

CHINA:: TAKING STOCK BEFORE THE PARIS CLIMATE CONFERENCE

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## ABOUT

The Chinese have long been obsessed with strategic culture, power balances and geopolitical shifts. Academic institutions, think-tanks, journals and web-based debates are growing in number and quality and give China's foreign policy breadth and depth.

*China Analysis*, which is published in both French and English, introduces European audiences to these debates inside China's expert and think-tank world and helps the European policy community understand how China's leadership thinks about domestic and foreign policy issues. While freedom of expression and information remain restricted in China's media, these published sources and debates provide an important way of understanding emerging trends within China.

Each issue of *China Analysis* focuses on a specific theme and draws mainly on Chinese mainland sources. However, it also monitors content in Chinese-language publications from Hong Kong and Taiwan, which occasionally include news and analysis that is not published in the mainland and reflects the diversity of Chinese thinking.

The French version of *China Analysis* can be accessed online at [www.centreasia.eu](http://www.centreasia.eu).

## Introduction by François Godement

China has begun to take action to turn the tide against pollution and unconstrained carbon emissions. For the Chinese people, their polluted environment is of course an even more urgent issue than the longer-term problem of carbon emissions and climate change. Quite apart from international criticism, China's leadership has been directly affected by the "airpocalypse" of 2013-2014 – which had an impact on the majority of China's population – along with problems such as nickel and cadmium soil poisoning. However, reversing or halting the trend of environmental degradation will require huge and systemic policy change – and, above all, a change in mindset. As China is a state-driven economy and society, government policy and local administrations are key to bringing about change. This task is made more difficult by conflicting pressures from vested interests and from civil society.

Ahead of the UN Climate Conference in December 2015, this issue of *China Analysis* looks at some of the facts and opinions on environmental issues coming from China, on topics from carbon emissions to river poisoning, and from environmental law to the expanding role of NGOs. It highlights the flaws in government control – above all, the limited ability of financial penalties to change polluters' behaviour and the irresponsibility of administrations with regard to the law; they are answerable to themselves and to the central authorities, but not to justice. The Tianjin explosions (which happened after our sources

were published) led to the criminal investigation of local administrations as well as companies, but this was mostly because of the large scale of the accident. Other actors – public and private – are pursuing similar policies without facing sanction, because their actions have not yet led to disaster. Local authorities have environmental targets, but they are neither legally accountable nor in practice held responsible for non-implementation and failures of control.

Internationally, Barack Obama and Xi Jinping's joint declaration during President Obama's visit to China in November 2014 is often highlighted as a sign that the two countries have developed a new and stronger resolve to deal with the problem. And indeed, our sources see the declaration as a milestone in promoting global change, and also as a useful area in which to enhance cooperation between China and the United States. One might add that this is perhaps the only area in which there has been convergence, while maritime issues, cybersecurity and human rights have become more divisive than ever. However, the limitations of the two countries' commitments should be noted: they represent targets – and, in the case of China, “approximate” targets – and do not include legally binding commitments or clear intermediary objectives before 2020 for the US, and 2030 for China. China won a small diplomatic victory in getting the US to accept differentiated targets on the grounds that the two countries are at different stages of development. In doing this, the US may have scuttled the European Union's hope for China to accept more exacting standards (a hope no longer shared by Japan). In fact, the EU, during its last summit with the Chinese government, may still have achieved more than the US by obtaining China's endorsement of the goal of a “legally binding agreement”: although of course, the EU-China joint statement does not clearly spell out what that agreement might look like.<sup>1</sup>

Fortunately, awareness of climate and the environment as real issues – as opposed to talking points for a global conference – has clearly increased in both China and the US. As a result the two have begun to move towards implementing targets. In China, economic restructuring and lower steel and electricity production have suddenly reduced the use of coal, especially near Beijing and in the surrounding Hebei province: such a dramatic decrease had never happened before, in spite of plans to that effect in the late 1990s. In the US, President Obama's Clean Power Plan, announced in August 2015, commits to slashing carbon emissions by 35 percent by 2030, an ambitious target now facing fierce debate in Congress. The low price of oil will clearly facilitate China's move away from coal, and both countries are also investing heavily in alternative energies.

Aside from international commitments, our sources indicate areas in which changes have already taken place and underline

<sup>1</sup> See the EU-China Joint Statement on Climate Change, 29 June 2015, available at <http://www.consilium.europa.eu/en/press/press-releases/2015/06/29-eu-china-climate-statement>.

those where further progress could be made. A sense of doom emerges from the starkly pessimistic assessments of neo-leftist Wang Hui, who cites “Western development” and individualism as a curse on Chinese civilisation. But Yue Qingping, a professor at Peking University, sees things in a very different light: more accountability – that is, more democracy – is needed if the polluters and their allies are to be held responsible and punished.

As it is, there have already been significant legal developments in tackling environmental issues. The most important ones revolve around the opportunity for about 700 recognised Chinese NGOs to initiate civil lawsuits, resulting in companies having to pay damages, a far more effective means of changing behaviour than imposing pre-determined fines. The Taizhou river case of late 2014 – which involved heavy industrial pollution of waterways, and can be considered as China's equivalent of the Love Canal case in the US – was a turning point.<sup>2</sup> Might the Tianjin accident push policy one step further, making it possible to bring lawsuits against local administrations that do not implement environmental and safety regulations? Where would the buck stop? Criminal proceedings around India's 1984 Bhopal accident, which resulted in thousands of deaths, went on until 2010, demonstrating that the process of adjudicating blame can often be long and difficult. Closer to home for Europe, the Toulouse AZF blast in 2001 left 35 dead and has taken 13 years to go through the courts. It is tempting to think that China, however indifferent its administrative system may initially be to security and environmental risks, could also tackle the issue head on, if it were to decide that doing so was a priority.

But emission control is a complex issue that involves many different levels of responsibility, along with trade-offs that have to be made with economic gain. So, in the end, it comes back to China's willingness and ability to implement “red lines” on environmental protection that cannot be breached. This process involves one of the thorniest issues in the Chinese political system: accountability. Unless the problem becomes a very high priority, China's government, even if it is uniquely endowed with the power to set objectives, does not have the local and regulatory mechanisms in place to ensure long-term implementation. For these mechanisms to be established will require a shift from a top-down to a bottom-up approach – which would seem to go against the very nature of the country's political system.

<sup>2</sup> The Love Canal case was a famous case of chemical contamination of water in New York State in the 1970s. For more information on the issue, see the New York State Department of Health report on the issue, available at [https://www.health.ny.gov/environmental/investigations/love\\_canal/lctimbmb.htm](https://www.health.ny.gov/environmental/investigations/love_canal/lctimbmb.htm).

