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Emerging environmental multi-level governance in China? Environmental protests, public participation and local institution-building

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This is an author's accepted manuscript, forthcoming in Public Policy and Administration.

Abstract

Chinese state reforms have resulted in a horizontal and vertical diffusion of actors in policy-making and policy implementation, leading to the creation of new collaborative institutions between government and non-government actors. At the non-governmental level, this has inter alia enabled the development of non-governmental organizations and the passage of a raft of legislation for public participation and access to information. However, the political and legal constraints imposed by the authoritarian system have meant that private citizens still find it hard to make their voice heard. Public participation legislation has suffered from an implementation gap, leading to the proliferation of environmental protests across China. For private citizens, therefore, protest outside of the formal-legal channels is a key tool to influence the policy process and demand public participation and better government accountability. There are indications that protests may result in the improvement and creation of local institutions that facilitate public participation, which in turn help to foster a new model of governance that contains features of multilevel governance.

Introduction

Chinese state reforms have attracted significant attention as they have created new opportunities for participation for private citizens who had previously been excluded from decision-making. Some describe the emerging system of governance as pluralized authoritarianism (Lewis 2013), consultative authoritarianism (Teets 2013; He and Thøgersen 2010) or deliberative authoritarianism (He and Warren 2011; Zhang 2013). Others have referred to it as managed pluralism (Balzer 2004). Some authors even see the emergence of a system of multi-level governance (MLG) – a concept hitherto associated with democratic pluralism rather than with authoritarianism – although they acknowledge the limitations imposed by China's authoritarian context (Jing 2015).

Multi-level governance 'describes the simultaneous activation of governmental and non-governmental actors at various jurisdictional levels' (Piattoni 2010: 159). It focuses on the shift of power 'from a unified authority, acting rationally at the centre of government, towards a diffusion of power and "multiple centres"' (Cairney 2012: 155). In the realm of environmental governance, participation of non-governmental actors, including private citizens, is essential to MLG. Their participation has been proposed as a way to overcome the lack of effectiveness in environmental policy-making (Newig and Fritsch 2009). This not only holds true for democracies and post-socialist countries (Cent et al. 2014), but also for authoritarian countries.

In China, recognizing the severity of environmental degradation and the need to improve environmental governance to avert crises, the central government has introduced legislation for public participation in environmental decision-making since the seminal 2003 Environmental

Impact Assessment (EIA) Law. This has been followed by other legislation further detailing requirements for public participation along with legislation on access to information. The latter is also known as open government information legislation. These measures, together with decentralization, privatization, and laws permitting the formation of non-governmental organizations (NGOs), are part of an array of state reforms aimed at improving the policy process for decision-making and implementation.

However, as the Chinese policy process continues to suffer from an implementation gap (Kostka and Mol 2013), laws and policies to encourage public participation in environmental governance have not always been translated into reality. Continued lack of meaningful public participation has led to environmental protests in many places. Indeed, the authorities' increased willingness to involve citizens in planning decisions for polluting or otherwise controversial development projects have largely been spurred by the growing number of protests (Grano and Zhang 2016: 167).

This article focuses on the question of how environmental protests, by demanding more government accountability, may contribute to local institution-building that in turn improves environmental governance, allowing a model of governance that resembles MLG in some important aspects to develop in China's authoritarian system. It does so by analyzing environmental protests that have emerged as a response to the implementation gap, i.e., protests that have arisen because local authorities have not implemented existing requirements for public participation. We argue that such protests may have fostered a model of governance in China that contains features of MLG as private citizens demand the implementation of public participation laws and policies. In many cases these protests have led to the creation of local institutions for participation, but these differ between localities and therefore have a distinct local character.

Specifically, we explore the emergence of local modes of participation in relation to specific development projects and the ways in which private citizens attempt to insert themselves into the policy process. We examine novel ways in which private citizens organize and protest, in order to demand the realization of their legal right to be included in the policy process, leading to often locally unique institution-building that facilitates government-citizen interactions in environmental decision-making.

The article first discusses the concepts of MLG, public participation and social accountability. It then explores the Chinese reform process with specific reference to public participation provisions. This is followed by the presentation and analysis of three case studies. We have chosen the case studies to present protests in different localities, different issue areas and with different outcomes, in order to observe to what extent different protests may produce similar institutional developments. Data comes from interviews conducted during several periods: from October 2008 to January 2009, from October to December 2013, and in 2015. Interviewees include the EIA Department of the Ministry of Environmental Protection, EIA agencies, NGOs, and academics working on environmental politics, public participation and environmental protests at Peking University and Wuhan University. Additional materials come from a conference on not-in-my-backyard (NIMBY) protests organized by the environmental NGO Nature University in Beijing in May 2013.

MLG, public participation and accountability

The concept of MLG was originally developed to understand policy processes in the European Union (EU) (Marks 1992; Marks 1993; Hooghe and Marks 2001; Hooghe and Marks 2003). It explores the vertical and horizontal diffusion of power in a process characterized by negotiation and fragmentation rather than compulsion and centralization. The state becomes fragmented, segmented and disaggregated and is forced to share power and to negotiate with other actors (Bache and Flinders 2004).

