

Topic: Analyzing the “Distinctive Characteristics” of the Chinese Environmental Non-Governmental Organizations [ENOGs] through the Framework of Michael Foucault’s Governmentality

Class: API 6999

Professor: Dr. Michael Williams

Professor on the MRP Committee: Dr. Rita Abrahamsen

Student Name: Tuo Ji (Janet)

Student Number: 5816600

Date: June 2, 2013

Abstract

The roles of China's environmental non-governmental organizations [ENGOS] have attracted heated scholarly debates. On one hand, China has experienced a rapid growth of ENGOS since 1990s; on the other hand, many ENGOS tend to possess "distinctive characteristics" compared to their western counterparts. The "distinctive characteristics" of the ENGOS is the subject of inquiry in this research paper. I ask the following questions: why do the ENGOS and why does the Chinese government behave the way they do? How is power exercised and what is the logic of governance in between the state and the ENGOS?

Employing Foucault's governmentality framework, I focus on the relationship between the ENGOS and the government. My goal is to identify the mentality of governance on part of the two parties. I argue for the following thesis: due to the conditions the Chinese government set for the ENGOS, the ENGOS organize themselves as non-antagonistic subjects of governance which help to realize their long-term objectives: to influence government policy and to set themselves up as platforms for producing more environmentally conscious and self-disciplined citizens.

This paper includes the following sections. It begins with some discussion of Michel Foucault's governmentality framework and its strengths in comparison to other theoretical frameworks. Basic information of the Chinese ENGOS, such as their numbers, types, activities, and international connections is then provided. The Chinese government delegates some environmental governance functions to the ENGOS and the general public, and in the meantime it manages the ENGOS. Given this situation, the ENGOS position themselves in environmental governance with their "distinctive characteristics," a softer approach to deal with the government. This, in turn, serves to fulfill the governance rationality of the Chinese ENGOS: to ensure their own survival, to influence policy and to educate the citizens on environmental governance. This mentality or logic of governance on the part of the ENGOS will be illustrated by two case studies, Friends of Nature, the largest and first ENGO in China and the Nu River campaign, a widely cited case study of the Chinese ENGO. Policy relevance will be discussed in the conclusion part of this paper.

Table of Contents

☐ Introduction

☐ Theoretical Framework

☐ Background of the Chinese ENGOs

☐ Rationality of Governance for the State: Importance of Environment

☐ Rationality and Exercise of the Delegating Imperative of the State

☐ Rationality and Exercise of the Managerial Imperative of the State

☐ ENGO Rationality: “Distinctive Characteristic”

☐ Case Study I: Friends of Nature (FON)

☐ Case Study II: Nu River Campaign

☐ Conclusion and Policy Discussion

☐ Bibliography

Introduction

Scholars of international relations contend that “the world politics is increasingly shaped by processes and networks of governance where non state actors play an increasingly powerful role.”¹ The roles of China’s environmental non-governmental organizations [ENGOS] have attracted heated debates. On one hand, China has experienced a rapid growth of the number of ENGOS since 1990s²; on the other hand, many ENGOS tend to possess “distinctive characteristics” compared to their western counterparts.

The arguments on the “distinctive characteristics” can be divided in two categories. The first line of argument centers on the ENGOS’ cooperative relationships with the Chinese government. The second line of argument is focused on the specific activities in which the ENGOS participate. In general, the ENGOS are said to have “close” relationship with the government.³ Koon-Kwai Wong argues that the ENGOS tend to “have closer relations to the government than their Western counterparts.”⁴ In a similar vein, Yangzi Sima refers to the ENGO-state interaction in China as building “cooperative relations.”⁵ Specifically, the Chinese ENGOS serve to “complement the central government in enforcing and implementing environmental laws by promoting environmental education and monitoring local governments.”⁶ Even the Chinese government states that the ENGOS are there “to assist not to complicate, to participate not to intervene, to supervise not to replace, and to

¹ Ole Jacob Sending and Iver Neumann. “Governance to Governmentality: Analyzing NGOs, States and Power.” *International Studies Quarterly* 50, 3 (2006): page 653.

² Philip Stalley and Dongning Yang. “An Emerging Environmental Movement in China?” *The China Quarterly* 186 (Jun 2006): page 333.

³ Philip Stalley and Dongning Yang. “An Emerging Environmental Movement in China?” *The China Quarterly* 186 (Jun 2006): page 337.

⁴ Koon-Kwai Wong. “Greening of the Chinese Mind: Environmentalism with Chinese Characteristics.” *Asia-Pacific Review* 12. 2 (Nov 2005): page 51.

⁵ Yangzi Sima. “Grassroots Environmental Activism and the Internet: Constructing a Green Public Sphere in China.” *Asian Studies Review* (Dec 2011); Vol. 35, 4: pp 481-2.

⁶ Koon-Kwai Wong. “Greening of the Chinese Mind: Environmentalism with Chinese Characteristics.” *Asia-Pacific Review* 12. 2 (Nov 2005): page 53.

offer solutions not to break the law.”⁷ In short, many scholars consider the Chinese ENGOS to have close and cooperative relations with the government.

Other scholars’ critiques of the ENGOS’ “distinctive characteristics” are focused on the specific activities in which those ENGOS engage. They argue that Chinese ENGOS tend to work within parameters set by the government, that “ENGOS slowly expand the scope of activities into relatively ‘safe’ areas,”⁸ and that “many newly established social organizations have achieved a relatively high degree of autonomy, as long as the organization’s activities support the overall goals and policies of the state.”⁹ In simple terms, the Chinese ENGOS tend to restrict themselves in activities that are not overtly antagonistic towards the government. This “non-antagonistic” aspect of the Chinese ENGOS constitutes a sharp contrast compared to many of their western counterparts. The Chinese ENGOS “do not seek to challenge the government.”¹⁰ They do not “organize boycotts or protests.”¹¹ Given that they do not have sustained contention, the Chinese ENGOS “exhibit apolitical nature.”¹² Some even consider that “the vast majority of NGOs [in China] practice self-censorship”.¹³ In a word, the Chinese ENGOS participate in different types of activities from their western counterparts.

Implicit in those criticisms is the following: the Chinese ENGOS are not credible as

⁷ Yangzi Sima . “Grassroots Environmental Activism and the Internet: Constructing a Green Public Sphere in China.” *Asian Studies Review* (Dec 2011); Vol. 35, 4: page 483.

⁸ Koon-Kwai Wong . “Greening of the Chinese Mind: Environmentalism with Chinese Characteristics.” *Asia-Pacific Review* 12. 2 (Nov 2005): page 52.

⁹ Philip Stalley and Dongning Yang . “An Emerging Environmental Movement in China?” *The China Quarterly* 186 (Jun 2006): page 337.

¹⁰ Philip Stalley and Dongning Yang . “An Emerging Environmental Movement in China?” *The China Quarterly* 186 (Jun 2006): page 337.

¹¹ Thomas Johnson. “Environmental information disclosure in China: policy developments and NGO responses.” *Policy & Politics* vol 39 no 3 (2011): page 411.

¹² Yangzi Sima . “Grassroots Environmental Activism and the Internet: Constructing a Green Public Sphere in China.” *Asian Studies Review* (Dec 2011); Vol. 35, 4: page 487.

¹³ Thomas Johnson. “Environmentalism and NIMBYism in China: promoting a rules-based approach to public participation.” *Environmental Politics* 19. 3 (May 2010): page 433.

their western counterparts and they are little more than tools of the government.

Therefore, this research paper takes particular interest in understanding the criticisms of the ENGOs' "distinctive characteristics." Employing Michel Foucault's "governmentality" framework, and in particular, the relational and mentality aspect of governance, this research paper aims to explore the following questions: how does governance take place in between the ENGOs and the Chinese government? Why do the two parties behave the ways they do? In other words, how is power exercised in environmental governance in between the state and the ENGOs in China?

I argue for the following thesis: due to the conditions that the Chinese government sets for the ENGOs, the ENGOs organize themselves as non-antagonistic subjects of governance which help to realize their long-term objectives: to influence policy making and to set themselves up as platforms for producing more environmentally conscious and self-disciplined citizens. This paper proceeds as follows. First, I will discuss Michel Foucault's governmentality framework and its strengths in comparison with other theoretical frameworks. Second, I will provide a brief account of the status of the Chinese ENGOs, such as their numbers, types, activities, and international connections. Third, I will explain why and how the Chinese government simultaneously delegates some environmental governance functions to the ENGOs and manages them. Fourth, I will analyse how the ENGOs position themselves in environmental governance with their "distinctive characteristics." This mentality or logic of governance on the part of the ENGOs will be illustrated by two case studies, Friends of Nature[FON], the largest ENGO in China and the Nu River campaign, a widely cited case study of the Chinese ENGO. I will conclude with a discussion on the policy relevance of this paper. As the theoretical lens of this paper is

Foucault's "governmentality" framework, I will turn to discuss its main components and strengths.

Theoretical Framework: Foucault's Governmentality : Relation and Mentality of Governance

Governmentality is a concept which was brought forward by Michel Foucault. Even though Foucault originally used that concept to analyse governance within a specific territory, the governmentality framework has been widely used by political scientists in global governance and environmental governance to theorize about state-private governance, state-NGO governance, the role of different state institutions and so forth. For example, Emma A. Foster, examines the sustainable policy in Great Britain by employing concepts from the governmentality framework, such as conduct of conduct, discipline, expert, target of population.¹⁴ In "Sustainable Development Policy in Britain: Shaping Conduct Through Global Governmentality," Emma A. Foster argues that, "in line with Michel Foucault's notion of governmentality, this paper traces the shifting discourses of environmentalism in Britain to offer an overview of how environmental issues work to discipline relations around achieving market based objectives."¹⁵ In a similar vein, Éric Darier, uses the governmentality framework when studying Canada's environmental policy documents. In "Environmental Governmentality: The Case of Canada's Green Plan," he argues that Canada's Green Plan produces "environmental citizenship."¹⁶ Similarly, Ole Jacob Sending and Iver Neumann, take inspiration from Foucault's governmentality in analyzing the state and NGO relationship in "Governance to

¹⁴ Emma A. Foster. "Sustainable Development Policy in Britain: Shaping Conduct through Global Governmentality." *British Politics*, 3, (2008): pp. 537,543,538.549,552.

¹⁵ Emma A. Foster. "Sustainable Development Policy in Britain: Shaping Conduct through Global Governmentality." *British Politics*, 3, (2008): page 535.

¹⁶ Éric Darier. "Environmental governmentality: The case of Canada's green plan." *Environmental Politics*, 5:4 (1996), page 585.

Governmentality: Analyzing NGOs, States and Power.”

This section proceeds in the following steps. First, even though it is impossible to explain all components of the governmentality framework, a few elements of this framework will be explained. I will then highlight Ole Jacob Sending and Iver Neumann’s application of this concept. Third, I will discuss the merits of the governmentality in comparison with other theoretical frameworks such as the ones proposed by Benjamin Cashore and Steven Bernstein.

What are the important aspects of Foucault’s governmentality? To begin with, Foucault distinguishes governance from government and this is a novel account of power in his governmentality paradigm. In other words, governance occurs beyond the state. According to him, power is not something possessed solely by the state. Rather, it exists beyond the realm of the state institutions.¹⁷

If power exists not only within state institutions, where else does it exist? In Foucault’s governmentality paradigm, power is not a noun, and it is about relations. Power is always on the move and it involves relations. Gavin Kendall and Gary Wickham, in “Using Foucault’s Method,” comment on Foucault’s insight that power is practised and exercised. They state that,

power, then, is not essentially repressive; it is not possessed, but is practised. Power is not the prerogative of ‘masters’, but passes through every force. We should think of power not as an attribute (and ask ‘What is it?’), but as an exercise (and ask ‘How does it work?’).¹⁸

Furthermore, power works by moving around and among many players. Geoff Danaher, Tony Schirato, and Jen Webb, in “Understanding Foucault,” assert that, “power moves around and through different groups, events, institutions and individuals, but

¹⁷ Paul Rabinow. *The Foucault Reader*. New York : Pantheon Books, c1984, page 242.

¹⁸ Gavin Kendall and Gary Wickham. *Using Foucault's methods*. London : Sage, 1999, page 50.

nobody owns it.”¹⁹ Given that power moves around, it unavoidably involves a relational aspect. Foucault, in “Hermeneutics of the Subject,” notes that, “power relations, governmentality, the government of the self and of others, and the relationship of self to self constitute a chain, a thread, and I think it is around these notions that we should be able to connect together the question of politics and the question of ethics.”²⁰ David Couzens Hoy, interprets Foucault’s view on the relational aspect of power in this way, “power is for him [Foucault] an explanatory concept, Foucault thinks he can explain contemporary society by mapping the network of power relations.”²¹ In short, for Foucault, power moves among different plays and it involves a relational aspect.

Foucault pays attention to the role civil society, which NGOs are part of, in this power relation. The words population, society and civil society are closely related as all three are referred to as the “target,” or the “object,” or the “end of government.” Foucault claims that, “society [is] as both a precondition and a final end.”²² Implicit in Foucault’s argument is that the objective of governance includes improvement of societies and betterment of the average citizens. The realization of this objective can be achieved through the self-governance of the citizens and of the communities or organizations to which they belong. In addition, Foucault refers to civil society as the target and object of state power and as an extension of the state power “both internal and to external to it.”²³ In the modern world, non-governmental organizations (NGOs) and environmental non-governmental organizations (ENGOs) constitute part of the civil societies. In a word, according to Foucault, to understand governance and power, one needs to examine the purpose of governance and the various parties involved in the

¹⁹ Geoff Danaher, Tony Schirato, and Jen Webb. *Understanding Foucault*. Delhi : Motilal Banarsidass, 2001, c2000, page 73.

²⁰ Michel Foucault. *The Hermeneutics of the Subject : Lectures at the Collège de France, 1981-82*. Ed. Frédéric Gros, François Ewald and Alessandro Fontana. New York : Palgrave Macmillan, 2005, page 252.

²¹ David Couzens Hoy. *Foucault : A Critical Reader*. Oxford, UK ; New York, NY, USA : B. Blackwell, 1986, page 128.

²² Michel Foucault. *Ethics : Subjectivity and Truth*. Ed. Paul Rabinow . New York : New Press, c1997, page 75.

