

## THE ENVIRONMENT

### *Findings*

- During the Commission’s 2019 reporting year, top Chinese Communist Party and government leaders continued to highlight the importance of protecting the environment, yet environmental pollution remained a major challenge. The government’s vision of top-down environmental governance was demonstrated by the National Development and Reform Commission’s work report for 2018 which stated, “the government leads, enterprises are the main actors, and social organizations and the public participate.” In addition, the government severely limited the role of the public in environmental protection.
- In March 2019, Minister of Ecology and Environment Li Ganjie reported that “some local governments were not containing pollution until clean-up deadlines approached or national inspection teams arrived.” Li noted that these local governments imposed blanket production bans on businesses regardless of their environmental performance, thereby damaging the credibility of the government and the rights of law-abiding enterprises. In 2018, Chinese authorities approved the arrest of 15,095 people for environmental crimes, an increase of over 50 percent from 2017.
- The government continued to report progress in environmental protection, although a March 2019 ranking of air pollution in over 3,000 cities around the world, compiled by IQAir in collaboration with Greenpeace East Asia, indicated that 57 of the 100 most polluted cities in 2018 (based on fine particulate concentrations) were in China. Although some non-governmental organizations have standing as plaintiffs in certain public interest lawsuits, most public interest litigation continued to be brought by the government.
- During this reporting year, Chinese and international media reported on incidents in which officials lied about environmental problems, failed to take meaningful action despite repeated environmental violations, or were involved in environmental corruption, resulting in some cases of disciplinary action against local officials. In March 2019, an explosion at Jiangsu Tianjiayi Chemical plant—a facility that had been penalized six different times in the previous two years for environmental and safety violations—killed 78 people, injured over 600, and forced the evacuation of almost 3,000. Authorities responded by closing down all chemical facilities in the area.
- Chinese citizens continued to raise concerns about health issues related to the environment through street-level protests and other forms of public advocacy. Chinese authorities detained Lu Guang, an American permanent resident and photojournalist who is known for his photographs documenting environmental degradation and coal mining, while he was in the Xinjiang Uyghur Autonomous Region in November 2018.
- In 2018, carbon dioxide emissions in China continued to increase, as Chinese government-backed financial institutions funded international coal-fired power projects, raising inter-

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national concerns about air pollution and increasing carbon dioxide emissions.

- The government promoted the use of traditional Chinese medicine in countries participating in the Belt and Road Initiative, raising international concerns about wildlife trafficking and the sale of products made from tigers and rhinos.

### *Recommendations*

Members of the U.S. Congress and Administration officials are encouraged to:

- Call on the Chinese government to cease harassment of environmental advocates and follow international standards on freedom of speech, association, and assembly, including those contained in the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights, and China's Constitution.
- In meetings with Chinese officials, raise the detentions of photojournalist Lu Guang; Tibetan village head Karma; founder Xue Renyi and worker Pan Bin of Chongqing municipality-based Green Leaf Action; environmental advocates Chen Wuquan, Chen Weiliang, Chen Zhenming, Chen Huansen, Chen Chunlin, Chen Shuai, and Chen Longqun; and the Mongolian herders O. Sechenbaatar and Tsojgil.
- Support efforts by Chinese and U.S. groups working to use satellite analysis and remote sensing to monitor environmental problems in China, and also expand awareness of citizens' environmental rights in China and the protection of those rights.
- Encourage Chinese leaders to strengthen the rule of law and transparency in the environmental and climate sectors. Raise questions with Chinese officials about the manipulation of environmental data and censorship of environmental news reporting, as well as the detention of the former head of the National Energy Administration, Nur Bekri.