Piattoni (2015: 325-326) argues that in order to speak of MLG, we need to see the inclusion of not only government at different levels but also of non-governmental actors. Non-governmental actors need to be included in substantive ways, pointing either to their involvement in 'authoritative decision-making (in contrast to their involvement in the mere implementation and assessment of decisions), or to the novel ways in which governmental and non-governmental actors interact in the decision, implementation and assessment of public policies' (p. 326, emphasis in original).

Public participation has been proposed as a way to improve the efficacy of environmental policy-making in MLG (Newig and Fritsch 2009). Unnerstall (2008) found different modes of public participation in MLG across different localities. There is thus no one ideal-type of public participation in MLG, but different forms ranging from informal to formal, and from more open to more restrictive. Furthermore, MLG systems containing the public participation element are constantly developing, as argued by Jing (2015) and Mauerhofer et al. (2015). Therefore, it may be advisable to treat public participation in a MLG system as an empirical rather than as a normative phenomenon.

MLG and public participation are closely linked to the concept of accountability. Accountability has been described as operating horizontally, vertically and diagonally (Fox 2015; Peruzzotti and Smulovitz 2006). In pluralist democracies, horizontal accountability denotes the internal checks and balances between government institutions. Vertical, or electoral, accountability authorizes political representation and reinforces horizontal accountability by constituting an external check on the operation of governments. Diagonal accountability describes hybrid forms of citizen engagement with state institutions.

In addition, there is also social accountability that complements vertical, horizontal and diagonal accountability. It is itself a vertical accountability mechanism, but is outside of electoral processes (Ahmad 2008: 11-12). Social accountability

operates neither through the electoral aggregation of votes nor as part of an intrastate system of checks and balances. Rather, social accountability relies on interested, organized sectors of civil society and media institutions that are able to exert influence on the political system and public bureaucracies. The monitoring activities of many NGOs and the workings of a wide array of social movements, civic associations, and media organizations organized around demands for legality and due process expand the classic repertoire of electoral and constitutional institutions for controlling government and on many occasions might serve to improve and

complement them or to compensate for many of their built-in limitations (Peruzzotti and Smulovitz 2006: 10).

Social accountability strategies ‘try to improve institutional performance by bolstering both citizen engagement and the public responsiveness of states and corporations’ (Fox 2015: 346). It serves the purpose of giving citizens a voice and allowing them to monitor the performance of public agencies (Goetz and Jenkins 2001). As such, social accountability requires space for the development of civil society and the operation of a public sphere. The next section explores these dynamics in the Chinese context.

Social accountability and public participation in China

China’s authoritarian political system lacks vertical, or electoral, accountability, but this does not mean that there are no accountability mechanisms operating in China. Many studies have explored how China may have “accountability without democracy” (e.g., Tsai 2007; Ma 2009, 2012a, 2012b) as a result of an ongoing process of state reform. Indeed, Podger and Wanna (2012: 102) point out how Chinese governments ‘have increasingly sought to anticipate and be responsive to citizen and community needs, taking professional pride in performance and delivery.’ Podger and Wanna (2012: 103) echo Jun Ma’s (2012b) view that the ‘citizens-centred services agenda in China may provide a substitute for, or even a pathway to, the “upwards accountability”’ framework in Western democracies, while in democratic countries like Australia, the citizens-centred services agenda ‘is essentially to complement or supplement such “upwards accountability”’ in order to improve responsiveness to citizens and thereby to ‘improve the effectiveness of government programs.’

The extant literature has started to explore the ways in which government actors cooperate with semi-private and non-government actors in policy-making and implementation in China (Jing et al. 2010; Liu et al. 2010; Schröder 2012). Particular interest has been attached to the ways in which private citizens have contributed to the widening of a public sphere in China’s authoritarian political system, giving rise to deliberative mechanisms of governance that have emerged and even become institutionalized in some localities (He and Warren 2011). This interest has been precipitated by large-scale economic and public administration reforms since the late 1970s that are designed to make the policy process more efficient and effective by downsizing and professionalizing the state bureaucracy (Burns 2003; Liou et al. 2012; Xue and Zhong 2012).

In 1998, the government embarked on a range of public administration reforms, which some argue amounts to the adoption of new public management (NPM) principles in China (Zhang 2002; So 2014).¹ In the process of reform, a more distinct levelling of state authority has taken place, with the state empowering provincial and local governments, allowing the formation of NGOs, and passing regulations for public participation (Wong 1991; Economy 2004; Lü 2014). The Chinese state has thus diffused authority sideways and downwards. In the ongoing process of state reform, actors from within ‘state, market and civil society are having to renegotiate their own spaces and the relations between them, each expecting more efficiency and legitimacy’ (Grano and Zhang 2016: 175).

¹ Zhu and Jiao (2012) and Urio (2012) highlighted differences in the adoption of NPM principles between democratic and authoritarian governments. As Yang (2007: 1371) put it, ‘resemblance does not equal convergence.’

The area of environmental governance has also been affected by these developments. Lo and Tang (2006: 192-193; 199-202) described how the modernization of the Chinese state significantly impacted environmental institutions. This includes the downsizing of core regulatory agencies across all levels of government and the creation of partly or fully self-funded semi-governmental service organizations with the aim to eventually decouple them from their parent regulatory agencies. Furthermore, state reform has led to a sprawling scene of private EIA agencies working on behalf of state or private project developers (interview with an EIA agency in Shanghai, 17 December 2008).