²³ Michel Foucault. *The Birth of Biopolitics : Lectures at the Collège de France, 1978-1979*. Ed. Michel Senellart, François Ewald and Alessandro Fontana . New York : Picador, 2010, page 187.

power relations.

Ole Jacob Sending and Iver Neumann refer to Foucault's view that it is important to examine a policy or phenomenon by looking at the relationship. They write that, "an attempt to grasp the role of nonstate actors, and civil society organizations in particular, requires an approach that can theorize about the specific relations between state and nonstate actors and about the logic of the processes of governance."²⁴ In addition to the importance of examining relational aspect of governance, they highlight the analytical power of governmentality in that it helps one to understand rationality of governing.²⁵ They believe that "new insights can be generated if we study the sociopolitical functions of governance in their own right and seek to identify their rationality as governmental practices."²⁶ In fact, when they apply the governmentality framework in their study, they uncover a changing logic of governance:

the role of nonstate actors in shaping and carrying out global governance-functions is not an instance of transfer of power from the state to nonstate actors but rather an expression of a changing logic or rationality of government (defined as a type of power) by which civil society is redefined from a passive object of government to be acted upon into an entity that is both an object and a subject of government.²⁷

In short, Ole Jacob Sending and Iver Neumann demonstrate that the employment of Foucault's governmentality can generate new knowledge on state and non-state relations.

This does not mean that Sending and Neumann are the only scholars interested in NGO-state relations. Benjamin Cashore and Steven Bernstein, for example, have developed respective analytical frameworks to analyse ENGO- state relationship. However, as will be explained in the latter part of this research paper, due to the early

²⁴ Ole Jacob Sending and Iver Neumann. "Governance to Governmentality: Analyzing NGOs, States and Power." *International Studies Quarterly* 50, 3 (2006): page 652.

²⁵ Ole Jacob Sending and Iver Neumann. "Governance to Governmentality: Analyzing NGOs, States and Power." *International Studies Quarterly* 50, 3 (2006):page 652.)

²⁶ Ole Jacob Sending and Iver Neumann. "Governance to Governmentality: Analyzing NGOs, States and Power." *International Studies Quarterly* 50, 3 (2006): page 652.

²⁷ Ole Jacob Sending and Iver Neumann. "Governance to Governmentality: Analyzing NGOs, States and Power." *International Studies Quarterly* 50, 3 (2006): page 651.

development stage of the Chinese ENGOs, the available literature and the market setting, neither Benjamin Cashore nor Steven Bernstein's work is applicable in the case of studying the Chinese ENGO and state relations.

Cashore brings up the concept of nonstate market-driven governance[NSMD]. He states that, "in the last decade international relations and comparative public policy scholars have devoted significant and sustained attention to the emergence of self-regulating, market-based, and 'private' regulatory regimes."²⁸ Cashore defines NSMD in the following way,

nonstate market-driven (NSMD) governance regimes that obtain their authority not from the state, but from customer decisions within the marketplace. Firms along a sector's production chain are cajoled, enticed, and encouraged by nongovernmental organizations to support and adhere to pre-established standards concerning responsible environmental and social practices.²⁹

However, in the case of the Chinese ENGOs, this framework does not fit due to the limited role the Chinese ENGOs have in dealing with the private sector and the fairly limited power of market forces in China. Peter Ho, in "Greening without Conflict? Environmentalism, NGOs and Civil Society in China," justifies why his analysis is not centred on NGOs-industry relationships. He states that,

relations between green organizations and the industrial sector are not dealt with here: under the current societal and political conditions, I would argue that relations with industry are less important for green social organizations, and there seems little chance of environmentalists attempting to 'green' industries and business corporations at this time.³⁰

Industries in China develop under the heavy influence, if not the direction, of the state.

They do not react to the market alone. In order for China to have to the NSMD governance regime as explained by Cashore, the Chinese industries need to have the condition and

²⁸Benjamin Cashore et al. "Revising Theories of Nonstate Market-Driven (NSMD) Governance: Lessons from the Finnish Forest Certification Experience." *Global Environmental Politics* 7. 1 (Feb 2007): page1.

²⁹ Benjamin Cashore et al. "Revising Theories of Nonstate Market-Driven (NSMD) Governance: Lessons from the Finnish Forest Certification Experience." *Global Environmental Politics* 7. 1 (Feb 2007): page 2.

³⁰Peter Ho. "Greening without Conflict? Environmentalism, NGOs and Civil Society in China." *Development and Change* 32. 5 (Nov 2001): page 898.

capacity to react more freely to the customers' decisions and preferences.

Besides Cashore, Bernstein also makes scholarly contribution to the role that ENGOs play in environmental governance. His interest is in legitimacy of global environmental governance and the question of legitimacy is relevant to the ENGOs. To begin with, Bernstein claims the necessity of achieving a better understanding of legitimacy. "Legitimacy must be examined not only from the common perspective of democratic theory, but also from legal and sociological perspectives that may diverge from the democratic normative ideal."³¹ He defines legitimacy in the following manner,

legitimacy can be defined as the acceptance and justification of shared rule by a community. This definition self-consciously combines an empirical measure of legitimacy (acceptance of a rule or institution as authoritative) and a normative argument concerning whether the authority possesses legitimacy (providing reasons that justify it).³²

In addition, he explains the sociological aspect of legitimacy and the process of legitimization.³³ Legitimacy is relevant to NGOs. He holds that,

whether or not legitimacy was always necessary for international stability and patterned behaviour, the extended scope and reach of contemporary 'global governance' has made that need much more visible. This need is apparent not only within international organizations (such as the UN, IMF, WTO, or World Bank), but also within hybrid, private, and networked forms of governance that include varying mixes of non-state actors.³⁴

Bernstein establishes a new definition of legitimacy in global environmental governance from a sociological point of view.

Bernstein is also interested in how market acts and reacts to the global legitimization. He comments on the rationale of the birth of the NGMD governance scheme in this way, "not content with leaving corporate engagement to governments or

³¹ Steven Berstein. "Legitimacy in Global Environmental Governance." *Journal of International Law and International Relations*. Issue 1-2 (2004-5): page 141.

³² Steven Berstein. "Legitimacy in Global Environmental Governance." *Journal of International Law and International Relations*. Issue 1-2 (2004-5): page142.

³³Steven Berstein. "Legitimacy in Global Environmental Governance." *Journal of International Law and International Relations*. Issue 1-2 (2004-5): page 156.

³⁴ Steven Berstein. "Legitimacy in Global Environmental Governance." *Journal of International Law and International Relations*. Issue 1-2 (2004-5): pp. 142-3.

international institutions, some nongovernmental groups have opted to directly target firms in the global marketplace through the creation of non-state governance schemes.”³⁵ However, in order for such a governance system to work, the market needs to have the freedom to react to the global legitimization process. Bernstein argues that, “such schemes take advantage not only of globalizing markets, but also the spread and influence of global consciousness and civil society organizations to create pressures on companies to participate.”³⁶

However, it is difficult to apply Bernstein’s framework to the case of the Chinese ENGOs for two reasons. First, there are limited literature on this subject. Chinese ENGOs are in their early stages, because “the development of environmental social organizations only took off in the mid-1990s and the green sector is still in a state of flux.”³⁷ The literature is limited. Philip Staelley and Donging Yang state that,

given the fact that environmentalism is a relatively recent phenomenon in China - no environmental NGO pre-dates the 1990s - it is not surprising that there is relatively little literature on the political implications of China’s environmentalism. Within the small body of existing work, most scholars focus their efforts on NGOs, activist leaders and government regulations restricting NGO activity.³⁸

Peter Ho shares this view, “to date, little is known about environmental organizations in China.”³⁹ The difficulty in accessing to literature is one reason for which Bernstein’s framework cannot be employed.

The second reason for which Bernstein’s framework is not applicable in China is that the Chinese market works under a different pressure when facing global legitimization force. China stated to open its economy to the international market three

³⁵ Steven Berstein. “Legitimacy in Global Environmental Governance.” *Journal of International Law and International Relations*. Issue 1-2 (2004-5): page 160.

³⁶Steven Berstein. “Legitimacy in Global Environmental Governance.” *Journal of International Law and International Relations*. Issue 1-2 (2004-5): page 160.

³⁷ Peter Ho. “Greening without Conflict? Environmentalism, NGOs and Civil Society in China.” *Development and Change* 32. 5 (Nov 2001): page 907.

³⁸ Philip Stalley and Dongning Yang . “An Emerging Environmental Movement in China?” *The China Quarterly* 186 (Jun 2006): page 338.

³⁹ Peter Ho. “Greening without Conflict? Environmentalism, NGOs and Civil Society in China.” *Development and Change* 32. 5 (Nov 2001): page 907.

decades ago. Its market is still under the monitor of the state. The partially controlled and monitored Chinese market makes it not able to react to the global legitimization force as freely as to their western counterparts. For the same reason, the Chinese market does not have the same type of power as their western counterparts when determining the environmental standards of the products. In fact, “in general, domestic economic actors [in China] hardly articulate environmental interests. Insurance companies, banks, public utility companies, business associations, general corporations and others do not yet play any significant role in environmental governance.”⁴⁰In short, given that the Chinese government monitors and controls its “open economy,” and that the market has less power to react to the global legitimization pressure, Bernstein’s framework cannot be used.

To summarize, this research paper utilizes Foucault’s governmentality framework . To study governance through the lens of the governmentality has a number of merits as demonstrated by Sending and Neumann. To use the governmentality approach implies that one does not assume power as zero-sum game; rather, one needs to examine how power is exercised, transferred, generated and reproduced among various players and through different relations. To some degree, Foucault’s governmentality approach is scientific-based in that it requires one to look beyond government institutions and policy documents produced by those institutions. Instead, it requires to study the detailed process of governance, to collect those “data” and to analyze how those “data” interact with each other. With this method, one can derive the rationality of governance. Given that the research question is related to the “distinctive characteristics” of the ENGOs, it is time to turn to discuss the status of the ENGOs in China.

⁴⁰Arthur P.J. Mol and Neil T. Carter. “China’s Environmental Governance in Transition.” *Environmental Politics* 15.2 (April 2006): page 159.

Background of the ENGOS in China

NGOs are only a recent phenomenon in China. Environmental NGOs first began appearing in 1994. ⁴¹Yangzi Sima provides a definition of the NGOs in the following manner. "NGOs are defined as organisations characterised by a grassroots and non-profit nature, dedication to public interest, volunteer spirit and unique form or organization." ⁴² Given this definition, ENGOS are those with an environmental focus.

Jonathan Schwartz provides a typology of the ENGOS in China. According to him, there are three types of ENGOS. The first type is called GONGOS. He states that,

many Chinese NGOs are best described as GONGOS-government non-governmental organizations.... GONGOS differ from NGOs in that government agencies or institutions establish GONGOS....two quantitative measures to distinguish genuine NGOs from GONGOS: one, the percentage of funding received from government; and two, the number of government officials serving among the NGOs staff or board of directors.⁴³

GONGOS carry multiple governmental functions. "Environmental GONGOS are found to function, for instance, in order to realize the internalization of environmental protection, obtaining international assistance and benefiting from international expertise." ⁴⁴ Jonathan Schwartz does not think GONGOS are authentic ENGOS. In a way, GONGOS are not too different from the government. As the source of funding and key leaders of the GONGOS are from the government, GONGOS function as a subdivision of the government. Given that the government' interests may diverge from that the public interests, the GONGOS do not have the features of being grassroots-driven and public interest-oriented.

⁴¹Jonathan Schwartz . "Environmental NGOs in China: Roles and Limits." *Pacific Affairs* 77. 1 (Apr 2004): page 36.

⁴² Yangzi Sima . "Grassroots Environmental Activism and the Internet: Constructing a Green Public Sphere in China." *Asian Studies Review* (Dec 2011); Vol. 35, 4: page 480.

⁴³Jonathan Schwartz . "Environmental NGOs in China: Roles and Limits." *Pacific Affairs* 77. 1 (Apr 2004): page 36.

⁴⁴ Lei Xie, Hein-Anton Van Der Heijden . "Environmental Movements and Political Opportunities: The Case of China." *Social Movement Studies* 9. 1 (Jan 2010): page 59.

According to Schwartz, two other types of ENGOs exist in China. The second type is deemed to be authentic and genuine kind of ENGO. Schwartz states that,

I define [genuine] environmental NGOs as organizations registered with the government Ministry of Civil Affairs, that receive no state funding, and have no official ties to government beyond the necessity of a sponsoring unit. Thus NGOs are private institutions that do not draw on state funding or utilize state assets, but do engage in non-profit social activities.⁴⁵

In other words, this type of ENGOs functions more independently from the state. These ENGOs are likely to represent the voices of the average citizens.

Schwartz also provides some explanation of the third kind of NGOs, semi-NGOs. They are “of organizations that are not registered with the Ministry of Civil Affairs, but are indirectly affiliated with government.”⁴⁶ Semi-NGOs, as suggested by their names, tend to have a mixed features of the GONGOs and the authentic NGOs, in particular with regards to their level of independence from the government.

While recognizing the different kinds of ENGOs, I do not differentiate them in this research paper for the following reasons. First, while the first case study which I discuss in the latter part of this research paper, the Friends of Nature, is an authentic ENGO; the second case study, the Nu River campaign, involves ENGOs of all types. Second, among the literature on the Chinese ENGOs, not all scholars specify the types of the ENGOs which they study. Given these two factors and the limited space of this research paper, it is unnecessary to differentiate them as categorised by Schwartz.

ENGOs have steady growth rate and number over the past two decades. ENGOs have experience tremendous growth, both in number and in percentage. "A 2006 report

⁴⁵ Jonathan Schwartz . “Environmental NGOs in China: Roles and Limits.” *Pacific Affairs* 77. 1 (Apr 2004): page 37.