## 1. Anticipating COP 21: The US-China announcement on climate change

Camille Boulenois

### Sources:

Hu Shuli, Gong Jing, and Kong Lingyu, "Xie Zhenhua: The climate targets promote reforms compelled by increasingly urgent issues", *Caixin Wang*, 1 December 2014.<sup>3</sup>

Zhou Ji, Zhang Xiaohua, Fu Sha, Qi Yue, Chen Ji, and Gao Hairan, "A few comments on the China-US joint announcement on climate change", *NCSC website (National Centre for Climate Strategy and International Cooperation of China)*, 17 November 2014.<sup>4</sup>

Tang Xinhua, "US-China cooperation on climate change has become the basis of a new kind of great power relationship", *China.net*, 26 June 2015.<sup>5</sup>

In November 2014, on the margins of the Asia-Pacific Economic Cooperation (APEC) meeting in Beijing, Chinese President Xi Jinping and United States President Barack Obama made a joint announcement on climate change, sparking debate around the world about the merits of the deal.

The US public reaction was lukewarm.<sup>6</sup> Some commentators welcomed it as an historic climate change agreement, while others argued that it was a mere restatement of targets that Beijing had already made public. However, the announcement was unanimously welcomed by Chinese media and experts as a fair and satisfying deal from the Chinese point of view.

According to Zhou Ji, Zhang Xiaohua, Fu Sha, Qi Yue, Chen Ji, and Gao Hairan – experts from the National Centre for Climate Strategy and International Cooperation of China (NCSC) – the joint announcement constituted an event "with historical meaning" (具有历史意义, *juyou lishi yiyi*), marking "irresistible progress towards an ecological civilisation" (生态文明大势所趋, *shengtai wenming dashisuoqu*). These articles discuss the implications of the deal for future climate negotiations and for US-China relations, as well as the likelihood that each country will meet their targets.

<sup>3</sup> Hu Shuli is the editor-in-chief of *Caixin Media* and *Caixin Weekly*. Gong Jing and Kong Lingyu are journalists for *Caixin*. Xie Zhenhua is deputy director of the Development and Reform Commission. After this article, in April 2015, he was appointed special representative for China for climate change issues.

<sup>4</sup> Zhou Ji is deputy director of China's National Centre for Climate Change Strategy. The other authors are all researchers on climate change issues.

<sup>5</sup> Tang Xinhua is a researcher at the Chinese Research Centre on Contemporary International Relations at Tsinghua University.

<sup>6</sup> Zachary Keck, "The Faux US-China Climate Deal", *The Diplomat*, 12 November 2014, available at <http://thediplomat.com/2014/11/the-faux-us-china-climate-deal/>.

## China's "key principles"

Chinese commentators are particularly pleased with two key principles in the announcement: that of "common but differentiated responsibilities" (共同但有区别的责任, *gongtong dan you qubie de zeren*) and that of "respective capabilities" (各自能力, *gezi nengli*). The NCSC authors say that the acceptance of these principles represents a huge gain for China, since both were points of contention in previous climate change negotiations.

In the Chinese debate, these principles are seen as more important than the quantitative targets. The NCSC experts explain that "the nature and direction of cooperation are more important than data and precise dates. Once the direction of the boat has been determined, it is always possible to speed it up. [...] This was not a technical decision, but a decision of political strategy" (联合行动的性质、方向比数值、时间更为重要。航船的方向确认了, 是有可能加速达到成功的彼岸的。[...] 它不是一个工程技术的决定, 而是一个政治战略的决定, *lianhe xingdong de xingzhi, fangxiang bi shuzhi, shijian geng wei zhongyao. Hangchuan de fangxiang queren le, shi you jihui jiasu dadao chenggong de bi'an de. [...] Ta bu shi yi ge gongcheng jishu de jue ding, er shi yi ge zhengzhi zhanlie de jue ding*). The authors say that focusing on strategic direction rather than quantitative targets meant that the deal was more likely to be accepted quickly by both parties and would be more easily implemented.

But the targets are important too. Xie Zhenhua is deputy director of the Development and Reform Commission and responsible for important issues regarding climate change. He tells *Caixin Wang* that both countries devised their targets independently, so they were not subject to negotiations, although the targets had to meet domestic and international standards. He explains that before the announcement, several Chinese think-tanks came up with estimates on when China would reach peak carbon and CO<sub>2</sub> emissions, and therefore when emissions would begin to decline. These studies came to different conclusions: for example, on peak CO<sub>2</sub> emissions, estimates varied from 2025 to 2035, with a worst-case scenario of a 2040 peak if the government took no special measures to address the issue. Xie says that the central government created a synthesis of these studies and set the date of 2030 for CO<sub>2</sub> emissions to reach their peak.

Some Chinese experts have claimed that China's commitments are too challenging and will be difficult to fulfil. However, while Xie Zhenhua describes the Chinese objectives as "ambitious" (有雄心的目标, *you xiongxin de mubiao*), he says they are "attainable with sufficient effort" (经过努力可以做到, *jingguo nuli keyi zuodao*). Xie says that China's commitments will be included in the next two five-year plans, to be agreed by National Congress in 2015 and 2020, and so the commitments will be legally binding. However, he notes as important the announcement's use

of the term “approximately” (左右, *zuoyou*) to qualify the date when peak carbon and CO<sub>2</sub> emissions will be reached. Xie says that this signifies that the Chinese government is serious and is not making commitments it cannot keep: “We will make our best possible efforts to attain the goal in advance. But the use of the term ‘approximately’ is realistic and objective” (会争取尽可能早地实现, 但“左右”是实实在在的, 是客观的, *hui zhengqu jinkeneng zao de shixian, dan “zuoyou” shi shishizaizai de, shi keguan de*). Xie also points out that urbanisation, industrialisation, and household consumption will present big challenges, since these three processes will continue to consume huge quantities of energy and thus create more emissions.

The authors say that the US targets are also very ambitious and represent an important step forward from previous US commitments. The NCSC experts say that opposition in US Congress will make it difficult for the government to comply with its stated targets, even if the private sector, R&D groups, and the US states help to meet these goals.<sup>7</sup>

### Domestic pressure

The *Caixin Wang* journalists who interviewed Xie Zhenhua say that most Chinese media have spoken out against international pressure on China to adopt tough climate-change goals. However, Xie argues that, in fact, domestic pressures carry more weight than international demands. China’s government faces two sources of domestic pressure to address climate change.

The first pressure comes from China’s economic structure, whose imbalances create pressure for “necessary reforms” (倒逼改革, *daobi gaige*). As the central government and the State Council have repeatedly said, environmental reform will necessitate reforms to the entire structure and development model of the Chinese economy. Xie says that China needs to transform its development model on a structural level, because the model is too “expansionist” (粗放, *cufang*) and relies too heavily on natural resources. This model, Xie says, has allowed China to benefit from high economic growth for several decades, but is not sustainable. Ambitious climate targets will help to put China on the right development path. Xie warns that although this shift is necessary, it will cause Chinese economic growth to decline. He believes, however, that this decline will not be as sharp as it was in similar transitions in developed countries.