At the societal level, NGOs were allowed to form in order to place some checks on local governments and improve policy delivery (Ho 2001; Schwartz 2004; Economy 2004; Plummer and Taylor 2004; Yang 2005). In addition, public attitude has become an important factor in determining the degree of local acceptance of development projects and government legitimacy. While the state has created a number of institutionalized mechanisms such as public hearings to improve outwards accountability (Ma 2012b), such state-led initiatives are not always effective, which has resulted in recurring citizen protests. The main force behind these protests is often the growingly affluent and educated urban middle class, including students, leading to their designation as NIMBY protests (Gu 2016).

As a consequence of these changes, the Chinese state has variously been characterized as networked authoritarianism (MacKinnon 2011), pluralized authoritarianism (Lewis 2013), consultative authoritarianism (Teets 2013; He and Thøgersen 2010), or deliberative authoritarianism (He and Warren 2011; Zhang 2013). While different scholars have coined different terms, the terms all highlight adjustments in state-society relations as the Chinese state experiments with new models of governance that allow a greater degree of public participation. Examples of such experiments include deliberative polling (Fishkin, He and Siu 2006), participatory budgeting (He 2011), price hearings (Zhang 2013), strike negotiations (Hess 2009), various forms of online platforms for netizen to air their opinions (Qiang 2011), and joint government-citizen commissions (Grano and Zhang 2016). Jing and Gong (2012) have suggested that by engaging with non-state actors in novel ways, governments are engaging in ‘managed social innovation.’

The above initiatives resemble mechanisms generally associated with recent innovations in creating social accountability that have been found in other countries, such as participatory public policy making, public expenditure tracking, and ‘efforts to improve the effectiveness of “internal” accountability mechanisms of the government, for example, by involving citizens in public commissions and hearings and oversight committees’ (Malena, Forster and Singh, 2004: 4 cited in Ahmad 2008: 12). The latter have also been referred to as diagonal accountability (see above).

Jun Ma (2009, 2012a, 2012b) has described how a social accountability system has developed in China. It involves both state-led initiatives—i.e., when the state creates new openings for citizen participation—and society-led initiatives (Ma 2012b: 113-118). State-led mechanisms include public hearings, or more ‘democratic’ administration with more citizen involvement in policy-making (e.g., conducting citizen opinion surveys). While these mechanisms ‘increased the scope of citizen participation, they are limited in sharing power with citizens’ (Ma 2012b: 115). Indeed,

as Hung (2003) commented on public hearings, it is not assured that the government alters policies according to citizen concerns raised at these hearings.

Thus the influence of citizens in state-led social accountability mechanisms is limited by the authoritarian political framework. The state sets the confines within which private actors can promote social accountability. So (2014) argued that forcing local government agencies to respond to citizen demands is not an objective in itself, but a ‘manoeuvre by government leaders at the top echelon to enhance the vertical accountability of subordinate bureaucrats’ and also a means to enhance horizontal accountability (p. 342). The state hopes that creating such an accountability system can help reduce social discontent and alleviate the need for competitive elections (p. 345) to ensure government accountability to citizens.

Therefore, the decentralization of authority in autocratic regimes, including the limited openings for public participation, does not necessarily lead to a breakdown of the regime or transition to a pluralist democratic system. Rather, it may strengthen the regime by improving regime performance and creating controlled safety valves for popular grievances. A certain degree of diffusion of authority is directly tied to the government’s attempt to improve performance by addressing governance problems (Nathan 2003).

Society-led mechanisms for social accountability, on the other hand, are a reaction to the limited effect of state-led mechanisms. Ma (2012b: 116) calls society-led initiatives attempts at ‘self-protection of society,’ when officials have failed to do so through abuse of power. Society-led mechanisms include incident-based supervision of government wrongdoing; regular, and thus slightly more institutionalized forms of supervision including Wikileaks-style websites that monitor government behaviour; actions to protect citizenship rights; NGO involvement in policy-making (including environmental protection cases of the Nu River dams and the Yuanmingyuan lake protest – for more details see below); actions by netizens to influence policy-making by mobilizing public opinion; and finally NIMBY protests to protect the interests of local communities.

Although society-led mechanisms are more effective than state-led mechanisms in fostering government accountability in Ma’s analysis, it should be noted that state-led mechanisms still have their value. State-led mechanisms are usually more institutionalized than society-led mechanisms. The People’s Congress as an institution enshrined in the Chinese Constitution, for example, has well-established channels for conveying public opinions and demands to governments at all levels and making governments change policies in response to public preferences. The problem is that the authority of the People’s Congress has not been fully realized. However, the institutional infrastructure is already in place. If reforms can move in the direction of substantializing the People’s Congress’s functions, then the extent and depth of public participation may be enhanced.

Society-led initiatives for social accountability in China, despite being more effective than state-led mechanism at present, suffer from a relatively low degree of institutionalization and therefore the lack of permanency and long-term organization. This is partly because the Chinese regime has consistently tried to limit social activism. However, despite their respective limitations, Ma (2012b) argues that both state-led and society-led mechanisms provide channels for Chinese

citizens to participate where they have previously been excluded: ‘citizens have begun to impose a form of social control over the government, and the latter has become more accountable and more responsive to citizens’ needs’ (pp. 199-120).

Environmental protest: a road to social accountability?

