” 23 September 10. For example, the government of Guzhen county, Anhui province, removed six local environmental protection officials, including the head of the local environmental protection bureau (EPB), because local government officials claimed the EPB’s strict enforcement actions hurt efforts to attract business investment. Anhui province requires environmental authorities to obtain governmental approval prior to conducting a check.

¹¹⁷Zhao Yang, “Ecology, Environmental Protection, Land Requisition, and Demolition, High Levels of Corruption” [Shengtai huanbao zhengdi chaiqian fubai gaofa], *Legal Daily*, 12 August 10.

¹¹⁸Benjamin Van Rooij and Carlos Wing-Hung Lo, “Fragile Convergence: Understanding Variation in the Enforcement of China’s Industrial Pollution Law,” *Law & Policy*, Vol. 32, No. 1 (2010), 16–17.

¹¹⁹“China Launches Special Supervision in 15 Companies for Pollution Control Violations,” *Xinhua*, 29 August 11.

¹²⁰*Chinadialogue*, “NGOs Challenge Environment Authorities,” 21 June 11.

¹²¹*Ibid.*

¹²²“Lessons To Be Learned,” *China Daily*, 8 August 11.

¹²³“The Fabricated Environmental Impact Assessment System” [Bei jiakong de huanping zhidu], *China Reform Net*, reprinted in *Caixin*, 1 August 11. For one review of the role of public participation in environmental EIA processes and beyond since 2004, see Zhang Jingjing, *Chinadialogue*, “The Plight of the Public (1),” 19 July 11.

¹²⁴Zhang Jingjing, *Chinadialogue*, “The Plight of the Public (2),” 19 July 11. Zhang notes that while the 2006 measure “Temporary Method for Public Participation in Environmental Impact Assessments” provides for public participation, there is no legal recourse for infringement of that right.

¹²⁵Wang Jin, “China’s Green Laws Are Useless,” *China Dialogue*, 23 September 10. For example, the government of Guzhen county, Anhui province, removed six local environmental protection officials, including the head of the local environmental protection bureau (EPB), because local government officials claimed the EPB’s strict enforcement actions hurt efforts to attract business investment. Anhui province requires environmental authorities to obtain governmental approval prior to conducting a check.

¹²⁶Natural Resources Defense Council and Institute of Public & Environmental Affairs, “Environmental Open Information: Between Advance & Retreat—The 2009–2010 Pollution Information Transparency Index (PITI) Second Annual Assessment of Environmental Transparency in 113 Chinese Cities,” 28 December 10, 4.

¹²⁷Qie Jianrong, “Delay in Administering Penalty for Illegals Raises Doubts Among Experts” [Weifa chufa huanqi zhixing yin zhuanjia zhiyi], *Legal Daily*, 13 December 10. The power plant authorities claimed that stopping power generation and paying a fine would adversely affect regional power supply.

¹²⁸John Vidal and David Adam, “China Overtakes U.S. as World’s Largest CO2 Emitter,” *Guardian*, 19 June 07; Jane A. Leggett, Jeffrey Logan, and Anna Mackey, Congressional Research Service, “China’s Greenhouse Gas Emissions and Mitigation Policies,” 10 September 08; Todd White and Jeremy Van Loon, “China Exports Made It World’s Largest Greenhouse-Gas Factory,” *Bloomberg News*, 25 February 09.

¹²⁹Bruce Gilley, “Authoritarian Environmentalism and China’s Response to Climate Change,” *Environmental Politics* (forthcoming 2012), draft version online, 22 April 11, 6–8.

¹³⁰State Council Information Office, “White Paper: China’s Policies and Actions on Climate Change,” 29 October 08. According to the white paper, authorities state they take “economic development as the core objective”; and they have also stated that they place emphasis on energy conservation policies, strive to mitigate greenhouse gas emissions, and prioritize policies to adapt to climate change. Renmin University, “China Human Development Report 2009/10, China and a Sustainable Future: Towards a Low Carbon Economy and Society,” commissioned by the United Nations Development Programme, April 2010; Joint Global Change Research Institute and Battelle Memorial Institute, Pacific Northwest Division, “China: Impact of Climate Change to 2030—A Commissioned Research Report,” prepared for the National Intelligence Council, April 2009. The above paper lists several specific impacts, states China has lower resilience (adaptive capacity) to climate change than some other countries, and argues climate change will exacerbate existing social and resource stresses. United Nations Framework Convention on Climate Change, “Climate Change: Impacts, Vulnerabilities and Adaptation in Developing Countries,” 2007; Germanwatch, “Global Climate Risk Index 2011, Who Suffers Most From Extreme Weather Events/Weather-Related Loss Events in 2009 and 1990 to 2009,” 16 December 10. This research ranked China 35th compared with other countries for the occurrence of extreme weather events in 2009.

¹³¹Barbara Finamore, “Taking Action To Meet Its Climate Pledge—China Enacts National Energy Efficiency DSM Regulations To Dramatically Scale Up Investment in Energy Efficiency,” *Natural Resources Defense Council Switchboard Blog*, 29 November 10; “China To Set Up Funds for Development of Green Energy Counties,” *Xinhua*, 28 April 11; “National Development and Reform Commission Issues ‘China’s Policies and Actions for Addressing Climate Change—2010 Annual Report’” [Fagaiwei gongbu “zhongguo yingdui qihou bianhua zhengce yu xingdong—2010 niandu baogao”], *China Government Net*, reprinted in *Xinhua*, 23 November 10.