The second pressure is the increasing awareness of environmental issues among the Chinese public. Building on his “New Theory of Smog” (雾霾新论, *wumai xinlun*), Xie says that this awareness is driven by the heavy smog in big Chinese cities, which has made environmental issues hard

<sup>7</sup> It should be noted here that since these articles were published, President Obama’s Clean Power Plan has been announced (in August 2015), which sets even more ambitious targets for the US regarding climate and energy. For more information, see the Clean Power Plan section of the United States Environmental Protection Agency website: <http://www2.epa.gov/cleanpowerplan>.

to ignore. Xie says that this growing public awareness has led to higher quantitative commitments by the government and the acceleration of reforms.

### Impetus for global negotiations

In late 2014, all the commentators cited above predicted that the US-China joint announcement would build momentum around climate negotiations leading up to the Paris round of the United Nations Climate Change Conference in December 2015, and would raise the prospect of serious global commitment to addressing the problem. Xie said that the joint announcement would “play a historic role in promoting a global response to climate change” (对推动全球应对气候变化进程会发挥历史性的作用, *dui tuidong quanqiu yingdui qihou bianhua jincheng hui fahui lishixing de zuoyong*).

Growing public awareness has led to higher quantitative commitments by the Chinese government and the acceleration of reforms

The announcement included, many months earlier than had been expected, Intended

Nationally Determined Contributions (INDCs) from China and the US.<sup>8</sup> At the time, the authors thought that the ambitious targets announced by both countries would give a significant boost to the negotiations to come.

According to Xie, who was interviewed in December 2014, the next key step after the US-China joint announcement would be that month’s United Nations Climate Summit in Lima. The summit, he said, would focus on reaching a preliminary consensus on the global framework and key principles. Xie expected a wide divergence of opinion in Lima, and believed that the outcome would be only a partial draft that simply reflected the position of each country. In the event, the outcome was as he predicted. After the summit, Peru’s Environment Minister Manuel Pulgar-Vidal, who chaired the talks, told reporters: “As a text, it is not perfect, but it includes the positions of the parties.”<sup>9</sup> Xie predicted that the Paris summit would focus on harmonising these different demands and positions, so that all countries could reach an agreement on climate change.

The authors point out that the joint announcement was all the more important for the upcoming negotiations, since China and the US play a crucial role in the global economy. As

<sup>8</sup> Countries across the globe committed to create a new international climate agreement at the UN Framework Convention on Climate Change (UNFCCC) Conference of the Parties (COP21) in Paris in December 2015. In preparation for the conference, countries have agreed to publicly outline what post-2020 climate actions they intend to take under a new international agreement. This commitment is known as their Intended Nationally Determined Contributions (INDCs).

<sup>9</sup> Brian Clark Howard, “World Moves One Step Closer to Climate Treaty”, *National Geographic*, 15 December 2014, available at <http://news.nationalgeographic.com/news/2014/12/141214-un-lima-climate-change-conference-global-warming-treaty/>.

all the articles state, the US is the world's largest developed economy and largest emitter of greenhouse gases, while China is the world's largest developing economy and second-largest emitter of greenhouse gases. Together, the two countries account for more than 40 percent of global carbon emissions, making their cooperation an absolute necessity.

According to the NCSC experts, the principles of "common but differentiated responsibilities" and "respective capabilities" laid out in the joint announcement will have a major influence on future climate negotiations. They argue that the inclusion of the two provisions will increase developing countries' confidence in the ability of multilateral institutions to generate consensus and to find a fair solution to climate change. This will boost multilateral governance and ensure widespread participation and joint action.

Xie calls for further democratisation of the international institutions dealing with climate change issues. He says that China's stance on climate change could play a role in introducing more participative governance to international institutions, especially within the UN system.

### **A turning point in US-China relations**

Writing at the end of 2014, some of the authors believed that the joint announcement would foster and reinvigorate US-China relations.

The NCSC authors said that US-China cooperation on the climate change issue would not only help in finding solutions to environmental issues, but could push China and the US to adopt a new economic model, create new opportunities for trade, and solve bilateral financial problems.

US-China cooperation, the NCSC authors say, could help modify or even replace the global trade, investment, and financial system. They predict that China's foreign exchange reserves could be used to invest in clean energy and green infrastructure in the US. This would create a new outlet for Chinese foreign exchange reserves and investment funds, reduce the trade imbalance between the two countries, and boost China's economic growth.

Tang Xinhua, writing in June 2015, also noted that "the US-China cooperation on climate change has become the basis of a new type of great power relations" (中美气候变化合作成为夯实新型大国关系的基石, *ZhongMei qihou bianhua hezuo chengwei hangshi xinxing daguo guanxi de jishi*). He writes of past difficulties in US-Chinese relations, stating that the two countries have deep differences on most topics and that public opinion in each country is quite hostile to the other. Tang says that the two countries have found it hard to cooperate in traditional areas, especially security issues. But he argues that they could find common ground on climate change, opening up further areas for cooperation.

In fact, 2015 has seen US-China tensions rise over human rights, cyber attacks, and disputed maritime territories, among other issues. It is still unclear whether Xi Jinping's visit to the US and the 2015 summit in Paris will ease the tensions and see the two countries coming together around climate change. But Chinese commentators continue to see the US-China deal as a promising stepping-stone for future negotiations.

## 2. A review of recent developments in China's climate and environmental policy

*Pierre Nabé*

### Sources:

Deng Yusong, "Implications of the evolution of the international energy landscape", *Chinareform.net*, 12 May 2015.<sup>10</sup>

Feng Lei, "How to implement ecological accountability", *Guangming Daily*, 8 May 2015.<sup>11</sup>

National Development and Reform Commission, "National Plan on Climate Change (2014-2020)", September 2014.

State Council, "Energy Development Strategic Action Plan (2014-2020)", November 2014.

Since 1978, China has experienced tremendous economic growth, and its carbon emissions have grown in parallel. In 2008, China surpassed the United States as the largest global emitter of carbon dioxide (CO<sub>2</sub>). In 2012, Chinese emissions reached 8.2 billion tonnes, 265 percent higher than the country's emissions in 1990.<sup>12</sup>

The explosions in Tianjin in August highlighted the terrible state of China's environmental protection framework and of its implementation, but they also highlighted the Chinese people's expectation that environmental degradation should be alleviated. China's economy loses \$32 billion every year because of climate change, and environmental disasters have caused the deaths of more than 2,000 people every year in the last decade.<sup>13</sup> Air pollution has become a major concern, particularly in China's eastern urban areas. Particulates emissions, which cause air pollution, and carbon emissions, which contribute to global warming, are two separate problems. But reducing particulates emissions often involves adopting measures that also reduce carbon emissions.

China's heavy reliance on coal also raises serious environmental concerns. The country is currently the world's largest coal producer, consumer, and importer. Coal represents 68 percent of China's primary energy consumption and is responsible for the largest share of Chinese emissions. Coal is expected to remain the dominant element in China's energy mix, although its share is set to decline over time.<sup>14</sup>

<sup>10</sup> Deng Yusong works for the Market Economy Research Institute of the Development Research Centre of the State Council.

