

## THE ENVIRONMENT

*Introduction*

During the Commission's 2018 reporting year, despite top Chinese Communist Party and government leaders highlighting the importance of protecting the environment, environmental pollution remained a major challenge. In October 2017, at the 19th National Congress of the Chinese Communist Party, President and Party General Secretary Xi Jinping avowed the importance of the Party and government's top-down approach to environmental protection in "ensuring harmony between humans and nature."<sup>1</sup> At a major political meeting in March 2018, Premier Li Keqiang declared that the ecological and environmental situation in China had gradually improved over the past five years, noting that days with serious air pollution in major cities had decreased by half.<sup>2</sup> Authorities, however, shut down companies that were complying with emissions rules<sup>3</sup> and reportedly left millions without winter heating in order to meet environmental targets,<sup>4</sup> and continued to limit the ability of the public and civil society to participate in environmental protection efforts.<sup>5</sup>

*Institutional and Regulatory Developments*

The government and Party continued to prioritize environmental protection policies this past year by making major institutional changes to strengthen environmental governance and by promoting legal and regulatory measures. In March 2018, as part of a sweeping reorganization of Party and government institutions,<sup>6</sup> the Party Central Committee issued a plan that included changes to the administrative agencies overseeing environmental protection efforts.<sup>7</sup> [For more information on the sweeping reorganization of Party and government institutions, see Section III—Institutions of Democratic Governance.] The reorganization plan included a new Ministry of Ecology and Environment (MEE) to replace the Ministry of Environmental Protection, and a new Ministry of Natural Resources to replace the Ministry of Land and Resources.<sup>8</sup> According to a number of environmental experts, the MEE may strengthen environmental protection by consolidating environmental oversight and improving bureaucratic efficiency.<sup>9</sup> The MEE also was tasked with oversight of climate regulation, taking over a function administered by a formerly more powerful government agency—the National Reform and Development Commission.<sup>10</sup> One expert expressed concern that "climate action could become the unintended casualty of this reshuffle."<sup>11</sup>

Other significant regulatory and policy developments included the following:

- **National Park System.** In September 2017, the Party Central Committee General Office and the State Council Information Office released the Overall Program for Construction of a National Park System to centralize management and strengthen protections for ecologically important areas of China.<sup>12</sup> Local authorities had reportedly allowed excessive commercial development in some protected areas.<sup>13</sup>

## The Environment

- **Carbon Trading Market Plan.** In December 2017, the National Development and Reform Commission released a plan<sup>14</sup> for what may become the largest carbon market in the world.<sup>15</sup> Although authorities will initially distribute free carbon emission permits to approximately 1,700 companies in the power sector,<sup>16</sup> trading is not expected to begin until 2019 or 2020.<sup>17</sup>
- **PRC Environmental Tax Law.** This legislation became effective on January 1, 2018,<sup>18</sup> and may strengthen environmental enforcement due to new environmental taxes being jointly managed by environmental and tax authorities.<sup>19</sup> In February 2018, the State Administration of Taxation reportedly announced that more than 260,000 companies would be required to pay the new environmental taxes.<sup>20</sup>

### *Seeking Air Quality Improvements Over Time*

#### IMPLEMENTING AMBITIOUS GOALS: REPORTED PROGRESS AND COSTS

Chinese authorities reportedly achieved government targets for improving air quality, but local authorities resorted to harsh measures in order to meet the targets. In September 2013, the State Council set major targets for annual average air quality by 2017,<sup>21</sup> yet in late 2017, Chinese and international news media reported that provinces in north China would likely fail to meet those targets.<sup>22</sup> In order to achieve the targets, Chinese authorities shut down thousands of factories and mandated that millions of citizens stop using coal for heat, even though government officials failed to provide or plan for alternate sources of heat during the winter.<sup>23</sup> Greenpeace, an international advocacy group, collected 5,822 posts to Weibo, China's Twitter-like microblogging platform, in November and December 2017, to document citizens' complaints about the lack of heat,<sup>24</sup> and international media reported that millions may have lacked winter heating.<sup>25</sup> Official media also criticized the implementation of the policy.<sup>26</sup> In early 2018, after the targets had reportedly been met, the government's top environmental official acknowledged that some local governments had even closed enterprises that were in compliance with emissions rules.<sup>27</sup> By March 2018, the government had lifted many of the temporary shutdowns in Beijing municipality, and pollution levels reportedly began to increase.<sup>28</sup> In July 2018, the State Council set new targets for annual average air quality by 2020 that included targets for more cities than the 2013 targets.<sup>29</sup>

### *Investigative Reports on Local Environmental Officials' Misconduct*

State-run and other official media reported on multiple incidents in which officials attempted to manipulate environmental monitoring data or failed to investigate reports of serious pollution this past year, resulting in cases of disciplinary actions against local officials. Despite considerable censorship of negative reporting on the environment,<sup>30</sup> the Commission observed some notable investigative reports on local environmental incidents.