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### *Introduction and Environmental Governance*

During the Commission's 2019 reporting year, top Chinese Communist Party and government leaders continued to highlight the importance of protecting the environment, yet environmental pollution remained a major challenge in China due to authorities' top-down approach to environmental problems, transparency shortcomings, and the suppression and detention of environmental advocates. The central government was focused on addressing local level officials' shortcomings in protecting the environment.<sup>1</sup> Central authorities heavily controlled media and permitted space for reporting only to the extent consistent with central government policies,<sup>2</sup> such as pushing local officials to enforce its environmental policies.<sup>3</sup> This reporting year, carbon dioxide emissions in China continued to increase,<sup>4</sup> as Chinese government-backed financial institutions funded international coal-fired power projects, raising international concerns about air pollution and increasing carbon dioxide emissions.<sup>5</sup>

The Chinese government's vision of top-down environmental governance was demonstrated by the National Development and Reform Commission's work report for 2018 which stated, "the government leads, enterprises are the main actors, and social organizations and the public participate."<sup>6</sup> In the recently enacted PRC Soil Pollution Prevention and Control Law,<sup>7</sup> for example, the term "public participation" refers only to the requirement that the public must follow official policies.<sup>8</sup> The law lacks any provision for public supervision, as noted by Greenpeace East Asia and Nanjing University Ecology department, who concluded that although "the new law does take an important step towards openness . . . , [p]ublic supervision still has no place in the regulatory system."<sup>9</sup> In December 2018, the UN special procedure mandate holders issued a statement on climate change calling on State Parties to "ensure full and effective participation, access to information and transparency . . . in the public spaces where actors from civil society can gather and exercise their rights to freedom of expression and opinion, association and peaceful assembly."<sup>10</sup>

Not only did Chinese authorities fail to promote meaningful public participation, they actively suppressed those who monitor environmental issues. Chinese authorities detained Lu Guang—an American permanent resident and photojournalist<sup>11</sup> who is known for his photographs documenting environmental degradation and coal mining<sup>12</sup>—while he was in the Xinjiang Uyghur Autonomous Region (XUAR) in November 2018.<sup>13</sup> According to the Committee to Protect Journalists, "Lu's detention is a high-profile illustration of the cruel and arbitrary way that China detains journalists and other civilians in [the XUAR]."<sup>14</sup>

### *Environmental Enforcement and Persistence of Severe Pollution*

During this reporting year, severe pollution persisted in China, and Chinese authorities criticized some local officials for failing to enforce environmental regulations. In March 2019, Minister of Ecology and Environment Li Ganjie reported that "some local gov-

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ernments were not containing pollution until clean-up deadlines approached or national inspection teams arrived.”<sup>15</sup> Li noted that these local governments imposed blanket production bans on businesses regardless of their environmental performance, thereby damaging the credibility of the government and the rights of law-abiding enterprises.<sup>16</sup> In contrast, other local governments “might have loosened supervision on air pollution and carbon emissions” due to the current economic downturn, according to a China-based adviser to an international environmental non-governmental organization.<sup>17</sup> While the government continued to report progress in environmental protection,<sup>18</sup> a March 2019 ranking of air pollution in over 3,000 cities around the world, compiled by IQAir in collaboration with Greenpeace East Asia,<sup>19</sup> indicated that 57 of the 100 most polluted cities in 2018 (based on fine particulate concentration) were in China.<sup>20</sup> According to a Hong Kong-based professor, “air pollution [has much] to do with burning of fossil fuel . . . ; so by addressing the air pollution sources, you actually can address these CO2 emissions.”<sup>21</sup>

### *Public Interest Litigation and Criminal Enforcement*

During the 2019 reporting year, the Chinese government played a dominant role in public interest environmental litigation, and criminal environmental enforcement significantly increased. In 2018, Chinese courts accepted 1,737 public interest environmental lawsuits filed by procuratorates, compared to 65 that were filed by non-governmental organizations (NGOs).<sup>22</sup> Although some NGOs have standing as plaintiffs in certain public interest lawsuits, most public interest litigation continued to be brought by the government.<sup>23</sup> In a significant development, in a public interest case brought by the NGOs China Biodiversity Conservation and Green Development Fund and Friends of Nature in December 2018, the Jiangsu High People’s Court rejected claims that three chemical companies pay for soil remediation near a school.<sup>24</sup> The court, however, held that the NGOs were not responsible for court fees assessed by the lower court—an issue that had been a significant concern to Chinese NGOs.<sup>25</sup> In 2018, Chinese authorities increased criminal enforcement, as authorities indicted 42,195 people and approved the arrest of 15,095 people for environmental crimes, a 51.5 percent increase in arrests from 2017.<sup>26</sup>