Public participation in EIA and citizen access to information have improved considerably in China since the EIA Law came into force in 2003. While the 2003 Law remains vague as to how and when the public needs to be notified, subsequent legislation has made more concrete stipulations. The 2006 Provisional Measures for Public Participation in Environmental Impact Assessment, issued by the State Environmental Protection Administration (SEPA, since 2008 the Ministry of Environmental Protection) provide more detailed descriptions of when and how the public needs to be involved. In 2007 the State Council issued the Government Information Disclosure Regulations, followed by the 2008 Environmental Impact Disclosure Measures of the Ministry of Environmental Protection. In 2013, the Ministry of Environmental Protection published the Government Information Disclosure Guide for Environmental Impact Assessments of Construction Projects (for Trial Implementation), which includes specific requirements for information disclosure, public access to information contained in EIA reports, and the Notice on Effectively Strengthening Environmental Impact Assessment Supervision and Administration, which requires strengthened supervision of EIA agencies and the public participation process.

Meanwhile, there have also been a number of high-profile environmental campaigns since 2003, including the campaign against the Nu River dams in 2003, the first ever formal public hearing applying the EIA law for the lake lining project in Beijing’s Old Summer Palace (Yuanmingyuan) in 2005, and the campaign against the Paraxylene (PX) project in Xiamen in 2007. The Nu River campaign saw the creation of a country-wide network of domestic NGOs, individual activists, journalists, scientists and academics forcing the project developer to conduct an EIA according to the 2003 Law (Mertha 2008). The Yuanmingyuan lake lining project was subjected to a public hearing after public outcry over the decision to line the lake, but the hearing process had limitations in terms of the scope of public involvement, had limited impact on the final decision, and involved limited access to information (Zhao 2010). Finally, the anti-PX campaign in Xiamen saw an alliance between academics and private citizens forcing the project developer and the city government to comply with legal public participation requirements, resulting in a relocation of the proposed PX plant (Hung 2013). The environmental campaigns and the adoption of legislation promoting participation and information disclosure formed a mutually reinforcing process. The legislation encouraged more participation, and heightened participation contributed to the further development and refinement of legislations (Interviews with academics and EIA department officials in Beijing, 3 December and 20 December 2008.)

Kostka and Mol (2013: 5) point out that China’s central government has recognized that resource constraints and resource-related conflicts endanger economic growth and social harmony. Since the late 1990s, the central government has recognized the potential of NGOs and the wider public for helping the enforcement of environmental regulations by reporting violations (Lo and Fryxell 2005: 563, 565-566). Furthermore, concerned by the growing number of protests, ‘authorities have started experimenting with the creation of participatory channels to involve citizens in siting decisions and in the planning phase of controversial facilities’ (Grano and Zhang 2016: 167). As Martens (2006: 212) argued:

Considering the existing implementation deficit in environmental regulation and the inability of the administrative system to monitor and guide environmental developments in all regions and sectors of this vast nation, one of the state's main concerns should be to promote and enable public participation in environmental management.

However, the introduction of new policies and legislations that endorse public participation does not necessarily produce immediate effect. A multitude of authors have pointed out that the Chinese policy process suffers from the twin problem of an implementation gap and a participation gap. Problems with the implementation of legal requirements for public participation are well acknowledged and are caused by a range of partially interlinked factors including local government conservatism (e.g., beliefs that the public does not need to be consulted), fears that an enhanced role for the public might lead to a reversal of government decisions, and specific factors to do with the weak status of the local Environmental Protection Bureaus (EPBs), including a low staffing level and a lack of funding (Wang et al. 2003; Ge et al. 2009; Song et al. 2011; Li et al. 2012; Ren 2013). In all the high-profile campaigns mentioned above, formal public participation through institutionalized channels as stipulated in relevant laws took place only after significant protests by environmental campaigners. This points to the importance of the self-activation of citizens who mobilize themselves in a quest to make their voice heard in the policy planning process. As Ma (2012b: 112) remarked, 'in an authoritarian state where the powerful and the wealthy are allied, society has to rise up to protect itself [...] to constrain the misuse of power by the government.'

While current processes for public participation are still inadequate, local efforts to create participatory institutions in the wake of environmental protests can be seen as a 'move towards a more inclusive governance system in which previously powerless actors play a bigger role' (Grano and Zhang 2016: 174). As Gu (2016) argued, PX protests and the multi-level government responses to them reveal new dynamics in a shifting power structure. The following case studies explore these dynamics, in particular the role of private citizens in forcing local institution-building and thus in shaping China's social accountability mechanisms.

Case studies

1) Protests against waste incineration plants in Beijing: Liulitun and Asuwei

The amount of household garbage produced in Beijing has been increasing very fast. In 2003, the city produced 4,251,000 tons of garbage (Gao, Dai and Gao 2014). By 2013, the figure had risen to 6,716,900 tons (Zhou 2014). In 2007, Beijing produced 16,970 tons of household garbage daily, but the city's existing garbage treatment facilities could only process 10,350 tons daily. Anticipating the shortfall in its garbage treatment capacity, the municipal government announced the plan to build four waste incineration power plants in the 11th Five-year Plan period (2006-2010)—the Asuwei Plant, the Gaoantun Plant, the Liulitun Plant and the Nangong Plant in north, east, west and south Beijing respectively (Beijing Development and Reform Commission 2007). However, there was no public participation in choosing the sites for the plants. Local residents

were not consulted before the decision was made. As a result, the plants all met strong resistance from local residents and environmental groups, forcing the government to change its plan.