- In **November 2017**, a domestic news media organization reported that Shaoyang municipal environmental bureau officials in Hunan province had used mist cannons near two monitoring

stations to improve air quality readings.<sup>31</sup> Similarly, in January 2018, the Beijing Times reported that officials in Shizuishan municipality, Ningxia Hui Autonomous Region, also attempted to spray water near the building that housed the monitoring equipment to improve air quality readings, but instead turned the building into an “ice sculpture” after the spray froze.<sup>32</sup> In March 2018, the Ministry of Ecology and Environment reported that officials at nine air quality monitoring stations in seven cities in six provincial-level localities had been “severely punished” for manipulating monitoring data.<sup>33</sup>

- In **December 2017**, the Beijing Youth Daily reported on severe health problems linked to mining in western Hunan.<sup>34</sup> After local government officials in Hunan said the reported pollution and health concerns had been addressed, seven environmental non-governmental organizations (NGOs) reportedly issued a joint response questioning the local government’s actions.<sup>35</sup>

- According to **April 2018** reports, China Central Television (CCTV) exposed illegal chemical dumping in Shanxi province.<sup>36</sup> The report included footage of an environmental official who said that his office did not have the authority to investigate because the matter arose out of a deal between the polluter and village officials.<sup>37</sup> Following the report, local authorities administratively detained two village officials who had been featured in the report.<sup>38</sup>

- In **June 2018**, Chinese media reported that Yuci District People’s Court in Jinzhong municipality, Shanxi province, had sentenced 16 people, including the former head of the environmental protection bureau in Linfen municipality, Shanxi, for “damaging the computer information system” after authorities discovered that six air quality monitors had been tampered with over 100 times during a one-year period.<sup>39</sup> The court reportedly sentenced 5 people to prison terms ranging from six months to two years, and an additional 11 people to four to six months’ detention, suspended for eight months to one year.<sup>40</sup>

### *Environmental Transparency*

Shortcomings in environmental transparency, including access to credible official environmental data, continued to be a long-term obstacle to assessing environmental quality and the efficacy of pollution control efforts. The Institute of Public and Environmental Affairs (IPE), a Beijing-based environmental NGO, reported in its 2016–2017 Pollution Information Transparency Index (PITI) that environmental disclosure in China continued to improve.<sup>41</sup> IPE and the U.S.-based NGO Natural Resources Development Council developed PITI in 2008 to establish a baseline and track improvements in environmental transparency in China.<sup>42</sup> In March 2018, however, a team of researchers published an analysis of the impact of increased transparency (as measured by PITI) on environmental outcomes such as air and water pollution and found “no measurable effect,” suggesting that public access to environmental information without a “new accountability mechanism . . . does not affect local government performance.”<sup>43</sup>

## The Environment

### *Developments in Public Interest Litigation*

Although some NGOs have standing as plaintiffs in public interest lawsuits, most “public interest” litigation continued to be brought by the government.<sup>44</sup> In March 2018, the Supreme People’s Court reported that between 2013 and 2017, procuratorates had filed 1,383 environmental public interest lawsuits, and that social organizations, primarily NGOs, had filed 252 environmental public interest lawsuits.<sup>45</sup> According to the executive director of the Beijing-based NGO Friends of Nature (FON), in recent years, courts have allowed more of his organization’s lawsuits to proceed than in the past.<sup>46</sup> Cases in which NGOs initiated public interest lawsuits this past year included the following:

- **Henan province.** In December 2017, the Zhengzhou Municipal Intermediate People’s Court in Henan issued a judgment fining a local township and village government in Xinzheng city, Zhengzhou, 3.6 million yuan (approximately US\$570,000) after protected trees, some of which were over 500 years old, died as a result of the government having illegally moved them in 2014.<sup>47</sup> An attorney for China Biodiversity Conservation and Green Development Foundation (CBCGDF), a Beijing-based NGO that was the plaintiff in the case, described the case as the first public interest lawsuit about “ancient and culturally significant plants,” but noted that CBCGDF had difficulty during the litigation process because the local governments interfered with evidence gathering, and it took several negotiations before the court agreed to accept the case.<sup>48</sup>
- **Yunnan province.** In February 2018, FON commenced litigation in Yuxi Municipal Intermediate People’s Court in Yunnan against a hydroelectric power company for damaging the rain forest and threatening a fish migration channel.<sup>49</sup>