### *Suppression of Environmental Protests and Advocates*

Chinese citizens continued to raise concerns about health issues related to the environment through street-level protests and other forms of public advocacy at the risk of being persecuted, such as by imprisonment. China’s Constitution<sup>27</sup> provides for freedom of speech, assembly, association, and demonstration, as do the International Covenant on Civil and Political Rights,<sup>28</sup> the Universal Declaration of Human Rights,<sup>29</sup> and the UN Human Rights Council Framework on Human Rights and the Environment.<sup>30</sup> The following cases not only illustrate common types of environmental complaints raised by Chinese citizens but also reveal the ongoing lack of protection for citizens’ rights when they raise environmental concerns:

- **Hazardous Waste Processing in Guangdong province.**

In October 2018, thousands of residents in Shunde district, Foshan municipality, Guangdong, protested government plans to build an industrial waste processing facility near local drinking water sources and fish farms.<sup>31</sup> Residents reported that the government had not provided adequate public consultation on the project, had criticized residents who joined the protests for disturbing social order, and had deleted thousands of social media posts about the planned project.<sup>32</sup>

- **Environmental group in Chongqing municipality.** In December 2018, authorities at a closed trial sentenced Pan Bin, a member of Green Leaf Action, to four years in prison for “picking quarrels and provoking trouble.”<sup>33</sup> In May 2018, authorities had detained Xue Renyi, the founder of Green Leaf Action, and, as of May 2019, he remained in detention.<sup>34</sup> Green Leaf Action advocates for environmental protection, and in 2016, police had warned Xue that the group was being “controlled” by “foreign forces.”<sup>35</sup>

- **Land Reclamation in Guangdong.** In January 2019, the Zhanjiang Economic and Technological Development Zone People’s Court in Guangdong sentenced environmental advocates Chen Wuquan (a disbarred rights lawyer), Chen Weiliang, Chen Zhenming, Chen Huansen, Chen Chunlin, Chen Shuai, and Chen Longqun to prison terms ranging from one to five years in prison for “picking quarrels and provoking trouble.”<sup>36</sup> Beginning in October 2017, these individuals and other villagers from Diaoluo village, Donghai Island, Zhanjiang, protested a land reclamation project that they claimed was illegal and had destroyed the natural environment.<sup>37</sup> In February 2019, the Council of Bars and Law Societies of Europe, an organization that represents over one million lawyers in 45 European countries, criticized the detention and sentencing of Chen Wuquan as being “solely motivated by his activity as a lawyer” and expressed concern about possible violations of the UN Basic Principles on the Role of Lawyers.<sup>38</sup>

- **Mining in the Tibet Autonomous Region (TAR).** Radio Free Asia reported that in March 2019, Chinese authorities had forcibly relocated a group of approximately 12 families in Gonjo (Gongjue) county, Qamdo (Changdu) municipality, TAR, from their rural homes to a newly built urban area.<sup>39</sup> Authorities reportedly moved the families for mining-related development, and the villagers were only the most recent group of Tibetans from nine villages affected.<sup>40</sup> In another mining case, in January 2019, the Central Tibetan Administration, a political entity based in Dharamsala, India, reported that due to a “total clampdown on phones and other communications,” they were unable to ascertain the current status of villagers and village head Karma, in Driru (Biru) county, Nagchu (Naqu) prefecture,<sup>41</sup> whom authorities detained in 2018 after they protested mining on a sacred mountain.<sup>42</sup>

