

ENVIRONMENTAL NGOs IN CHINA: ENCOURAGING ACTION AND ADDRESSING PUBLIC GRIEVANCES

ROUNDTABLE

BEFORE THE
CONGRESSIONAL-EXECUTIVE
COMMISSION ON CHINA
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MONDAY, FEBRUARY 7, 2005

CONGRESSIONAL-EXECUTIVE
COMMISSION ON CHINA,
Washington, DC.

The roundtable was convened, pursuant to notice, at 2 p.m., in room 2255, Rayburn House Office Building, John Foarde (staff director) presiding.

Also present: Carl Minzner, senior counsel; Adam Bobrow, senior counsel; Susan Weld, general counsel; Katherine Kaup, special advisor; and Laura Mitchell, research assistant.

Mr. FOARDE. Good afternoon, everyone. Welcome to this Issues Roundtable of the Congressional-Executive Commission on China.

As I was telling our panelists a moment ago, the members of the CECC for the 109th Congress have not been appointed yet, but we expect appointments in the next few days. We wanted no more time to go by before we got busy with this continuing series of public events that enable us to learn more about specific issues relating to the mandate of the CECC. So today we are happy to welcome, on behalf of our future chairs and members, three very distinguished panelists to talk to us about environmental NGOs in China.

Rapid economic growth in China has resulted in massive degradation of China's rivers, marshes, forests, and waterways, prompting the rise of a new generation of citizen activists who challenge government policies. The victims of environmental pollution, farmers displaced by huge hydro-electric power projects, and citizens concerned with the loss of China's natural wildlife are joining an increasing number of Chinese environmental NGOs to make their voices heard on issues that affect them.

We want, this afternoon, to examine the role of Chinese non-governmental organizations [NGOs] and their role in allowing Chinese citizens a voice on national environmental policy and their ability to serve as a channel for the grievances of individual victims who are harmed by specific projects.

We have three distinguished panelists this afternoon, and I will introduce each in more detail before they speak. Each will have the chance to present for about 10 minutes. After about eight minutes or so I will remind you that you have two minutes left.

Inevitably, you do not have the time to cover everything that you would like to cover, so we will return during the question and answer period to some of those themes.

So, let us begin. We are pleased to welcome back Dr. Elizabeth Economy, the C.V. Starr Senior Fellow and Director of Asia Studies at the Council on Foreign Relations in New York City. Dr. Economy is an expert on a variety of topics on U.S.-China relations, and particularly on Chinese domestic and foreign policy. But her particular focus for some time has been on the environment. She is a member of many academic and non-governmental organizations focused on U.S.-China relations, and on environmental issues, including the China-U.S. Center for Sustainable Development, the Scholars Environmental Change and Security Project of the Woodrow Wilson International Center, and the National Committee on U.S.-China relations. She is the author of "The River Runs Black," a book on the environmental challenges to China's future.

Welcome, Liz Economy, please go ahead.

STATEMENT OF ELIZABETH ECONOMY, C.V. STARR SENIOR FELLOW AND DIRECTOR OF ASIA STUDIES, COUNCIL ON FOREIGN RELATIONS, NEW YORK, NY

Ms. ECONOMY. Thank you, John, and thank you, Carl, for inviting me. It is my great pleasure to have this opportunity to share with you some of my experience, interactions, and understandings of China's environmental NGO community. I have been looking at issues related to China and the environment for almost 15 years now, and as far as I am concerned, there is no area that is more dynamic or exciting than the non-governmental sector.

I would like just to touch briefly on four points during my presentation. First, what is the nature of the NGO movement? Second, how has it evolved? Third, what is the relationship between the State and the NGOs? And fourth, what are some of the challenges that I see confronting NGOs in the future?

Just as a note, my remarks are going to focus exclusively on the NGOs that have not been initiated in any way by a government body. These are not government-organized NGOs.

First, the nature of the NGO movement. Again, I have interacted with NGO activists for many years now and have found them, overall, to be highly educated, articulate, and oftentimes quite charismatic people. Many of them have backgrounds as journalists or otherwise have been engaged in media activities.

I think this is important because it has made them very adept at getting their message across to the Chinese people and to the Chinese Government. Many NGO activists in China have also spent time abroad, particularly in the United States, either at universities or training with U.S.-based NGOs.

Most of China's renowned NGOs, such as Liang Congjie of Friends of Nature, and Liao Xiaoyi of Global Village Beijing, are based in Beijing. But they are also very actively engaged in helping to develop smaller NGOs throughout the country. They direct activities that engage a wide number of NGOs. For example, Liao Xiaoyi will bring together NGOs from outside of Beijing for Earth Day activities in Beijing; she also arranged for 12 NGOs to attend

the Johannesburg Summit and put together a video depicting Chinese NGOs and their activities.

There are also green camps that were founded by the environmental activist, Tang Xiyang, who is one of the great environmental thinkers in China. These green camps serve as a training ground for young Chinese environmental activists. You also find that, within the environmental community, many NGO activists hold positions on each other's boards. Hu Kanping, for example, who is the editor of China Green Times, serves on the board of Friends of Nature, as well as Global Green Grants China.

Finally, some members of Beijing-based NGOs leave and start their own NGOs in other parts of China. They may go to Yunnan or Sichuan to establish new NGOs. Through this mechanism, there is really a cross-fertilization or pollination process by which NGO activism has become an environmental movement.

The second issue I want to raise is how has this movement evolved. The first formally registered NGO was Friends of Nature, which was founded in 1994 by Liang Congjie. This was quickly followed by Global Village Beijing in 1995, which registered as a private business entity under the Bureau of Industry and Commerce. Since that time, officially, more than 2,000 NGOs have formally registered. I think there are perhaps as many NGOs that are either registered as private business entities, such as Global Village Beijing, or simply not registered at all. You can find some very prominent NGOs in China that have absolutely no affiliation, tie, or registration with the Chinese Government.

But as striking as the increase in the number of NGOs may be, I think far more telling has been the dramatic evolution in the nature of NGO activity over the past decade. Initially, I think there was a very conscious decision made to focus on issues that were considered relatively politically safe, such as environmental education or bio-diversity protection. By the late 1990s, NGO leaders became more assertive. For example, there was the "Go West" campaign in 1999 that was initiated by Jiang Zemin. This was an effort to develop the western part of China and bring living standards closer to those of the coastal region. The government set out ecological construction or environmental protection as one of the five major tenets of this campaign, but there was some concern within the NGO community that in reality, it would simply turn out to be business as usual and you would have very rapid development and exploitation of the environment with minimal environmental protection.

In response, Liang Congjie and other environmental activists, for example, agitated within the top echelons of the Chinese Government to get the State Environmental Protection Administration [SEPA] included among the 22-agency leading group that was going to oversee the campaign. This eventually proved to be successful.

Liao Xiaoyi also stepped forward to voice her concerns quite publicly in the Chinese media that funds were going to be siphoned off for environment protection because of corruption. She called for NGO oversight of the distribution of these funds. So you had new, more aggressive approaches being taken by these NGO leaders.

It was also at this time that you had the founding of Wang Canfa's Center for Legal Assistance to Pollution Victims. As some of you may know, he is just an amazingly energetic, enthusiastic, and accomplished lawyer who has single-handedly been prosecuting environmental pollution cases on behalf of "pollution victims." I think he has prosecuted 60 cases against polluting enterprises in China, and prosecuted many of them successfully. So, again, this represented a bit of a ratcheting up of Chinese environmental NGO activity.

Today, of course, you see Chinese NGOs engaged in virtually every sector of environmental protection in China. Again, many are still focused on biodiversity issues, and many of the smaller NGOs that spring up in China's west focus on the protection of one particular species or a particular region of biodiversity, but you see many more now branching into air and water pollution.

For example, the Huai River Guardians, or Protectors, a group founded by a photographer, Huo Daishan, now has 1,000 volunteers going through villages all along the Huai River and its tributaries, trying to educate villagers about how polluted water is affecting their health, trying to get them to see doctors, and trying to raise money to dig deep-water wells to bring them access to clean water.

This past summer, Chinese NGOs engaged directly in an energy-conservation campaign, which is an issue on which NGOs had not been particularly focused, except for the more technical/think-tank oriented NGOs. So this past summer there was a "26 degrees Celsius" campaign that started in Beijing and was designed to get the hotels and other public spaces to keep their thermostats at 26 degrees Celsius for energy conservation at a time when China was facing serious energy shortages.

This campaign was then picked up by 30 NGOs nationwide. In China today, there are also two different environmental NGOs that run journalist forums to engage journalists on a weekly or monthly basis about environmental issues. This is an enormously important and effective means of bringing environmental education to the people. Fifty or sixty journalists will come to hear an expert on wind power, and then go off and write articles on wind power. So, I think this is a really important mechanism by which NGOs are getting their message to the broader public.

One of the newest NGOs, and I just read about it, frankly, over the past week, is the Global Environment Institute. This NGO is based in Yunnan and has very strong international support. In fact, I think it was actually spurred by international actors rather than necessarily coming up from grassroots. Nonetheless, this institute is working on everything from bio-gas for farmers in Yunnan to bus rapid transit in Beijing and other cities. I think this will be an interesting NGO to watch.

Obviously, one of the most high profile and exciting things that have transpired in the past two years or so has been the NGO activity that has dealt with the dam construction and large-scale hydropower plants. This development would have been my favorite thing to talk about, but I know that we have a real expert here to talk about that subject. So I am going to steer clear of it and just make one point, which is that I think nothing shows you how far

the environmental movement has come in the past 15 years or so than the fact that Dai Qing was arrested for her book on the Three Gorges Dam, “Yangtze! Yangtze!,” and today we have environmental NGOs launching campaign after campaign against these dams. So, I really think there has been a sea change.

I know that Jiang Ru is going to discuss the ways in which NGOs define their space in terms of the government, but let me just say a couple of words about that. I think it is important to understand that, by and large, NGOs in China work hand-in-glove with the State Environmental Protection Administration [SEPA]. There is a lot of cooperation, both behind the scenes and in public. The “26 degrees” campaign, the “Go West” campaign, even on these dams, and certainly on the recent infrastructure projects are all conducted with at least the tacit approval of SEPA.

I think that with all these initiatives, NGOs know that at this particular point in time, because of Pan Yue within the State Environmental Protection Administration, because of Premier Wen Jiabao, and because of new leadership priorities having to do with the rule of law and a slow-down in investment, they have the ear of very senior people within the government. There is a confluence of interests coming together. The decision to halt 30 major infrastructure projects after just a few weeks on the grounds that proper environmental impact assessments were not completed has to be understood in a broader context of priorities such as enforcing the rule of law and slowing down massive infrastructure investment.

If we put aside SEPA, however, relations between environmental NGOs and local governments and local environmental protection bureaus, are far less clear cut.

I will finish by saying that, in October, the Ministry of Civil Affairs apparently let fly some rumor, or at least suggested, that it was considering lifting the requirement that NGOs register with a government agency or body. This would be a truly profound change, not only for environmental NGOs, but for the entire nature of civil society in China. We will have to wait to see, however, whether that comes to pass.

I will just stop there and welcome your questions.

[The prepared statement of Ms. Economy appears in the appendix.]

Mr. FOARDE. Good. Thank you. We will come back to some of those very interesting topics in the Q&A session.