### *Suppression of Environmental Protests and Advocates*

Chinese citizens continued to raise their concerns about health issues related to the environment through street-level protests and other forms of public advocacy. China’s Constitution provides for freedom of speech, assembly, association, and demonstration,<sup>50</sup> as do the International Covenant on Civil and Political Rights,<sup>51</sup> the Universal Declaration of Human Rights,<sup>52</sup> and the UN Human Rights Council Framework Principles on Human Rights and the Environment.<sup>53</sup> The following cases illustrate not only common types of environmental complaints raised by Chinese citizens but also the ongoing lack of protection for citizens’ rights when they raise environmental concerns:<sup>54</sup>

- **Land Expropriation.** On February 9, 2018, authorities in Dongshan township, Mazhang district, Zhanjiang municipality, Guangdong province, detained Chen Wuquan and six other villagers after they had protested a land expropriation project that they claimed was illegal and had damaged the environment.<sup>55</sup> In March, authorities arrested Chen and four others on suspicion of “picking quarrels and provoking trouble.”<sup>56</sup>
- **Mining.** In February 2018, officials detained Karma, a village head in Biru (Driru) county, Naqu (Nagchu) prefecture, Tibet Autonomous Region, after he refused to approve a min-

ing operation on a nearby sacred mountain.<sup>57</sup> In April, Radio Free Asia reported that officials had detained and questioned over 30 other Tibetans for protesting the same mining project.<sup>58</sup>

• **Illegal Quarrying.** In March 2018, authorities in Xinyi city, Maoming municipality, Guangdong, detained environmentalist Lei Ping and Pan Donghai from the NGO China Biodiversity Conservation and Green Development Foundation after they had reported on an illegal quarry.<sup>59</sup> Xinyi authorities released Pan after 7 hours, but ordered Lei to serve 10 days of administrative detention for “spreading rumors and disturbing public order.”<sup>60</sup> Xinyi authorities agreed to cancel the administrative detention decision after Lei filed an administrative lawsuit.<sup>61</sup> Sixth Tone, an online media outlet under Party supervision, published an article on the case in which a lawyer cautioned environmental advocates to “avoid using social media for tip-offs, as they could be accused of disseminating rumors.”<sup>62</sup>

• **Corporate Pollution.** In July 2018, the Wuzhi County People’s Court in Jiaozuo municipality, Henan province, reportedly sentenced environmental advocate Zhang Wenqi to one year and five months’ imprisonment for “damaging business reputation” after he had reported environmental violations by several companies;<sup>63</sup> authorities detained Zhang in March 2017.<sup>64</sup> [For information on the suppression of herders protesting environmental pollution in the Inner Mongolia Autonomous Region, see Section II—Ethnic Minority Rights.]

### Notes to Section II—The Environment

<sup>1</sup>“Xi Jinping: Secure a Decisive Victory in Building a Moderately Prosperous Society in All Respects and Strive for the Great Success of Socialism With Chinese Characteristics for a New Era” [Xi jingping: juesheng quanmian jiancheng xiaokang shehui duoqu xin shidai zhongguo tese shehui zhuyi weida shengli], 18 October 17, Xinhua, 27 October 17, sec. 3(1), 3(9); Xi Jinping, “Secure a Decisive Victory in Building a Moderately Prosperous Society in All Respects and Strive for the Great Success of Socialism With Chinese Characteristics for a New Era,” 18 October 17, Xinhua, 3 November 17, sec. 3(1), 3(9); Xiong Hui and Wu Xiao, “Ensuring Harmony Between Humans and Nature” [Jianchi ren yu ziran hexie gongsheng], People’s Daily, 9 February 18; Li Ganjie, “Ensuring Harmony Between Humans and Nature” [Jianchi ren yu ziran hexie gongsheng], Seeking Truth, 15 December 17; Dimitri de Boer, “Opinion: What Does ‘Xi’s Thought’ Mean for the Environment?” China Dialogue, 24 November 17. See also “Xi’s Speech Had 89 Mentions of the ‘Environment,’ Just 70 of the ‘Economy,’” Bloomberg News, 18 October 17.

<sup>2</sup>State Council, “Government Work Report” [Zhengfu gongzuo baogao], 5 March 18, sec. 1; “Li Sets Out China’s 2018 Development Path in Government Work Report,” CGTN, 5 March 18.

<sup>3</sup>Chris Davis, “Raising Bar on Pollution To Lower Readings,” China Daily, 22 March 18; Ministry of Environmental Protection, “Striking Hard in the Tough Battle To Prevent Pollution Related Questions and Answers” [Huanbaobu “dahao wuran fangzhi gongjian zhan” xiangguan wenti dawen], Xinhua, 17 March 18.

<sup>4</sup>Simon Denyer, “Beijing Wins Battle for Blue Skies—But the Poor Are Paying a Price,” Washington Post, 13 January 18; Li Jing, “No Heating at -6C: Poor Bear Brunt of Beijing’s Air Clean-up,” Climate Home News, 4 December 17; China Digital Times, “When Good Environmental Policies Go Wrong,” 18 January 18.