<sup>11</sup> Feng Lei is a reporter at *Guangming Daily*.

<sup>12</sup> International Energy Agency, *CO<sub>2</sub> emissions from fuel combustion* (Paris: OECD/IEA, 2014).

<sup>13</sup> Xie Zhenhua, "China will be proactive in the 2015 Climate conference in Paris", *Zhongguo Ditan Wang – China Low Carbon Network*, 26 September 2014, available at <http://www.china5e.com/news/news-884800-1.html>.

<sup>14</sup> International Energy Agency, *Medium-Term Coal Market*

However, air pollution and environmental protection have become priorities for the Chinese government, to the point that air pollution is currently shaping the domestic agenda. During a major speech in March 2014, Chinese Premier Li Keqiang declared "war on pollution" (向污染宣战, *xiang wuran xuanzhan*).<sup>15</sup>

### China's institutional, legal, and policy frameworks for climate, the environment, and energy

The portfolios of climate change, environment, and energy are split between various Chinese agencies and ministries. The main department in charge of climate related matters is the National Development and Reform Commission (NDRC). This "super-ministry" sets out China's main economic directions. The National Energy Administration (NEA) has specific responsibility for energy issues and is affiliated to the NDRC. The National Energy Commission (NEC), presided over by the prime minister, oversees the NEA. The NEC was established in 2010 in an attempt to better coordinate energy policies and their impact on the environment. Finally, the Ministry of Environmental Protection (MEP) covers only environmental issues, and has no mandate to deal with climate-related matters. Overall, the institutional apparatus governing energy, climate, and environmental policies is highly fragmented and compartmentalised. This can make coordination and cooperation difficult.

In terms of the legal environment, more than 25 laws related to energy and the environment have been drafted since the 1980s. The government has taken further actions to address climate change in the last ten years, putting together a series of plans, programmes, and measures aimed at bringing about adjustments in the industrial sector and in China's energy structure. Environmental protection has been a key priority since the 11th Five-Year Plan (2005-2010). A National Climate Change Programme was released in 2007, and in 2008, the State Council issued its first white paper on climate change, with the ambition of coordinating China's policy response to the challenges caused by global warming. The 12th Five-Year Plan set a target of reducing carbon intensity emissions by 17 percent from 2005 levels by 2015. China is on course to reach the target by the end of this year. The plan also aimed to reduce the share of non-fossil fuel energy (set at 11.4 percent of primary energy consumption by 2015) and energy intensity (with the objective of decreasing energy consumption per unit of GDP by 16 percent).

Energy reforms have been in the public eye since 2014, and are among the government's top priorities. In a major speech in June 2014, President Xi Jinping called for a "revolution in energy production and consumption" (能源生产和消费革命, *nengyuan shengchan he xiaofei* Report, (Paris: OECD/IEA, 2014).

<sup>15</sup> For the whole speech, see "Li Keqiang: like the war that was once raised against poverty, let us resolutely declare war on pollution", *Renmin Wang*, 5 March 2014, available at <http://lianghui.people.com.cn/2014npc/n/2014/0305/c376646-24533743.html>.

geming).<sup>16</sup> He said that the Chinese government was committed to reforming energy production, consumption, and innovation, and to making more rapid progress in modernising China's outdated energy regulations and promoting international cooperation. The president also said that China would convert energy resources into marketable commodities, introduce greater competition, and rely primarily on the market to set energy prices. Xi's call for reform built on the Third Plenum of the 18th Party Congress in November 2013, which opened the way for reform in the energy and environment sectors.

In June 2014, the State Council issued its "Energy Development Strategic Action Plan (2014-2020)" (能源发展行动计划, *nengyuan fazhan xingdong jihua*).

This plan reaffirmed the government's existing policy directions and targets. It again stated the government's aim to cap primary energy consumption at 4.8 billion tonnes of standard coal equivalent per year by 2020.

In November 2014, the NDRC issued a "National Plan on Climate Change" for 2014-2020 (国家应对气候变化规划, *guojia yingdui qihoubianhua guihua*). This document outlined a strategy for addressing climate change by taking action to mitigate its effects and by adapting practices. The plan is part of an overarching strategy to redesign China's economic structure to make it less carbon-intensive and consumption-oriented. New industries - such as IT, biotech, new materials or energy - are set to reach 15 percent of GDP by 2020, with service sectors set to reach 52 percent of GDP. In light of this, the plan aims to mitigate CO<sub>2</sub> emissions by adjusting China's production structure, optimising the country's energy mix, improving energy efficiency, and enhancing climate change adaptation. Better urban development is also planned to reduce emissions, through optimising functional layout, increasing population density, limiting long-distance urban transport, ensuring that "green" buildings account for 50 percent of new construction in urban areas by 2020, and other reforms. Reductions are also planned for transport: in the NDRC plan, CO<sub>2</sub> emissions reduction targets have been set for each mode of transport.

## Challenges ahead

The Chinese government is formulating policies, targets, and measures, but the country still faces challenges and uncertainties in its efforts to mitigate climate change. Deng Yusong says that "adjusting China's energy structure is a long and dynamic process" (能源结构的调整是一个相

<sup>16</sup> For the whole speech, see "Xi Jinping: Actively pushing for a Chinese revolution in energy production and consumption", *Xinhua Wang*, 13 June 2014, available at [http://news.xinhuanet.com/politics/2014-06/13/c\\_1111139161.htm](http://news.xinhuanet.com/politics/2014-06/13/c_1111139161.htm).

对长期动态过程, *nengyuan jiegou de tiaozheng shi yige xiangdui changqi dongtai guocheng*). The 13th Five-Year Plan (2016-2020) is currently being drafted. It is expected to restate the targets already laid out in the action plans and it should also include a cap on coal consumption. This document will deliver a clear direction for China's route towards achieving its targets by 2020, and will serve as a guideline for policy implementation, since five-year plans are redrafted at the city and provincial levels.

The Decisions of the Third Plenum of the 18th Party Congress should also help China to progressively move away from its traditional economic model based on heavy industry and public investment towards a more open and transparent market economy. A new economic model with a market-based allocation of resources at its heart would help to reduce overcapacity - still an important concern in some sectors - and thereby contribute to decreasing energy consumption and improving energy efficiency.

As a key driver of increased uptake in energy and transport, urbanisation also presents a major challenge for climate change and the environment. China has experienced rapid urban growth since the 1980s, and it is predicted that 60 percent of China's population will live in urban areas by 2020.<sup>17</sup> The number of vehicles on Chinese roads is increasing as a result of the morphology of Chinese cities, the lack of appropriate public transport, and the population's increased interest in car ownership.<sup>18</sup> China needs new policies that are not based on extending the size of urban areas by building new developments on arable lands but instead rely on urban renewal within already built-up or former industrial areas. Reforms to create denser cities would involve sweeping changes to the ways local governments finance the development of new infrastructure, away from selling arable lands around existing cities.<sup>19</sup> Feng Lei says that the "ecological protection red line" (生态保护红线, *shengtai baohu hongxian*) should become an "impassable perimeter" (不可逾越的雷池, *buke yuyue de leichi*). This red line involves "improving the system of accountability" (完善责任追究制度, *wanshan zeren zhuijiu zhidu*), without which improvements will be hard to achieve.