Let me then recognize Dr. Jiang Ru, who is an expert in environmental management and planning, with a Ph.D. in those topics from Stanford University. He is an expert on environmental planning and management and environmental NGOs in China. His Ph.D. dissertation examined how the Chinese state implemented its NGO regulations and policies and how environmental NGOs acted under such state controls at the end of the 1990s, and in the first few years of the 21st century. Dr. Ru is working with the Natural Resources Defense Council here in Washington, and consulting for the World Bank on environmental issues in China.

Welcome. Thank you very much for coming.

**STATEMENT OF JIANG RU, EXPERT ON ENVIRONMENTAL
MANAGEMENT AND PLANNING IN CHINA, WASHINGTON, DC**

Mr. RU. Thank you, John, and thank you, Carl. Thanks to the rest of the Commission staff for inviting me to speak here today as a part of this panel.

Before I start, I want to say “Happy Chinese New Year, Xin Nian Hao.”

As an independent scholar, I hope my statement can introduce you and other policymakers in this country to a new perspective on the dynamics of state controls of the environmental NGOs in China. This statement is based on my Ph.D. dissertation, “Environmental NGOs in China: The Interplay of State Controls, Agency Interests and NGO Strategies,” completed in August 2004 at Stanford University. The statement I make today represents my personal opinions only and does not reflect the views of any organizations with which I was previously, or am currently, affiliated.

In my 10 minutes, I will introduce the design and implementation, and then four of the main findings of my dissertation.

My findings indicate that, despite onerous state control measures, environmental activists were able to create NGOs and operate with a fair amount of freedom by self-censoring the activities of their NGOs. Understanding the growing autonomy and self-censorship of Chinese NGOs provides a considerable opening for international organizations to assist Chinese environmental NGOs.

The goal of my research was to understand how the Chinese state has officially described its control of NGOs, how the state has controlled environmental NGOs in practice, and how environmental NGOs have interacted with the state to conduct their activities. To achieve my research goals, I analyzed China’s NGO policies and regulations to identify measures the state has employed to control NGOs, surveyed a group of 11 national and 11 local Beijing environmental NGOs to understand how NGO control measures were enforced in reality based on these NGOs’ experience. I conducted three case studies to further examine how different environmental NGOs had interacted with government agencies at the national and local levels to save three endangered wildlife species.

The NGOs I studied included both formally registered government-organized NGOs, or GONGOs, with over 10 full-time staff members, and unregistered citizen-organized NGOs with only a few volunteers. From 1999 to 2003, I made four trips to China and stayed in China for a total of 21 months. During these trips, I interviewed governmental officials, NGO staff members, NGO researchers, environmental volunteers, and environmental experts. In addition, I collected multiple sources of evidence, such as governmental documents and NGOs’ internal documents.

My research has four main findings. The first finding is, the Chinese state has developed a vigorous set of NGO regulations to control the development and activities of NGOs in China. Three key control measures of these regulations are: that an NGO has to be registered at a civil affairs office, according to its geographic scope of activities; second, that an NGO has to find a supervisory organization to sponsor its registration with a civil affairs office.

Here, a supervisory organization, referred to as a “mother-in-law organization” by some scholars, is a state-authorized organization

that sponsors an NGO's registration application to a civil affairs office, and then supervises the NGO's activities after the NGO registers with the civil affairs office. The third measure I identified, is that civil affairs offices will force NGOs to correct any violations of above-noted and other NGO control measures.

My second finding shows some of the 22 environmental NGOs I surveyed experienced no strict state control declared in NGO regulations, as I just described. Based on the experience of the 22 NGOs, I found that some of those NGOs violated the above control measures without being punished by civil affairs offices. For example, five citizen-organized NGOs were not registered with any civil affairs offices as independent NGOs, but conducted their activities openly without experiencing any explicit control exerted by any government agencies. For those NGOs registered with civil affairs offices, civil affairs offices had only controlled the registration of those NGOs. A common statement made by my NGO interviewees was that civil affairs offices had barely interfered with their NGO's operations.

In contrast to civil affairs offices, supervisory organizations of those GONGOs included in my study not only supervised the operations of those NGOs, but also exerted financial and personnel control over those NGOs.

The third finding of my study is that state control has been implemented in the ways described above because of the state's decreasing administrative capacity, the interests of supervisory organizations that control NGOs for their own ends, and the ability of the NGOs to censor themselves to the degree that their activities do not lead to repressive actions by the state.

Civil affairs officials I interviewed stated that their offices had limited resources to track and correct every NGO violation. In addition, because civil affairs offices had no resources to register all prospective NGOs and the Chinese Government had a policy to encourage voluntary activities as a way to advance the well-being of society, civil affairs offices allowed the existence of unregistered NGOs as long as these NGOs had not committed any financial misdeeds or posed any political threat.

This strategy of civil affairs offices was well acknowledged by the 22 environmental NGOs I studied. According to my interviewees, self-censorship of these NGOs helped them avoid any unwanted attention of civil affairs offices. Although some of the 22 NGOs violated formal control measures, leaders of these NGOs were aware of the limits of how far they could go in violating controls without attracting negative attention from the state.

In terms of government agencies acting as supervisory organizations of the GONGOs included in my study, I found that self-interest motivated these supervisory organizations to exert financial and/or personnel control over the GONGOs they supervised. In practice, supervisory organizations use the GONGOs to engage in international cooperation projects, to raise funds, to provide services, and to place excess employees when their agencies are downsized.

The last finding of my research is that GONGOs are generally effective in performing tasks related to official responsibilities of their supervisory organizations, such as policy consultation and

information exchange. In contrast, citizen-organized NGOs were engaged mainly in three types of activities: public education, environmental advocacy, and grassroots environment activities. This finding is based on the daily activities of the 22 environmental NGOs I studied and their efforts in the three wildlife conservation cases. Citizen-organized environmental NGOs included in my study were especially effective in mobilizing resources to challenge local development decisions that were detrimental to the natural environment. However, I found that no NGOs took any confrontational approaches to conduct their activities. Thank you.

[The prepared statement of Mr. Ru appears in the appendix.]

Mr. FOARDE. Thank you very much. Again, a very useful and thought-provoking review of the structure of how environmental NGOs work in China. We appreciate it very much. Very interesting dissertation, which we must read now. I assume it is published, correct?

Mr. RU. Yes, thank you.

Mr. FOARDE. Good. I would like to go on to recognize Patricia Adams, the Executive Director of Probe International, an independent think-tank that examines the environment consequences of Canadian Government and corporate activities around the world. Her books include: "In the Name of Progress: The Underside of Foreign Aid," and "Odious Debts: Loose Lending, Corruption and the Third World's Environmental Legacy." She also edited the English language translation of "Yangtze! Yangtze!," the critique of the Three Gorges dam by Chinese experts that was banned after its publication resulted in the postponement of construction on the dam.

We have had a great many experts come from a good, long distance to talk to us over the last three years, but you have come a longer way than most, and we appreciate it very much.

**STATEMENT OF PATRICIA ADAMS, EXECUTIVE DIRECTOR,
PROBE INTERNATIONAL, TORONTO, CANADA**

Ms. ADAMS. Thank you, John. All the way from Toronto. Thank you, Carl. Thank you very much for inviting me to speak before this Commission staff panel. It is a great honor.

As John has said, I am the Executive Director of a Toronto-based organization, an environmental group called Probe International. For 25 years, we have worked with citizens in Third World countries to help them fight development projects that undermine the environments that they depend on. Since the early 1980s, Probe International has monitored the world's largest and most controversial dam project, the Three Gorges dam, on China's Yangtze River. We have done so by working with academics, researchers, and press in China, including Dai Qing, the celebrated Chinese journalist who spent 10 months in jail for publishing "Yangtze! Yangtze!," a book that was authored by China's most eminent scientists and scholars. Probe International translated and published it, and a subsequent book also edited by Dai Qing called "The River Dragon Has Come." Both books are banned in China today.

We also published our own damning critique of the dam's official feasibility study, which was financed by the Canadian Government and conducted by Canadian engineers, and has been used to justify

building the Three Gorges dam. I am also the publisher of Three Gorges Probe, which is an Internet news service that Probe International began in 1998 to report on Three Gorges and other dams in China. Our goal has been to circumvent the ban on criticism of the Three Gorges dam. We believe that projects such as Three Gorges can be built only in the absence of good information about their real costs and benefits, and in the absence of an informed public debate. Our goal has been to let the facts for and against dams speak for themselves and to help inform the public by providing the Chinese press, scholars, and activists with a safe forum in which to publish their views.

But perhaps our news service's most important goal has been to record and publish details of the harm done by Three Gorges and other dams in the hope that future generations will be protected from more of the same. Three Gorges Probe is published in both English and Chinese. The two sites together have close to a quarter of a million page views per month and their readership has consistently grown over the years, last year by 150 percent.

Three Gorges Probe is relied upon by scholars, grassroots activities, environmentalists, and the press. Our stories have ended up on the front pages of the international media and on Chinese Internet sites, and on the chatrooms of, for example, China Youth Daily, Sina.com, and even the Changjiang Water Resources Commission.

Sometimes within days of our stories exposing a scandal or a threat at the dam, dam authorities would announce either that the problem does not exist, or is being solved. Through our sources in China and our scrutiny of Chinese publications, we have succeeded in obtaining a good deal of information about events surrounding the Three Gorges dam.

In my written submission to you, you will find a number of examples of the level of detail that shows what we have been able to provide, on everything from energy analysis, to environmental analysis, to safety concerns, and to human rights abuses. Where do we get our information? Until recently, I would say that details of citizen protests or criticism of dams in China have not come not from the formally recognized government-approved NGOs. Until recently also, lawyers have not come forward to help aggrieved citizens. With the exception of a few aggressive newspapers, very little information beyond propaganda has come from the mainland media.

Instead, over the past 20 years, critical information about Chinese dams has come in an ad hoc way from journalists, activists, site research, the Internet, and dam authorities. Much of the expert opinion we rely on has come from Chinese scholars, many of whom are elderly and, having survived years of abuse for voicing their opinions, have become even firmer in their resolve to speak out for the sake of future generations. Over the years, many of those academics who dared to criticize dam plans were deprived of their teaching posts, their research funds, and shunned in their professional lives. This has been a tragic reality for dam critics.

Other critics have lost their right to publish, some have been demoted, still others have been visited in the middle of the night by the police and warned not to talk to foreign journalists. Average citizens, dam-affected citizens such as He Kechang, whom I have

described in my written submission to you, and his compatriots from Yunyang county, have been jailed on trumped up charges because they sought justice for the losses they suffered because of the Three Gorges dam.

The few mainland newspapers that dared to disclose negative details about Three Gorges or other planned dams have had their top editors fired and their management charged with corruption. In our own work to publish critical information about the environmental, economic, and technical problems with Chinese dams, we have also had to take precautions. Most of our Chinese contributors use pseudonyms, and we are always circumspect in our communication.

I believe that this oppressive atmosphere is going to change. The recent protests against the proposed construction of dams in western China are a sign of the changing times. Chinese citizens affected by dams are becoming acutely aware of their rights and are prepared to fight for them. Academics and environmentalists are able to help them, the press is very interested in covering their stories, and the Internet facilitates all parties' communication. These protests have been so effective that, by the end of 2004, work on over a dozen dams had been suspended.