⁴⁶Jonathan Schwartz . “Environmental NGOs in China: Roles and Limits.” *Pacific Affairs* 77. 1 (Apr 2004): page 37.

published by the All-China Environment Federation shows that by the end of 2005, there were 2,768 ENGOs actively operating in China."⁴⁷ This figure "exclude[s] the unregistered ENGOs, such as web-based organizations and ENGOs registered as business organizations"⁴⁸ Philip Stalley and Dongning Yang, writing in 2006, state that, "it is estimated that there are at least 2,000 official environmental NGOs."⁴⁹ The growth of the Chinese environmental NGO sector is estimated to be about 10–15 per cent annually (in terms of both the number of organizations and the number of staff working for them). "According to one survey, by the end of 2008 there were 508 citizen-organised environmental NGOs, 1,309 GONGOs, 1,382 student groups and 90 international NGOs operating in China."⁵⁰ The most recent 2012 data also indicates that, "there are more than 3,500 environmental NGOs in China, without counting unregistered organizations active at universities and in rural areas."⁵¹ In brief, data from surveys, governmental agencies and the newspaper all suggest that the ENGOs in China have fast growth rate.

Besides the growth rate, two types of activities engaged in by many ENGOs particular interest scholars, namely, their use of internet and their international connections. ENGOs in China tend to make use of internet in their activities. "Research has found that 80 per cent of Chinese ENGOs own computers, a fact that demonstrates the

⁴⁷Yangzi Sima . "Grassroots Environmental Activism and the Internet: Constructing a Green Public Sphere in China." *Asian Studies Review* (Dec 2011); Vol. 35, 4: page 481.

⁴⁸Lei Xie, Hein-Anton Van Der Heijden . "Environmental Movements and Political Opportunities: The Case of China." *Social Movement Studies* 9. 1 (Jan 2010): pp 56-7.

⁴⁹ Philip Stalley and Dongning Yang . "An Emerging Environmental Movement in China?" *The China Quarterly* 186 (Jun 2006): page 334.

⁵⁰ Thomas Johnson. "Environmentalism and NIMBYism in China: promoting a rules-based approach to public participation." *Environmental Politics* 19. 3 (May 2010): page 432.

⁵¹ Liu Sha, "Environmental NGOs grow across China but still struggle for support." *Global Time*, June 1 ,2012 <http://www.globaltimes.cn/content/714330.shtml>

importance of computer-mediated communication in activist work."⁵² The three main network functions adopted by environmentalists include "web sites, mailing lists and bulletin boards."⁵³ The use of internet implies that the ENGOs use electronic means to connect with, educate and mobilize the public. "Internet technologies effectively empower resource-poor activists in their self-representation, information brokering, network building, public mobilisation and construction of discourse communities."⁵⁴

Furthermore, the Chinese ENGOs actively network with the international community through which they attract funding and expertise. Jie Chen asserts that,

active participation by more than 100 Chinese environmental groups at the NGO Forum of the World Summit on Sustainable Development (Johannesburg, 2002) saw a debut of China's still developing civil society on the international stage. China is no longer outside the global trend of solidarity and networking among NGOs across national borders. Chinese NGOs have expanded their cooperation with foreign NGOs, particularly INGOs.⁵⁵

Currently, a large percentage of the Chinese ENGOs have international connections.

According to Jie Chen,

based on survey data collected from NGOs from various sectors in multiple provinces/cities from October 2003 to January 2004.... 90 (or 71%) out of 126 surveyed NGOs reported having contact with foreign NGOs.⁵⁶

Through connecting with the international community, the Chinese ENGOs obtain funding overseas:

the Institute for Environment and Development (IED) is an example of this kind of

⁵²Yangzi Sima . "Grassroots Environmental Activism and the Internet: Constructing a Green Public Sphere in China." *Asian Studies Review* (Dec 2011); Vol. 35, 4: page 484.

⁵³Yangzi Sima . "Grassroots Environmental Activism and the Internet: Constructing a Green Public Sphere in China." *Asian Studies Review* (Dec 2011); Vol. 35, 4: page 486.

⁵⁴Yangzi Sima . "Grassroots Environmental Activism and the Internet: Constructing a Green Public Sphere in China." *Asian Studies Review* (Dec 2011); Vol. 35, 4: page 477.

⁵⁵ Jie Chen. "Transnational Environmental Movement: impacts on the green civil society in China." *Journal of Contemporary China* 19. 65 (2010): page 505.

⁵⁶ Jie Chen. "Transnational Environmental Movement: impacts on the green civil society in China." *Journal of Contemporary China* 19. 65 (2010): page 506.

NGO...One of the main activities of [IED] is a project for training in cleaner production for small and medium-size (rural) enterprises. The project is funded through LEAD (Leadership for the Environment), an international environmental NGO, and has an annual budget of US\$ 150,000.⁵⁷

In short, the ENGOs have grown steadily in number and in rate. They make use of the internet and they increase their knowledge and funding through building international links. How does the Chinese government react to this increase of the ENGOs or has the government done something that contributes to their growth?

Government's Rationality of Governance: Introductory Remarks

The Chinese government has two goals in relation to the ENGOs, encouraging their growth while monitoring them. These two goals have historical reasons and as will be demonstrated in the "Delegating Imperative" section of this paper, one can find policy expressions of these two goals. Jonathan Schwartz explains the two objectives of the Chinese government,

the Chinese central government is caught between the goals of environmental protection and continued control over the activities of potentially independent organizations. And yet the government accepts that protecting China's environment will require a mixture of both central government action and civil society activism.⁵⁸

Peter Ho articulates the historical reasons why the Chinese government possesses these two objectives:

the Chinese state is facing a dilemma. In order to ensure sustained and stable socio-economic development it cannot escape from strengthening civil society and allowing the rise of grassroots organizations. Yet, it is anxious not to repeat an earlier experience, in which an organization called the Falun Gong Sect managed unnoticed to penetrate every layer of society and government. The risk of such a recurrence looms over any potential relaxation of control. The content of the 1998

⁵⁷ Peter Ho. "Greening without Conflict? Environmentalism, NGOs and Civil Society in China." *Development and Change* 32. 5 (Nov 2001): page 911.

⁵⁸ Jonathan Schwartz. "Environmental NGOs in China: Roles and Limits." *Pacific Affairs* 77. 1 (Apr 2004): pp. 46-7.

regulations on social organizations shows that the central government is following an unofficial policy of toleration: the authorities are aware that as a result of their own rules, a great number of social organizations escape government control. However, the spirit of the regulations is to convey the idea that the government will do anything in its power to avoid the 'indiscriminate emergence and disorganized development of social organizations'.⁵⁹

These two goals of governance are expressed in the official policies. Peter Ho states that, "the Chinese state reacted with a combination of policies varying from stringent control to tolerance and encouragement. This policy mix proved decisive in shaping the environmental sector's response."⁶⁰

This section proceeds in the following steps. I will analyze the governance rationality of the Chinese government given that it exercises both a managerial and delegating imperative in relation to the ENGOs. Both imperatives are rooted in that the Chinese government considers environment to an important matter in the country.

Government's Rationality of Governance(1) : Importance of Environment

Foucault argues that the purpose of the government is the welfare of the population. Arguably, this welfare includes environment. "In contrast to sovereignty," Foucault states that, "government has as its purpose not the act of government itself, but the welfare of the population, the improvement of its conditions, the increase of its wealth, longevity, health."⁶¹ Paul Rabinow indicates that "health, birthrate, sanitation" are included in the welfare of the population.⁶² Given that environment impacts health, birth and sanitation, one can infer that environment is relevant to the "purpose" of governance in Foucault's governmentality paradigm.

⁵⁹Peter Ho. "Greening without Conflict? Environmentalism, NGOs and Civil Society in China." *Development and Change* 32. 5 (Nov 2001): page 906.

⁶⁰ Peter Ho. "Greening without Conflict? Environmentalism, NGOs and Civil Society in China." *Development and Change* 32. 5 (Nov 2001): page 901.

⁶¹ Ole Jacob Sending and Iver Neumann. "Governance to Governmentality: Analyzing NGOs, States and Power." *International Studies Quarterly* 50, 3 (2006): page 656.

⁶² Michel Foucault. *Ethics : Subjectivity and Truth*. Ed. Paul Rabinow . New York : New Press, c1997, page 74.

It is evident that the Chinese government considers environment to be an important matter. At the macro-level, the government has initiated and designed new laws and rules to help improve the environment. For the average individual citizen, the government has empowered them by increasing their knowledge on environment through reports. Partly due to these combined efforts, China has made progress both in terms of its environmental condition and the general public's participation in environmental governance.

What policies and laws has the Chinese government designed? First, the government sets improving China's environmental situation in its *Agenda 21*, a National-level agenda. Peter Ho notes that ,

the People's Republic participated in the UN Conference on Environment and Development (UNCED). This marked a gradual shift in the government's commitment from 'coordinated development', with explicit priority given to economic development, to one of 'sustainable development'. Together with the State Council's adoption of Agenda 21 and its integration in the Ninth Five Year Plan of National and Social Development and the Outline of Long-Term Targets for the Year 2010 , the Chinese government decisively embarked on a greening process.⁶³

Under this national priority of improving China's environment, the Chinese government has initiated and adopted new laws. Philip Stalley and Dongning Yang write that,

in the last two decades China has developed virtually from scratch an environmental protection regime that today includes approximately 20 laws, 40 regulations, 500 standards and 600 other legal norm-creating documents related to environmental protection and pollution control.⁶⁴

Furthermore, the Chinese government sets various new standards concerning environment. For example, it encourages the Chinese industries to follow international standards. Abigail Jahiel observes that, "by the 1990s China was urging firms to adopt international ISO 14000 standards to compete better internationally and was developing

⁶³ Peter Ho. "Greening without Conflict? Environmentalism, NGOs and Civil Society in China." *Development and Change* 32. 5 (Nov 2001): page 900.

⁶⁴ Philip Stalley and Dongning Yang . "An Emerging Environmental Movement in China?" *The China Quarterly* 186 (Jun 2006): page 334.

an organic foods industry and a green labeling process.”⁶⁵ In short, the government aims to achieve better environment and it sets new national agenda, laws, regulations and standards.

As regard to the general public, the government empowers them by providing them with a access to environmental reports and by having media coverage on environmental issues. Roda Mushkut argues that, “China began releasing weekly reports of air quality of major cities in 1999. A daily Air Pollution Index (with two readings, for general and roadside air quality) is published in HongKong.”⁶⁶ In addition, the Chinese government makes use of the media to improve the citizens’ awareness on environmental policies. Lei Xie asserts that,

government control over the mass media is a key factor in the central state’s political output structure.... In environmental protection, the mass media promote the implementation of the governments’ environmental policies; the government’s environmental education policy is partly realized by increasing media coverage of environmental issues.⁶⁷

Having access to environmental-related information through reports and through the mass media increases the Chinese citizens’ knowledge on environment.

What has the Chinese government achieved through these initiatives? The achievements include various aspects. First, the overall environmental situation in China has been improved. Philip Stalley and Dongning Yang indicate that,

China achieves some notable environmental successes such as keeping the growth rate of total emissions below that of the growth rate of industry. The absolute levels of some pollutants, such as SO₂, have risen only slightly and possibly even declined

⁶⁵ Abigail R Jahiel. “China, the WTO, and Implications for the Environment.” *Environmental Politics*, 15:02 (2006): page 312.

⁶⁶Roda Mushkat . “Public Participation in Environmental Law Making: A Comment on the International Legal Framework and the Asia-Pacific Perspective.” *Chinese Journal of International Law* 1. 1 (2002): page 197.

⁶⁷ Lei Xie, Hein-Anton Van Der Heijden . “Environmental Movements and Political Opportunities: The Case of China.” *Social Movement Studies* 9. 1 (Jan 2010): page 58.

in recent years.⁶⁸

Second, the public has been more active in environmental governance. Thomas

Johnson's data proves this,

the number of people writing letters or visiting environmental protection bureaus (EPBs) in order to seek redress for environment-related issues increased over four-fold between 1990 and 2004. Citizens have also engaged in litigation, sometimes with the help of NGOs such as Beijing's Centre for Legal Assistance to Pollution Victims.⁶⁹

In short, within a short period of time, the Chinese government has made progresses in its environmental governance.

Why has the government made so many changes in its environmental governance? In other words, why has improving environmental situations become part of the logic of governance in China? Two factors contribute to this logic or mentality of governance.

First, it is due to the worsening environmental situation caused by China's economic development. Yangzi Sima contends that,

China's economic boom in the past three decades has come at great cost to its environment. Today, it has become the world's biggest carbon dioxide emitter, and it will soon overtake the United States to become the world's biggest energy consumer. From very early on, the Chinese government established environmental protection as a national policy priority and institutionalized sustainable development as a key strategy.⁷⁰

In other words, the Chinese government pays attention to its environment situation due to the environmental situation and public pressure.

A second factor for which the Chinese government attaches importance to the

⁶⁸ Philip Stalley and Dongning Yang. "An Emerging Environmental Movement in China?" *The China Quarterly* 186 (Jun 2006): page 354.

⁶⁹ Thomas Johnson. "Environmentalism and NIMBYism in China: promoting a rules-based approach to public participation." *Environmental Politics* 19. 3 (May 2010): page 433.

⁷⁰ Yangzi Sima. "Grassroots Environmental Activism and the Internet: Constructing a Green Public Sphere in China." *Asian Studies Review* (Dec 2011); Vol. 35, 4: page 481.

environment is due to its accession to the WTO membership. China became a member of WTO in December 2001 after 15 years of negotiations. It started its negotiation process in 1986. In particular, China's acceptance of becoming a WTO member was conditional by its meeting the WTO standards concerning environment. What are the rules set by the WTO concerning environment and what are the implications for China as a member states?

Wanhua Yang, author of "Environmental Provisions in the WTO Agreements and Their Implications for China as a Member," states that, "although China may get greater access to international markets for its exports [with its membership of the WTO], it needs to cope with increasingly stringent environmental standards and other voluntary environmental measures for these exports."⁷¹ These standards and measures are listed in various WTO Agreements. These documents include Agreement on Technical Barrier to Trade (1995) and the Agreement on Application of Sanitary and Phytosanitary Measures (1994) and others.⁷² In addition, Wanhua Yang cites the *Preamble to the Marrakesh Agreement*, which stipulates the following: the WTO members should recognize

that their relations in the field of trade and economic endeavors should be conducted with a view to raising standards of living, ensuring full employment and a large and steadily growing volume of real income and effective demand, and expanding the production of and trade in goods and services, while allowing for the optimal use of the world's resources in accordance with the objective of sustainable development, seeking both to protect and preserve the environment and to enhance the means for doing so in a manner consistent with their respective needs and concerns at different levels of economic development.⁷³

In short, the pressure of accessing the WTO membership also influenced the Chinese government's decision to prioritize improving its environment.