<sup>5</sup>Hanyuan Guo et al., “Increasing Public Participation in China’s Environment: Does the Public Have a Say in China’s Clean Up Efforts?” China Water Risk, 14 February 18; State Council, Decision of the State Council on Implementing Scientific Outlook on Development and Strengthening Environmental Protection, 27 December 05, arts. 27, 30; Michael Standaert, “As It Looks To Go Green, China Keeps a Tight Lid on Dissent,” Yale Environment 360, 2 November 17; Chinese Human Rights Defenders, “Repression and Resilience: Annual Report on the Situation of Human Rights Defenders in China (2017),” 27 February 18, 20; Freedom House, “Freedom in the World 2018—China,” last visited 27 April 18, C3. Guo et al. include a list of 15 official documents that comprise the administrative and legal framework for public participation in environmental issues. For a broad conceptual description of the government’s support for public participation, see, e.g., State Council, Decision of the State Council on Implementing Scientific Outlook on Development and Strengthening Environmental Protection, 27 December 05, arts. 27, 30. See also “SEPA Issues Measures on Open Environmental Information,” Congressional-Executive Commission on China, 5 May 08.

<sup>6</sup>Chinese Communist Party Central Committee, Decision on Deepening Reform of Party and Government Agencies [Zhonggong zhongyang guanyu shenhua dang he guojia jigou gaige de jue ding], Xinhua, 4 March 18; “Chinese Communist Party Central Committee Issues ‘Plan for Deepening Reform of Party and Government Agencies’” [Zhonggong zhongyang yinfa “shenhua dang he guojia jigou gaige fang’an”], Xinhua, 21 March 18; State Council, Institutional Reform Plan [Guowuyuan jigou gaige fang’an], 17 March 18; “State Council Institutional Reform Plan Passed at First Session of the 13th National People’s Congress” [Shisan jie quanguo renda yici huiyi pizhun guowuyuan jigou gaige fang’an], Xinhua, 17 March 18.

<sup>7</sup>“Chinese Communist Party Central Committee Issues ‘Plan for Deepening Reform of Party and Government Agencies’” [Zhonggong zhongyang yinfa “shenhua dang he guojia jigou gaige fang’an”], Xinhua, 21 March 18, sec. 3(15); State Council, Institutional Reform Plan [Guowuyuan jigou gaige fang’an], 17 March 18, sec. 1(1)–(2).

<sup>8</sup>“Chinese Communist Party Central Committee Issues ‘Plan for Deepening Reform of Party and Government Agencies’” [Zhonggong zhongyang yinfa “shenhua dang he guojia jigou gaige fang’an”], Xinhua, 21 March 18; State Council, Institutional Reform Plan [Guowuyuan jigou gaige fang’an], 17 March 18, sec. 1(1)–(2). See also Barry Naughton, “Xi’s System, Xi’s Men: After the March 2018 National People’s Congress,” Stanford University, Hoover Institution, China Leadership Monitor, No. 56 (Spring 2018), 17 May 18, 6.

<sup>9</sup>Ma Tianjie and Liu Qin, “China Reshapes Ministries To Better Protect Environment,” China Dialogue, 14 March 18. Ma and Liu explain that the term “nine dragons rule the water” (*jiu long zhi shui*) had been used in China to describe the many different government agencies in charge of environmental oversight. Chris Buckley and Keith Bradsher, “China Unveils Super-agencies To Fight Pollution and Other Threats to Party Rule,” New York Times, 13 March 18; Li Jing, “China’s New Environment Ministry Unveiled, With Huge Staff Boost,” China Dialogue, 19 April 18.

<sup>10</sup>“Chinese Communist Party Central Committee Issues ‘Plan for Deepening Reform of Party and Government Agencies’” [Zhonggong zhongyang yinfa “shenhua dang he guojia jigou gaige fang’an”], Xinhua, 21 March 18, sec. 3(15); State Council, Institutional Reform Plan [Guowuyuan jigou gaige fang’an], 17 March 18, sec. 1(1)–(2); Li Jing, “China’s New Environment Ministry Unveiled, With Huge Staff Boost,” China Dialogue, 19 April 18; Barry Naughton, “Xi’s System, Xi’s Men: After the March 2018 National People’s Congress,” Stanford University, Hoover Institution, China Leadership Monitor, No. 56 (Spring 2018), 17 May 18, 6.

<sup>11</sup>Li Jing, “China’s New Environment Ministry Unveiled, With Huge Staff Boost,” China Dialogue, 19 April 18.

<sup>12</sup>Chinese Communist Party Central Committee General Office and State Council Information Office, “Plan on the Establishment of a National Park System” [Jianli guojia gongyuan tizhi zongti fang’an], Xinhua, 26 September 17, art. 2(8), (14); “China Unveils Overall Plan for National Park System,” Xinhua, 26 September 17.