Then on January 18 of this year, the State Environmental Protection Administration [SEPA], China's top environmental agency, accused the proponents of 30 infrastructure projects, 26 of which were energy schemes, in 13 provinces and municipalities involving billions of dollars, of starting construction before the projects' environmental impact assessment reports were approved. SEPA then ordered them to suspend construction. This is an extraordinary and unprecedented move by the central government. The Chinese Government enforcement authorities sent state enterprises, local governments, and the private sector a message they had never heard before: "We have a law that requires you to submit an environmental assessment for your project in order to get approval to proceed, and if you do not abide by the law, we will suspend your construction until you do so."

Now, the Three Gorges Project Corporation was among the companies forced to comply. This is believed to have come as a result of direct pressure from the central government. Not only has Premier Wen Jiabao backed SEPA, but according to news reports, SEPA enlisted the support of the powerful National Development and Reform Commission, the country's top planning authority, to enforce its order.

While academics are encouraged by this cooperation between SEPA and NDRC, they remain cautious because SEPA has not dealt with the fundamental environmental issues such as whether these projects should be built in the first place, and whether meeting the environment impact assessment law will just be a paper process. This caution is very well placed. SEPA's environmental assessment law is not going to save China's environment.

My organization has a 20-year history of reviewing feasibility studies for large development projects, starting with the massive feasibility study for the Three Gorges dam, which included an environmental assessment. It was so rife with errors, omissions, and bias, that we filed formal complaints of professional negligence against the engineering firms that conducted it.

Environmental assessments are usually conducted by the proponents, they are paid for by proponents, or they are controlled by the proponents. Because the proponents are not held legally accountable to those they harm or put at risk, proponents can discount the costs they inflict on others. Their environmental cost assessments need not accurately or comprehensively match reality. Their assessments routinely over-estimate benefits without substantiation. In the end, environmental assessments become nothing more than public relations exercises to whitewash bad projects.

Now, I doubt that SEPA's unprecedented actions of the past two weeks will permanently stop any of these 30 projects, but SEPA's enforcement of China's new environmental impact assessment law could have a profound effect in a different way. By upholding the law, SEPA would force proponents to carry out environmental assessments and to consult with local communities before giving approval for infrastructure projects. In so doing, the central authorities would uphold and enforce the rights of Chinese citizens and NGOs to know, to debate, and to participate in the decisions that affect their environment.

In a country where citizens have been jailed, fired, demoted, threatened, and even physically attacked for attempting to exercise these basic rights, this is a fundamental step toward enshrining the rights of citizens to protect their environment.

Many commentators look at China's 1.3 billion citizens and see them as the world's largest threat to the global environment. I do not see them that way. Instead, I see the Chinese Government as the largest threat and the citizenry as the world's largest group of front-line defenders of the environment.

Give Chinese citizens the right to know, the legal and political tools and the security to exercise their rights, and to hold accountable those who would destroy their environment, and the world will see a dramatic turn-around in the dismal state of China's environment. Thank you.

[The prepared statement of Ms. Adams appears in the appendix.]

Mr. FOARDE. Pat, thank you very much for an impassioned and interesting presentation. We will come back to some of the themes.

I would like to let our panelists rest their voices for a minute while I make an announcement or two. The transcript of today's roundtable will be available publicly in a few weeks. Keep checking the CECC Web site, which is www.cecc.gov, for not only the papers from today's presentations, but also the full transcript. Please, if you have not done so already, sign up on the Web site for our mailing list and you will get e-mail notification of our hearings and roundtables, and other announcements.

Let us go now to the question and answer session. What we normally do is for the next 50 minutes or so, the staff panel up here will ask you questions and listen to the answers for about five minutes each, and we will do as many rounds as we have time for, or until the topic is exhausted.

I will begin, in exercise of the prerogative of the chair, by addressing a question to anyone who wants to pick it up.

The next couple of years are going to be particularly acute in this regard, but everyone who works on China in Washington is very interested in the impact of the Olympic Games in 2008 on lots of

things in China. Do any of you think that there is a tie-in for Chinese environmental NGOs with the Olympic Games, and does anyone have the slightest factual idea of what commitments the Chinese Government may have made to the IOC about the environment?

Ms. ECONOMY. I do not have any information about the commitments that the Chinese Government made with regard to the Olympics, short of saying they were going to have "green games." But I do know that initially the Chinese Government recruited the environmental NGO community in Beijing to sign a petition signaling their support for Beijing's Olympics bid.

There was some reservation initially among some of the NGOs that signed on, but they decided that, in any event, it would help to spur environmental protection in China. They realized that they were being used to some extent, but they decided that it was worth it for the long-term benefit that might accrue to environmental protection.

One thing I have heard recently is that the NGOs have since been relatively cut out of this process, and that as the Beijing Government has moved forward, they are not engaging the NGOs in thinking through and the planning for these green Olympics. Rather, they are relying on outside consultants and multinationals to do much of this work. There is some concern among the NGO community about this trend. This is not to say that in the next four years they will not get re-engaged, but at this point in time they do not seem to be part of the planning process, per se.

In terms of where I see the green Olympics actually making a difference, I would say just primarily in Beijing, although there has been an effort now looking outside at some of the surrounding provinces because they realize that air quality, for example, is not simply a function of Beijing's efforts to improve air quality.

Mr. FOARDE. Does anybody else have a comment? Please, go ahead.

Mr. RU. When I was in the field in 2001, I attended one of these meetings organized by Beijing Environmental Protection Bureau [EPB]. Basically, they invited most of the NGOs and volunteer groups in Beijing to attend a consultative meeting.

At that meeting, Beijing EPB's deputy director actually came into the meeting and introduced Beijing's environmental protection plan for the following years. In that meeting, there was not enough time for those EPB officials to get feedback or responses from the NGO community.

Mr. FOARDE. Thank you very much. I want to make sure that everybody gets a chance to ask questions, so I am going to move on and recognize Susan Roosevelt Weld, who is the general counsel of the Commission, for questions. Susan, please.

Ms. WELD. Thank you very much, John. I am wondering about the issue of media supervision of environmental pollution. Elizabeth, you said that media was a large factor in the current growth of NGOs and activists. And certainly as far as corruption goes, the media are supposed to be a big part of fighting against corruption, too, this process called yulun jiandu, which means "public opinion expressed through the press to criticize what the government is doing." Do you see that as an effective way of controlling abuses having to do with the environment in different levels of the govern-

ment? I would like to ask this question to anybody who has a thought on this. The question is really about yulun jiandu, supervision of the government through public opinion. Will that be effective or not effective in helping to control environmental abuse?

Ms. ECONOMY. Are you talking broadly about the press using its investigative powers, or are you talking about drawing in public criticism, specifically public criticism? I guess I am not quite clear.

Ms. WELD. It is really an interesting term. It means mobilizing. It initially meant mobilizing public opinion against government abuses, against government corruption, in the last regulations.

Ms. ECONOMY. What I have seen certainly a lot in the Chinese press have been investigations. For example, in the case of the Huai River, a number of Chinese media went to villages all along the Huai and talked to villagers to find out what has changed in the last decade. The Huai River had a huge pollution disaster in 1994 and the media did a type of 10-year retrospective in 2004, because there had been these government campaigns to clean it up. The government had announced that the Huai River clean-up campaign was a success, and it really was not. So, all these media representatives farmed out to villages along the Huai and discovered that the villagers believed that not much had changed or even that the situation had deteriorated further. A local EPB official said, "What do you expect? You do not have clean officials, you are not going to have clean water." Certainly in the case in Yunnan where Yu Xiaoguang, the head of Green Watershed, almost came under arrest because he was talking about the corruption involved. China Youth Daily went and did an exposé on this, too.

I am not quite sure whether this response is getting at what you are asking, but I certainly see the media as an incredibly important part of exposing what is going on on the ground. They do talk to people on the ground, although perhaps they are not really mobilizing them.

Ms. ADAMS. If I could just add to that. We have certainly noticed the media becoming freer in its discussion of technical problems of, in our case, hydroelectric dams, economic problems, resettlement problems, and also corruption. But these changes have been quite recent, I would say, in the last year, year and a half.

Before that, there is, of course, the Southern Daily group of newspapers which—I am trying to remember the dates of some of the early stories that they did certainly around 2001—exposed issues of corruption and irregularities in bidding processes involving the Three Gorges dam. As you know, they have been harassed, with some of the staff, senior editors, being fired, and then more recently being accused of corruption. As I understand it, these are, in all likelihood, trumped up charges.

So I think there is obviously a clear role. I think that in the case of the cancellation of proposed dams, the media campaign that contributed to the cancellation of the Yangliuhu dam was extremely powerful. As I understand it, there are about 180 media sources—newspapers, radios, television—that jumped into the debate. It was unprecedented. We have not seen that kind of thing before. We have seen sporadic elements of it here and there, but it has been very risky for the press to cover sensitive issues like this. It has been as risky for them as it has been for NGOs.

So, I think you can see a change going forward at the same time, both among environmentalists and the press as well. It is a terrific support to the citizens when the media try to expose this sort of thing.

When He Kechang and his three compatriots went to Beijing to try to report on corruption associated with the Yunyang resettlement program, Dai Qing tried to assist them in getting the Beijing media interested. The Beijing media was not the least bit interested in hearing the migrants' stories. The government was not interested either. Eventually, she took them to meet with CNN, but I think her first goal was to get this information to the Chinese press—this was in 2001, I believe—and they were not interested. So, things have changed since then.

Mr. RU. In my study, I observed that environmental NGOs have teamed up with journalists. Some journalists list themselves as leaders of environmental NGOs. Some environmental NGOs have a larger group of members from the news media. I think that the national media are very effective in monitoring local development activities. Local news media may have limitations to act against local pollution issues because of their close affiliation with local governments.

Mr. FOARDE. Very useful. Thank you. It is our practice to involve and recognize the people on the staff who are primarily responsible for organizing each of our issues roundtables, so it is my pleasure to introduce two of our colleagues. First, Carl Minzner, who is senior counsel. Carl.

Mr. MINZNER. Thank you very much. Thanks to all the participants for coming. As you know, one of the areas I cover for the Commission is civil society issues, and I am particularly interested to listen to what you have to say about NGOs. I quite appreciate all of you making the trip down here to speak at our roundtable. Let me turn the focus to international cooperation. As you know, there is much international cooperation with Chinese environmental NGOs. There are a number of issues that I have observed sometimes with this cooperation. For one, many local Chinese NGOs become overly dependent on foreign funding, and you could list several other issues as well.

Mr. RU. As I mentioned, GONGOs are very active in different issue areas. GONGOs, because they have close relationships with government agencies, they have been introduced by their supervisory organizations to foreign agencies and NGOs. Their connection with government agencies might help foreign NGOs to get access to those agencies, and thus to influence the decisionmaking process of those agencies. For grassroots citizen-organized NGOs, they have helped foreign NGOs to get direct access to local communities and to conduct grassroots activities. So I think that is going to depend on what foreign organizations want to achieve with the cooperative relationship with Chinese NGOs.

Ms. ECONOMY. Let me just add a couple of points to that. One of the things I have noticed taking place in the Chinese NGO community has been a degree of dissatisfaction within some quarters concerning its interactions with the international community. Some Chinese NGOs, I think, are concerned that international agencies or NGOs try to dictate the programs they undertake or the time-

frame in which something ought to be accomplished. This suggests that if you are going to work with a Chinese NGO, you have to listen closely to what it wants to do and look closely at its particular area of expertise.

On the flip side, one complaint from international NGOs has been that Chinese NGOs occasionally take on too much and that they are not really technically proficient enough to get the job done.