Indeed, whether the government's plans and policies can be successfully implemented mostly depends on China's governance structure. The institutional framework is characterised by a discrepancy between local and national levels: policies and targets are elaborated at national level but implemented by provincial and municipal

<sup>17</sup> United Nations, "World Urbanization Prospects", 2014, available at <http://esa.un.org/unpd/wup/Highlights/WUP2014-Highlights.pdf>.

<sup>18</sup> International Energy Agency, *World Energy Outlook* (Paris: OECD/IEA, 2014).

<sup>19</sup> For more information on recent policies regarding land rights and land ownership, see David Bénazéraf and Carine Henriot, "La nouvelle réforme foncière chinoise: rationaliser l'urbanisation en libéralisant le foncier rural", *China Analysis*, Asia Centre, April 2014.



governments. In this top-down system, implementation tasks are devolved to local officials. They are evaluated on the basis of their results both in achieving GDP growth and in meeting environmental standards. In 2008, the NDRC announced that 60 percent of their assessment would be based on environmental considerations. Even so, economic development continues to be seen as a priority at the local level, sometime at the expense of environmental targets.

Moreover, local officials need greater awareness of ecological issues and more capacity to deal with them, while the public at large is growing increasingly concerned about pollution and climate change. A study carried out in Jiangsu province showed that greater awareness of climate change on the part of local officials would help to change their traditional belief in placing development based on economic growth above all else – including the environment.<sup>20</sup> At the local level, capacity building, policy implementation, and data collection on environmental issues remain challenging. And the absence of a single ministry responsible for all issues related to climate change and energy may constrain the implementation of stronger governance on these issues.

The central government plans to hold provincial governments accountable for meeting targets on renewable energy consumption. According to an NEA circular, provinces that fail to meet their quotas are expected to face the suspension or reduction of approvals for new fossil fuel power generation projects.

But doing this implies going one step further. Different provinces have different targets, which do not take into account carbon emissions that are “outsourced” through interprovincial trade. A study by the Tsinghua-MIT China energy and climate project found that China’s eastern provinces outsourced 14 percent of their territorial emissions to central and western provinces in 2007.<sup>21</sup> Hence, provincial targets should be adjusted, which would mean that eastern provinces would have to make more reductions, alleviating the burden on central and western provinces.

The Chinese government has both the will and capacity to take real action on the environment, energy, and climate change. But the chances of success depend very much on China’s central and local government structure, and a number of challenges will have to be faced and overcome along the way if significant progress is to be achieved, including building a more coherent environmental institutional framework, improving policy implementation, and raising environmental awareness among local officials.

<sup>20</sup> Duan Hongxia and Hu Qiyang, “Local officials’ concerns of climate change issues in China: a case from Jiangsu”, *Journal of Cleaner Production*, 2014, pp. 545-551.

<sup>21</sup> Qi Tianyu, Zhang Xiliang, and Karplus Valerie, “The energy and CO<sub>2</sub> emissions impact of renewable energy development in China”, *Energy policy* (Tsinghua-MIT, China energy and climate project), 2014, pp. 60-69.

### 3. Enforcing environmental law: Civil society and the Chinese legal system

*Hugo Winckler*

#### Sources:

Xu Juan, “Environmental NGOs can initiate cross regional lawsuits”, *Renmin Wang*, 7 January 2015.<sup>22</sup>

Yin Youwen, “Jiangsu: An environmental association wins in trial, six companies are sentenced to pay 160 million in damages”, *Xiandai Kuaibao*, 12 September 2014.<sup>23</sup>

Lu Zhongmei, “The difficult birth of the new environmental law”, *Caixin Wang*, 1 January 2015.<sup>24</sup>

Wang Canfa, “It is necessary to authorise public interest lawsuits against administrative bodies”, *Zhonghuo Nianqing Bao*, 18 June 2015.<sup>25</sup>

Zhao Zhengnan, “Public interest lawsuits: from the Nanping ecological destruction case onward”, *Wenhui Bao*, 31 May 2015.<sup>26</sup>

Gao Shenke, “The road towards public interest lawsuits”, *Caijing*, 9 February 2015.<sup>27</sup>

China’s first Environmental Protection Act (1989) stated that all citizens had the legal right to a healthy environment. The law made it a duty of the state to ensure that the environment was clean and that polluters were prevented from harming the environment.

Since then, the enforcement of environmental law has mostly been the prerogative of the government rather than of the legal system. However, the Chinese court system has evolved significantly since 1989. For example, many administrative districts in China have since 2007 set up special courts to judge environmental cases, and most local Procuratorate Bureaus have established special investigative units tasked with handling environmental offences.

The 2012 amendment of the Chinese Civil Procedure Law led to the landmark Taizhou case of October–December 2014 (discussed below), and, since then, private organisations have been able to take on public interest civil environmental lawsuits.<sup>28</sup> Before that, public interest lawsuits could only be

<sup>22</sup> Xu Juan is a journalist at *Renmin Wang*.

<sup>23</sup> Yin Youwen is a journalist at *Xiandai Kuaibao*.

<sup>24</sup> Lu Zhongmei is head of the economics department of the University of Hebei.

<sup>25</sup> Interview of Wang Canfa, head of the environmental law research centre of the Chinese University of Political Sciences and Law in Beijing.

<sup>26</sup> Zhao Zhengnan is a journalist at *Wenhui Bao*.

<sup>27</sup> Gao Shenke is a journalist at *Caijing*.

<sup>28</sup> A civil lawsuit is litigation between private parties to seek financial compensation for damages rather than to apply criminal sanctions. As a rule, only the aggrieved party can seek damages

initiated by government authorities or, since 2009, by semi-official entities, but not by non-state grassroots initiatives (such as NGOs or foundations).

New amendments to China's Environmental Protection Act came into effect on 1 January 2015. Together with their interpretation by the Supreme People's Court, these amendments have created even greater scope for non-profit organisations to initiate public interest lawsuits against polluters.

These changes show how much China's environmental lawsuit framework has evolved over the last 25 years. This paper will assess recent developments in public interest lawsuits in China, and examine the effects that the newly amended Environmental Protection Act might have on these procedures.

### The Taizhou case

Yin Youwen reports on the details of the Taizhou City case for *Xiandai Kuaibao*. The Taizhou case represents a turning point in environmental lawsuits: it was one of the first initiated by a non-governmental "public interest organisation" (公益性社会组织, *gongxing shehui zhuzhi*). The NGO brought a suit against six local chemical industries for discharging waste acids into waterways between January 2012 and February 2013. The case ended with an unprecedented award of RMB 160 million in damages.