<sup>13</sup>Liu Qin, “China Overhauls Its National Parks,” China Dialogue, 19 October 17; Zhang Yan, “16 Detained Over Environmental Damage in Reserve,” China Daily, 21 November 17.

<sup>14</sup>National Development and Reform Commission, “National Carbon Emissions Trading Market Construction Plan (Power Generation Industry)” [Quanguo tan paifang quan jiaoyi shichang jianshe fang’an (fadian hangye)], 18 December 17, preamble.

<sup>15</sup>“China Launches World’s Biggest Carbon-Trading Scheme in Fight Against Climate Change,” Associated Press, reprinted in South China Morning Post, 20 December 17; Keith Bradsher and Lisa Friedman, “China Unveils an Ambitious Plan To Curb Climate Change Emissions,” New York Times, 19 December 17.

<sup>16</sup>“China Launches World’s Biggest Carbon-Trading Scheme in Fight Against Climate Change,” Associated Press, reprinted in South China Morning Post, 20 December 17.

<sup>17</sup>Emily Feng, “China Moves Towards Launch of Carbon Trading Scheme,” Financial Times, 19 December 17; “China Launches World’s Biggest Carbon-Trading Scheme in Fight Against Climate Change,” Associated Press, reprinted in South China Morning Post, 20 December 17.

<sup>18</sup>PRC Environmental Protection Tax Law [Zhonghua renmin gongheguo huanjing baohu shui fa], passed 25 December 16, effective 1 January 18, art. 28.

<sup>19</sup>PRC Environmental Protection Tax Law [Zhonghua renmin gongheguo huanjing baohu shui fa], passed 25 December 16, effective 1 January 18, arts. 14–15; “China Details Rules for Environmental Tax Law Enforcement,” Xinhua, 30 December 17.

<sup>20</sup>Chen Qingqing, “Environment Tax Declaration Begins,” Global Times, 1 April 18.

<sup>21</sup>State Council, “Air Pollution Prevention and Control Action Plan” [Daqi wuran fangzhi xingdong jihua], issued 10 September 13. The State Council’s 2017 targets for reducing fine particulate concentrations for the Beijing-Tianjin-Hebei, Yangtze Delta, and Pearl River Delta regions were 25 percent, 20 percent, and 15 percent, respectively. The plan set a specific 2017 target for the annual average fine particulate concentration for Beijing municipality of approximately 60 micrograms per cubic meter. See also Beijing Municipal People’s Government General Office, “Beijing Municipality 2013–2017 Clean Air Action Plan Major Task Breakdown” [Beijing shi 2013–2017 nian qingjie kongqi xingdong jihua zhongdian renwu fenjie], issued 23 August 13, sec. 1.1.

<sup>22</sup>“Northern China Hard Pressed To Meet 5-Year Air Quality Target,” Global Times, 12 September 17; Charlotte Gao, “Despite China’s Green Campaign, Air Quality Targets Still Hard To Meet,” The Diplomat, 9 October 17; Luo Qianwen, “Ministry of Environmental Protection: Depending on the Magnitude of Environmental Problems, Accountability by the ‘Top Brass’ at Every [Administrative] Level” [Huanbaobu: huanjing wenti an shuliang zhuji wenze “yi ba shou”], Beijing Daily, reprinted in Xinhua, 3 September 17. See also Lauri Myllyvirta, “Beautiful China: Beijing Starts the Biggest Shutdown of Steel Factories in History,” Greenpeace, Unearthed (blog), 30 October 17.

<sup>23</sup>Simon Denyer, “Beijing Wins Battle for Blue Skies—But the Poor Are Paying a Price,” Washington Post, 13 January 18; Li Jing, “No Heating at -6C: Poor Bear Brunt of Beijing’s Air Cleanup,” Climate Home News, 4 December 17; Ma Tianjie, “2017: A Year When Environmental Protection Raised Ethical Divides,” China Dialogue, 29 December 17; Charlotte Gao, “How Did China’s War Against Smog Turn Into a Ban on Coal-Heating?” The Diplomat, 6 December 17. See also Li Jing, “What Caused China’s Squeeze on Natural Gas?” China Dialogue, 22 December 17.

<sup>24</sup>Emma Howard, “‘I’m Freezing and Shaking’: China’s Winter Heating Crisis, Mapped,” Greenpeace, Unearthed (blog), 15 January 18.

<sup>25</sup>Simon Denyer, “Beijing Wins Battle for Blue Skies—But the Poor Are Paying a Price,” Washington Post, 13 January 18; “China Does U-Turn on Coal Ban To Avert Heating Crisis,” BBC, 8 December 17.

<sup>26</sup>“How Gas-for-Coal Program Is Carried Out Makes a Difference,” China Daily, 5 December 17; “Shan Renping: Changing Coal for Gas, It’s Not That the Country Will Allow Some of the Masses To Freeze” [Shan renping: mei gai qi, guojia bushi yao rang bufen qunzhong dongzhe], Global Times, 4 December 17.