To summarize, the Chinese government faces various kinds of pressures to

⁷¹ Wanhua Yang, "Environmental Provisions in the WTO Agreements and Their Implications for China as a Member." *Review of European Community & International Environmental Law* 11. 3 (2002): page 314.

⁷² Wanhua Yang, "Environmental Provisions in the WTO Agreements and Their Implications for China as a Member." *Review of European Community & International Environmental Law* 11. 3 (2002): page 315.

⁷³ Wanhua Yang, "Environmental Provisions in the WTO Agreements and Their Implications for China as a Member." *Review of European Community & International Environmental Law* 11. 3 (2002): page 315.

improve its environmental situation. It sets law and regulations and it increases environment-related standards. It also helps its citizens to become knowledgeable about environmental matters. Given the importance of environment, the Chinese government delegates some of the governance functions to the public and the ENGOs.

Government's Rationality of Governance(2): Delegating Imperative

It is observed that the Chinese government has been delegating certain environmental governance functions to the ENGOs and to its average citizens. In this section, I will discuss the process and methods of this delegating imperative from which the rationality of this imperative can be derived. The Chinese government needs the ordinary citizens to participate in environmental governance and it recognizes the mobilizing power of the ENGOs.

Many scholars comment on the delegating imperatives of the Chinese government. Lei Xie and Hein-Anton Van Der Heijden argue that the new generations of the Chinese party demonstrate interest in working with the ENGOs due to the ENGOs' complementary capacities. They state that, "studies of Chinese politics suggest that substantial changes have happened since the end of Jiang Zemin's governance (1993–2003). The party elites have shown an open attitude by involving ENGOs in environmental governance."⁷⁴ Jonathan Schwartz argues that the government has recognized the potential partnership role the ENGOs. "The state has turned to non-state actors to carry some of the

⁷⁴ Lei Xie, Hein-Anton Van Der Heijden . "Environmental Movements and Political Opportunities: The Case of China." *Social Movement Studies* 9. 1 (Jan 2010): page 62.

environmental protection burden.”⁷⁵ Environmental civil society is considered as “ a new partner in environmental protection. ” ⁷⁶ Koon-Kwai Wong notes the importance of the ENGOs for China’s long term national-level policy, *China Agenda 21*: “the government recognizes the complementary role NGOs can play in launching the ‘China Agenda 21’ programs, a new national development model based on the notion of sustainable development.”⁷⁷ In brief, there is congruence among scholars concerning the fact that the Chinese government delegates the environmental governance to the ENGOs.

How does the Chinese government delegate? It delegates through the following manners. It grants the ENGOs legal status; it increases the ENGOs’ financial capacities through providing funding for them to attend international conferences; it increases the legitimacy of the ENGOs by publicly acknowledging their successes; it creates legal framework for the ENGOs and the general public to participate in environmental governance.

To begin with, the government empowers the ENGOs through assisting with their establishment. Jiang Ru and Leonard Ortolano argue that the government facilitates the development of the ENGOs. “It....created formal procedures that allow ENGOs to become registered and therefore recognized as legal entities.” ⁷⁸ The importance of having legal status cannot be underestimated, since ENGOs require state recognition in order to function. Peter Ho states that “grassroots organizations, in particular in the Chinese

⁷⁵Jonathan Schwartz . “Environmental NGOs in China: Roles and Limits.” *Pacific Affairs* 77. 1 (Apr 2004): page 28.

⁷⁶ Jonathan Schwartz . “Environmental NGOs in China: Roles and Limits.” *Pacific Affairs* 77. 1 (Apr 2004): page 33.

⁷⁷ Koon-Kwai Wong . “Greening of the Chinese Mind: Environmentalism with Chinese Characteristics.” *Asia-Pacific Review* 12. 2 (Nov 2005): page 50.

⁷⁸ Jiang Ru, Leonard Ortolano. “ Development of Citizen-Organized Environmental NGOs in China.” *Voluntas: International Journal of Voluntary and Nonprofit Organizations* 20. 2 (Jun 2009): page 161.

political context are dependent on the recognition of the state, and therefore seek to strengthen their contacts with government officials.”⁷⁹ One example of the required recognition on the part of the state is through the channel of registration. Jonathan Schwartz argues that, “without legal status and a sponsor, NGOs will encounter difficulties accessing funding, obtaining legal protection and interacting with government organizations.”⁸⁰ On the contrary, there are many benefits and advantages for ENGOs to have legal status. Jiang Ru and Leonard Ortolano state that,

the legitimacy afforded by China’s NGO registration process has allowed ENGOs to become legally recognized and has opened up opportunities for obtaining training and support from international ENGOs. On a related matter, the central government’s support of ENGO participation in international environmental meetings contributed to the acceptance of ENGOs.⁸¹

In a word, the Chinese government formalizes the ways in which the ENGOs can gain legal status.

In addition, the government encourages the establishment of ENGOs. “The government....encourages the establishment of environmental groups or societies in universities, which have long been centers of activism including environmental protection.”⁸² In short, the government makes it possible for the ENGOs to possess legal status and to be established.

Second, the government increases the financial capacities of the ENGOs.⁸³ By

⁷⁹ Peter Ho. “Greening without Conflict? Environmentalism, NGOs and Civil Society in China.” *Development and Change* 32. 5 (Nov 2001): page 911.

⁸⁰ Jonathan Schwartz . “Environmental NGOs in China: Roles and Limits.” *Pacific Affairs* 77. 1 (Apr 2004): page 37.

⁸¹ Jiang Ru, Leonard Ortolano. “ Development of Citizen-Organized Environmental NGOs in China.” *Voluntas: International Journal of Voluntary and Nonprofit Organizations* 20. 2 (Jun 2009): page 148.

⁸² Koon-Kwai Wong . “Greening of the Chinese Mind: Environmentalism with Chinese Characteristics.” *Asia-Pacific Review* 12. 2 (Nov 2005): page 50.

⁸³ Lei Xie, Van Der Heijden, Hein-Anton. “Environmental Movements and Political Opportunities: The Case of China.” *Social Movement Studies* 9. 1 (Jan 2010):page 59.

providing funds to the GONGOs, the Chinese government delivers the message to the public that environmental issues should be governed and concerned by both the government and non-government agencies and actors. With the funding from the government to attend international conferences, ENGOs continue to gain knowledge and expertise in environmental governance.

Third, the government reinforces the work of the ENGOs by publicly acknowledging their successes. “The government tacitly supports the work of green NGOs and publicizes their efforts in the state-run media in an effort to raise people’s environmental awareness.”⁸⁴ The public praise of the ENGOs by the Chinese government increases the citizens’ awareness of them.

As to both the ENGOs and the public, the Chinese government has been creating legal framework to empower the ENGOs and the citizens to be part of force for the environmental governance. Thomas Johnson states that, “China’s environmental authorities have promulgated legislation that provides channels for public participation in planning processes.”⁸⁵ The significance of defining public participation in legal terms is that “[this] has facilitated the emergence of ‘rules-based’ environmental activism whereby citizens pressure officials to uphold public participation rules.”⁸⁶ Thomas Johnson surveys a number of legislations to illustrate his point. The EIA law is one example:

the EIA Law [Environmental Impact Assessment] includes the broad principle that the government ‘encourages’ relevant units, experts and the public to participate in the EIA process. *Article 11* specifies that local government planning departments

⁸⁴ Koon-Kwai Wong . “Greening of the Chinese Mind: Environmentalism with Chinese Characteristics.” *Asia-Pacific Review* 12. 2 (Nov 2005): page 50.

⁸⁵ Thomas Johnson. “Environmentalism and NIMBYism in China: promoting a rules-based approach to public participation.” *Environmental Politics* 19. 3 (May 2010): page 430.

⁸⁶ Thomas Johnson. “Environmentalism and NIMBYism in China: promoting a rules-based approach to public participation.” *Environmental Politics* 19. 3 (May 2010): page 430.

overseeing plans and programs that could create unfavorable environmental impact, or which directly affecting the public's 'environmental rights and interests', should solicit public opinions through discussion meetings, hearings or 'other channels.'⁸⁷

Furthermore, the ALL [Administrative Licensing Law] is another piece of legislation that permits the public to govern the environmental matters. Thomas Johnson writes that,

the ALL regulates the establishment and implementation of administrative licenses. Specifically, it states that public hearings can be held where licensing matters significantly affect the public interest. Under this law, citizens can apply for a public hearing to be convened if a license application affects their direct interests.⁸⁸

With those types of legislation, the public and the ENGOs have the right to govern the environment.

Why does the government delegate? First, the government recognizes its limitations. It requires environmentally self-disciplined citizens in order to achieve its goals. Jonathan Schwartz argues that, "the state recognizes that in an increasingly complex and expanding system, it is unable to continue to dominate all aspects of China's social, economic and political life."⁸⁹ Given this limitation, the government has been loosening control to some degree. "More importantly, awareness of its own limitations has also led the central state to tolerate and even cautiously encourage citizens' voluntary actions."⁹⁰ Johann Thibaut well summarizes the rationality of Chinese government's delegating imperative. He states that, "the government's need for a strong civil society in protecting the environment, alongside the recognition that the party-state is limited in its own

⁸⁷ Thomas Johnson. "Environmentalism and NIMBYism in China: promoting a rules-based approach to public participation." *Environmental Politics* 19. 3 (May 2010): page 435.

⁸⁸ Thomas Johnson. "Environmentalism and NIMBYism in China: promoting a rules-based approach to public participation." *Environmental Politics* 19. 3 (May 2010): pp.434-5.

⁸⁹Jonathan Schwartz. "Environmental NGOs in China: Roles and Limits." *Pacific Affairs* 77. 1 (Apr 2004): page 44.

⁹⁰ Peter Ho. "Greening without Conflict? Environmentalism, NGOs and Civil Society in China." *Development and Change* 32. 5 (Nov 2001): page 915.

capacity, has allowed just such a civil society [ENGOS] to grow.”⁹¹

In particular, the Chinese’ government’s limited capacity is caused by its traditional top-down governance model. Rules alone do not work. Peter Ho states that, “command-and-control regulation alone is insufficient in dealing with the country’s unprecedented environmental challenge.”⁹² Similarly, Koon-Kwai Wong holds that “the conventional ‘top-down,’ government-led, and science-based approach has proved inadequate to solve China’s worsening environmental problems.”⁹³ Furthermore, a historical event deepens the Chinese government’s understanding of the weakness of its governance model. Koon-Kwai Wong states that,

the 1992 UN Conference on Environment and Development (UNCED) in Rio de Janeiro triggered a fundamental change in the Chinese leadership’s conception of environmental governance. China’s participation in the NGO forum was limited by its inability to deliver any genuine environmental NGOs. The group of delegates that China had sent out was comprised of government organized nongovernmental organizations (called GONGOs) and was a major cause of embarrassment to Chinese leaders at the Rio Conference. The leaders began to recognize the importance of Western ideals of popular participation and the role of NGOs in the realm of environmental protection. The traditional top-down approach in environmental governance failed, and the grassroots bottom-up approach is now getting more attention.⁹⁴

To be more specific, one major weakness of the old top-down governance model lies in that it cannot mobilize citizens. To use a Foucaudian term, the weakness lies in that it does not increase the “subjectivity” of governing of the ordinary citizens . In other words, the average citizens cannot become environmentally self-disciplined by the force of the

⁹¹ Johann L. Thibaut. “An Environmental Civil Society in China? Bridging Theoretical Gaps through a Case Study of Environmental Protest.” *International Quarterly for Asian Studies* vol. 42 (2011), No.1-2: page 139.

⁹² Thomas Johnson. “Environmentalism and NIMBYism in China: promoting a rules-based approach to public participation.” *Environmental Politics* 19. 3 (May 2010): page 430.

⁹³ Koon-Kwai Wong . “Greening of the Chinese Mind: Environmentalism with Chinese Characteristics.” *Asia-Pacific Review* 12. 2 (Nov 2005): page 47.

⁹⁴Koon-Kwai Wong . “Greening of the Chinese Mind: Environmentalism with Chinese Characteristics.” *Asia-Pacific Review* 12. 2 (Nov 2005): page 48.

government rules alone. As Koon- Kwai Wong states,

the ineffectiveness of the government in educating and motivating its people to deal with the problem. The government sees NGOs as having an important role. Green NGOs can complement their own shortcomings in mobilizing people to participate in environmental protection. This new model appears to be welcomed by the public and tolerated by the government.⁹⁵

While recognizing the need for citizenship participation in environmental governance, the government also realizes some particular strengths of the ENGOs, i.e., in mobilizing the average citizens. Peter Ho maintains that, “the central state [realizes] that there was a need for a strengthened civil society.”⁹⁶ Jonathan Schwartz also comments that one reason for a rapid growth of the ENGOs is due to the government’s understanding of the ENGOs’ power to mobilize citizens. “The Chinese government confers political space out of recognition thatthe public is more likely to believe civil society organizations than the government.”⁹⁷

To a certain degree, the Chinese government’s delegating imperative has a managing aspect. The environmental governance function delegated to the ENGOs by the Chinese government , at some level, helps to fulfill the government’s goal. That is, the Chinese government manages the environmental problem indirectly by working through the ENGOs in order to have a better environmentally educated citizens.

In summary, the state needs the ENGOs and its citizens to become more participatory in governing the environmental issues. ENGOs have the ability to mobilize individuals to be part of the force of environmental governance, a task which could not

⁹⁵ Koon-Kwai Wong . “Greening of the Chinese Mind: Environmentalism with Chinese Characteristics.” *Asia-Pacific Review* 12. 2 (Nov 2005): page 48.

⁹⁶ Peter Ho. “Greening without Conflict? Environmentalism, NGOs and Civil Society in China.” *Development and Change* 32. 5 (Nov 2001): page 901.