The Liulitun Plant

Liulitun has been the site of a landfill since 1999. Ever since it started operation, local residents have been complaining about foul smell from the site, but neither the government nor the company managing the landfill addressed the complaints seriously (Zheng 2013; Hu, Liu and Cao 2014). As early as 2003, a Beijing municipal government white paper had mentioned the plan to build an incineration power plant next to the landfill. By the end of 2005, the EIA report for the plant had been approved by the Beijing EPB. However, the EIA report was not made public, and the government did not inform local residents of the decision to build the plant. Local residents only found out about the plan towards the end of 2006 (Yin 2009).

Initially many residents were not aware of the potential environmental impact of a garbage incineration plant, but through online forums of local property owners, information soon spread that such a plant would emit chemical substances called dioxins, which are harmful to human health. Residents started to file petitions and put out banners in the neighbourhoods to protest against the plant. Their actions forced the government to hold a meeting with representatives of local property owners and release an abridged version of the plant's EIA report in January 2007 (Yin 2009).

Local residents hoped to have a dialogue with the government to express their concerns, however, at the January 2007 meeting, they found that government officials and some experts invited by the government only tried to persuade them that the incineration plant would not pose a health threat to people living in the area. It was not a proper dialogue as they had hoped for.

Residents also questioned the validity of the EIA report, because it claimed that 100 questionnaire forms were distributed among the local population, and, of the 85 questionnaire forms that were completed and returned, 71% gave consent to the incinerator. Residents felt that, for a project that was going to impact on a population of 100,000, 100 questionnaire forms were not enough. Furthermore, residents made their own questionnaire based on the EIA report and distributed 400 copies in the same areas where the EIA claimed the original 100 forms were handed out. They received 387 copies back. Not a single one of them supported the incinerator (Presentation by Chen Liwen, a staff member of the environmental NGO Nature University, at a Nature University conference on the NIMBY movement in China, Beijing, 19 May 2013).

After the meeting with government officials and the EIA report failed to satisfy local residents, they filed two applications for administrative reconsideration to the SEPA and the Beijing municipal government respectively, asking them to revoke Beijing EPB's approval of the EIA for the Liulitun plant and the construction land use permit for the plant (ibid.).

On 30 May 2007, residents received the Beijing municipal government's written decision on their administrative reconsideration application: It upheld the original decision to grant the land use permit to the Liulitun plant. This was another blow to the residents' campaign to stop the construction of the plant. At this point, the SEPA's decision on the other administrative

reconsideration application regarding the EIA for the Liulitun plant was still pending, but residents feared that the SEPA's decision might not be in their favour either. They decided that it was necessary to step up their protest (Yin 2009).

On 5 June 2007, almost a thousand residents gathered outside the SEPA to stage a peaceful demonstration. Knowing that such demonstrations are not allowed by the authorities, residents were careful to avoid radical actions. For example, they refrained from shouting slogans, only held up protest messages that were printed on A4-sized paper, or wore T-shirts that had protest messages printed on them (Ying 2009).

On 7 June 2007, SEPA vice director Pan Yue publicly expressed the opinion that construction of the Liulitun plant should be postponed until further study was completed (Presentation by Chen Liwen, Beijing, 19 May 2013). On 12 June, the SEPA published its decision on the administrative reconsideration application filed by Liulitun residents. It reaffirmed Pan Yue's statement that further study of the plant's environmental impact was necessary. It also stipulated that the study process should be transparent, and the scope of public consultation for the project should be expanded (ibid.).

Afterwards construction of the Liulitun incineration plant was indeed suspended. However, in 2009, it appeared that the Beijing municipal government intended to re-launch the project. Local residents responded by submitting a petition letter against the plant to the government that contained over 10,000 signatures. They also produced a detailed 40,000-character report entitled 'Opinion Letter for Opposing the Construction of a Waste Incinerator in Liulitun' and sent it to numerous Beijing and national government departments. The report not only reiterated residents' concerns, but also made suggestions to the government regarding its waste policy (Johnson 2013). Eventually, the government decided to build an incinerator at a different site (Presentation by Chen Liwen, Beijing, 19 May 2013). In 2011, it was officially confirmed that the plan to build the Liulitun incinerator had been abandoned (Zheng2013).

The Asuwei Plant

In July 2009, a homeowner in Asuwei discovered by chance that a waste incineration power plant would be built in the area. While visiting the township government office to complain about traffic noise, the woman saw a notice inviting public comments on the EIA for the proposed incinerator. She was not allowed to photocopy the notice, which was one of only three that had been posted in the entire city, but she photographed it and distributed it among her neighbours (Johnson 2013; Cui 2015).

After the news spread among local residents, they tried contacting the local authorities to express opposition to the plant, but local officials were not prepared to meet with them. On 1 August 2009, around 60 homeowners staged a car parade—driving around the area displaying anti-incineration banners. This action immediately brought results: The next day, the government invited 20 representatives of homeowners to a meeting. However, similar to the meeting between Liulitun residents and government officials mentioned above, Asuwei residents also found that officials tried to use the meeting to get their message across, instead of listening to the residents' opinions and concerns (Presentation by Chen Liwen, Beijing, 19 May 2013).