At the same time, international NGOs have had some striking success. For example, one NGO that works on energy-related issues has really advanced the nature of the debate and pushed its particular approach quite far up the ladder. To achieve this, however, the U.S. NGO experts spend an enormous amount of time in China; the American who is spearheading the project, for example, travels to China every six weeks to keep pushing his project. Thus, there still has to be a very deep level of engagement by the U.S. side. More recently, this NGO has hired a Chinese expert who was trained in the United States, who is used to working with a U.S. frame of mind, but who is based in Beijing. I think this has been an incredibly powerful cooperative effort. So, if you are working on a technical issue, it would probably be useful to find people who were trained here and have spent time here, but who were raised in China.

Finally, I think anybody who is dealing with NGOs—and I think by now most international non-governmental organizations know this—has to approach the effort with a multi-tiered strategy. It is simply not enough to work with NGOs. You have to work with the local governments and you have to work with Beijing.

Every level has to be engaged in this project because, fundamentally, you are working on changing some kind of policy, the implementation of that policy, a standard, a technology, or something. You have to have the support of Beijing and the local governments; it is not enough to just work with the NGO.

Ms. ADAMS. I would reiterate that and say that, certainly the individuals with whom we have worked in China have taught us that you have to take your lead from them. The situation they face is very complex and sometimes dangerous, and you have to listen to them about the way they want to handle it.

I would say one of the most important things is just to make sure they have the information that is useful in making sound judgments and understanding what the costs and benefits are of various investments.

I would make one very specific recommendation, which was called for recently by a coalition of environmental groups in China, and that is for better monitoring for seismic activity around dams.

At the time of the filling of the reservoir of Three Gorges, we ran an article—we have several on our Web site—which described the difficulties that the dam monitoring institution in Beijing, which is called the Dam Safety Monitoring Center, has in inspecting the 86,000 dams in the country that have a higher incidence of collapsing. More dams have collapsed in China than perhaps anywhere else.

Now we have the Three Gorges, which is the biggest, and is in an area where there are major fault lines, where there is geological instability, riverbank collapses, and landslides. God forbid, if there

were ever catastrophic dam failure, we would be talking about the loss of millions of lives. So I would strongly urge—now, this is not so much a recommendation for an NGO, I think, but more for the U.S. Government—to make available resources for—and specifically what this organization in Beijing has asked for is—better laws to back up their inspection process, and early warning systems. This would include both geological/seismic warning systems, emergency evacuation plans, and emergency preparedness plans to warn people downstream in the event of a catastrophic dam failure.

Of course, Three Gorges is the biggest and would be certainly the most devastating, but there are 22,000 large dams in China. The institution that is charged with the responsibility of monitoring them does so on a budget of about \$100,000 a year.

Mr. FOARDE. I would like, now, to recognize the other staff member who really did a lot of heavy lifting to organize today's roundtable, and she is principally responsible for our environmental issues monitoring this year. Laura Mitchell is our research associate at the end of the dais. Over to you, Laura.

Ms. MITCHELL. These questions are for all of you. I wondered if you could talk a little bit more about the ways environmental NGOs help victims of pollution take legal action against polluters, and have courts generally ruled in favor of polluters or victims of pollution? Do you foresee changes to the current situation?

Ms. ECONOMY. The one lawyer who I know well that works on this issue is the one who most people know well, and that is Wang Canfa in Beijing. He has a team. It is not just one man at this point. From my perspective, he has had an extraordinary degree of success. He is enormously persistent, and that accounts for a lot of it. When he has lost at a lower-level court, he will pursue the case up and up the ladder, as he has done several times. I think he has had about 60 cases that he has prosecuted over the past five years or so since he first founded the center, and I know 20 of them have been fully resolved. I do not know how many of them were resolved in his favor, but I certainly know he has had successes.

There is still a sense that it is a very difficult process, and part of it has to do with the nature of the courts, their understanding of the environment, their understanding of environmental law, et cetera. But I think that the general trend is a very positive one.

I suppose my concern is that I am not aware of many other legal centers like this one. I am sure they exist in other cities, and maybe Jiang Ru, you know of some. But I have not encountered them. So if I have one concern about the direction, it is just how many people are engaged in all of this, how many environmental lawyers China actually has. I think a few years back, China had only 100 environmental lawyers, although I am sure the number is far greater now than then. I think the trend, in any case, is generally a positive one. In addition, Wang Canfa does not operate alone. He will draw on other NGOs, bringing in scientists to help him test water quality or the media to publicize his efforts. He is part of a much larger network, so he does not operate alone in that sense.

Mr. RU. I think Elizabeth is correct. Until now, I have only seen the Center for Legal Assistance for Pollution Victims [CLAPV] to bring pollution cases to the court on behalf of pollution victims.

I talked with Professor Wang Canfa several times and he mentioned that his organization faced difficulties in finding evidence to support their cases, especially when there was not a clear causal relationship between the pollution activities and the damage caused by the pollution. He had a problem with the local courts, they were not independent. He mentioned that local courts were directly under the control of local governments and local governments had interests in local industries.

Elizabeth also mentioned that Wang Canfa used the news media very effectively. Professor Wang mentioned that when there was a lot of media exposure, the case might be resolved in favor of the victims. In cases where no media attention is put on the case, it is difficult for his NGO to help the victims.

Professor Wang also mentioned the importance of international support to his organization. He has been conducting training for environmental lawyers in China. He did two or three training sessions last fall, I think, in Xi'an and in Chongqing. I do not have the exact number, but he has already trained more than 50 environmental lawyers in China.

I actually read one news piece that reported that one environmental lawyer in Chongqing who was trained by the CLAPV had brought a pollution case to the court. Thanks.

Ms. ADAMS. Thank you, again. These are not pollution cases, but cases where people have lost their land because of two dams, one is Three Gorges, and the other is the Taolinkou reservoir in Hebei province.

In the case of He Kechang, who represents people displaced by Three Gorges, it turns out he was arrested with three colleagues who had been sent off as delegates to Beijing to try to appeal to Communist Party officials for their compensation funds that had been corruptly taken by local officials. He was detained, along with his colleagues, for eight months, incommunicado. He eventually was tried and he was sentenced to a three year jail term, and his colleagues to two years. Essentially, we followed up on it but nobody else did in China. No NGOs. No formally recognized NGOs. I think this is a role for human rights organizations outside of the country. I think it is a sign of the sensitivity of Three Gorges, and of dam projects in particular, that environmental NGOs inside the country do not really want, or so far have not been able, to pursue it or felt it was just too risky for them.

There is also another case, a very interesting case that emerged last year, of a community displaced by the Taolinkou reservoir in Hebei province. That community collected a petition with 11,000 signatures, found themselves a lawyer in Beijing, and attempted to deliver their petition to the National People's Congress last year. When the local officials found out about it, the officials chased the petitioners to Beijing, and arrested seven of them. Two of the representatives and the lawyer were not caught, and off they went on a chase around Beijing, where they went from one hiding spot to another, and one computer to another, where the lawyer sent out online updates of what was happening. At the same time, he was using the computers to do Google searches for the Constitution of the PRC and various other administrative laws in China so that he could use those to defend himself and his clients.

In cases like that, I think we need outside organizations. Of course, if there are some within China who can follow up on it and help defend them, that is wonderful, but so far we have not actually seen that happen. I think it is an indication of how sensitive some of these dam projects are.

Mr. FOARDE. Not only are you giving extraordinarily good answers, but I noticed that your technique in passing the microphone is exemplary. [Laughter.]

I now would like to introduce our friend and colleague, Katherine Palmer Kaup, who is a special advisor to the Commission this year, and joining us on her sabbatical year from her associate professorship at Furman University in Greenville, SC. Kate.

Ms. KAUP. Thank you. We have talked some about foreign NGOs cooperating with Chinese NGOs. I was hoping you might speak a little bit more about domestic Chinese NGOs' cooperation with one another. Particularly, to what extent are they cooperating and are there formal restrictions on their doing so. Would their lack of cooperation be more a sign of self censorship, or some other obstacle?

Ms. ECONOMY. I am not aware of any prohibition on NGOs cooperating with one another. Environmental NGOs are not supposed to have branches of their own organization in other provinces, so you cannot have Friends of Nature in Sichuan, although, in any case, Liang Congjie has said that he does not want to have branches because it would be too much responsibility for him to manage.

Certainly, though, I have never seen any prohibition on NGOs interacting and working together. On virtually any of the major issues, whether it be the kind of campaigns that Jiang Ru was talking about having to do with species protection, the Tibetan antelope, golden snub-nosed monkey, or petitions against dams, you will have multiple NGOs engaged. Some will be locally based NGOs, and several will usually be Beijing-based NGOs. The Beijing NGOs are like national NGOs and have a very far reach. They are typically the best funded, the best staffed, they have the most members, and they are everywhere. They permeate all aspects of environmental protection throughout the country. As I mentioned, they will also start campaigns—like the “26 degrees Celsius” campaign—and then the campaign will be picked up by 30 more NGOs nationwide in different places.

So, there is really an enormous amount of cooperation that goes on. It can be as small as the journalist forums that I was mentioning. Two of them will work together to put on one event or, for example, there might be a photography exhibit sponsored by several NGOs.

In fact, you rarely see one NGO hosting an event or launching a campaign. Even when they are writing letters to the central government, they are doing it together with a number of signatures on the letter. So, I think there is an extraordinary amount of cooperation that goes on.

Mr. RU. From my experience in my research, I found many citizen-organized NGOs were created based on the first NGO, Friends of Nature or Green Camps, and they have close, personal relationships with each other. So when they have an environmental campaign, they often work together.

Also, I found some national-level GONGOs, like one NGO affiliated with SEPA, has invited some citizen-organized NGOs, like Friends of Nature or Global Village Beijing, to participate in some international events organized by the GONGO or by SEPA. I did not see much cooperation between GONGOs. There is some cooperation, but less substantive. Thanks.

Ms. ECONOMY. I just want to make one last little point on that topic that I think is important. Some of the Beijing-based NGOs really do take the smaller NGOs under their wing.

You will find, for example, activists such as Wen Bo, who spend an enormous amount of time trying to help smaller NGOs learn how to write grant proposals or develop programs. There really is a kind of nurturing quality to the way that these larger NGOs look upon the smaller, regionally based NGOs.

Ms. ADAMS. That is certainly our impression as well. I should just say, there was always a lot of cooperation among scholars who wanted to get views across to the government, for example, the cautioning by 53 expert scholars in China to the government against raising the reservoir level of the Three Gorges dam, so that it could be monitored over time to make sure that the sediment did not accumulate too quickly and essentially cause the same hazard that happened at the Sanmenxia dam. So, that certainly has happened, that there was cooperation. Our experience has always been as well, if it is safe, then there is lots of cooperation. There is an awful lot of communication and sharing of expertise. Then, of course, in the last year or two we have seen an explosion of that sort of cooperation, with the groups sending off joint letters to the government.

One of the other very important ones, to my mind, is calling on the government to start doing these geological surveys around existing dams.

Mr. FOARDE. Really useful. Let me go on and recognize our colleague, Adam Bobrow, who is a senior counsel on the Commission staff. Adam.

Mr. BOBROW. Thanks, John. I am the senior counsel for commercial rule of law. Typically, I think commercial development is thought of as being opposed to or contrary to environmental protection. Perhaps that is a false choice. But I guess I am interested in how—the WTO commitments that China has made obviously have little or nothing to do with the environment directly, but at the same time, contain a large measure of increased transparency, increased requirements for governance of organizations and government. I am wondering whether you have uncovered any sort of anecdotal evidence of what I guess I want to call the folk influence of the WTO, where you see somebody saying, “well, we have joined the WTO so we have instituted this measure.” You think to yourself—you usually do not express it—but it has nothing to do with trade, so I do not know how it may be directly related. Have you found any sort of anecdotal linkage or relationship?