⁹⁷Jonathan Schwartz. “Environmental NGOs in China: Roles and Limits.” *Pacific Affairs* 77. 1 (Apr 2004): pp. 45-46.

otherwise be done by the government alone. Based on this rationality, the Chinese government practises a delegating imperative, i.e., to delegate environmental governance to the ENGOs and to the public. The Chinese government delegates in four manners. Delegating environmental governance to the ENGOs and having the ENGOs mobilize the Citizens also have some by-products, i.e., stability of the society and legitimacy of the rule of the government. Thomas Johnson comment on both these two by-products of the delegating imperative. He states that,

officials recognize that incorporating the views of citizens into decision-making processes can reduce social instability. Asstated [by an official], 'we would rather have an argumentative policy-making process and a harmonious result, as opposed to a 'unanimous' policy-making process and a chaotic result.'⁹⁸

Furthermore, Thomas Johnson argues that the delegating imperative also helps to increase the legitimacy of the rule on the part of the Chinese government.

China's emerging legal framework for public participation should also be seen in the context of the Chinese Communist Party's (CCP) ongoing quest for legitimacy.... this is partly manifested in attempts to achieve 'a more symmetric contribution of rights and responsibilities between the individual and the state'. For example, in 2004 the State Council published the 'Outline on the Comprehensive Promotion of Administration According to Law', which states that government officials should solicit public opinion and uphold people's 'right to participate' and 'right to know' (State Council 2004).⁹⁹

While the Chinese government practises a delegating imperative, it also uses a managerial approach with regards to the ENGOs.

Government's Rationality of Governance(3): Managerial Imperative

⁹⁸Thomas Johnson. "Environmentalism and NIMBYism in China: promoting a rules-based approach to public participation." *Environmental Politics* 19. 3 (May 2010): page 434.

⁹⁹ Thomas Johnson. "Environmentalism and NIMBYism in China: promoting a rules-based approach to public participation." *Environmental Politics* 19. 3 (May 2010): page 434.

Jie Chen states that, “Chinese civil society is still developing under the watchful eyes of the authorities.”¹⁰⁰ The Chinese government manages the ENGOs through setting restrictions on the registrations of the ENGOs and through limiting the scale of the allowable activities. This managerial approach is due to the government’s concern for social stability since it experienced certain social group’s organized protest against it in the past. As Peter Ho puts it in this way, “the government will do anything in its power to avoid the ‘indiscriminate emergence and disorganized development of social organizations’.”¹⁰¹

How is power exercised in this managerial imperative? While according the ENGOs with the possibility of having legal status, the government puts restrictions on the registration. Ministry of Civil Affairs is the state department responsible for the registration of social organizations.¹⁰² Peter Ho states that “the 1998 regulations aim to increase control over social organizations through stringent registration procedures.”¹⁰³ To be more specific, those stringent regulations include the following,

if an organization wishes to be registered as a social organization, four basic conditions must have been met: 1) prior to registration, approval must have been obtained by a sponsoring institution (zhuguan bumen); 2) the total number of organization members cannot exceed fifty; 3) the organization must have a fixed address, specialized staff corresponding to its scope of activities, and legal financial resources of 100,000 Rmb for a national or 30,000 Rmb for a regional (provincial level and lower) social organization; 4) ‘within the same administrative area’ there can be no other social organization applying for registration (There is no right of appeal if an application is rejected by the sponsoring institution or the state organs for civil affairs).¹⁰⁴

¹⁰⁰ Jie Chen. “Transnational Environmental Movement: impacts on the green civil society in China.” *Journal of Contemporary China* 19. 65 (2010): page 505.

¹⁰¹ Peter Ho. “Greening without Conflict? Environmentalism, NGOs and Civil Society in China.” *Development and Change* 32. 5 (Nov 2001): page 906.

¹⁰² Peter Ho. “Greening without Conflict? Environmentalism, NGOs and Civil Society in China.” *Development and Change* 32. 5 (Nov 2001): page 903.

¹⁰³ Peter Ho. “Greening without Conflict? Environmentalism, NGOs and Civil Society in China.” *Development and Change* 32. 5 (Nov 2001): page 903.

¹⁰⁴ Peter Ho. “Greening without Conflict? Environmentalism, NGOs and Civil Society in China.” *Development and Change* 32. 5 (Nov 2001): page 903.

Among those requirements, it is particular challenging for a social organization to find a sponsoring institution. “Due to this strict requirement, very few units are willing to be sponsors for the NGOs.”¹⁰⁵

Furthermore, even when NGOs find sponsoring units, their application for registration could still be rejected. Jonathan Schwartz provides a detailed explanation as to how the government can refuse ENGOS’ registration. He writes that,

registration can be refused in accordance with the rules governing NGO registration and management. Specifically, NGO registration is rejected should an NGO oppose the basic principles of the constitution; harm national unity and security or national interests; social interests; the interests of other organizations and citizens; or carry out acts contrary to social and public morals. In addition, no NGO may be established in an issue area in which an NGO already exists, nor can an NGO establish branch offices.¹⁰⁶

In short, the government can use any of the above reasons to reject a NGO’s application for registration. At some level, the government has the authority to determine the fate of the NGO through managing the registration process.

Even though the rules for registration are strict, the importance of being able to be registered is well understood by the ENGOS. According to Peter Ho, a NGO can only act as an independent legal entity, to attract capable personnel and to have its own bank account when it is registered.¹⁰⁷ In other words, to be able to register is something not only desirable but also necessary on the part of the ENGOS. The ENGOS requires state recognition, and that the state manages this “recognition” process through managing the registration of the ENGOS.

¹⁰⁵Koon-Kwai Wong . “Greening of the Chinese Mind: Environmentalism with Chinese Characteristics.” *Asia-Pacific Review* 12. 2 (Nov 2005): page 53.

¹⁰⁶ Jonathan Schwartz . “Environmental NGOs in China: Roles and Limits.” *Pacific Affairs* 77. 1 (Apr 2004): page 38.

¹⁰⁷ Peter Ho. “Greening without Conflict? Environmentalism, NGOs and Civil Society in China.” *Development and Change* 32. 5 (Nov 2001): page 905.

Besides managing the ENGOs through the channel of registration, the government sets boundaries of the types of the permissible activities for the ENGOs. Koon-Kwai Wong argues that,

paradoxically, while permitting the NGO sector to develop, the Chinese government has been vigilant about limiting the range of its activities. Obviously, environmental NGOs in China do not have the same autonomy as NGOs in Western societies.... Many [ENGOs] are established to meet government agency objectives. Under these circumstances, NGOs are not free to criticize the government's environmental policies and programs. ¹⁰⁸

One can infer that the managing imperative partially determines the “distinctive characteristics” of the Chinese ENGOs.

What is the logic or rationality of the managerial imperative? Why does the Chinese government put restrictions on ENGOs' registration and their range of activities? While holding a general cooperative attitude with the ENGOs, the Chinese government ensures that this cooperation occurs within the parameter of the stability of China. Yangzi Sima, makes reference to Elizabeth Economy, Director of Asian Studies at the Council on Foreign Relations, and states the following,

Elizabeth Economy argues that the Chinese government has “adopted a positive attitude toward environmental NGOs” upon the realization that these groups fill a critical gap in the state's capacity to protect the environment effectively. Consequently, China's Ministry of Environmental Protection supports and cooperates closely with ENGO. ¹⁰⁹

However, from the perspectives of the Chinese government, without national stability, having environmentally disciplined citizens means nothing. If the government does not

¹⁰⁸Koon-Kwai Wong . “Greening of the Chinese Mind: Environmentalism with Chinese Characteristics.” *Asia-Pacific Review* 12. 2 (Nov 2005): page 52.

¹⁰⁹ Yangzi Sima . “Grassroots Environmental Activism and the Internet: Constructing a Green Public Sphere in China.” *Asian Studies Review* (Dec 2011); Vol. 35, 4: page 480.

have a managerial imperative and if ENGOs reach to the scale and kind unmanageable to the degree of being antagonistic towards the government, then having increased ENGOs would lose some of their original purposes intended by the government. Therefore, it is observed that “ the Chinese government’s NGO policy is ambivalent for fear that rapid development of NGOs might catalyze political instability.”¹¹⁰

To summarize, the logic of governance is on the part of the Chinese government is to increase environment based on social stability. The managerial imperative makes the delegating imperative a gradual and controlled process. The ENGOs achieve their subjectivity through shaping the environmental governance scene in China with their knowledge, expertise and effort. However, due to the government’s managerial imperative, ENGOs maintain their “subjectivity” within certain parameter.

ENGOS’ Rationality of Governance: ENGOs’ Relation and Interaction with the State and their “Distinctive Characteristics”

Given the double imperatives of the Chinese government, i.e., the delegating the managerial imperatives, and given the objectives of the Chinese government, i.e., to improve China’s environmental governance with social stability, the ENGOs act with “distinctive characteristics” in order to realize their long-term two objectives, namely, to influence government policy and to educate the Chinese citizens to become more environmentally responsible. With this soft, non-antagonistic approach to deal with the government, the ENGOs empower themselves by being part of the policy making process and they are part of the force of transforming the Chinese citizens into subject of

¹¹⁰ Koon-Kwai Wong . “Greening of the Chinese Mind: Environmentalism with Chinese Characteristics.” *Asia-Pacific Review* 12. 2 (Nov 2005): page 53.

environmental governance. In this section, I will discuss the conditions under which the NGOs operate, their rationality of governance, their soft approach with the government and their achievements.

One reason that the Chinese NGOs embody their “distinctive characteristics” are the conditions under which they work. Besides the double imperatives aforementioned, the Chinese government gives room for negotiation when it deals with the NGOs. These combined conditions remove the urgency of the NGOs to contest the government. Peter Ho states that,

the “greening of the state” and the ambiguous approach of the government towards civil society have shaped environmentalism in China, removing the opportunity (and the urgency) to confront the government, which prevents the identification of a movement that corresponds to perception in the west.¹¹¹

In addition, the way in which the Chinese government works allows the development of environmentalism. Peter Ho puts it in this way, “a state that resolves to crack down on any social movement that attempts to challenge it, while relaxing its grip over society, opens up a flexible and negotiable space in which environmentalism can find its place.”¹¹²

Within this “space,” citizens and NGOs have some opportunities to influence policy development. Peter Ho writes that,

because of its gradual and state-controlled development, environmentalism currently has an opportunity to win influence in environmental policy-making; to build up strong expertise on specialized issues; and gain experience with participatory actions that can give the citizenry a voice.¹¹³

In short, the NGOs function under the environment which does not require them to have

¹¹¹ Johann L. Thibaut. “An Environmental Civil Society in China? Bridging Theoretical Gaps through a Case Study of Environmental Protest.” *International Quarterly for Asian Studies* vol. 42 (2011), No.1-2: page 140.

¹¹²Peter Ho. “Greening without Conflict? Environmentalism, NGOs and Civil Society in China.” *Development and Change* 32. 5 (Nov 2001): page 916.

¹¹³Peter Ho. “Greening without Conflict? Environmentalism, NGOs and Civil Society in China.” *Development and Change* 32. 5 (Nov 2001): pp 917-8.

the same characteristics as their western counterparts.

A second reason why the Chinese ENGOs show “distinctive characteristics” is due to their long term goals. Research suggests that one goal of the ENGOs is to influence policy. Peter Ho observes that, “green social organizations are increasing courting government approval and influence in policy-making, rather than seeking a potentially dangerous confrontation with the national state.”¹¹⁴ Philip Stalley and Dongning Yang share this view. They contend that, “the principal reason is that working in co-operation with the government, rather than challenging it directly, allows China’s environmental leaders and avenue of influence.”¹¹⁵ Furthermore, Caroline Cooper finds through her research that most ENGOs want to influence the government. According to her survey, “all 12 NGOs that participated in this research study indicated that they seek to effect policy changes and closer state relations to challenge better the local (and in some cases national) government on environmentally unsound practices and policy.”¹¹⁶ In short, in order to impact on government policies, the ENGOs need to adopt a non-antagonistic way of building relationship with the government in the first place.

A second goal of the ENGOs is to encourage citizen participation in environmental governance. Thomas Johnson states that,

China’s emerging legislative framework for public participation has provided a platform for civil society to engage in ‘rules based’ forms of activism, whereby citizens campaign for public participation rules to be upheld. For Chinese NGOs, promoting a better environment for public participation on the back of legislative developments has become a key goal in itself. Through engaging in patient, non-

¹¹⁴Peter Ho. “Greening without Conflict? Environmentalism, NGOs and Civil Society in China.” *Development and Change* 32. 5 (Nov 2001): page 917.

¹¹⁵ Philip Stalley and Dongning Yang. “An Emerging Environmental Movement in China?” *The China Quarterly* 186 (Jun 2006): page 338.

¹¹⁶Caroline Cooper. “‘This is Our Way In’: The Civil Society of Environmental NGOs in South-West China.” *Government and Opposition* 41. 1 (Jan 2006): page 127.

contentious forms of rules based advocacy, NGOs can advance formal public participation in China over the long term.¹¹⁷

Given the two goals intended by the ENGOs, “NGOs in China are [thus] taking a detour to advance their respective causes through ‘voluntary co-option’ and strategically becoming ‘embedded’ and ‘entwined’ within the state’s ambit of power.”¹¹⁸ In a similar vein, Johann Thibaut finds the following, “civil involvement does not have to be political in order to be significant.”¹¹⁹ In short, the ENGOs need to act prudently in order to realize their long-term objectives.

Based on the two objectives the ENGOs have in mind and the conditions under which they work, the ENGOs interact with the governments in the following three ways. First, the ENGOs try to forge close ties with the government. Second, the ENGOs tend to work around governments’ restrictions. This will be illustrated by an example. Third, they make use of government’s law to promote rule-based approach for environmental governance.

To begin with, the ENGOs build relationships with the state through formal and informal channels. Thomas Johnson, quoting Peter Ho, states that,

NGOs have successfully limited state intrusion through ‘embedding’ themselves in the state (Ho, 2007). They have done so by forging close personal ties (*guanxi*) with sympathetic Party-state officials and engaging in localised, non-confrontational activism that avoids even the slightest opposition to the central government (Ho, 2007).¹²⁰

In China, informal networks are widely used by the Chinese citizens and environmental

¹¹⁷Thomas Johnson. “Environmentalism and NIMBYism in China: promoting a rules-based approach to public participation.” *Environmental Politics* 19. 3 (May 2010): page 431.