Still, the meeting did achieve something for the residents, as plans for the plant were more widely announced and a consultation exercise appeared to be more seriously attempted: On 14 August, the authorities placed a notice about the proposed incineration plant in the *Beijing Daily* and invited the public to send in comments within the next 10 working days. Local residents expressed their objections to the project through telephone calls, faxes and emails to the government. The deadline for sending in comments soon passed, but there was no response from the government to the objections expressed by Asuwei residents (Cui 2015; Johnson 2013).

Worried that their opinions would be ignored, residents decided to organize another peaceful protest. On 4 September, about 100 residents gathered outside the Agricultural Exhibition Centre, where the 2009 Beijing Environment and Hygiene Fair was being held. Like Liulitun residents before them, the Asuwei protestors also carefully refrained from shouting slogans, only holding anti-incineration banners. However, they were not as lucky as their Liulitun counterparts. The police arrived swiftly, arrested over 20 protestors and placed seven of them under administrative detention for five days (Cui 2015; Johnson 2013).

Although the government cracked down on the Asuwei residents' protest, it did not rely on a hard line approach alone. It also tried to show responsiveness to residents' concerns by opening a temporary office in the township government to collect residents' opinions, in the hope of diffusing the situation. Meanwhile, deterred by the government's preparedness to release police force, residents also abandoned the idea of organizing further protests. Instead, they emphasized their desire to work with the government to find a solution, and started to conduct studies of waste treatment issues on their own, in order to develop expertise in this area. After a few months, residents produced a detailed report and presented it to the government. The report not only analysed waste incineration issues, but also called for government-citizen cooperation to work out solutions to the problem of treating municipal solid waste. It made suggestions on improving waste management, waste reduction and recycling, and urged the government to keep the public better informed and facilitate public participation (Johnson 2013, Cui 2015, Presentation by Chen Liwen, Beijing, 19 May 2013).

The report seemed to mark a new phase of interactions between the government and Asuwei residents. In 2010, the Beijing government organized a study tour to Japan to learn from its experience in waste treatment. The government invited Huang Xiaoshan, an Asuwei homeowner and a key leader of the campaign against the incineration plant, to join the 10-day study tour. This gesture from the government impressed many people. One media report suggested that it showed that the government and the public could cooperate to achieve a win-win situation (Johnson 2013).

The study tour had a big influence on Huang Xiaoshan, who became a campaigner for waste sorting and reduction, and launched a waste sorting project with support from environmental NGOs (Beijing Times 2014). The government was also supportive of his initiative. It appears that the study tour also had some influence on the Beijing government, who realized that some technical challenges still needed to be overcome before the public could trust the safety of waste incineration plants. In any case, construction of the Asuwei incineration plant was put on hold

for several years following the 2009 protests by local residents (Presentation by Chen Liwen, Beijing, 19 May 2013; Cui 2015).

In 2014, the Beijing government revived the Asuwei incinerator project. This time the government proposed to use more advanced technologies and set higher standards for emissions. It also allocated a significant sum of money to relocate four villages in the area. The government also made progress in information disclosure and allowing public participation. It put out public notices about the project twice, in July and December 2014 respectively, and organized consultation meetings with experts and rural villagers living in the area (Cui 2015; Wang 2015).

There were also new players this time. The environmental NGO Nature University had followed the issue of waste incineration closely. It helped Asuwei property owners apply to the Beijing EPB for a public hearing on the proposed incinerator. On 23 April 2015, a public hearing lasting for over five hours was held. Nature University members were among the 19 people who spoke at the hearing. They and representatives of property owners objected to the incinerator, citing reasons such as low emission standards and questionable government ability to supervise the incinerator's operation once it is built. No agreement was reached at the hearing, but government officials promised that the incinerator would meet emission standards and that its operation would be subjected to public supervision. Five days after the hearing, the Beijing EPB approved the Asuwei incinerator project (Wang 2015).

2) Protest against the OJI Paper Corporation Sewage Discharge Project in Qidong

OJI Paper is the largest paper maker in Japan. In 2004, it signed an agreement with Nantong City to build a paper mill there. Situated on the northern bank of the Yangtze River, near the river mouth, Nantong is a prefecture-level city in Jiangsu Province that borders the East China Sea to the east (Li 2012).

After the agreement was signed, Nantong started to plan a project to discharge sewage from the paper mill into the East China Sea after treatment. The original plan was to build a sewage pipe to the sea that would transport not only treated waste water from the OJI paper mill, but also sewage from other factories along the route. The pipe would have the capacity for discharging 600,000 tons of waste water daily, and the discharge point would be located in Qidong, a county-level city administratively under Nantong (ibid.).

During the 2005 annual session of Qidong's People's Congress, a number of delegates submitted proposals that opposed the decision to locate the discharge point in Qidong. They argued that the waste water would seriously harm the local aquaculture marine fishery industry, kill off marine life and cost local fishermen their livelihood. Because Qidong was concerned that the treated sewage to be discharged into its sea area would not meet environmental standards, the Nantong government later decided to scale down the project, making the pipe carry waste water from the OJI paper mill only, and reducing its sewage discharge capacity to 150,000 tons daily (ibid.).