- **Environmental Degradation in the Inner Mongolia Autonomous Region (IMAR).** In April 2019, over 200 residents in Heshigten (Keshenketeng) Banner, Chifeng municipality, IMAR, protested in front of a government office after authori-

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ties imposed a grazing ban on local herding communities.<sup>43</sup> Heshigten police criminally detained 68-year-old herder O. Sechenbaatar on suspicion of “obstructing official business.”<sup>44</sup> Also that month, more than 100 herders in Urad Middle Banner in Bayanur (Bayanna’er) municipality, gathered to request a meeting with the IMAR Party Secretary about environmental degradation and inadequate compensation to local residents who had been removed from their grazing lands.<sup>45</sup> Also in April, Hohhot (Huhehaote) municipality authorities criminally detained Heshigten resident Tsogjil, in connection to WeChat discussion groups with 2,500 members which he hosted that encouraged people to join a protest in Heshigten.<sup>46</sup> [For further information on the suppression of herders protesting environmental pollution in the Inner Mongolia Autonomous Region, see Section II—Ethnic Minority Rights.]

- **Waste Incineration in Hubei Province.** In June and July 2019, as many as ten thousand residents of Xinzhou district, Wuhan municipality, protested against a planned waste incineration plant.<sup>47</sup> Chinese authorities reportedly censored reporting on the protests, blocked cell phone signals, and in some instances, used violence against protestors.<sup>48</sup>

### *Media Reporting on Environmental Incidents and Corruption*

During this reporting year, Chinese and international media reported on incidents in which officials lied about environmental problems, failed to take meaningful action despite repeated environmental violations, or were involved in environmental corruption, resulting in some cases of disciplinary action against local officials. Despite considerable censorship of the media in China,<sup>49</sup> the Commission observed some notable media reports on environmental incidents:

- In **November 2018**, a chemical spill in Quanzhou municipality, Fujian province, resulted in the hospitalization of 52 nearby residents, although at first authorities instructed Chinese media not to report on the leak.<sup>50</sup> Domestic media later reported that local officials initially lied about the cause and size of the spill—authorities later stated that it was 10 times larger than first reported,<sup>51</sup> prompting the state-run newspaper China Daily to call for the Quanzhou government to explain its shortcomings.<sup>52</sup> A female journalist from Caixin, a news outlet known for more market-driven reporting, revealed that local police harassed her while she was reporting on the spill, including forcing their way into her hotel room late one night to demand her press credentials and following her around as she was gathering news.<sup>53</sup> A South China Morning Post editorial criticized the “clumsy cover-up” and said that “[t]he habit of cover-ups that put officials’ political interests first seems to die hard.”<sup>54</sup> Authorities disciplined two police officers involved in the harassment of the journalist<sup>55</sup> and three local officials involved in the alleged coverup efforts.<sup>56</sup>
- In **March 2019**, an explosion at Jiangsu Tianjiayi Chemical plant in Yancheng municipality, Jiangsu province, killed 78 people, injured over 600, and forced the evacuation of almost

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3,000.<sup>57</sup> Between 2016 and 2018, authorities had administratively penalized the chemical plant over five times, including an 18-month suspended sentence for the company chairman for environmental violations.<sup>58</sup> The Institute of Public and Environmental Affairs (IPE), an environmental non-governmental organization based in Beijing municipality, had reportedly documented environmental violations at 300 of 367 facilities at the industrial park.<sup>59</sup> After the explosion, authorities announced plans to shut down all industrial chemical facilities in the industrial park.<sup>60</sup> Ma Jun, IPE's director, nevertheless, told the Party-affiliated media outlet Global Times that “the complete shutdown that resulted is not the best solution since the park has an important role in the chemical industry.”<sup>61</sup>

- In **April 2019**, state-run media reported on corruption at the environmental protection bureau in Suining municipality, Sichuan province.<sup>62</sup> A total of 32 officials at the bureau were reported to have accepted bribes related to environmental matters, including from companies under environmental inspection.<sup>63</sup>