¹³²National People’s Congress, PRC Outline of the 12th Five-Year Plan on National Economic and Social Development [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shier ge wunian guihua gangyao], passed 14 March 11, issued 16 March 11, chap. 21. Chinese leaders plan to speed up research and development of low carbon technologies, to develop a greenhouse gas statistical accounting system, to gradually establish an emission trading market, and to promote “low carbon demonstration projects,” among other plans.

¹³³Joanna Lewis, “The State of U.S.-China Relations on Climate Change: Examining the Bilateral and Multilateral Relationship,” *China Environment Series*, No. 11, 2010/2011, 7–39 (especially pp. 26–34).

¹³⁴“Cancun Climate Conference Passes Resolution on Response to Climate Change” [Kankun qihou dahui tongguo yingdui qihou bianhua jueyi], *Caixin Net*, 11 December 10.

¹³⁵Because China signed and ratified the United Nations Framework Convention on Climate Change Kyoto Protocol as a “developing” country and is not on the list of Annex B countries with binding emission reduction targets, China currently has no formal obligation under the Protocol to reduce its greenhouse gas emissions. For China’s ratification information, see United Nations Framework Convention on Climate Change, “Kyoto Protocol Status of Ratification,” 10 July 06. For listings of countries on Annexes A and B of the Kyoto Protocol, see United Nations Framework Convention on Climate Change, Kyoto Protocol, art. 3, Annexes A and B. See also Letter from Su Wei, Director-General, Department of Climate Change, National Development and Reform Commission of China, to Mr. Yvo de Boer, Executive Secretary, UNFCCC Secretariat [Letter Regarding Autonomous Domestic Mitigation Actions], reprinted in *ChinaFAQs*, 28 January 10. Internationally, top officials emphasize the voluntary nature of the country’s efforts to lower carbon dioxide emissions per unit of GDP (carbon intensity) by 40–45 percent by 2020 compared to 2005 levels. The Chinese government has not agreed to carbon emission caps, only voluntary carbon intensity reductions.

¹³⁶National People’s Congress, PRC Outline of the 12th Five-Year Plan on National Economic and Social Development [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shier ge wunian guihua gangyao], passed 14 March 11, issued 16 March 11, chap. 3. According to the 12th Five-Year Plan, China also pledged to increase the forest coverage rate to 21.66 percent and its forest stock volume by 600 million cubic meters. Chapter 10(1) of the 12th Five-Year Plan indicates that officials also included “energy conservation and environment” and “new energy” among a list of at least seven priority “strategic new and developing industries.” Xie

Zhenhua, “China’s Challenges Limit Control of Emissions (Authority Forum)” [Zhongguo tiaozhan kongzhi paifang jixian (quanwei luntan)], People’s Daily, 6 January 10.

¹³⁷ “China Drafting Special Law on Climate Change,” Xinhua, reprinted in China Daily, 27 April 11. “China Will Consider Climate Change Legislation at an Appropriate Time” [Zhongguo jiang zai shidang shiji kaolu qihou bianhua lifa], Caixin Net, 9 December 10.

¹³⁸ Wang Qian, “People Invited To Share Their Climate Change Ideas,” China Daily, 22 March 11.

¹³⁹ Renmin University, “China Human Development Report 2009/10, China and a Sustainable Future: Towards a Low Carbon Economy and Society,” Commissioned by the United Nations Development Programme, April 2010, 86. “Where public participation does exist, it is often on inequitable terms or does not provide adequate opportunity for public inputs. Little information on procedures and timing for public participation is available.”

¹⁴⁰ Bruce Gilley, “Authoritarian Environmentalism and China’s Response to Climate Change,” Environmental Politics (forthcoming 2012), draft version online, 22 April 11, 6–8.

¹⁴¹ Meng Si, Chinadialogue, “Turning Point in Tianjin,” 25 October 10.

¹⁴² Bruce Gilley, “Authoritarian Environmentalism and China’s Response to Climate Change,” Environmental Politics (forthcoming 2012), draft version online, 22 April 11, 14.

¹⁴³ Barbara Finamore, “Transparency of Climate Change Actions: Sitting Down With Minister Xie,” National Resources Defense Council Switchboard Blog, 20 October 10. Finamore paraphrases remarks by Teng Fei of Tsinghua University, who outlined some of the difficulties in obtaining statistics relevant to evaluating energy usage and carbon dioxide emissions.

¹⁴⁴ Ibid.

¹⁴⁵ National People’s Congress, PRC Outline of the 12th Five-Year Plan on National Economic and Social Development [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shier ge wunian guihua gangyao], passed 14 March 11, issued 16 March 11, chap. 21(1).

¹⁴⁶ Barbara Finamore, “China’s Domestic Climate Commitments Reach a Global Audience in Tianjin,” Natural Resources Defense Council Switchboard Blog, 7 October 10.

¹⁴⁷ “China Does Not Oppose MRV, Should Find a Good Reason for Transferring Responsibility” [Zhongguo bu fandui MRV, zhuanyi zeren yao zhaohao liyou], China Net, 12 October 10.

¹⁴⁸ Ibid. Su Wei, Director-General, Office of National Leading Group on Climate Change, stated the Chinese government was “not opposed to monitoring, reporting, and verification” in projects using international financing and technology and that China would make the results of its domestic MRV known to the international community and “can accept international discussions, consultations, dialogue, and clarifications.”

¹⁴⁹ Barbara Finamore, “China’s Domestic Climate Commitments Reach a Global Audience in Tianjin,” Natural Resources Defense Council Switchboard Blog, 7 October 10. Vice Chair of the National Development and Reform Commission Xie Zhenhua reportedly said that China would do its utmost to “increase the transparency of its actions in terms of tackling climate change and integrating our measure into global efforts.”