Yin says that the Taizhou case and decision were made possible by an amendment of the Civil Procedure Law in 2012, which extended the right to take legal actions from the "relevant civil body" (有关社会团体, *youguan shehui tuanti*) to "relevant organisations" (有关组织, *youguan zhuzhi*). As a result, private organisations were better able to access the courtrooms.

Yin Youwen quotes Qiu Lufeng, a legal scholar at Nanjing University, who says that this landmark lawsuit represents a big step forward in Chinese environmental law. Before the 2012 amendment to the Civil Procedure Law, most environmental claims were brought to court by the public procuratorate and took the form of criminal charges rather than civil liability claims. Qiu says that criminal prosecutions have major shortcomings. Because they usually result in the payment of a fixed, pre-determined fine, they encourage counterproductive attitudes on the part of the polluting companies. The corporations consider that once the fine is paid, the actions for which they were prosecuted are no longer illegal, and so they continue to pollute. On the other hand, civil litigation can result in a much more significant fine, in proportion to the damage done. Qiu adds that criminal prosecutions are often derailed by local protectionism because the polluting enterprises make an

to compensate its loss. However, in a public interest lawsuit, the litigation can be initiated by a non-aggrieved party as long as it is an entity legally entitled to represent the public interest.

important contribution to local finances through their taxes.

Qiu says that the new legal tools increase the cost of polluting by adding damages to the range of criminal sanctions (which mostly consist of fines and custodial sentences). Therefore they substantially change the economics of pollution for industries, creating incentives for companies to invest in waste management facilities.

### The 2015 amendment to the Environmental Protection Act

Lu Zhongmei argues that the amended version of the Environmental Protection Act, while not perfect, substantially improves on the earlier version by opening the courtrooms to new actors.

The new legal tools increase the cost of polluting by adding damages to the range of criminal sanctions. They therefore substantially change the economics of pollution for industries

In doing so, it establishes a key transformation of the legal framework. Before the reform, the environmental system was mostly top-down, run by local governments. By contrast, in the new system, NGOs have acquired three major rights: the "right to access information" (知情权, *zhiqing quan*), the "right to participate" (参与权, *canyu quan*), and the "right to monitor" (监督权, *jianju quan*). This, Lu says, changes the structure of governance of environmental issues in China. Where the old system was mostly vertical, with the state in the role of supervisor, the new system is more horizontal: civil society is empowered to monitor activities that cause pollution.

In addition, Lu notes as a huge step forward the fact that the new law clearly links environmental protection to individual health. She says that this could have major legal effects. She quotes the example of several "children blood lead contamination cases" (儿童血铅事件, *ertong xueqian shijian*) in which most of the polluting companies were complying with emissions standards, and thus could not be held accountable for their pollution, in spite of the terrible impact their actions had on public health. With the integration of health into the legal framework a new system of standards can emerge, focused on health as well as on material damages.

Lu raises one unanswered question: now that Chinese civil society can take legal actions, are the Chinese civil courts up to the task? She believes that as a matter of urgency, there should be a discussion on opening special courts for environmental trials, similar to those already in place in some provinces for intellectual property law.

## The Supreme Court Interpretations

Xu Juan says that the 2015 Amendment of the Environmental Protection Act was closely followed by the publication of the “People Supreme Court’s Interpretations on diverse issues regarding public interest civil environmental lawsuits” (最高人民法院关于审理环境民事公益诉讼案件适用法律若干问题的解释, *zui gao renmin fayuan guanyu shenli huanjing minshi gongyi susong anjian shiyong falü ruogan wenti de jieshi*), which came into force on 7 January 2015.

Xu says the main focus of the Interpretations is the “plaintiff qualifications” (原告资格, *yuangao zige*) that a public interest association would need to meet in order to initiate legal proceedings. According to the Interpretations, only three categories of legal entities are currently entitled to bring a civil interest lawsuit: NGOs registered with the civil administration in China (民政府民政部门登记的社会团体, *minzhengfuminzheng bumen dengji shehui juanti*), non-profit foundations (基金会, *jijinhui*), and non-commercial civil units (民办非企业单位, *minban feiqiye danwei*). Xu says that Supreme Court spokesperson Sun Jungong noted that NGOs are not restricted to initiating actions within the district in which they are registered, but can act on a national level.

Three additional conditions have been introduced by the Interpretations. Firstly, the entities bringing suit must have the protection of the environment as their main purpose in their articles of incorporation. Secondly, they must have been in existence for more than five years. And thirdly, they must not have conducted any illegal activities over the past five years - the concept of illegal activities still lacks clarity in the text, though. Xu adds that Sun Jungong stated that the conviction of a former legal representative of the association is not in itself enough to disqualify the association.

Yin Youwen notes that in the Taizhou City case, the public interest organisation that brought the case did not meet the requirement of having being in existence for five years. Nonetheless, the tribunal did not apply this rule, since the amended version of the environmental law had not yet been enacted.

### The first lawsuit under the new Act

The first lawsuit to take place under the amended Environment Protection Act was initiated earlier this year by the NGO Friends of Nature (自然之友, *ziran zhiyou*) before the Intermediate People’s Court of the city of Nanping in Fujian province. The lawsuit was initiated on the grounds of a new provision of the law against “ecological destruction” (生态破坏, *shengtai pohuai*).

Zhao Zhengnan reports one noteworthy point about the 15 May court hearing: numerous universities sent support teams to assist the NGO during the legal proceedings, to help it to tackle the most technical issues of the case.

In his article, Zhao cites an interview with Liu Liang, head of the support team from the Chinese University of Political Sciences and Law in Beijing. For Liu, this case shows that many difficulties still need to be overcome, such as the absence of clear legal provisions to resolve many issues, and the costs of litigation for NGOs. Nonetheless, Liu says the case is hugely significant because the claim seeks not only financial damages but the ecological restoration of the polluted site.

Wang Canfa, head of the environmental law research centre at the Chinese University of Political Sciences and Law in Beijing, says that although the case was encouraging, there are still obstacles to NGOs initiating legal actions. Not many NGOs meet the new legal requirements – at the moment, only 700 across the whole of China. NGOs tend to have limited resources, and thus can find it difficult to gather information and evidence. Moreover, the general climate for NGOs in China is problematic.<sup>29</sup> Wang points out that many NGOs are still controlled by central or local government, which appoints their top management.

In addition, environment-related lawsuits tend to be highly technical and complex, making legal fees unaffordable for most grassroots initiatives. NGOs usually do not have an in-house legal team and cannot afford long lawsuits. And NGOs are constrained in rectifying these problems because they are mostly small grassroots structures with very limited fund-raising capacities.

Wang regrets that it is still almost impossible to initiate a public interest lawsuit against the administration on the grounds that it did not comply with its duty to monitor economic entities. This is a significant loophole, since, in most cases, local governments may bear some level of responsibility for failing to prevent or punish illegal behaviour within their jurisdiction.

Recent changes in the legal landscape could have a real impact on the enforcement of environmental laws. Depending on the capacity of environmental NGOs to raise funds and ensure that the law is applied, the cost of polluting could dramatically increase in China. Commentators point out that further improvements are needed to the legal system, but they are optimistic about the potential for the amended Act to have a significant impact on behaviour.