In 2008 and 2009, the process of obtaining approval for the pipe project sped up. The Jiangsu provincial EPB, the provincial Department of Ocean and Fisheries and the provincial Development and Reform Commission (DRC) all approved the project. Construction of the pipe

commenced in March 2009. Meanwhile, local public opposition to the sewage pipe also gradually grew. Local residents requested the disclosure of the EIA report for the project, but the government ignored the request (ibid.).

In 2010, three Qidong residents filed a lawsuit against the provincial DRC, asking the court to rule that the DRC's approval of the pipe was illegal, but the court rejected the lawsuit. Local residents also filed many petitions to the government against the pipe and expressed their discontent online, but the government did not pay enough attention to public opinion (Li 2012; Presentation by Shao Wenji, a staff member of the environmental NGO Nature University, at a Nature University conference on the NIMBY movement in China, Beijing, 19 May 2013).

Finally, through online mobilization, Qidong residents planned a street protest to demonstrate against the sewage discharge project in July 2012. The Qidong government tried to prevent the protest by posting a video on its official website on 26 July. In the video, Qidong's vice mayor promised to halt the construction of the pipe. The following day, the OJI paper corporation also posted a notice on its website, explaining that the paper mill places great importance on environmental protection and that its waste water would only be discharged after being treated and meeting national environmental standards. However, these measures failed to prevent a large scale protest on the morning of 28 July 2012, when thousands of Qidong residents took to the street. Some protesters charged into the municipal government office, overturned vehicles, smashed computers, and forced the mayor to put on a T-shirt printed with protest messages against the pipe. On the same day, the Nantong government announced that the sewage pipe project would be permanently cancelled (Presentation by Shao Wenjie, Beijing, 19 May 2013). After the protest, 16 individuals were arrested, tried and convicted of the crimes of gathering to assault a state organ, intentional destruction or damage of properties and theft, and were sentenced to 12 to 18 months of imprisonment (Xing and Chen 2013).

Two months after the Qidong protest, on 29 October 2012, the Jiangsu provincial EPB issued a document, "Opinions on Strengthening Public Participation in Environment Protection with regard to Construction Projects." It introduced new measures such as compulsory public hearing, verification of public participation in EIA, and combination of assessment of risks to social stability with EIA, to enable better public participation. The Opinions also made some specific stipulations, for example: For infrastructure projects that potentially have large environmental risks or impact, a minimum of 200 questionnaire forms must be distributed to sample public opinion; public hearings must invite attendees who hold different views; information about major projects must be disseminated through mainstream media; and for important, sensitive and high-profile projects, public participation in the EIA process must be verified to avoid fraud. In a media interview, a Jiangsu EPB official said that the effort to improve public participation mechanisms had been influenced by the Qidong protest (Presentation by Shao Wenjie, Beijing, 19 May 2013).

Discussion

Institutions of public participation are continually evolving in China in the context of ongoing social differentiation, pluralization and economic and administrative reforms. In this process, private actors have managed – albeit precariously – to force the development and formalization of institutions for public participation.

The case studies demonstrate a general pattern of government-citizen interactions in contemporary China that can be observed again and again in environmental protests across the country: Despite the existence of legal and regulatory provisions for public participation on paper, governments at local levels often ignore such provisions in practice, forcing citizens to resort to more confrontational tactics, such as street protests, to make their voice heard. This indicates – following Ma’s (2012b) analysis of top-down and bottom-up actions for social accountability – that state-led efforts at creating social accountability are often ineffective. In reaction, private citizens attempt to create social accountability from below.

In all the cases described above, local residents had tried existing institutional channels of participation first, including requesting the disclosure of EIA reports, filing petitions, seeking meetings with government officials, applying for administrative reconsideration of the approvals for the projects, raising objections through the People’s Congress and the People’s Political Consultative Conference, and filing lawsuits. However, such actions had very limited effect on government decisions. Residents were particularly dissatisfied that the approval of the projects never followed due process in the first place. Residents were not properly informed and consulted before decisions were made. In the end, in all three cases, residents turned to street protests to pressure the government to respect their opinions. Unsanctioned protests were clearly more effective than institutional channels in getting the government’s attention. In all three cases, protests resulted in significant concessions from the government. In the Liulitun incinerator and Qidong sewage pipe cases, the projects were cancelled. In the Asuwei incinerator case, although the project still went ahead, there was a six-year delay, after which there were improvements in the project’s environmental standards and technological level.

In addition to pressuring the government to consider citizens’ demands, the case studies also show that environmental protests can lead to improvements to the institutions of public participation. In the case of the Qidong protest it spurred the development of new institutional arrangements, by influencing the Jiangsu EPB to create new rules for public participation. In the cases of the Beijing incinerator plants the government was compelled to take existing institutions more seriously by improving information disclosure and initiating public consultations—in other words, to narrow the implementation gap of existing legislations and regulations of public participation.