¹¹⁸Yangzi Sima. “Grassroots Environmental Activism and the Internet: Constructing a Green Public Sphere in China.” *Asian Studies Review* (Dec 2011); Vol. 35, 4: page 482.

¹¹⁹Johann L. Thibaut. “An Environmental Civil Society in China? Bridging Theoretical Gaps through a Case Study of Environmental Protest.” *International Quarterly for Asian Studies* vol. 42 (2011), No.1-2: page 139.

¹²⁰Thomas Johnson. “Environmental information disclosure in China: policy developments and NGO responses.” *Policy & Politics* vol 39 no 3 (2011): page 406.

organizations to gain access to the party elites, information and resources.¹²¹ Thomas

Johnson comments on the importance of working through those channels of influence,

regardless of how formal participation opportunities arise, NGOs appear eager to grasp every opportunity to participate via formal channels so as to improve these channels. Due to political constraints that preclude more confrontational forms of activism, Chinese NGOs view strengthening the institutional environment for more participatory governance as an effective means for advancing their environmentalist agenda within the existing political system. By working as close allies of the MEP to this end, NGOs can help advance its formal public participation agenda nationally and over the long-term.¹²²

In other words, the ENGOs recognize the significance of relationship building with the government.

Second, the ENGOs prudently circumvent government regulations and restrictions.

Jie Chen holds that, “restrictive policies towards civil society do not detract from

Chinese environmental NGOs’ roles in opening up the political field and expanding civil society in a dynamic interaction with the state.”¹²³ In fact, the ENGOs in China have

become skilled at expanding the boundaries of the permissible without offending the government.¹²⁴ One example of how the ENGOs work around the government

regulations is how they deal with registration. Peter Ho argues that, “given the problems of registering as a social organization, many NGOs chose to set up ‘in disguise.’”¹²⁵

Sometimes a NGO may choose to register as an enterprise as opposed to a social

¹²¹ Lei Xie, Hein-Anton Van Der Heijden . “Environmental Movements and Political Opportunities: The Case of China.” *Social Movement Studies* 9. 1 (Jan 2010): page 60.

¹²² Thomas Johnson. “Environmentalism and NIMBYism in China: promoting a rules-based approach to public participation.” *Environmental Politics* 19. 3 (May 2010): pp. 442-3.

¹²³ Jie Chen. “Transnational Environmental Movement: impacts on the green civil society in China.” *Journal of Contemporary China* 19. 65 (2010): page 507.

¹²⁴ Philip Stalley and Dongning Yang . “An Emerging Environmental Movement in China?” *The China Quarterly* 186 (Jun 2006): page 338.

¹²⁵ Peter Ho. “Greening without Conflict? Environmentalism, NGOs and Civil Society in China.” *Development and Change* 32. 5 (Nov 2001): page 904.

organization in order to avoid the state censure.¹²⁶ Working around restrictions without being antagonistic towards the government is one way the ENGOs choose to interact with the government.

A third aspect of how the ENGOs work with the government is that they make use of the laws to promote citizen participation in governing the environment. Thomas Johnson argues that the Chinese ENGOs have been engaging the citizens in rule-based activism. Rule-based activism is qualitatively different from the right-based activism in the west. Thomas Johnson explains the concept of rule consciousness in this way,

[rights consciousness] implies citizen equality with rule-makers based on constitutional and/or antecedent principles. Claims are founded upon a desire to change rules, either by abolishing existing rules or by promulgating new ones. In contrast, rules consciousness is articulated via claims on rule-enforcers to enforce faithfully existing rules within the current system (Ibid.).¹²⁷

In other words, the Chinese ENGOs do not have the same right-based system as their western counterparts. Therefore, they have to choose a different and “distinctive” way to interact with the government. In China, the ENGOs find legal basis for rule-based activism.

Thomas Johnson explains that,

the promulgation in 2002 and 2003 of the EIA Law [Environmental Impact Assessment Law] and Administrative Licensing Law (ALL), respectively, marked a shift in government policy towards providing legal channels for public consultation and greater disclosure of environmental information regarding new development projects. These laws, along with their subsequent implementing measures, form the basis of an emerging legislative framework for public participation that officials are theoretically obliged to enforce. In theory they provide for proactive citizen participation in the planning stage of projects through channels such as public hearings and questionnaires, whilst also requiring public disclosure of relevant information such as EIA reports.¹²⁸

¹²⁶ Peter Ho. “Greening without Conflict? Environmentalism, NGOs and Civil Society in China.” *Development and Change* 32. 5 (Nov 2001): page 910.

¹²⁷ Thomas Johnson. “Environmentalism and NIMBYism in China: promoting a rules-based approach to public participation.” *Environmental Politics* 19. 3 (May 2010): pp 433-434.

¹²⁸ Thomas Johnson. “Environmentalism and NIMBYism in China: promoting a rules-based approach to public participation.” *Environmental Politics* 19. 3 (May 2010): page 434.

In short, by engaging the citizens in rule-based activism, the ENGOs indirectly cooperate with the government.

Have the ENGOs achieved any success as regards to their two objectives? The answer is affirmative. First, The ENGOs have been more and more accepted by the government. "Increasingly, green NGOs have been able to work with local government and research centers, an effort that represents a new kind of horizontal policy cooperation in China."¹²⁹ Due to their soft approach with the government, ENGOs are invited by the government for policy. Koon-Kwai Wong states that,

[a few ENGO leaders] became advisers to Beijing's Bid Committee for the 2008 Olympic Games. To soften its image, the Beijing municipal government has accepted most of the environmental improvement suggestions made by numerous environmental NGOs.¹³⁰

Koon Kwai Wong comments on the effect of the soft approach, "this is the reason why the Chinese government has a generally positive attitude towards environmental NGOs and may even support them."¹³¹ It is evident that the ENGOs have gained credibility from the government.

Second, the ENGOs also achieved certain level of success for their second objectives and the Chinese citizens have become more environmentally conscious. Thomas Johnson finds the number of citizens who write letters to the government increases.¹³² That is an indication that more citizens become rule-conscious.

¹²⁹ Koon-Kwai Wong. "Greening of the Chinese Mind: Environmentalism with Chinese Characteristics." *Asia-Pacific Review* 12. 2 (Nov 2005): page 54.

¹³⁰ Koon-Kwai Wong. "Greening of the Chinese Mind: Environmentalism with Chinese Characteristics." *Asia-Pacific Review* 12. 2 (Nov 2005): page 53.

¹³¹ Koon-Kwai Wong. "Greening of the Chinese Mind: Environmentalism with Chinese Characteristics." *Asia-Pacific Review* 12. 2 (Nov 2005): page 53.

Koon-Kwai Wong puts it this way, “on the governance front, China’s green NGOs will continue to grow, supported not only by the international community but also increasingly by Chinese citizens who value a clean environment and are willing to contribute both financially and personally to ensure its sustainability.”¹³³

In summary, the ENGOs work under the conditions set by the government when the government exercises both a delegating and managerial imperatives. However, due to the long-term goals the ENGOs have, they choose to work with government with a soft approach and with “distinctive characteristics.” They have achieved some level of success with regards to their two goals. The following two case studies serve to further illustrate ENGOs’ mentality and approaches.

Case One: Friends of Nature [FON]

Friends of Nature [FON] is a highly regarded ENGO in China. It was founded “by Liang Congjie, a former professor of history and member of the Chinese People’s Political Consultative Conference.”¹³⁴ FON takes a soft approach to develop good relationship with the government through both formal and informal channels. For example, when encountering government restrictions on membership expansion, it circumvents those restrictions. Furthermore, given that the FON has the mandate to improve citizens’ participation in environmental governance, it educates the citizens about the laws for environmental governance. Working with “distinctive characteristics,” FON receives

¹³² Thomas Johnson. “Environmentalism and NIMBYism in China: promoting a rules-based approach to public participation.” *Environmental Politics* 19. 3 (May 2010): page 433.

¹³³ Koon-Kwai Wong . “Greening of the Chinese Mind: Environmentalism with Chinese Characteristics.” *Asia-Pacific Review* 12. 2 (Nov 2005): page 54.

¹³⁴ Koon-Kwai Wong . “Greening of the Chinese Mind: Environmentalism with Chinese Characteristics.” *Asia-Pacific Review* 12. 2 (Nov 2005): page 49.

invitations from the government for policy consultation and it has become an organization which mobilizes citizens for environmental governance.

This section proceeds in the following steps. I will first provide an explanation as to why this case is selected. Some background information of the FON will be given. Then I will demonstrate how FON cultivates good relationship with the government, in particular, how it engages itself in activities in line with government's mission and how it avoids government's restrictions. Its logic of governance and the results of its approach will be discussed.

Why is this case chosen? FON is selected as a case study for four reasons. To begin with, FON is the longest surviving ENGO in China. FON is China's "first citizen-organized environmental NGO....[which]was founded in Beijing in 1994." ¹³⁵ As one of the few Chinese NGOs that can ask a membership fee, ¹³⁶ FON is financially independent of the government.¹³⁷

Secondly, its activities have been very well received by people and it is considered to be one of the most influential 'green' organization in China. ¹³⁸ The acceptance level of FON can be shown from its increasing number of staff members and membership. It has a large number of staff members compared to other ENGOs in China. It "has employees (four full-time and one part-time) responsible for four work groups: the bird group; the green lecture

¹³⁵ Thomas Johnson. "Environmental information disclosure in China: policy developments and NGO responses." *Policy & Politics* vol 39 no 3 (2011): page 405.

¹³⁶ Peter Ho. "Greening without Conflict? Environmentalism, NGOs and Civil Society in China." *Development and Change* 32. 5 (Nov 2001): page 913.

¹³⁷ Koon-Kwai Wong . "Greening of the Chinese Mind: Environmentalism with Chinese Characteristics." *Asia-Pacific Review* 12. 2 (Nov 2005): page 49.

¹³⁸ Koon-Kwai Wong . "Greening of the Chinese Mind: Environmentalism with Chinese Characteristics." *Asia-Pacific Review* 12. 2 (Nov 2005): page 49.

group; the media group; and the teachers' and training group.”¹³⁹ According to the statistics in 1999, “Friends of Nature had 553 individual members, 21 member organizations and 567 volunteers (of whom 306 were women).”¹⁴⁰ This number continues to grow. “Currently, FON has more than a thousand individual members and over 20 institutional members.”¹⁴¹ One of its successes is in its ability to mobilize average citizens.

As Peter Ho puts it this way,

a NGO that has made the mass mobilization of volunteers its hallmark is China's most famous Friends of Nature. To circumvent government regulations, this NGO was registered in March 1994 with the inconspicuous name ‘Academy of Green Culture’ under an existing social organization (the Academy of Chinese Culture), but it has gained fame as ‘Friends of Nature’¹⁴²

In short, the second reason why FON is chosen is due to its ability to attract citizens.

Third, FON is well-structured organization. “ Friends of Nature could serve as a model NGO in China in many respects. [It] is relatively well-organized, with a council consisting of thirty-nine people, a director appointed for two years (which can be extended), a secretariat staffed by two people, and five.”¹⁴³ Partially due to its organizational feature, FON has a structured decision making process. “ Major decisions are taken through voting by the entire council. Smaller decisions are taken by the director in consultation with the secretariat and persons responsible for the groups.”¹⁴⁴ With its ability to mobilize citizens and with a good decision-making structure, FON organizes some

¹³⁹ Peter Ho. “Greening without Conflict? Environmentalism, NGOs and Civil Society in China.” *Development and Change* 32. 5 (Nov 2001): page 913.

¹⁴⁰ Peter Ho. “Greening without Conflict? Environmentalism, NGOs and Civil Society in China.” *Development and Change* 32. 5 (Nov 2001): page 913.

¹⁴¹ Koon-Kwai Wong . “Greening of the Chinese Mind: Environmentalism with Chinese Characteristics.” *Asia-Pacific Review* 12. 2 (Nov 2005): page 49.

¹⁴² Peter Ho. “Greening without Conflict? Environmentalism, NGOs and Civil Society in China.” *Development and Change* 32. 5 (Nov 2001): page 912.

¹⁴³ Peter Ho. “Greening without Conflict? Environmentalism, NGOs and Civil Society in China.” *Development and Change* 32. 5 (Nov 2001): page 912.

¹⁴⁴ Peter Ho. “Greening without Conflict? Environmentalism, NGOs and Civil Society in China.” *Development and Change* 32. 5 (Nov 2001): page 913.

high-profile activities. “Its high-profile actions, such as the protection of the habitat of the snub-nosed monkey against illegal tree felling, have attracted nation-wide attention and have been broadcast on national television.”¹⁴⁵

Fourth, FON builds international connections and it obtains funding overseas. It works with international partners on certain community projects. For example, “FON’s popular community project, ‘Urban Bike Tour’, was created by Australian volunteers after their serious research. Western volunteers also managed the English website and composed English publicity materials for FON, and this further boosted its transnational connections.”¹⁴⁶ It also obtains international funding. Jonathan Schwartz states that,

in hunt for funding, environmental NGOs increasingly find themselves turning to MNCs (multinational corporations) whose requirements are often more relaxed. Beginning in 1998, and after a long period of refusing offers of support, FON and GVB [another Chinese ENGO] turned to Royal Dutch Shell and DuPont. Both NGOs agreed to first meet representatives from the MNCs, and eventually to accept their funding....The environmental NGOs have become “softer,” with FN participating in joint programs with Shell and event distributing company literature FN members and attendees at Shell-sponsored environmental conferences.¹⁴⁷

FON’s ability to attract support and funding internationally helps it to be financially independent from the Chinese government. To summarize, FON is a unique case in many respects, its history, its ability to mobilize citizens, its organizational structure and its international connections.

Regarding its connections domestically in China, FON actively and prudently builds a good relationship with the Chinese government. To begin with, its missions and activities

¹⁴⁵ Peter Ho. “Greening without Conflict? Environmentalism, NGOs and Civil Society in China.” *Development and Change* 32. 5 (Nov 2001): page 913.

¹⁴⁶ Jie Chen. “Transnational Environmental Movement: impacts on the green civil society in China.” *Journal of Contemporary China* 19. 65 (2010): page 510.