<sup>29</sup> For instance, a new law restricting foreign NGOs’ rights is currently under discussion in China. See Verna Yu, “Draft Chinese law puts NGOs’ future on the line”, *South China Morning Post*, 4 June 2015, available at <http://www.scmp.com/news/china/policies-politics/article/1816097/draft-chinese-law-puts-ngo-s-future-line>.

#### 4. Environmental issues in China: the debate before the Tianjin accident

Camille Liffra

##### Sources:

Wang Hui, “The future of environment is ‘Big Politics’”, *Gongshi Wang*, 2 March 2015. (First published in *Lü Ye – Green Leaf*, 2 February 2008).<sup>30</sup>

Yue Qingping, “Overcoming environmental and public moral pollution is essential to deepen reform in all fields”, *Aisixiang*, 23 July 2015.<sup>31</sup>

Jin Weike, “China’s environmental pollution has already entered a stage of ‘normalisation’”, *Gongshi Wang*, 27 April 2015.<sup>32</sup>

In the early 2000s, China’s intellectual elite was not particularly concerned with environmental issues; debate on this topic was mostly confined to the circles of environment experts, economists, and officials. But by the end of the decade, as the Chinese public became more and more concerned about the issue - one of the most pressing challenges facing the country -, intellectuals started to share their views on it. They often went beyond commenting on the government’s policies and regulations, sharing their ideas for the future of Chinese society and culture. Environmental issues can often provide an interesting perspective on broader political and cultural issues. The articles selected here are not representative of the whole debate, but provide an insight into the way Chinese intellectuals look at climate and environmental issues.

##### Pollution: the “New Normal”?

All the authors agree that the environmental situation in China is increasingly alarming. Chinese people are very worried about this issue, and the government has taken steps to address the problem. But pollution has reached such a high level that Jin Weike says it is now like a “stubborn

30 Wang Hui is a renowned Chinese intellectual and professor in the department of Chinese language and literature at Tsinghua University. He is a specialist on Chinese intellectual history and was the editor-in-chief of *Dushu*, a well-known Chinese literary magazine, which is famous for publishing the views of Chinese liberals and the Chinese New Left. When first published in 2008 (in *Green Leaf* and *Aisixiang*), this analysis gave rise to some debate in intellectual circles in China. However, the article drew the most public attention after its republication in March 2015.

31 Yue Qingping is a professor in the history department of Peking University. His research focuses on the history of communism. He also holds official representative functions within Chinese Communist Party (CCP) organs – for example, he is a member of the Standing Committee of the CCP’s United Front Work Department.

32 Jin Weike is a regular contributor to *Gongshi Wang*. He often writes on Chinese contemporary society and politics. He works at the Policy Research Division of Helongjiang Province Party Committee.

illness” (顽症, *wanzheng*). Yue Qingping says that the Chinese environmental situation is almost a “hopeless case” (死棋, *siqi*), resulting from a “terrifying self-destruction process” (可怕的自我毁灭, *kepa de ziwo huimie*). Yue paints a gloomy picture, citing appalling statistics and figures. He writes in a dramatic tone of a near future in which China will be totally covered by “smog” (烟雾, *yanwu*) and filled with “cancer villages” (癌症村, *aizheng cun*).

Jin Weike talks about the “normalisation of pollution” (污染常态化, *wuran changtai hua*). He says that environmental degradation has affected every part of China’s environment: air, soil, and water. This has had innumerable and grave impacts on all aspects of citizens’ lives, affecting the economy, public health, society, culture, and even political stability, as Yue Qingping also notes, referring to an increasing number of “mass incidents” (群体性事件, *quntixingshijian*) linked to environmental issues.<sup>33</sup> Wang Hui, in the 2015 republication of a strongly worded article from 2008, stresses the “cultural cost” (文化代价, *wenhua daijia*) of environmental degradation, saying that pollution is a cultural issue. He discusses his own investigations in Yunnan province, where he witnessed the progressive disappearance of the culture and traditional way of life of ethnic minorities due to pollution.<sup>34</sup>

##### Strengthening China’s coercive apparatus

Jin Weike says that one of the reasons why pollution is becoming normalised is the failure of Chinese authorities to deter illegal activities that threaten the environment. Penalties, most often fines, are too weak to be a real disincentive. Moreover, local government officials are often “very reluctant” (不愿作为, *buyuan zuowei*) to enforce environmental laws and regulations. They are accustomed to “turning a blind eye” (睁一只眼, 闭一只眼, *zheng yi zhi yan, bi yi zhi yan*) to economic activities that cause pollution, because these activities are sources of huge benefits. Some officials even serve as “protective umbrellas” (保护伞, *baohu san*) for companies that pollute illegally. Jin suggests three main remedies to reverse the “bad habits” (恶习, *exi*) that are regularly denounced in Chinese public debate. The first is the establishment of an Environment Restoration Bureau (环境整治办公室, *huanjing zhengzhi bangongshi*) under the direct supervision of the Chinese Ministry of Environmental Protection, and of a monitoring system that could efficiently manage the restoration of polluted areas through rigorous

33 The term “mass incidents” refers to riots, civil unrest, and protests. According to the “2012 Mass Incident Research Report” published by *The Legal Daily (Fazhi Ribao)* on 8 December 2012, 9 percent of mass incidents were related to the defence of environmental rights. For more information on this report, see Jeremy Goldkorn, “*Legal Daily* report on mass incidents in China in 2012”, *Danwei*, 6 January 2013, available at <http://www.danwei.com/a-report-on-mass-incidents-in-china-in-2012/>.

34 For instance, Wang Hui alludes to the severe pollution of Dianchi Lake in Yunnan Province, explaining that it has completely changed the way of life of ethnic minorities who lived in the area and made a living from fishing. The lake’s pollution forced many of them to move to urban areas.

inspections. The second is a policy of “zero tolerance” (零容忍, *lingrongren*) towards environment degradation. Jin offers as an example the creation of environmental protection police forces in Hebei province. He suggests that they should be extended to the whole country, as is already the case in Western countries such as the US and France. The third remedy consists of strengthening government responsibility through, for instance, the inclusion of environmental protection standards in the evaluation system for local officials and cadres.

### Adjusting the development model or overturning “developmentalism”?

But the authors also say that China’s tragic environmental degradation is largely caused by the difficulty of reforming China’s “development model” (发展模式, *fazhan moshi*), which is based on very high economic growth and intense urbanisation. A social and political consensus has emerged on the link between pollution and China’s development model, which is very different from the prevailing opinion in the early 2000s.<sup>35</sup> For instance, Yue Qingping calls for more balanced and sustainable development. He says that the model of development that has formed the basis of Chinese official ideology and policies since 1992 has “killed the goose that lays the golden eggs” (杀鸡取蛋, *sha ji qu dan*). Jin Weike believes that official development policies focusing mainly on economic growth have made the development model “rigid” (僵化, *jianghua*) and “unconditional” (绝对, *juedui*) and thus very difficult to reform. Jin suggests that environmental protection should become a key priority in economic and social development.