However, despite often being an effective tool, in the Chinese context contentious actions like street protests cannot be used frequently. As illegal acts, street protests are by no means easy to organize. Where people engage in protests, protesters are often careful not to fall foul of the government’s ban of demonstrations by creatively bringing their message across. One example is the printing of slogans on T-shirts rather than shouting slogans. Yet, as the case of the Qidong protest shows, citizens are also at times willing to take more violent actions. After a protest, the government is likely to punish key organizers and the most active protestors, which has a deterrent effect. Therefore, after protests successfully attract the government’s attention to their grievances, citizens often need to return to institutionalized channels of negotiation with the government. In studying anti-incineration campaigns in Beijing, Johnson observed that campaigners had sought to become lay experts on waste incineration issues by developing legal and technical expertise through self-study and contact with experts. Campaigners found it

important to become ‘citizen experts’ in order to prove the government wrong in thinking that ordinary citizens could not understand the complex technical and scientific information about incineration and that therefore their participation was unnecessary (Johnson 2013).

In other words, paradoxically, non-institutional forms of government-citizen interaction such as street protests can help to strengthen participatory institutions: First, they compel the government to create new institutions for public participation or put teeth into existing institutions. Then, once the government has taken such steps, there is also demand on citizens to enhance their ability to make good use of the participatory institutions. Citizens’ enhanced capacity for participation, in turn, further legitimizes the participatory institutions.

Citizen activism can therefore have a significant impact on state reform at the local level. The ongoing reform processes in China have created a state in flux. Citizens demand recognition of their legal rights to be included in the policy process, based on existing legislation. They become active despite various constraints on activism including a lack of freedom of assembly and a ban on demonstrations and mass gatherings.

We have observed novel and creative ways of citizen-government engagement and interaction leading to new institutions for public participation. Citizens operate at the edge of what is politically and legally permitted, acting as autonomous agents, thereby testing – and in some cases widening – opportunities for participation. This helps to improve China’s environmental governance.

Conclusion

In this paper, we treat MLG as an empirical rather than a normative concept. We hope to explore if MLG can travel beyond its European and democratic place of origin to offer some analytical value in studying governance in an authoritarian political system like China’s. We think it may be useful to try to apply this concept to China because it allows a new understanding of a multitude of interactive processes across different levels of government and involving non-government actors. In the context of China’s ongoing state reform, private actors endowed with newly acquired rights of participation have arrived on the scene. This forces state agencies to engage with and even collaborate with non-state actors in the process of making and implementing policies.

These new rights for private actors, however, are often not automatically respected by local governments. Instead, they require enforcement by citizens themselves. A process ensues that shapes local institutions of public participation in locally unique ways.

We can observe four lessons from our case studies: Firstly, there are a number of different ways in which citizens can use the new opportunities for participation, ranging from goodwill dialogues with government departments to more confrontational actions such as filing lawsuits to challenge government decisions. Secondly, the responses by local governments to citizen demand for participation in decision-making varies—from refusing to hold dialogues and clamping down on protests to softer approaches that are more accommodating to citizens’ requests. Often, local governments may have more than one kind of response, employing both hard-line and softer approaches in dealing with citizen demands. Thirdly, when less radical

actions fail to persuade local governments to seriously address their concerns, citizens may choose more contentious actions, such as street demonstrations, to force local governments to address their requests. Fourthly, protests can lead to the improvement of local institutions for public participation or the creation of new institutions for participation, e.g., more rigorous, standardized implementation of existing laws and regulations that grant rights of participation to citizens, or the adoption of new local regulations designed to further specify and expand public participation.

The opening up of China's environmental policy-making and policy implementation process to the participation of non-state actors, which is the result of state reforms and which in turn may spur further reforms, suggests that the evolving environmental governance system in China resembles a MLG system in some important aspects. Because the concept of MLG was originally developed to analyse policy processes in the EU, there have naturally been doubts about its applicability to China, whose authoritarian political system lacks democratic/electoral accountability, on which it has been suggested that MLG depends. However, as discussed above, the Chinese system also has its own accountability mechanisms, notably social accountability. While social accountability cannot replace vertical/electoral accountability, it can nevertheless 'exert influence on the political system and public bureaucracies' (Peruzzotti and Smulovitz 2006: 10). In other words, there are accountability mechanisms at work in China that may support a MLG-like model. In this paper, we propose to treat MLG as an empirical rather than a normative concept, and we conclude that it has value in helping us understand China's evolving environmental governance system, in which a certain degree of diffusion of power 'from a unified authority [...] towards "multiple centres"' (Cairney 2012: 155) can be observed and in which non-state actors are playing an increasingly important role.

While we believe that it is possible for an environmental governance system that resembles MLG to emerge in China, we are not arguing that a full-blown MLG system can already be observed. Public participation in environmental governance is increasing in China and is becoming more institutionalized, partly as a result of bottom-up pressure brought about by citizen protests. However, because of the constraints of China's authoritarian political system, the degree of institutionalized citizen participation in environmental governance is still considerably lower than in democratic countries. There also remains a higher degree of centralization of power in China than in democratic countries. However, at least on paper, China has institutions like the People's Congress, whose official functions include ensuring the implementation of laws and regulations, supervising the government and representing the interests and voices of citizens (He 2016). The existence of People's Congresses at both national and local levels offers the possibility of a stronger institutional framework to complement social accountability and enable MLG, but obviously the realization of the People's Congress's potentials will necessitate further democratic reforms in China. Whether ongoing reforms will gradually move towards a governance system that more closely resembles MLG rests on a number of factors, including the central government's willingness to further enhance public participation rules, local governments' preparedness to adhere to these rules, and citizens' ability to mount effective challenges when their legal rights are not respected by local governments.

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