¹⁴⁷ Jonathan Schwartz . “Environmental NGOs in China: Roles and Limits.” *Pacific Affairs* 77. 1 (Apr 2004): page 41.

are in line with the government's objectives, i.e., to improve the environmental situation in China. It is stated in FON's mission statement that it aims "to promote environmental protection and sustainable development in China by raising environmental awareness and initiating a green culture among the public."¹⁴⁸ In practice, FON focuses on mass education and research on environmental problems and it has encourages government and the private sectors to solve environmental challenges. ¹⁴⁹ In short, the FON shares similar goals with the government and this mission partially determines its willingness and efforts for relationship-building with the government.

The key leader of the FON plays a vital role in building relationship with the government officials in order to influence their views. Yangzi Sima states that "Chinese NGOs tend to manifest strong elitist identities. The founder of FON, the late Liang Congjie ... [was] able to combine his 'cultural prestige with political capital."¹⁵⁰ For example, Liang Congjie was able to can convey FON ideas directly to government decision makers and this led many officials to consider his agenda. ¹⁵¹In short, the leaders of the FON tend to connect with the government.

In addition to building personal connections with the officials, FON cooperates with the government indirectly. That is, FON makes use of the government regulations to educate the citizens on how to protect the environment. *Measures on Environmental Information Disclosure* is a piece of legislation designed to achieve greater environmental

¹⁴⁸ Koon-Kwai Wong . "Greening of the Chinese Mind: Environmentalism with Chinese Characteristics." *Asia-Pacific Review* 12. 2 (Nov 2005): page 49.

¹⁴⁹Koon-Kwai Wong . "Greening of the Chinese Mind: Environmentalism with Chinese Characteristics." *Asia-Pacific Review* 12. 2 (Nov 2005): page 49.

¹⁵⁰ Yangzi Sima . "Grassroots Environmental Activism and the Internet: Constructing a Green Public Sphere in China." *Asian Studies Review* (Dec 2011); Vol. 35, 4: pp 483-4.

¹⁵¹ Jonathan Schwartz . "Environmental NGOs in China: Roles and Limits." *Pacific Affairs* 77. 1 (Apr 2004): page 40.

transparency in China.¹⁵² In utilizing this piece of legislation, “ the Shanghai Friends of Nature Small Group, which is an offshoot of FON, has filed numerous information disclosure requests in Shanghai, while documenting its experiences in a blog.”¹⁵³ Thomas Johnson explains why Shanghai FON Small Group wanted to apply for the disclosure of environmental information in this way,

with the enactment of the [State Council] Information Disclosure Ordinance and the Measures on Environmental Information Disclosure, citizens have a duty and responsibility to help implement these pieces of legislation by applying to government departments for environmental information to be disclosed according to law.¹⁵⁴

Teaching the citizens to use government legislations for environmental governance is an indirect way in which FON works with the government. That is, FON promotes the laws made by the government while it raises environmental awareness among the citizens.

Another aspect of how FON works with the government can be demonstrated through how FON deals with sensitive issues. For example, the Chinese government is concerned with the expansion of any social organization if those organizations grow to uncontrolled scale. As explained by Jonathan Schwartz , “with the rise of Falun Gong activism, the state has become especially sensitive to NGO-related issues. This sensitivity has convinced FN to maintain a low, non-confrontational profile.”¹⁵⁵ Therefore, FON limits its membership and rejects branch office or affiliation requests, with the concerns that “if it attracts too many members or even establishes a close relationship with any regional

¹⁵² Thomas Johnson. “ Environmental information disclosure in China: policy developments and NGO responses.” *Policy & Politics* vol 39 no 3 (2011): page 399.

¹⁵³ Thomas Johnson. “ Environmental information disclosure in China: policy developments and NGO responses.” *Policy & Politics* vol 39 no 3 (2011): page 406.

¹⁵⁴ Thomas Johnson. “ Environmental information disclosure in China: policy developments and NGO responses.” *Policy & Politics* vol 39 no 3 (2011): page 406.

¹⁵⁵ Jonathan Schwartz . “Environmental NGOs in China: Roles and Limits.” *Pacific Affairs* 77. 1 (Apr 2004): page 39.

groups, it might be viewed as contravening government restrictions on NGO activities.”¹⁵⁶ Instead, FON FN encourages interested citizens to establish their own independent NGO or community groups.¹⁵⁷ In short, FON does not confront with the government when it deals with scenarios that may concern the government.

In short, FON uses a non-confrontational approach with the government. Its leaders build good relationships with the government. Its missions are in line with the priority of the government. It avoids conflicts with the government when facing the sensitivity of membership expansion. Due to its “distinctive characteristics,” it ensures its long-term survival and it is able to influence government’s policy making while educating citizens. Another famous case that FON participated in is the Nu River campaign.

Case Two: Nu River Campaign

The Chinese ENGOS’ involvement of the Nu River campaign is a widely cited case study of the growing influence of the ENGOS. The ENGOS became involved in a 2003 campaign to oppose a project to dam Yunnan Province’s Nu River, a project advocated by the local government in Yunnan and development-oriented ministries in the national governmental ministries. When ENGOS disagree with government’s inclination to build a dam, they used a soft approach and engaged citizens in rule-based activism. The ENGOS led the government to reconsider its initial tendency without offending it. In the meantime, the citizens were educated to become more rule-conscious in that campaign.

¹⁵⁶ Jonathan Schwartz . “Environmental NGOs in China: Roles and Limits.” *Pacific Affairs* 77. 1 (Apr 2004): page 39.

¹⁵⁷ Jonathan Schwartz . “Environmental NGOs in China: Roles and Limits.” *Pacific Affairs* 77. 1 (Apr 2004): page 39.

This section proceeds in the following steps. I will first provide some background information of the Nu River campaign. Then I will describe how the ENGOs educate and mobilize the citizens and other parts of the civil society such as the journalists. Then I will discuss about the significance of this case. That is, focusing on procedural correctness and engaging citizens in rule-based activism, ENGOs achieve their objective of influencing government decision making without being hostile towards it.

What is the Nu River case about? Nu River project is something of national importance in that it could generate economic benefits. However, those economic benefits would have cost environmental harm. Johann Thibaut states that,

the Nujiang (Nu River or Salween), China's last free-running river, flows from Tibet through Yunnan province, Myanmar and Thailand. In 2003 it became a designated UNESCO World Heritage site....Despite its protected status, a project to build along the Nu River a chain of 13 dams capable of generating 22.5GW of electricity (worth 8 billion RMB annually in local government tax revenues).¹⁵⁸

However, this project, potentially, has enormous physical and social consequences. For example, building the dam would require displacing 50,000 people.¹⁵⁹ Even though there are possible negative consequences, there was lack of media coverage of this case.¹⁶⁰ Even at the stage when the national government had initial approval for the Nu River project, the citizens did not know much about it. Johann Thibaut holds that,

at this stage local residents in the Nu River area were still unaware of the government's intention to build the dams because media coverage had been banned. Neither did the 50,000 local residents who would have to be relocated know of the new EIA law.¹⁶¹

¹⁵⁸ Johann L. Thibaut. "An Environmental Civil Society in China? Bridging Theoretical Gaps through a Case Study of Environmental Protest." *International Quarterly for Asian Studies* vol. 42 (2011), No.1-2: page 145.

¹⁵⁹ Lei Xie, Hein-Anton Van Der Heijden. "Environmental Movements and Political Opportunities: The Case of China." *Social Movement Studies* 9. 1 (Jan 2010): page 61.

¹⁶⁰ Johann L. Thibaut. "An Environmental Civil Society in China? Bridging Theoretical Gaps through a Case Study of Environmental Protest." *International Quarterly for Asian Studies* vol. 42 (2011), No.1-2: page 146.

¹⁶¹ Johann L. Thibaut. "An Environmental Civil Society in China? Bridging Theoretical Gaps through a Case Study of Environmental Protest." *International Quarterly for Asian Studies* vol. 42 (2011), No.1-2: page 146.

In order to empower the citizens to become more knowledgeable about this case, the ENGOs work with journalists to have more media coverage. Johann Thibaut argues that,

only when Pan Yue [an environmentalist] invited academics, experts, and national celebrities to express their views on the project at an environmental forum, did media coverage emerge. This gradually escalated into an international debate, encouraging NGOs to mobilize opposition against the project, especially in the Yunnan area.¹⁶²

Media coverage is one avenue through which the citizens receive information about the situation. In addition, the ENGOs increase citizens' awareness on the Nu River case through organizing various events and forums. Johann Thibaut states that, "NGOs organize trips along the Nu River to educate local residents on the ramifications of building a series of dams, organized local discussion groups, inform affected citizens of their rights and provide training in public speaking."¹⁶³ Furthermore, various ENGOs collaborated with each other to organise different types of activities. Lei Xie and Hein-Anton Van Der Heijden write that,

ENGOs had been active in organizing collective action. In March and April 2004, nine photo exhibitions were held in Beijing's universities, in a supermarket, an office building, and a post office. Student environmental associations were contacted to help organize a venue at their campus. At the same time, an interactive website called 'Nu River Sentiment' was established, on which updated progress of the campaign was posted. This website facilitated the exchanging of information and communication between movement actors.¹⁶⁴

Those forums and events helped the citizens to become updated about the Nu River situation.

¹⁶²Johann L. Thibaut. "An Environmental Civil Society in China? Bridging Theoretical Gaps through a Case Study of Environmental Protest." *International Quarterly for Asian Studies* vol. 42 (2011), No.1-2: page 146,

¹⁶³ Johann L. Thibaut. "An Environmental Civil Society in China? Bridging Theoretical Gaps through a Case Study of Environmental Protest." *International Quarterly for Asian Studies* vol. 42 (2011), No.1-2: page 149.

¹⁶⁴ Lei Xie, Hein-Anton Van Der Heijden. "Environmental Movements and Political Opportunities: The Case of China." *Social Movement Studies* 9. 1 (Jan 2010): page 62.

Moreover, ENGOs instruct the citizens about the EIA law and the citizens understand their right to influence on the decision-making process of the Nu River case. “In the same year [2003], during a delay pending its[Nu River case] final approval, China’s 2003 EIA law became effective, subjecting the project to an EIA prior to final approval being issued.”¹⁶⁵ In other words, EIA law makes it legally mandatory for a project to have public consultation prior to the approval of any government-initiated project. Johann Thibaut explains importance of the EIA law in the following way,

consideration should be given to the 2003 EIA law....The purpose of and EIA is to identify and evaluate a construction project’s potential impact on the environment in natural, social and economic terms, and to propose methods to mitigate this impact. Prior to the start of any construction project, an EIA must be passed. Any project that fails an EIA, does not conform to the mitigation measures as required by the EIA report, or does not undertake an EIA at all, is illegal and must not proceed without rectification. In short, the EIA is a preventative measure against negative impacts caused by construction projects and is thus an important component in the management of environment.¹⁶⁶

In particular, certain articles in the EIA law specify the necessity of public participation, such as Articles 3, 11 and 21.¹⁶⁷ China’s 2003 EIA law also stipulates that EIA reports must be made publicly available.¹⁶⁸ Making the citizens comprehend their right to participate in environmental governance is part of the educational efforts that the ENGOs make.

With the rule-conscious citizens, the ENGOs engage them in having a dialogue with the government as opposed to organizing a massive protest against this project. Johann

¹⁶⁵ Johann L. Thibaut. “An Environmental Civil Society in China? Bridging Theoretical Gaps through a Case Study of Environmental Protest.” *International Quarterly for Asian Studies* vol. 42 (2011), No.1-2: page 145.

¹⁶⁶ Johann L. Thibaut. “An Environmental Civil Society in China? Bridging Theoretical Gaps through a Case Study of Environmental Protest.” *International Quarterly for Asian Studies* vol. 42 (2011), No.1-2: page 144.

¹⁶⁷ Johann L. Thibaut. “An Environmental Civil Society in China? Bridging Theoretical Gaps through a Case Study of Environmental Protest.” *International Quarterly for Asian Studies* vol. 42 (2011), No.1-2: page 145.

¹⁶⁸ Johann L. Thibaut. “An Environmental Civil Society in China? Bridging Theoretical Gaps through a Case Study of Environmental Protest.” *International Quarterly for Asian Studies* vol. 42 (2011), No.1-2: page 145.

Thibaut states that,

rather than reverting to a mass match, NGOs direct public opposition into official paths to confront the government through means of dialogue.Activists also draft letters, appeals and petitions to give local residents a voice. As the case shows, this [is] an attempt to engage with the government on equal terms. ¹⁶⁹

In other words, ENGOS act as spokespeople for the citizens. In addition, the ENGOS collaborated with each other and organized international undersigning of petition¹⁷⁰

While the ENGOS engage citizens in voicing their opinions to the government on this project, the ENGOS also try to influence the government with their knowledge and expertise. Lei Xie and Hein-Anton Van Der Heijden argue that,

movement actors also tried to influence the development of the project by participating through institutional channels. Friends of Nature (FON), an NGO that is relatively strong in accessing political institutions, was included in the network. It helped to introduce scientific reportsat various points in the policy-making process. Two major studies, 'Protecting Nu River, Stop Water and Hydroelectric Development', and 'Grouping Rivers, Coordinating Ecological Protection and Economic Development', were brought into the National Political Consultative Conference in March 2004 and became part of the political debate. ¹⁷¹

In other words, the ENGOS' governance objective of influencing government policy and decision is partially realized through their scientific knowledge.

The ENGOS' reports and their engagement of the citizens led to significant results.

Thomas Johnson states that, "in early 2004, China's Premier Wen Jiabao called for the dam-building project to be suspended pending further investigations due to 'a high level of social concern'"¹⁷² In addition, Premier Wen Jiabao requested " further environmental

¹⁶⁹ Johann L. Thibaut. "An Environmental Civil Society in China? Bridging Theoretical Gaps through a Case Study of Environmental Protest." *International Quarterly for Asian Studies* vol. 42 (2011), No.1-2: page 149.

¹⁷⁰ Johann L. Thibaut. "An Environmental Civil Society in China? Bridging Theoretical Gaps through a Case Study of Environmental Protest." *International Quarterly for Asian Studies* vol. 42 (2011), No.1-2: page 152.

¹⁷¹ Lei Xie, Hein-Anton Van Der Heijden. "Environmental Movements and Political Opportunities: The Case of China." *Social Movement Studies* 9. 1 (Jan 2010):p.62-3.