Wang Hui says that “developmentalism” (发展主义, *fazhan zhuyi*) itself has to be “smashed” (打破, *dapo*), not just adjusted, as the other authors suggest. Wang says that developmentalism, based on industrialisation, urbanisation and economic growth is responsible for the level of pollution not just in China but worldwide. China’s environmental situation has become so serious because the country has been the world’s factory for the last 30 years, he argues.

Wang says that the dominance of what he calls the “persistent logic of contemporary society” (现在社会的一贯

<sup>35</sup> For instance, China’s central authorities have promoted the concept of “green development” (绿色发展, *lüse fazhan*) since 2010, and “sustainable development” (可持续发展, *kechixu fazhan*) was one of the priorities of the 12th Five-Year Plan launched in 2011. But back in the 1990s, Wang Hui was one of the few public figures to say that environmental pollution was mainly due to China’s development pattern. As the author explains, at the time, environmental issues were only talked of in theoretical terms and were limited to a very restricted debate. Most commentators believed that environmental degradation was just a “problem of Western society” (西方社会的问题, *xifang shehui de wenti*).

逻辑, *xianzai shehui de yi guan luoji*) explains why some efforts to control pollution and protect the environment are doomed to failure. Wang defines “developmentalism” as much more than just a way of emphasising high economic growth. The author believes that it is above all a Western capitalist logic characterised by wild consumerism, contractual and mercantilist relationships between individuals, and a “culture of individualism” (个人主义文化, *geren zhuyi wenhua*). Chinese environmental NGOs, which, Wang says, are originally a Western creation, also follow this market-oriented, Westernised logic: their structural organisation is based on work division, they have to follow specific programmes and standards, and must reach established quotas and goals.<sup>36</sup> As a result, they cannot really change the situation, since they are too enmeshed in the system that has brought about the problems. Moreover, environmental NGOs tend to focus only on “rights defence” (维权, *weiquan*). Wang Hui recognises that the defence of individual rights is necessary in order to protect those who suffer from the results of pollution. However, he argues that the concept of individual rights is also a result of pernicious developmentalism. If NGOs only focus on individual rights, it could have “negative consequences” (反面的后果, *fanmian de houguo*) by maintaining and fostering individualism in society. In his criticism of Westernisation and individual rights, Wang Hui even goes as far as stating that the concept of individual rights does not fit in with Tibetans’ customs and traditional values, which are based on a “collective model” (集体模式, *jiji moshi*). Instead of protecting their culture, the defence of individual rights, according to Wang, risks destroying it.

Finally, Wang Hui denounces the hypocrisy of certain activists or “developmentalism trumpeters” (发展主义的吹鼓手, *fazhan zhuyi de chuigushou*) as he calls them, who have won “environmental prizes” (环境奖, *huanjing jiang*). Wang says that the behaviour of these activists is “extremely ridiculous” (非常好笑, *feichang haoxiao*) – particularly because environmental prize ceremonies are mostly funded by big companies, which are often the firms that create the most pollution.

### Fighting “moral pollution” to implement political reform

As pessimistic as Wang, but focusing on (more concrete) political solutions, Yue Qingping believes that the environmental protection system will remain an “empty shell” (形同虚设, *xingtongxushe*) until societal and political changes take place. Yue’s idea of the reforms needed is quite different from that of Wang. Yue emphasises the need for political reform, and his inspiration comes directly from Deng Xiaoping’s idea of the thorough implementation of the rule of law and of a “socialist democratic political system” (社会主义民主政治制度, *shehui zhuyi minzhu*)

<sup>36</sup> On this topic, see, for example, Sam Geall (ed.), *China and the Environment: The Green Revolution* (London: Zed Books, 2013).

*zhengzhi zhidu*).<sup>37</sup> Yue thinks the starting point would be to clean up the “moral pollution” (人心污染, *renxin wuran*) contaminating Chinese society. Yue says that “moral pollution” includes phenomena such as corruption, injustice, selfishness, obsession with economic profit, lack of generosity and empathy, and so on. He speaks out against the spiritual and intellectual emptiness of Chinese society, attributing this to the complacency of China’s political and intellectual elites, whom he harshly criticises. He says that senior officials should abandon “beautiful slogans” (漂亮的口号, *piaoliang de kouhao*) and adopt braver and wiser behaviour. As for the intellectual elites, they must adopt a position of self-criticism and draw their inspiration from classical Chinese writers such as Hu Shi or Lu Xun, who praised the independent, challenging, and free spirit.<sup>38</sup>

### Environment protection as China’s “true social struggle”

Wang Hui also seems to believe that the only thing that can guarantee real change is intellectual renewal – a profound change in China’s ways of thinking –, but his perspective differs from that of Yue. Wang argues that the only way to address the pollution problem is to undertake a “thorough and historical critique” (彻底的反思, 历史性的反思, *chedi de fansi, lishi xing de fansi*) of “mainstream, widely supported developmentalism” (主流的, 支配性的发展主义, *zhuliu de, zhipei xing de fazhan zhuyi*). He believes that the country should seek a new, Chinese logic of development, rather than a model that just “follows the West” (顺着西方, *shunzhe xifang*). China’s elites should question their “blind admiration for the West” (崇拜西方, *chongbai xifang*). Wang believes that this should be the starting point for opening a path towards an entirely rejuvenated way of thinking.

Moreover, Wang argues that environmental protection should come directly from the “grassroots” (草根, *caogen*), not from the narrow circles of the intellectual elite. The fight must become a “true social struggle” (真实的社会斗争, *zhenshi de shehui douzheng*) and a “societal project” (社会性的事业, *shehui xing de shiye*).

Wang does not explain precisely how this new societal project should be implemented. But his views do represent China’s New Left, which tends to harshly criticise capitalism and favour Maoist-style socialist thinking.<sup>39</sup> While Yue does not share Wang’s radical views – his political and intellectual background is quite different – he also understands China’s

pollution crisis as essentially a political and moral problem. Apart from Jin Weike, who recommends “legislative remedies”, the authors do not seem to believe that new environmental regulations and policies can change the situation without a more thorough process of political and societal reform. For this reason, they are pessimistic about the potential impact of this year’s new environmental law.

37 As Deng Xiaoping described it, this “socialist democratic political system” combines authoritarian Party leadership, expansion of popular participation in the political process, and governance through the rule of law. See Deng Xiaoping, “On the Reform of the System of Party and State leadership”, 18 August 1980, in *Selected Works of Deng Xiaoping 1975-1982* (Beijing: Beijing Language Foreign Press, 1983).

38 Hu Shi (1891-1962) and Lu Xun (1881-1936) played a role in the 1919 May Fourth Movement, which is seen as a catalyst for the foundation of the CCP.

39 However, Wang Hui rejects this label, which is, according to him, too reductive and has a Western connotation.

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