<sup>27</sup>Chris Davis, “Raising Bar on Pollution To Lower Readings,” China Daily, 22 March 18. See also Ministry of Environmental Protection, “Striking Hard in the Tough Battle To Prevent Pollution’ Related Questions and Answers” [Huanbaobu “dahao wuran fangzhi gongjian zhan” xiangguan wenti dawen], Xinhua, 17 March 18.

<sup>28</sup>Ruan Yulin, “Beijing PM<sub>2.5</sub> Concentrations Rose Nearly 40% in March Compared to Last Year” [3 yue beijing PM<sub>2.5</sub> nongdu tongbi shangsheng jin si cheng], China News Service, 13 April 18; “Smog in Key North China Region Rises 27 Percent in March: Ministry,” Reuters, 13 April 18.

<sup>29</sup>State Council, “Three-Year Action Plan for Winning the Blue Sky War,” [Daying lantian baowei zhan san nian xingdong jihua], issued 3 July 18, sec. 1; Feng Hao, “China Releases 2020 Action Plan for Air Pollution,” China Dialogue, 6 July 18. See also Laney Zhang, Law Library of Congress, “China: 2020 Air Pollution Action Plan Released,” Library of Congress, Global Legal Monitor, 16 August 18.

<sup>30</sup>Michael Standaert, “Have Chinese Missed the Takeaway From Xi Jinping’s Environmental Message?” South China Morning Post, 31 December 17; Michael Standaert, “As It Looks To Go Green, China Keeps a Tight Lid on Dissent,” Yale Environment 360, 2 November 17. See also Sarah Cook and Anne Henochowicz, “Investigative Journalism in China Is Struggling To Survive,” Freedom House, Freedom At Issue Blog, 8 February 18.

<sup>31</sup>Zhao Xuan and Li Rongde, “What Bad Air? Hunan Officials Use Mist Cannons To Fool Pollution Meters,” Caixin, 2 February 18.

<sup>32</sup>Liu Qing, “Environmental Protection Bureau Building Turned Into Ice Sculpture by Fog Cannon Truck’s ‘Excessive Force,’ Official Statement: Two Environmental and Health Cadres Disciplined” [Wu pao che “yongli guomeng” huanbao ju dalou bian bingdiao guanfang: liang ming huanwei ganbu bei chufen], Beijing Times, 20 January 18. See also Wang Lianzhang, “Officials Try To Water Down Air Pollution, Freeze Building,” Sixth Tone, 22 January 18.

<sup>33</sup>Hou Liqiang, “Air Quality Data Faked; Officials Punished,” China Daily, 30 March 18.

## The Environment

<sup>34</sup> Qiu Bo, “Xiangxi Village Sick People: Village Surrounded by Tailings Ponds” [Xiangxi bingren: bei wei kuangku baowei de cunzhai], Beijing Youth Daily, 6 December 17. See also “The Best Investigative Stories From China—2017,” Global Investigative Journalism Network, 4 January 18.

<sup>35</sup> Du Caicai, “Xiangxi Huayuan Responded to ‘Mining Pollution’ 7 Environmental Protection Organizations Question Response” [Xiangxi huayuan huiying “caikuang yidu” 7 jia huanbao zuzhi zhiyi], Caixin, 10 December 17.

<sup>36</sup> Fan Liya, “Shanxi Officials Detained for Covering Up Chemical Dumping,” Sixth Tone, 18 April 18; “Three Questions: Who Is the ‘Black Protector’ Beside the Big Polluters” [Sanwen: shei cai shi wuran dahu shenbian de “hei baohu”?], China News Service, 19 April 18.

<sup>37</sup> Fan Liya, “Shanxi Officials Detained for Covering Up Chemical Dumping,” Sixth Tone, 18 April 18.

<sup>38</sup> Shanxi Province Department of Environmental Protection, “Two Cadres Featured in [News Report] ‘The “Black Protection” at the Side of Large Polluters’ Placed in Administrative Detention” [“Wuran dahu shenbian de ‘hei baohu’” 2 ming she’an cun ganbu yi bei xingzheng juliu], 18 April 18.

<sup>39</sup> Deng Qi, “Ministry of Ecology and Environment: Linfen Environmental Monitoring Case Negative Impact,” [Huanjing bu: linyin huanjing jiance zaojia an yingxiang e’lie], Xinhua, 24 June 18; Zou Shuo, “China To Get Tough With Environmental Data Manipulation,” China Daily, 25 June 18.

<sup>40</sup> Deng Qi, “Ministry of Ecology and Environment: Linfen Environmental Monitoring Case Negative Impact” [Huanjing bu: linyin huanjing jiance zaojia an yingxiang e’lie], Xinhua, 24 June 18; Zou Shuo, “China To Get Tough With Environmental Data Manipulation,” China Daily, 25 June 18.