Mr. RU. At least from my study, I did not see that link. My personal view is that the Chinese state is striving to address all social and environmental issues, and it is a challenge for the country. Especially the central government, I think, undercounts a physical regimen. They have fewer resources to influence local governments’

decisions, to monitor local governments' activities. So, promoting transparent and open administration is the goal of the government. They are pushing in that direction.

Ms. ECONOMY. I have not heard anything. I actually saw, not that long ago, maybe in October or November, one of the participants in the environmental working group that the Chinese Government has for the WTO. All he said to me was that he was very disappointed that the EU had stopped pushing for environmental regulations within the WTO, because he and his colleagues were very much looking forward to that as an opportunity to sort of strengthen their hand domestically.

Ms. ADAMS. I am not a WTO expert, but in the energy sector, anything that forces greater transparency, that attempts to eliminate subsidies, subsidies that can come in the form of the right to pollute, is going to help the Chinese environment. So, I would say, generally, that these trade relationships will force a higher environment standard. We certainly found it in the case of the Canada-U.S. Free Trade Agreement, that it improved the environmental standards in Canada because the United States has higher environmental standards than we have. So I think that often you find, under these trade agreements, that the bar goes up and that there are pressures on the country with the lower environmental standards to raise them.

Of course, NGOs have to be vigilant and watch that and monitor it, and generate the information and get it through to the various governing bodies, but I think it can certainly be a force for good.

Mr. BOBROW. Thank you. I would like to hear any sort of elaboration, just looking at Liz's book. You do not have to go any further than the first chapter to see that it has been a choice between economic growth and environmental protection, and that has sort of have been the way that the government has viewed it. You see the Huai River, the enormous amount of degradation has come because of a lot of economic development. To what extent does the panel believe that this choice is a false choice, that this is something that was not necessary in the first place, and may not be necessary going forward, and that there are possibilities for continued economic development, but with environmental protection built in?

Ms. ECONOMY. We are a little off the topic of the NGOs, but I will take this question. I think that you are beginning to see the development of a new environmental consciousness in China, some of which is emanating from Pan Yue and SEPA. What you have in China today are two positive trends when it comes to the choice between economic development and the environment. On the one hand, you do have cities like Dalian, Xiamen, Zhongshan, and Shanghai that are getting relatively wealthier, and you see them beginning to invest more of their own resources into environmental protection, in some cases beginning to turn the corner. Sometimes they cannot quite stay ahead of the game, but they are trying. There is definitely interest in environmental protection and a belief that economic development and environmental protection need to go hand in hand, and "we want to clean up our city." China has a model environmental city and province program. These places are striving to achieve that model status. They want to be listed on the Web site. They want to be able to say, "Hangzhou, a beautiful city

for foreign investment,” like the Hangzhou advertisement says. So I think on the one hand you see that kind of trend, as cities and regions are getting wealthier they are making better choices. The other thing that is happening is that you are really beginning to see the environment impinge on economic development. I think for the first time, really, this past year, I have seen in the Chinese media a lot of attention being paid to the economic costs of environmental degradation and pollution. All of a sudden, in the Chinese press you are getting all these numbers generated: \$6 billion lost because of desertification, \$28 billion lost in industrial output because of water scarcity. You see these impacts reported in the Chinese press.

Companies near Shenzhen or Guangzhou are reporting that they could only fulfill a quarter of their Christmas orders because they did not have enough water to run their factories. You are having a real impact on local economies of resource scarcities. So I think you have these twin processes taking place. Then you have someone like Pan Yue ready to capitalize on that and saying, “We need to do green GDP. We need to take into account environmental degradation and pollution into our GDP accounting.”

You have Shanxi province coming out ahead of all of the training, ahead of everything that was supposed to be done, and saying, “We have already done our own green GDP and we have determined that, over 10 years, if we account for all environment degradation and pollution, it negates virtually all GDP growth.”

We have no way of knowing, of course, how this Green GDP was actually calculated, but the real point is that I think you are getting the development of a new consciousness. It is going to take time, but you are seeing the seeds of it.

Ms. ADAMS. Yes, I think the tradeoff between protecting the environment and economic development is a false dichotomy. I think dams are actually a good example to use to try to describe why this is so. Millions of Chinese citizens are worse off today than they were before they were displaced from their land, from their farms, from their homes by hydroelectric dams.

Of course, the argument is made, “Well, we needed the power. We needed the economic development.” But, if the creators of harm are forced to internalize the costs that they are inflicting on other members of society, then you start to get good accounting. You really start to get good cost/benefit analyses. But you cannot get that when the rights of citizens are being violated systematically, when they do not have the right to defend themselves in courts of law, really resorting to the rule of law.

So, you have an economic fiction that a certain investment is good for the economy, when you really do not know what the real costs are because they have been inflicted on people who are voiceless. So, you have got to find a way to internalize the real costs. How do you do it? I think, through the rule of law. You have got to empower individuals with the power to force a polluter to compensate them, because that is when you can actually convert costs into monetary value, and that is how investors figure out whether they want to proceed with an investment. Are the benefits really greater than the costs? As long as proponents can hide the social costs, well, they can justify any investment.

I think, also, we tend to discuss China's environmental problems in global terms, whether it is air pollution, the loss of forests, or loss of a fresh water supply. But the thing to remember is that although these are macro problems, there are always micro victims. There are individuals who feel the effect of the pollution first, before the rest of us even begin to get a sense of what they are. If those individuals had the right from the beginning to stop the polluter from putting whatever the toxin is in that water supply, for example, then you have got environmental protection. You have got very effective environmental protection. If people who rely on a forest, for example, can protect that forest, then you have got environmental protection. The people who are trying to protect their environment want electricity. They want a more comfortable lifestyle. They are the ones who are best able to make the decisions, to make those tradeoffs to force the investors and the proponents of projects to come up with better alternatives.

For example, high-efficiency gas turbines might be better than a hydroelectric dam. Forcing energy providers to internalize all the costs of their project forces accountability within an economic system, and ultimately protects the environment at the same time. So, I think they go hand in hand.

Mr. BOBROW. Thanks.

Mr. FOARDE. Let me pick up the questioning now by picking up on the theme, Patricia, that you had in your original presentation. That is, the largest threat to the global environment not being the Chinese people, but rather the Chinese Government. Has your organization done any studies on the environmental impact on the rest of the region, or indeed the world, of, say, the Three Gorges project, or the types of environmental problems that we are seeing in China generally? If you have not, do you know anybody who has?

Ms. ADAMS. There is a terrific network of groups working on the Mekong issues, the damming of the various rivers that come out of western China. They are now making links with Chinese environmental groups. In fact, a colleague of mine who was at a meeting recently said, "You know, there is no difference." They are making the same arguments. I think there is a huge opportunity for them to work together. However, my understanding is, there is an awful lot of caution. It is still, I would say, more dangerous for the Chinese environmental groups to speak out than it is for the groups in the other countries.

That is the most trans-border work that we have done. We, of course, are concerned about the downstream effects, and also ultimately on the ocean, in particular, of the Three Gorges dam. But most of our trans-border work has actually been on the issue of the various rivers that are originating in western China.

Last year when the Dalai Lama was in Canada for a major religious event, a number of us met with him and talked about the Three Gorges dam. He was very concerned about that, and very concerned, obviously, about dams in Tibet and various other development projects that are proposed for Tibet. He felt that this was a wonderful opportunity for environmental groups, certainly from Canada, from China, and from the Tibetan areas, as well as the Mekong region, to work together. As he said, "It is not just good

for Tibetan people. This is good for Chinese people. This is good for everybody." This is the head of many watersheds, and ultimately everybody is going to be well served by sound decisionmaking.

Mr. FOARDE. Good. Useful. Let me go on. Our time is getting short, but I know we have time for a couple more people to ask questions. Let me ask Susan Weld to pick up the questioning, if you would.

Ms. WELD. Thank you very much. I am interested in the process of consultation. Many of the environmental rules in China require consultation. But is there any sense in which there can be more than mere consultation, where there can be real participation and forcing of government officials to go back to the planning board and rethink their plans?

So, there is also a legal question in that. Is there anything like—I think not—the writ of mandamus in China that could be developed? Would that be an area in which legal development could help?

Mr. RU. As far as I know, public participation is a very new topic in China. Before that, I think most of the consultation was conducted among concerned ministries or concerned local governments. The newest development will be the 2003 Environmental Impact Assessment law issued by China. This law specifically requires development plans or construction projects to conduct public participation in their environmental impact assessment [EIA] process. But as of today, this law has yet to develop any concrete or detailed procedures on how to implement the public participation process in EIA.

I know that the American Bar Association has done some experimental work in Shenyang to promote public participation there. But the fundamental issues related to public participation have yet to be addressed.

For example, who is the public, according to the environmental impact assessment law? There is no answer. Other questions include: How should the public be informed about the development projects or development plans? How should the public comments or public feedback be included and considered in the decisionmaking process? How can the public go against a decision made by the local government? So I think that might be a very promising area for international organizations or for foreign governments to help the Chinese Government figure out the process, figure out how to include the public in the EIA process.

One recent event is that the American Bar Association organized a conference last December. I learned from one participant of the conference that some officials from local EPBs said that they knew there is an EIA law that required public participation, but they did not know how they should do it. So that would be really helpful if international assistance can help the Chinese Government at all levels to develop such capacity.

Ms. ADAMS. We have not seen any formal—I guess that is the best way to describe it—method that citizens have used in order to get the authorities to go back to the drawing board. It has not been orderly. Often there are demonstrations or petitioning. But, of course, the rights of the citizens are irregular and vague, and so

we have not seen anything formal yet. This may change with the new law.

Although on the one hand, I think it is very good that citizens will now have the right to participate—to hear, to know, etc.—I do fear that they will just become part of what I would call “a World Bank consultation process.” That is one in which you get consulted, and consulted, and consulted, and consulted, and at the end of the day, the agencies that are making the decision do whatever they want, because the citizens who were consulted do not have any legal right to challenge a decision to proceed with, for example, a hydroelectric dam, or whatever the project happens to be.

So we have not seen any formal legal process yet. Apart from attempts to encourage public debate and monitor public opposition through demonstrations and publish books that have recorded some of the opposition to various projects, none of it has been a formal legal process. What we have seen is really sort of a backlash against these decisions.

Ms. WELD. It seems to me one basis would be the property right, so it could be actually a constitutional question.

Ms. ADAMS. I would certainly agree with that. And the property rights can be enshrined in the form of customary property rights. Sometimes those rights are communal customary property rights, riparian rights, the right to land, the right to air, the right to be able to stop trespass of pollutants in your air, and so on. I agree completely. I think property rights is what it boils down to. So it amounts to some really fundamental laws and legal changes, and perhaps constitutional changes as well.

Mr. RU. I just want to add one more point. As I observed during the last two or three years, there are more and more homeowners in China who have stood up to fight against developers or government agencies to protect their property, to protect their rights.

Another thing I observed is in the field of urban planning. More and more public participation activities have been conducted in many Chinese cities. For example, most local city planning bureaus have organized information disclosure activities, and some even organized public hearings. I do not know whether the hearings will influence the final city planning decisions made by local governments, but I believe it is definitely a promising progress.