¹⁷² Thomas Johnson. "Environmental information disclosure in China: policy developments and NGO responses." *Policy & Politics* vol 39 no 3 (2011): page 405.

study”¹⁷³ and “scientific investigation.”¹⁷⁴ Even though in 2005, the Chinese government approved the Nu River project, the fact that the ENGOs were able to lead the government reconsider it is uncommon in Chinese history.

One can derive the following three points from this case. First, “the government can be responsive to public demands.”¹⁷⁵ This ENGOs-organized campaign eventually obtained attention from the highest official in China. This was not common in the past NGO-state interaction in China. Second, ENGO has become a potent force. Jie Chen argues that, “the fact that activists and their international backers survived the anti-dam movement well shows that social activism in the environmental area has clearly pushed the political boundary in society–state relations beyond what was possible in the 1980s–1990s.”¹⁷⁶ Third, ENGOs’ efforts to empower the public with the EIA law have significant implications. “The 2003 EIA law has still be effective in empowering the public, providing it with an entry point into the political process and its development mechanisms.”¹⁷⁷ In fact, this rule-based activism have huge impacts. As commented by Thomas Johnson, “since 2005, environmental activists have framed their opposition to the Nu River project, and hydropower development in China more broadly, in legal terms by advocating formal public participation in the decision-making process according to rules.”¹⁷⁸

¹⁷³ Jie Chen. “Transnational Environmental Movement: impacts on the green civil society in China.” *Journal of Contemporary China* 19. 65 (2010): page 514.

¹⁷⁴ Thomas Johnson. “Environmentalism and NIMBYism in China: promoting a rules-based approach to public participation.” *Environmental Politics* 19. 3 (May 2010): page 436.

¹⁷⁵ Johann L. Thibaut. “An Environmental Civil Society in China? Bridging Theoretical Gaps through a Case Study of Environmental Protest.” *International Quarterly for Asian Studies* vol. 42 (2011), No.1-2: page 153.

¹⁷⁶ Jie Chen. “Transnational Environmental Movement: impacts on the green civil society in China.” *Journal of Contemporary China* 19. 65 (2010): page 521.

¹⁷⁷ Johann L. Thibaut. “An Environmental Civil Society in China? Bridging Theoretical Gaps through a Case Study of Environmental Protest.” *International Quarterly for Asian Studies* vol. 42 (2011), No.1-2: page 155.

In short, the Nu River case demonstrates that the ENGOs empower the citizens and engage citizens through rule-based activism. Possessing “distinctive characteristics” does not mean that the ENGOs always agree with the government. Instead, they fulfill their governance objectives of influencing the government decision-making and of encouraging the citizens to have a dialogue with the government on equal terms.

Conclusion

This research paper takes interests in understanding the criticism that the Chinese ENGOs have “distinctive characteristics. ” Instead of assuming that those ENGOs simply carry out government’s orders, this research paper aims to uncover why the ENGOs behave the way they do. In order to do so, I apply Michel Foucault’s governmentality paradigm. In particular, I take inspiration from Ole Jacob Sending and Iver Neumann’s employment of the governmentality framework. They point to the importance of the relational aspect of governance and the logic or mentality of governance.

The logic of governance on the part of the Chinese government and on the part of the ENGOs are both given consideration. The government’s logic of governance includes the importance it attaches to the environment and the two imperatives it exercises , i.e., the delegating and managerial imperatives. The ENGOs, working under the conditions set by the government, aim to achieve their governance goals, i.e., to influence government policy and to educate the citizens. In addition, the cases of FON and of the Nu River campaign illustrate the ENGOs’ mentality of governance.

This section proceeds in the following steps. First, I will conclude that

¹⁷⁸ Thomas Johnson. “Environmentalism and NIMBYism in China: promoting a rules-based approach to public participation.” *Environmental Politics* 19. 3 (May 2010): page 436.

the ENGOs' "distinctive characteristics" do not mean that they lack credibility. Rather, their "distinctive characteristics" serve to long term governance objectives. Second, I will discuss the implications of those "distinctive characteristics." That is, the ENGOs serve as a platform for civic engagement in China. Third, I will address the policy relevance of this research paper.

First, Chinese ENGOs' "distinctive characteristics" does not mean that ENGOs lack credibility. Rather, their "distinctive characteristics" are shaped by their goals. The implied expectation that the Chinese ENGOs should be like their western counterparts, i.e., to have the ability to mobilize protests and to publicly criticizing government, does not apply in China's situation. The Chinese ENGOs work under a complex condition. While the government delegate part of the environmental function to the ENGOs, it manages and controls their growth and activities. Given that the Chinese ENGOs share similar visions with the government, i.e., to improve China's environmental situation, the ENGOs act cautiously and strategically when they interact with the government. Their soft and "distinctive" approach helps to ensure their long-term survival in the country. Their "distinctive characteristics" also lead to positive results, i.e., they influence government's environmental policies on many occasions and they transfer the citizens from objects of government to rule-conscious subjects.

The ENGOs set out their two objectives as to influence government policy making and to produce more environmentally disciplined citizens. The two case studies illustrate the value of ENGOs' soft approach and their "distinctive characteristics." The FON case demonstrates that the ENGOs are changing how the government interact with the civil society. That is, the Chinese government has been open to the ENGOs' input and it has been

inviting ENGOs for policy consultation. In addition, the Nu River campaign case suggests that the ENGOs are able to lead to the government to reconsider its propositions. Even though the Chinese government went ahead with the Nu River dam construction in 2005, it did so after further scientific investigation. The direct result of the Nu River campaign includes that it delayed the construction of the dams and it forced the government to re-examine the project. The indirect result of the Nu River campaign is even more significant. It has helped to produce more rule-conscious citizens in environmental governance.

However, further questions can be raised regarding the influence of the ENGOs on government. For example, what determine the influence of the ENGOs? How much influence do they have? To better answer these important questions, one needs to first determine the criteria of influence. Influence on policy could be result-oriented, i.e. influence on a specific policy decision, or process-related, i.e., how a policy is developed or a mixture of both. Second, one also needs to conduct more case studies. While influence is an abstract term, case studies would allow one's analysis to base upon specific context.

This paper's conclusion is drawn by employing Michel Foucault's governmentality framework. Focusing on relational aspect and mentality aspect of governance helps analysts to avoid the mistake of equalling ENGOs "distinctive characteristics" with "powerless." Examining the relational aspect and objectives of governance on the parts of the ENGOs and of the government is useful for discovering complicated situations.

As Peter Ho argues that,

those who openly oppose the central government, establish national civil organizations, or stage protest demonstrations are treading a fine line. The repression is a reality; this does not mean, however, that the People's Republic can be labelled an authoritarian state with no space for dissenting voices or voluntary organization. Such a label would overlook the many strategies that citizens can employ to escape from the government's control, and would fail to uncover the

complex patterns of interaction between state and society that shape environmental movements.¹⁷⁹

One can also derive the effects of the “distinctive characteristics” of the ENGOS. The appearance and growth of ENGOS, tolerated by the government, may eventually spark a new wave of environmental movements in China. If these ENGOS can target non-sensitive issues with a soft approach, they may make profound contributions in raising the environmental awareness of the public through various community activities and various environmental education programs.

Second, one widely discussed implication of these Chinese ENGOS is that whether they will become part of the force of democratization of China.¹⁸⁰ For example, “the environmental activists pursuing democratisation can roughly be divided into two categories: those who see environmental protection as a path to democracy, and those who see democracy as a path to environmental protection.”¹⁸¹ As the Chinese government starts to allow some political space for citizen participation in environmental protection the ENGOS are at the forefront of civil society development.¹⁸² It is beyond the scope of this research paper to conclude whether the Chinese ENGOS will lead to democratization of China. However, it won't be an exaggeration to state that China's environmental governance includes a form of “hybrid democratisation,” a process with features of both top-down and bottom-up path.¹⁸³

¹⁷⁹ Peter Ho. “Greening without Conflict? Environmentalism, NGOs and Civil Society in China.” *Development and Change* 32. 5 (Nov 2001): page 897.

¹⁸⁰ Johann L. Thibaut. “An Environmental Civil Society in China? Bridging Theoretical Gaps through a Case Study of Environmental Protest.” *International Quarterly for Asian Studies* vol. 42 (2011), No.1-2: page 138.

¹⁸¹ Johann L. Thibaut. “An Environmental Civil Society in China? Bridging Theoretical Gaps through a Case Study of Environmental Protest.” *International Quarterly for Asian Studies* vol. 42 (2011), No.1-2: page 139.

¹⁸² Koon-Kwai Wong. “Greening of the Chinese Mind: Environmentalism with Chinese Characteristics.” *Asia-Pacific Review* 12. 2 (Nov 2005): page 54.

¹⁸³ Johann L. Thibaut. “An Environmental Civil Society in China? Bridging Theoretical Gaps through a Case Study of Environmental Protest.” *International Quarterly for Asian Studies* vol. 42 (2011), No.1-2: page 139.

What is the policy relevance of this paper? China's policy makers in environmental governance could contemplate on a few questions when designing policy. First, if the ENGOs continue to engage the citizens in rule-based activism, does it mean that they do so by lack of choice? Or does it mean this approach is always effective? In other words, besides promoting rule-based activism, what other means or channels can the ENGOs use to transfer the citizens into the subjects of governance? Second, given that most ENGOs want to influence government's decision-making progress, what avenues can the government create or expand in order to engage the ENGOs? More specifically, since there are different types of ENGOs in China, do they need different ways and methods to be consulted for environmental policy-making? How can the government create more and better conditions for involving the ENGOs?

Bibliography

Berstein, Steven. "Legitimacy in Global Environmental Governance." *Journal of International Law and International Relations*. Issue 1-2 (2004-5): 139-166.

Cashore, Benjamin et al. "Revising Theories of Nonstate Market-Driven (NSMD) Governance: Lessons from the Finnish Forest Certification Experience." *Global Environmental Politics* 7. 1 (Feb 2007): 1-44.

Cooper, Caroline. "'This is Our Way In': The Civil Society of Environmental NGOs in South-West China." *Government and Opposition* 41. 1 (Jan 2006): 109-136.

Wong, Koon-Kwai. "Greening of the Chinese Mind: Environmentalism with Chinese Characteristics." *Asia-Pacific Review* 12. 2 (Nov 2005): 39-57.

Chen, Jie. "Transnational Environmental Movement: impacts on the green civil society in China." *Journal of Contemporary China* 19. 65 (2010): 503-523.

Danaher, Geoff, Schirato, Tony and Webb, Jen. *Understanding Foucault*. Delhi : Motilal Banarsidass, 2001, c2000.

Darier, Éric. "Environmental governmentality: The case of Canada's green plan." *Environmental Politics*, 5:4 (1996), 585-606.

Foster, Emma A. "Sustainable Development Policy in Britain: Shaping Conduct through Global Governmentality." *British Politics*, 3, (2008): 535-555.

Foucault, Michel. *Ethics : Subjectivity and Truth*. Ed. Paul Rabinow . New York : New Press, c1997.

Foucault, Michel. *The Hermeneutics of the Subject : Lectures at the Collège de France, 1981-82*. Ed. Frédéric Gros, François Ewald and Alessandro Fontana. New York : Palgrave Macmillan, 2005.

Ho, Peter. "Greening without Conflict? Environmentalism, NGOs and Civil Society in China." *Development and Change* 32. 5 (Nov 2001): 893-921

Hoy, David Couzens. *Foucault : A Critical Reader*. Oxford, UK ; New York, NY, USA : B. Blackwell, 1986.

Jahiel, Abigail. "China, the WTO, and Implications for the Environment." *Environmental Politics* 15. 2 (Apr 2006): 310-329.

Johnson, Thomas. "Environmental information disclosure in China: policy developments and NGO responses." *Policy & Politics* vol 39 no 3 (2011): 399-416.

Johnson, Thomas. "Environmentalism and NIMBYism in China: promoting a rules-based approach to public participation." *Environmental Politics* 19. 3 (May 2010): 430-448.

Kendall, Gavin and Wickham, Gary. *Using Foucault's methods*. London : Sage, 1999.

Mol, Arthur P.J., and Carter, Neil T. "China's Environmental Governance in Transition." *Environmental Politics* 15.2 (April 2006): 149-170.

Mushkat, Roda. "Public Participation in Environmental Law Making: A Comment on the International Legal Framework and the Asia-Pacific Perspective." *Chinese Journal of International Law* 1. 1 (2002): 185-224.

Rabinow, Paul. *The Foucault Reader*. New York : Pantheon Books, c1984.

Ru, Jiang; Ortolano, Leonard. "Development of Citizen-Organized Environmental NGOs in China." *International Journal of Voluntary and Nonprofit Organizations* 20. 2 (Jun 2009): 141-168.

Sending, Ole Jacob and Neumann Iver. "Governance to Governmentality: Analyzing NGOs, States and Power." *International Studies Quarterly* 50, 3 (2006):651-72.

Schwartz, Jonathan. "Environmental NGOs in China: Roles and Limits." *Pacific Affairs* 77. 1 (Apr 2004): 28-49.

Sha, Liu, "Environmental NGOs grow across China but still struggle for support." *Global Time*, June 1 ,2012 <http://www.globaltimes.cn/content/714330.shtml>

Sima, Yangzi. "Grassroots Environmental Activism and the Internet: Constructing a Green Public Sphere in China." *Asian Studies Review* (Dec 2011); Vol. 35, 4: 477-497.

Stalley, Philip and Yang, Dongning. "An Emerging Environmental Movement in China?" *The China Quarterly* 186 (Jun 2006): 333-356.

Thibaut, Johann L. "An Environmental Civil Society in China? Bridging Theoretical Gaps through a Case Study of Environmental Protest." *International Quarterly for Asian Studies* vol. 42 (2011), No.1-2, 135-163.

Xie, Lei. "China's Environmental Activism in the Age of Globalization." *Asian Politics & Policy* 3 (2011): 207-224.

Xie, Lei; Van Der Heijden, Hein-Anton. "Environmental Movements and Political Opportunities: The Case of China." *Social Movement Studies* 9. 1 (Jan 2010): 51-68.

Yang, Wanhua. "Environmental Provisions in the WTO Agreements and Their Implications for China as a Member." *Review of European Community & International Environmental Law* 11. 3 (2002): 314-327.