<sup>41</sup> Institute of Public & Environmental Affairs and Natural Resources Defense Council, “Closing Longstanding Gaps: 2016–2017 Pollution Information Transparency Index (PITI),” 7 September 17, 1.

<sup>42</sup> *Ibid.*

<sup>43</sup> Deborah Seligsohn et al., “The Sound of One Hand Clapping: Transparency Without Accountability,” *Environmental Politics*, 2018, 3–4, 21. See also Alex Wang, “Explaining Environmental Information Disclosure in China,” *Ecology Quarterly*, Vol. 44, 17 April 18, 883.

<sup>44</sup> PRC Environmental Protection Law [Zhonghua renmin gongheguo huanjing baohu fa], passed 26 December 89, amended 24 April 14, effective 1 January 15, art. 58. See also Supreme People’s Court, Interpretation Regarding Certain Issues Related to Application of the Law in Environmental Civil Public Interest Litigation [Guanyu shenli huanjing minshi gongyi susong anjian shiyong falu ruogan wenti de jieshi], issued 6 January 15, effective 7 January 15; Quan Jing, “How To Promote Public Interest Litigation by Social Organizations” [Shehui zuzhi ruhe faqi gongyi susong], *Charity Times*, reprinted in Xinhua, 21 March 18.

<sup>45</sup> “Supreme People’s Court Work Report (Summary)” [Zuigao renmin fayuan gongzuo baogao (zhaiyao)], 10 March 18; Quan Jing, “How To Promote Public Interest Litigation by Social Organizations” [Shehui zuzhi ruhe faqi gongyi susong], *Charity Times*, reprinted in Xinhua, 21 March 18. See also Fu Hualing, “The Procuratorate and Public Interest Litigation (PIL),” *China Collection* (blog), 30 October 17. According to Fu, “China is seeking to develop its PIL by taking its own path that can perhaps be characterized as Chinese authoritarianism, which marginalizes civil society and relies on state organs to litigate issues relating to the public interest and collective rights. It remains to be seen, however, if China can create a culture of rights without a *sic* support civil society structures and promote public interest law without concomitant public participation.”

<sup>46</sup> Liu Chen et al., “Ask China: Environmental Law Helps NGOs Win ‘War on Pollution,’” *CGTN*, 9 March 18. See also Stanley Lubman, “Can Environmental Lawsuits in China Succeed?” *Asia Society*, *ChinaFile*, 14 December 17.

<sup>47</sup> Fan Liya, “Governments Fined \$555,000 for Killing 500-Year Old Trees,” *Sixth Tone*, 29 December 17; Zhengzhou Intermediate People’s Court (Zhengzhou zhongyuan), “Zhengzhou Intermediate People’s Court Announces Judgment in Environmental Civil Public Interest Lawsuit, Town Killed Jujube Trees After Transplant, Adjudged To Be Liable by First Instance Court” [Zhengzhou zhongyuan xuanpan yiqi huanjing minshi gongyi susong anjian zhen zhengfu yizai zaoshu zhisi, yishen bei pan dan ze], WeChat post, 28 December 17; Greg Tisher, “Preserving Culture With EPIL,” *Vermont Law School, U.S.-Asia Partnerships for Environmental Law*, *Asia Environmental Governance Blog*, 30 January 18.

<sup>48</sup> Fan Liya, “Governments Fined \$555,000 for Killing 500-Year Old Trees,” *Sixth Tone*, 29 December 17.

<sup>49</sup> Qi Jianrong, “Hydroelectric Power Plant Being Built by Yunnan Huarun Accused of Destroying Endangered Plants; Yunnan Province Forestry Department Investigation Confirms Protected Plants Felled” [Yunnan huarun suo jian dianzhan bei zhi pohuai zhenxi pinwei zhiwu yunnan sheng linye bumen diaocha queren you baohu zhiwei bei kanfa], *Legal Daily*, 24 February 18; Liu Chen et al., “Ask China: Environmental Law Helps NGOs Win ‘War on Pollution,’” *CGTN*, 9 March 18; “China’s Yunnan Defends Dam Building as Activists Head to Court,” *Reuters*, 12 March 18. See also Zhou Tailai et al., “Protect Green Peacocks From Dam, Environmentalists Urge Court,” *Caixin*, 15 August 17.

<sup>50</sup> PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, 11 March 18, art. 35.

<sup>51</sup> International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, arts. 19, 21, 22; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, last visited 10 July 18; State Council Information Office, “National Human Rights Action Plan of China (2016–2020)” [Guojia renquan xingdong jihua (2016–2020 nian)], 29 September 16, sec. 5. China has signed, and stated its intent to ratify the ICCPR.