Mr. FOARDE. As our time is just about up, I would like to recognize, for the final round of questions this afternoon, Carl Minzner. Carl.

Mr. MINZNER. Thank you very much. It has been a real delight to get to listen to you all. Let me just return to the question of Chinese environmental NGOs at the very end here. Both of you, in your different fields, have had an interaction with a wide range of environmental activities. Dr. Jiang Ru, you have interacted with formally registered organizations, and Patricia, you have interacted with people who have contact with more informal networks of people. First, who are the people who belong to these organizations? I have this impression that there is a disparity. I have an impression that maybe students, urban residents, and members of the intelligentsia belong to these organizations in the cities and these more informal networks of activities may be more rural-based. Correct me if I am wrong. I am interested in knowing that.

The second part of the question is what is it that ultimately gets these environmental groups, both the formally organized ones and the more informal, loose networks, what they want, be it the creation of a wildlife reserve or the halting of a dam project? What is their action that ultimately succeeds in getting them what they want?

Mr. RU. My observation is that those GONGOs often have members with professional backgrounds in a specific field. For example, academic societies will often have professors or scholars as their members. For citizen-organized NGOs, their membership will be very diverse with many college student volunteers. Those people are not necessarily working in one field.

In terms of the effectiveness of NGOs, my observation is that in the two case studies of my dissertation, they can only succeed if they can mobilize high-ranking State Council officials to intervene in the cases. If they cannot, they have limited leverage to influence local government's development decisions. Thanks.

Ms. ADAMS. Carl, to answer your question about, "who are these people?" I do not see a disparity. We have worked with really everybody, from famous journalists like Dai Qing, to eminent scientists, many of them very elderly, who have seen a lot, know a lot, and are very skilled, to a lot of young scholars who are starting to emerge now and are speaking out as I think it is becoming a little bit safer to do so.

More and more details about human rights abuses are becoming public, and we are hearing more and more about the individuals in the rural areas who are affected by the dams. They really are on the front line. They feel it first and they feel it for a long, long time. They are suffering terrific losses.

I know that Dai Qing has warned about this problem, that we have a tendency, when we are concerned about, for example, human rights abuses, to worry about the more high-profile people who are often well known and can communicate outside of the country. But, in fact, the preponderance of these abuses are really happening in the rural areas to the people who do not have the same means of communication, and their numbers are really much larger.

Mr. FOARDE. Thanks to each of our panelists, all three of you, for giving us a very rich conversation this afternoon. We have gotten into a lot of topics in great depth, and it is very useful for us and for our Commission members to take advantage of your expertise.

I want to pick up a theme of Dr. Jiang Ru's and wish each of you a happy and prosperous Year of the Rooster, and the same to everyone in the audience. Thanks to the panelists, again, and to everyone who attended this afternoon.

Please keep your eye on our Web site and sign up for our e-mail list service to get announcements about upcoming CECC hearings and roundtables.

Thank you all very much. For this afternoon, we will call this roundtable adjourned.

[Whereupon, at 3:35 p.m. the issues roundtable was concluded.]

A P P E N D I X

PREPARED STATEMENTS

PREPARED STATEMENT OF ELIZABETH ECONOMY

FEBRUARY 7, 2005

Environmental non-governmental organizations (NGOs) are at the forefront of strengthening civil society in China, drawing hundreds of thousands of Chinese citizens into environmental activities, forging non-state linkages across provincial boundaries, and establishing the Chinese people as political actors independent of state-directed policies. Environmental NGOs also play a critical role in advancing transparency, rule of law, and official accountability within the Chinese political system. Through this process, they have become a significant force for political reform.

There are approximately 2000 environmental groups officially registered as NGOs, with perhaps as many registered as for-profit business entities or not registered at all. Over the past decade, since the establishment of China's first environmental NGO, Friends of Nature, there has been a transformation in the nature of environmental activism in China. Initially concerned primarily with the relatively politically "safe" issues of environmental education and biodiversity protection, environmental NGOs in China today are engaged in dam protests, filing lawsuits against polluting factories, and pursuing multinationals engaged in illegal activities. Most environmental NGOs in China exist as part of a much wider community of environmental activism involving China's scientific community, the media, multinationals, international non-governmental organizations, and elements of the Chinese government.

The Chinese government has generally adopted a positive attitude toward environmental NGOs, recognizing that they fill a critical gap in the state's capacity to protect the environment effectively. Still, Beijing continues to exercise control over NGOs through a range of regulations and restrictions, remaining wary of the potential of environmental activism in China to transform into a force for much broader political change. China's State Environmental Protection Administration (SEPA) has emerged as a strong supporter of NGO activity, and works very closely with NGOs—both publicly and behind the scenes—to achieve common goals. At the local level, however, some environmental protection bureaus remain wary of NGO activity, fearing the NGOs will expose their lackluster performance.

I. WHO ARE CHINA'S ENVIRONMENTAL ACTIVISTS?

China's environmental activists tend to be educated, articulate and in many cases quite charismatic. Their background is varied: Liang Congjie is an historian and Wang Canfa is a lawyer, but the vast majority brings a media background to the table. Liao Xiaoyi, Dai Qing, Wang Yongchen, Hu Kanping, Shi Lihong, Wen Bo, Huo Daishan, and Xi Zhinong, among others were all journalists, photographers, or radio/television personalities. This media background has proved invaluable in raising the profile of environmental issues within the Chinese government and throughout the country. Most of China's environmental NGO leaders have also spent significant time abroad, particularly in the United States either at universities or training with various U.S.-based environmental NGOs. Several, including Liang Congjie, Liao Xiaoyi, and Wang Yongchen, have won major international environmental awards for their work.

Many of the most renowned of China's environmental activists/NGOs are based in Beijing. However, they undertake activities throughout the entire country, including significant efforts in Tibet, Yunnan, and Sichuan. Many smaller, locally based NGOs have also sprung up to address local concerns, such as biodiversity protection, dam construction, and water pollution. While many of these smaller NGOs struggle with the government-mandated registration process and funding and membership requirements, the Beijing-based NGOs often try to nurture and develop these NGOs, providing them with training on grant writing, developing materials and programs, and even providing financial support.

Universities have also become hotbeds of environmental activism with many of the larger universities boasting more than one environmental club. (University environmental groups may or may not go through the process of registration, which can be quite burdensome.) In 2004, on Earth Day, a reported 100,000 Chinese college students in 22 provinces participated in environmental activities organized by university groups.

Through the internet, environmental websites such as Green Web, newspapers such as China Environmental News, China Green Times, Southern Weekend and 21st Century Business Herald, as well as television programs such as The Time for Environment, Chinese environmental activists reach millions of Chinese daily. One potentially harmful change to environmental outreach is the decision by the Chinese government that government bureaus are not required to purchase newspapers such as China Green Times. This has sharply limited the income and circulation of such environmental papers.

II. THE NATURE OF THE ENVIRONMENTAL MOVEMENT

Environmental NGOs in China address an increasingly wide range of environmental challenges. Some focus very specifically on one particular issue, such as environment-related public health problems, while others tackle a broad range of concerns from dam construction to tree planting to energy conservation.

- Environmental education remain a mainstay of Chinese NGO activity: Friends of Nature supports environmental education vans that travel throughout the country to provide environmental education that is specifically targeted to the region at hand, for example, overgrazing and desertification in Inner Mongolia. Green Earth Volunteers and Global Village Beijing both organize journalist salons to educate journalists on a wide range of environmental challenges. More recently, the Institute of Environment and Development has been developing a curriculum on renewable energy education.
- Biodiversity protection also continues to drive significant environmental activism in China. Many NGOs, such as Friends of Nature, Green Earth Volunteers, Wild China, and Green River launch campaigns and develop educational material including videos or photographic exhibits to promote biodiversity protection. In 2004, for example, a movie “Kekexili” was produced that discussed the plight of the Tibetan Antelope. Recently some NGO activists have been calling for greater emphasis to be placed on the protection of plant as well as animal life. This focus on biodiversity protection is supported by the strong presence in China of numerous international non-governmental environmental organizations with similar interests, such as WWF, Conservation International, the Nature Conservancy, and the International Fund for Animal Welfare. WWF, for one, has served as a training ground for many of China’s younger environmentalists.
- Energy Conservation and Efficiency is a relatively new focus for China’s environmental NGOs. The nuts and bolts issues of developing energy efficiency codes for buildings or promoting tradable permits for SO₂ generally remain the purview of International NGOs such as NRDC and ED along with their Chinese think tank or government partners. However, Chinese NGOs have begun to develop their own programs in the energy arena. During summer 2004, for example, Beijing-based NGOs launched a campaign to persuade hotels and other large public buildings to keep their thermostats at 26 degrees Celsius in an effort to conserve energy. Thirty NGOs nationwide joined the campaign. In addition, with the support of the Energy Foundation, Liao Xiaoyi of Global Village Beijing, established the Sustainable Energy Journalist Forum; there is an associated award given by the Energy Foundation, WWF, and ON Semiconductor. Global Village Beijing also organized journalists from Beijing to participate in a symposium sponsored by Michelin on clean energy vehicles. One of the most interesting initiatives is the effort by the Global Environment Institute, directed by Jin Jiaman, to promote projects as wide-ranging as Bus Rapid Transit, biogas in Yunnan, and assisting farmers in developing renewable energy enterprises. This Institute is heavily supported by the international community, including the Energy Foundation, the Blue Moon Fund, and the International Network for Bamboo and Rattan.
- Air and water pollution is yet another area of growing interest and concern for China’s environmental NGOs. Wang Canfa, the director of the Center for Legal Assistance to Pollution Victims, is a highly energetic and engaging man who has taken as his mission getting redress for pollution victims through the legal system. He has put forth about 60 cases, 20 of which have been resolved successfully. His center is funded primarily by the Dutch government. A different approach is taken by the Huai River Protectors (Guardians), which was founded by Huo Daishan. It is a grass roots organization that is committed to educating villagers about the impact of the polluted water of the Huai River on their health. This issue has been receiving significant attention in the Chinese media, and CCTV recently completed a documentary film, “A Village and a River,” that explores this problem. Huo is also trying to assist villagers in digging deep water wells to gain access to clean water.

- Large Scale Dams and Hydropower projects have also engaged a number of Chinese NGOs both in Beijing and in the regions where the dams are slated for construction. Over time, there has also been a “radicalization” of the rhetoric of NGOs engaged in dam protests, possibly due to the support of INGOs such as International Rivers Network, such that Chinese NGOs now talk extensively about social justice and displaced peoples rather than focus exclusively on consequences for the environment or ancient cultural sites. The NGOs have achieved some significant success in Sichuan and Yunnan but not without fierce political battles and some personal risk. Green Watershed of Yunnan, Wild China, Green Earth Volunteers, Friends of Nature, and China Rivers Network have all taken up the fight to slow dam construction on China’s rivers. They have undertaken a wide range of activities in this effort. Wang Yongchen, for example, participated in the World Commission on Dams in Thailand and gathered signatures from 61 countries against the dam construction on the Nu River in Yunnan. In a separate fight to prevent a dam, Chinese activists garnered 15,000 signatures via the internet. At great personal risk, Yu Xiaogang of Green Watershed organized trips for villagers slated for relocation at one dam site in Yunnan to speak with villagers from other dam sites, whose relocation had been far from successful. His damming report to the Central Disciplinary Committee in Beijing as well as the Yunnan Provincial government almost caused the NGO to be closed and Yu to be arrested. The Civil Affairs Bureau, the Academy of Social Science, and Green Watershed’s sponsor, the Yunnan Association of Science and Technology, however, declared that Yu’s work was well within the scope of his NGO’s charter. The issue of relocation for dams is a highly politically sensitive one. In October as many as 100,000 farmers from seven townships in Sichuan Province reportedly gathered to protest their proposed compensation and relocation as a result of the Pubugou Dam construction. They had witnessed what had happened to other villagers who had been relocated a few years earlier: they received substandard housing on poor land. Thousands of People’s Armed Police were brought in to keep the peace. China Youth Daily did its own investigation questioning the project and the relocation plan and found that local officials had budgeted one billion less in relocation compensation than had been promised. In the end, several local officials were fired.

III. NGO RELATIONS WITH THE CHINESE GOVERNMENT

China’s State Environmental Protection Administration generally works very closely with environmental NGOs. Environmental NGOs agitated for SEPA to be included in the Go West campaign leading group, supported the call for a green Olympics, worked with SEPA on an energy efficiency campaign, and serve as SEPA’s eyes and ears at the local level. Even on the most sensitive political issues such as dam construction, there is a strong alliance between NGOs and SEPA. The decision in late January 2005 by SEPA Vice-Director Pan Yue (with the support of Premier Wen Jiabao and the State Council) to bring to a halt 30 large infrastructure projects including 26 power-related projects on the grounds that environmental impact assessments were not properly completed suggests strong support within the top reaches of Beijing for NGO activity in this realm. These projects however, also speak to other central government priorities such as enforcing the rule of law and slowing large-scale investment.

Still SEPA support for NGOs is very strong. It is common now for high ranking SEPA officials, such as Pan Yue, to articulate the necessity of environmental NGOs for safeguarding the environment. Pan has also said that within the next two years, SEPA will help to establish an NGO cooperation network and to provide professional training for small grassroots groups. He believes that it is critical to have the Chinese people engaged in environmental protection and to open the decision making process for environmental issues to make it “democratic.”

More generally, however, the government keeps a watchful eye on environmental NGOs, as well as on all registered NGOs. Officially, NGOs must have a government-sponsor to whom they report their membership, funding sources and activities. NGOs are not permitted to have branch organizations in various provinces, and no person who has been labeled a political dissident may be a member of an NGO. NGO leaders say that the degree to which all of these strictures are enforced varies according to the sponsor. There remains a concern in some parts of the Chinese government that NGOs are subversive entities. In 2002, Friends of Nature was forced to remove one of its founding board members, Wang Lixiong, because of his support for two Tibetan monks who were about to be executed, or face closure. There are also periodic crackdowns in which NGOs are shut down for violations as innocuous as not having sufficient funding or sufficient number of members. Nonetheless, dur-

ing fall 2004, the Ministry of Civil Affairs suggested that discussions were underway to lift the requirement that NGOs become affiliated with a government sponsor.

IV. WHERE TO FROM HERE?

Chinese environmental NGO activists are a politically skilled and sensitive group. Over the past decade, they have moved into areas of greater technical challenge and political sensitivity with notable success. Still, as the environmental movement in China continues to evolve, several challenges remain:

First, some Chinese and outside observers have argued that Chinese NGOs are more effective at identifying problems rather than at proposing answers and shy away from addressing technically oriented challenges. The State Environmental Protection Administration, for example, was disappointed that NGOs did not participate in a SEPA-advertised public hearing in August for comments on its draft rule on emission permit license management. Four individuals and 12 companies participated, but no NGOs.

Second, China's NGOs remain heavily reliant on international funding for their work. International Foundations, multinationals, and other governments provide an overwhelming portion of Chinese NGO financial wherewithal. Some challenges arise from this situation.

- Chinese NGOs remain open to political criticism down the line that they are actually foreign-directed enterprises. While some smaller NGOs and websites exist primarily on Chinese contributions, there has yet to develop a real strategy on the part of Chinese NGOs to attract funding from Chinese sources. (One positive trend, in this regard, is the establishment of an association of Chinese businesses committed to supporting environmental protection.)
- There are signs of some resentment on both sides due to differing strategies and capabilities. Some sectors of the Chinese NGO community are articulating a desire for greater independence from international donors. They complain that international donors don't appreciate how difficult it is to make progress and are too short-sighted; and that international supporters try to direct some of the projects, thereby distracting Chinese NGOs from pursuing the projects they are most suited to tackle. From the international perspective, some donors have likewise voiced the opinion that some Chinese NGOs have taken money and not delivered on what was promised and are not technically proficient enough to do the work that needs to be done properly.
- Third, until the Chinese government removes its restrictions on NGO registration and otherwise supports the development of civil society, the environmental movement may remain limited in size, as well as forced to operate under the shadow of knowledge that political caprice or shifting political winds could force them to pull back from their efforts or risk being shut down entirely.

PREPARED STATEMENT OF JIANG RU

FEBRUARY 7, 2005

As an independent scholar, I hope my statement can introduce you and other policymakers in this country a new perspective on the dynamics of state controls of environmental NGOs in China. This statement is based on my Ph.D. dissertation, *Environmental NGOs in China: The Interplay of State Controls, Agency Interests and NGO Strategies*, completed in August 2004 at Stanford University. The statement I make today represents my personal opinions only and does not reflect the views of any organizations I was previously or am currently affiliated with. In my ten minutes I will introduce the design and implementation, and then four of the main findings of my research. My findings indicate that despite onerous state control measures, environmental activists were able to create NGOs and operate with a fair amount of freedom by censoring activities of their NGOs. Understanding the growing autonomy and self-censorship of Chinese NGOs provides considerable opening for international organizations to assist Chinese environmental NGOs.

STUDY DESIGN AND IMPLEMENTATION

The goals of my research is to understand how the Chinese state has officially described its control of NGOs, how the state has controlled environmental NGOs in practice, and how environmental NGOs have interacted with the state to conduct their activities. To achieve my research goals, I analyzed China's NGO policies and regulations to identify measures the state has employed to control NGOs, surveyed a group of 11 national and 11 Beijing environmental NGOs to understand how NGO control measures were enforced in reality based on these NGOs' experience, and

conducted three case studies to further examine how different environmental NGOs had interacted with government agencies at national and local levels to save three endangered wildlife species. The NGOs I studied included both formally registered government-organized NGOs (GONGOs) with over ten full-time staff members and unregistered citizen-organized NGOs with only few volunteers. From 1999 to 2003, I made four trips to China and stayed in China for a total of 21 months. During these trips, I interviewed governmental officials, NGO staff members, NGO researchers, environmental volunteers, and environmental experts. In addition, I collected multiple sources of evidence such as governmental documents and NGOs' internal documents.

RESEARCH FINDINGS

Four main findings of my dissertation are:

1. *The Chinese State has developed a vigorous set of NGO regulations to control the development and activities of NGOs. Three key control measures of these regulations are:*

- An NGO has to be registered at a civil affairs office according to its geographic scope of activities;
- An NGO has to find a supervisory organization to sponsor its registration with a civil affairs office. Here, a supervisory organization, referred to as a “mother-in-law organization” by some scholars, is a state-authorized organization that sponsors an NGO's registration application to a civil affairs office, and then supervises the NGO's activities after the NGO registers with the civil affairs office; and
- Civil affairs offices will force NGOs to correct any violations of above-noted and other NGO control measures.

2. *Some of the 22 environmental NGOs I surveyed experienced no strict state control declared in NGO regulations.*

Based on experience of the 22 NGOs, I found that some of these NGOs violated above control measures without being punished by civil affairs offices. For example, five citizen-organized NGOs were not registered with any civil affairs offices as independent NGOs but conducted their activities openly without experiencing any explicit control exerted by any government agencies. For those NGOs registered with civil affairs offices, civil affairs offices had only controlled the registration of these NGOs. A common statement made by my NGO interviewees was that civil affairs offices had barely interfered with their NGOs' operations. In contrast to civil affairs offices, supervisory organizations of those GONGOs included in my study did not only supervise the operations of these NGOs, but indeed exerted financial and/or personnel control over those NGOs.

3. *The state's control has been implemented in the ways described above because of the state's decreasing administrative capacity, the interests of supervisory organizations that control NGOs for their own ends, and ability of the NGOs to censor themselves to the degree that their activities does not lead to repressive actions by the state.*

Civil affairs officials I interviewed stated that their offices had limited resources to track and correct every NGO violation. In addition, because civil affairs offices had no resources to register all prospective NGOs and the Chinese government had a policy to encourage voluntary activities as a way to advance the well-being of society, civil affairs offices allowed the existence of unregistered NGOs as long as these NGOs had not committed any financial misdeeds or posed any political threats. This strategy of civil affairs offices was well acknowledged by the 22 environmental NGOs I studied. According to my interviewees, self-censorship of these NGOs helped them avoid any unwanted attention of civil affairs offices. Although some of the 22 NGOs violated formal control measures, leaders of these NGOs were aware of the limits on how far they could go in violating controls without attracting negative attention from the state.

In terms of government agencies acting as supervisory organizations of the GONGOs included in my study, I found that self-interests motivated these supervisory organizations to exert financial and/or personnel control over the GONGOs they supervised. In practice, supervisory organizations used the GONGOs to engage in international cooperation projects, to raise funds, to provide services, and to place excess employees when their agencies are downsized.

4. *GONGOs are generally effective in performing tasks related to official responsibilities of their supervisory organizations, such as policy consultation and information exchange. In contrast, citizen-organized NGOs were engaged mainly in three types of activities: public education, environmental advocacy, and grassroots environmental activities.*

This finding is based on the daily activities of the 22 NGOs and their efforts in the three wildlife conservation cases. Citizen-organized environmental NGOs included in my study were especially effective in mobilizing resources to challenge local development decisions that were detrimental to the natural environment. However, I found no NGOs took any confrontational approaches to conduct their activities.

PREPARED STATEMENT OF PATRICIA ADAMS

FEBRUARY 7, 2005

Thank you very much for the opportunity to participate in this Congressional-Executive Commission on China Roundtable. I am the Executive Director of Probe International, a Canadian-based environmental NGO. For 25 years, we have worked with citizens in Third World countries to help them fight development projects that undermine the environments they depend on.

Since the early 1980s, Probe International has monitored the world's largest and most controversial dam project, the Three Gorges dam on China's Yangtze river. We have done so by working with academics, researchers, and press in China, including Dai Qing, the celebrated Chinese journalist who spent 10 months in jail for publishing "Yangtze! Yangtze!," a book authored by China's most eminent scientists and scholars. Probe International translated and published "Yangtze! Yangtze!" and a subsequent book edited by Dai Qing, called *The River Dragon Has Come!*. Both books are banned in China. We also published our own damning critique of the dam's official feasibility study, which was financed by the Canadian government, conducted by Canadian engineers, and used to justify building the Three Gorges dam.

I am also the publisher of Three Gorges Probe, an Internet news service that Probe International began in 1998 to report on Three Gorges and other dams in China. Our goal has been to circumvent the ban on criticism of the Three Gorges dam. We believe that projects like Three Gorges can be built only in the absence of good information about their real costs and benefits, and in the absence of an informed public debate. Our goal is to let the facts, for and against dams, speak for themselves, and to help inform the public by providing the Chinese press, scholars, and activists with a safe forum in which to publish their views. But perhaps our news service's most important goal is to record and publish details of the harm done by Three Gorges and other dams, in the hope that future generations will be protected from more of the same.