<sup>52</sup> Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, arts. 19, 20.

<sup>53</sup> UN Human Rights Council, Report of the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, John H. Knox, A/HRC/37/59, Annex, Framework Principles on Human Rights and the Environment, 24 January 18, paras. 12–14.

<sup>54</sup> Eva Pils, *Human Rights in China* (Medford: Polity Press, 2018), 36, 114–17.

<sup>55</sup> Rights Defense Network, “Guangdong Rights Defense Lawyer Chen Wuquan Criminally Detained on Suspicion of Picking Quarrels and Provoking Trouble for Protecting His Hometown Beach” [Guangdong weiquan lushi chen wuquan yin shouhu jiaxiang haitan bei yi she xunxin zishi zui xingshi juliu], 11 February 18; “Suppressed for Protecting the Sea, Zhanjiang Rights Defense Lawyer Chen Wuquan and Several Villagers Detained” [Hu hai zao daya zhanjiang weiquan lushi chen wuquan ji duo wei cunmin bei zhua], Radio Free Asia, 10 February 18; “From Policeman to Lawyer to Fisherman to ‘Criminal’: The Tortuous Road of a Human Rights Lawyer,” *China Change*, 12 February 18. For more information, see the Commission’s Political Prisoner Database records 2018-00136 on Chen Wuquan, 2018-00137 on Chen Shuai, 2018-00138 on Chen Longquan, 2018-00139 on Chen Zhenming, 2018-00140 on Chen Chunlin, and 2018-00141 on Chen Weiliang.

<sup>56</sup> Nftiankong (sftk123), Twitter post, 16 March 18, 9:51 p.m.

<sup>57</sup> “Tibetan Man Detained After Villagers Protest Chinese Mine Plan,” Radio Free Asia, 20 March 18. For more information on Karma, see the Commission’s Political Prisoner Database record 2018-00132. See also Zheng Jinran, “Inspectors Punish Polluters in Tibet,” *China Daily*, 4 January 18. In January 2018, the Ministry of Environmental Protection announced the results of an inspection conducted in 2017 that discovered 1,022 cases of pollution, with polluters paying fines in 748 cases amounting to 28 million yuan, and that 148 officials had been held accountable. According to the inspectors: “some leaders . . . [thought] that a little pollution or damage would not have a huge influence on the vast region . . . leading to unbalanced development of the economy and ecology.”

<sup>58</sup> “Tibetan Villagers Detained, Questioned After News of Mine Project Leaks,” Radio Free Asia, 27 April 18.

<sup>59</sup> Qian Zhecheng, “Environmental Whistleblower Sues Police for Unlawful Detention,” Sixth Tone, 31 March 18; Zhang Nanqian, “Environmental Detained After Exposing Pollution (Continued): Detention Deferred, Detainee Said No Rumor Despite Lack of Care” [Huanbao renshi puguang wuran bei ju xu: zhanhuan juliu dangshiren cheng bu yanjin dan wei zaoyao], Sohu, 23 March 18; “Detained Chinese Environmental Worker Released After Public Outcry,” Radio Free Asia, 19 March 18; “Environmental Who Investigated Guangdong Xinyi Illegal Wastewater Discharge Detained” [Huanbao renshi diaoyan guangdong xinyi feifa kaicai paiwu zao juliu], Radio Free Asia, 19 March 18. For more information on Lei Ping, see the Commission’s Political Prisoner Database record 2018-00149.

<sup>60</sup> Qian Zhecheng, “Environmental Whistleblower Sues Police for Unlawful Detention,” Sixth Tone, 31 March 18; Xinyi City Government, “Xinyi City Lawfully Investigates and Punishes Case of Spreading Rumors and Disturbing Public Order” [Xinyi shi yifa chachu yiqi sanbu yaoyan raoluan gonggong zhixu anjian], 17 March 18.

<sup>61</sup> Li Xun, “Developments in the Case of Guangdong Xinyi Environmentalist Detained for Posting: Authorities Cancel Administrative Detention, Lawsuit Settled” [Guangdong xinyi huanbao zhiyuan zhe fa tie bei juxu: jingfang chexiao xingju chufa, susong hejie], *The Paper*, 30 May 18.

<sup>62</sup> Qian Zhecheng, “Environmental Whistleblower Sues Police for Unlawful Detention,” Sixth Tone, 31 March 18.

<sup>63</sup> Gao Min, “Environmental Protector or Conflict of Interest?” [Huanbao weishi haishi liyi zhi zheng?], *Beijing News*, 10 July 18; Fan Liya, “Environmental Whistleblower Gets Prison Sentence,” Sixth Tone, 12 July 18.

<sup>64</sup> Gao Min, “Environmental Protector or Conflict of Interest?” [Huanbao weishi haishi liyi zhi zheng?], *Beijing News*, 10 July 18.