Three Gorges Probe is published in both English and Chinese. The two sites together have close to a quarter of a million page views per month and their readership grew at a rate of almost 150 percent last year.

Despite the fact that we often publish censored information, our site has generally not been blocked in China and our readers from the mainland have described Three Gorges Probe as the "best," "most accurate," and the only "truthful" source of information about the dam. Three Gorges Probe is relied upon by the press, scholars, environmentalists, and grassroots activists. Dam officials also read it: Sometimes, within days of our stories exposing a scandal or a threat to the dam, dam authorities would announce either that the problem doesn't exist or is being solved. Our stories have ended up on the front pages of the international media, including the New York Times and the UK's Guardian, on Chinese Internet sites around the world, in the chatrooms of China Youth Daily, Sina.com and even the Changjiang Water Resources Commission.

Here's a sample of the stories we've covered:

1. An exclusive report revealing endemic corruption, debauchery and an underworld that now robs and terrorizes dam evacuees who are being resettled by the Three Gorges dam;
2. The arrest, detention, trial and conviction of four representatives of dam evacuees from Yunyang county who attempted to recover their community's compensation funds from corrupt local officials by appealing to the Communist Party in Beijing. They were sentenced to two and three year jail terms for "maintaining an illicit relationship with a foreign country" and for "disturbing the public order;"

3. An energy analysis showing that Three Gorges power is more expensive than power from high efficiency gas turbines and cogeneration, and ineffective at displacing coal-fired power;

4. Leaked correspondence between China's top leadership admitting that Qinghua University research shows that the dam's flood control benefits are inadequate and "smaller than declared by us." But, warn the correspondents, "never, ever let the public know this;"

5. Warnings by two senior members of the Chinese Academy of Engineering that incidents of earthquakes and landslides indicate that the Three Gorges region is geologically unstable, that lives are at risk, and that geological-safety inspections of resettlement zones must be carried out immediately and checked and double-checked;

6. A report on cracks in the dam which are more than a meter deep and run all the way up the huge concrete structure, leading to emergency repair work and promises by dam authorities to take greater care in future;

7. A surprise announcement by dam operators that it would raise the reservoir level from 135 to 139 meters 3 years ahead of schedule, forcing the emergency evacuation of 1,300 residents from their homes. Independent experts think the reason was to protect electricity output which is threatened by an unexpected rise in the accumulation of silt behind the dam;

8. During the news blackout of the surging anti-dam protests at the Pubugou dam site in Sichuan province last October and November, we reported on the violent clashes with police resulting in several deaths, hundreds of villagers detained, several dozen farmers hospitalized and the emergence of the "dare-to-die brigade"—elderly men and women who taunted the police with shouts of, "Kill us, kill us! We will no longer have to move if you kill us!" (This period was one of the few in which our Web site was blocked.)

9. A report on farmers in Hebei province who risked life and liberty in 2004 to dodge police and gather more than 11,000 signatures on a petition calling for the removal of Zhang He, the former mayor of Tangshan and the city's Communist Party boss. The petition accused Zhang He of stealing compensation funds intended for people who were forced to move in the 1990s to make way for the Taolinkou reservoir on the Qinglong River. Seven of the farmers were arrested by local police as they attempted to deliver their petition to the National People's Congress. Their lawyer escaped, however, and was chased by Tangshan police around Beijing, from one hiding spot to another, and one computer to another, from which he gave online updates of the unfolding drama and with which he did Google searches to get more information on the "assembly and demonstration law," "the Constitution of the PRC" and "the representative law of the National People's Congress and people's congresses at local levels" to assist his clients.

10. We have posted the Chinese, and now the English version, of a remarkable book by a Chinese social scientist, Ying Xing, about the ruinous impacts of the Dahe dam built on a Yangtze tributary 30 years ago and the determination of ordinary citizens who fought for their rights in a 20-year struggle. Many of the 20,000 people affected by that dam are now being forced to move for Three Gorges. The book, *The Story of the Dahe Dam*, was published in China to great acclaim in 2001, and was banned 6 months later. It remains banned today.

WHERE DO WE GET OUR INFORMATION?

Until recently, details of citizen protests or criticism of dams in China have not come from formally recognized, government approved NGOs that are able to hang up a shingle advertising their existence. And, until recently, lawyers have not come forward to help aggrieved citizens. With the exception of a few aggressive newspapers, very little information beyond propaganda has come from the mainland media.

Instead, over the past 20 years, critical information about Chinese dams has come in an ad hoc way from journalists, activists, site research, the Internet, and dam authorities. Much of the expert opinion we rely on has come from Chinese scholars, many of whom are elderly and, having survived years of abuse for voicing their opinions, have become even firmer in their resolve to speak out for the sake of future generations. Over the years, academics who dared to criticize dam plans such as Huang Wanli, China's most eminent hydrologist, were made to do hard labour building the dams. They were deprived of their teaching posts and shunned in their professional lives. This has been a tragic reality for dam critics. Some have been deprived of research funds, others have lost their right to work and to publish. Oth-

ers have been demoted. Still others have been visited in the middle of the night by the police and warned not to talk to foreign journalists.

Academics aside, average citizens such as He Kechang and his compatriots in Yunyang county have been jailed on trumped up charges because they sought justice for the losses they suffered because of the Three Gorges dam. The few mainland newspapers that have dared to disclose damming details about Three Gorges or other planned dams have had their top editors fired and their management charged with corruption. In our own work to publish critical information about the environmental, economic and technical problems with Chinese dams, we have had to take precautions. Most of our Chinese contributors use pseudonyms. We are always circumspect in our communication.

I believe this oppressive atmosphere is going to change.

The recent protests against the proposed construction of dams in Western China along the Nu and Jinsha (upper Yangtze) rivers in Yunnan and the Min River and Pubugou dam in Sichuan are a sign of the changing times: Chinese citizens affected by dams are becoming acutely aware of their rights and are prepared to fight for them; academics and environmentalists are able to help them, the press is very interested in covering their stories, and the Internet facilitates all parties' communication. These protests have been so effective that, by the end of 2004, work on over a dozen dams had been suspended.

While environmentalists, NGOs, and the affected communities in China have made great gains in their struggles against these big dams, people such as Dai Qing report that everybody knows these victories are temporary. And, she adds, it is likely that the vested interest groups—powerful forces including officials of the dam enterprises and the ministries that sponsor them—will do everything possible to stage a comeback, cracking down on the environmental organizations and attacking the leaders.

But there is at least one reason to hope that the “benefit groups,” as Dai Qing calls the beneficiaries of the current system, won't resort to their old methods of repression to build their dams. It is this.

On January 18 of this year, the State Environmental Protection Administration (SEPA), China's top environment watchdog, accused 30 infrastructure projects (26 of which are energy schemes) in 13 provinces and municipalities, involving billions of dollars, of starting construction before their environmental impact assessment reports were approved. It then ordered them to suspend construction. This is an extraordinary and unprecedented move by the central government. The Chinese environmental enforcement authorities sent state enterprises and the private sector a message they have never heard before: We have a law that requires you to submit an environmental assessment for your project in order to get approval to proceed and if you don't abide by the law, we'll suspend your construction until you do so.

According to China's Law on Environmental Impact Assessment, which took effect on September 1, 2003, construction projects should not be started before their environmental impact assessment documents are approved by environment authorities. Furthermore, the law is supposed to oblige project developers to consult with local communities before decisions are made. Indeed, Pan Yue, the vice-director of SEPA, announced that in future public hearings will be held on environmentally sensitive projects to allow residents and other parties into the decisionmaking process.

By January 24, construction on 22 out of the 30 projects had stopped.

Construction on the remaining eight of those projects continued, including three hydropower plants of the China Three Gorges Project Corporation. Two of the plants are part of the Three Gorges Dam complex (the Three Gorges Underground Power Plant and the Three Gorges Project Electrical Power Supply Plant) and the third is the Xiluodu Hydropower Plant along the Jinsha River, a section of the upper reaches of the Yangtze River, a \$5.3 billion project and is the biggest among the 30.

SEPA threatened the China Three Gorges Project Corporation with legal action and the drama of the stand-off between SEPA, heretofore considered a toothless environmental regulator, and the China Three Gorges Project Corporation, one of the nations' most powerful and China's largest hydro-electric power company, mounted. The domestic media dubbed the actions as an “environmental impact assessment storm.”

Then, on February 2, the developer of the Three Gorges Project Corporation backed down, agreeing to file environmental impact statements for two power plants and to hold up construction on a third.

The compliance of the Three Gorges company, which had refused to obey the order for a fortnight, was believed to come about as a result of direct pressure from the central government. Not only has China's Premier, Wen Jiabao, backed SEPA but, according to news reports, SEPA enlisted the support of the powerful National De-

velopment and Reform Commission (NDRC), the country's top planning authority, to enforce its order.

Furthermore, during the stand-off, SEPA and the National Development and Reform Commission issued a notice about the need for environmental protection during the building of hydropower plants. According to the notice, some projects start construction without environmental protection facilities, causing soil erosion, while others cause negative impact on the ecology of the lower reaches due to defects in design and operation. Great importance should be attached to the environmental impact assessment of hydropower development plans, the notice said. Hydropower projects should also take concrete environmental protection measures.

Li Dun, of Tsinghua University's Centre for the Study of Contemporary China, said the cooperation between SEPA and NDRC was encouraging, but he remained cautious. SEPA has not dealt with fundamental environmental issues such as whether those projects should be built in the first place. "It remains to be seen whether the Environmental Impact Assessment Law is just a process," he said.

Professor Li is absolutely correct.

SEPA's environmental assessment law is not going to save China's environment. My organization has a 20-year history of reviewing feasibility studies for large development projects, starting with the massive feasibility study for the Three Gorges dam, which included an environmental assessment. It was so rife with errors, omissions, and bias that we filed formal complaints of professional negligence against the engineering firms that conducted it.

Environmental assessments are usually conducted by the proponents, paid for by the proponents, or controlled by the proponents. Because the proponents are not held legally accountable to those they harm or put at risk, proponents can discount the costs they inflict on others. Their environmental cost assessments need not accurately or comprehensively match reality. Their assessments routinely overestimate benefits without substantiation, but with hyperbole. In the end, environmental assessments become nothing more than public relations exercises to whitewash bad projects.

I doubt that the environmental NGOs, legal commentators, and scholars who have followed SEPA's unprecedented actions over the past few weeks expect the agency's move to permanently stop any of these 30 projects. But SEPA's enforcement of China's new Environmental Impact Assessment Law could have a profound effect in a different way. By upholding the law, SEPA would force proponents to carry out environmental assessments and to consult with local communities before giving approval for infrastructure projects. In so doing, the central authorities would uphold and enforce the rights of Chinese citizens and NGOs to know, to debate, and to participate in the decisions that effect their environment. In a country where citizens have been jailed, fired, demoted, threatened and even physically attacked for attempting to exercise these basic rights, this is a fundamental step toward enshrining the right of citizens to protect their environment.

Many commentators look at China's 1.3 billion citizens and see them as the world's largest threat to the global environment. I don't see them that way. Instead, I see the Chinese government as the largest threat and the citizenry as the world's largest group of front-line defenders of the environment. Give Chinese citizens the right to know, the legal and political tools, and the security to exercise their rights and to hold accountable those who would destroy their environment, and the world will see a dramatic turnaround in the dismal state of China's environment.

Thank you.