### *Assessing the Chinese Government's Commitment to Combat Climate Change*

During the 2019 reporting year, carbon dioxide emissions in China continued to increase, even as Chinese officials continued to call for “green development.” Based on an analysis of Chinese government data,<sup>64</sup> carbon dioxide emissions in China increased by approximately three percent in 2018.<sup>65</sup> Coal consumption was reportedly responsible for more than 70 percent of energy-related carbon dioxide emissions.<sup>66</sup> According to analysts, however, official reports on coal consumption and economic growth made it difficult to determine China's carbon intensity—an essential metric used to assess China's international commitment to combating climate change.<sup>67</sup> In April 2016, the Chinese government signed the Paris Agreement,<sup>68</sup> and its commitment under the agreement, known as its nationally determined contribution (NDC), included “lower[ing] carbon dioxide emissions per unit of GDP by 60 percent to 65 percent from the 2005 level,” “achiev[ing] the peaking of carbon dioxide emissions around 2030 and making best efforts to peak early,” and “increas[ing] the share of non-fossil fuels in primary energy consumption to around 20 percent.”<sup>69</sup> According to Climate Action Tracker, which produces independent science research by a consortium of research institutes, China's NDC is “highly insufficient.”<sup>70</sup> In October 2018, the United Nations' Intergovernmental Panel on Climate Change special report found that to limit global warming to 1.5 degrees Celsius by 2050, global coal use would need to be “reduced to close to 0%.”<sup>71</sup> China has the largest concentration of glaciers outside of the polar regions, supplying water to 1.8 billion people, and the glaciers are at risk due to global warming.<sup>72</sup> From June 25 to 29, 2019, in Lhasa municipality, TAR, the Chinese government recorded five consecutive days with an average daily temperature at or above 71.6 degrees Fahrenheit (22 degrees Celsius), meeting the Chinese government's definition for the beginning of summer for the first time in Lhasa since authorities began measuring in 1955.<sup>73</sup>

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International environmental groups and scientists were skeptical about the Chinese government's reported plans to suspend new coal-fired power plants in China and reduce methane emissions from coal mines—major sources of greenhouse gases—in light of a Chinese industry policy group's recommendation that the government permit many new coal-fired power plants. Although central authorities had reportedly suspended a number of new coal-fired power plants in 2017, 2018 analysis of satellite imagery by an environmental group found that many of the suspended projects had resumed construction.<sup>74</sup> In March 2019, the China Electricity Council, an industry association, recommended that China increase its coal-fired power capacity to 1,300 gigawatts,<sup>75</sup> an increase of 290 gigawatts of new coal-fired power capacity—more than the entire coal-fired power capacity of the United States.<sup>76</sup> In January 2019, research published in *Nature Communications* found that although the Chinese government had set “ambitious benchmarks” for limiting methane production, based on satellite imagery, they found that “[the methane] regulations have had ‘no discernible impact’ on the continued increase in Chinese methane emissions.”<sup>77</sup>

This past year, as top Chinese officials proclaimed the importance of green development, international concern increased regarding Chinese government funding for coal-fired power plants in countries participating in the Belt and Road Initiative (BRI). In March 2019, at the BRI Forum in Beijing, Chinese Communist Party General Secretary Xi Jinping said, “We need to pursue open, green and clean cooperation.”<sup>78</sup> Following the forum, attendees issued a joint communiqué highlighting that “communication among . . . think tanks, academia, media, civil societies . . .” would be welcomed.<sup>79</sup> In 2019, reports that Chinese government-backed financial institutions provided funding to build coal-fired power plants abroad also raised international concerns.<sup>80</sup> According to an analysis by a group of international researchers, Chinese financial institutions and corporations have offered funding to more than one-quarter of coal-fired power plants under construction outside of China.<sup>81</sup> An international journalist believes that these Chinese-funded power plants will “make it more difficult” for some countries to meet their Paris Agreement commitments.<sup>82</sup> In July 2019, the UN special envoy for the 2019 Climate Summit stated that “[w]e would also like China to encourage green investment throughout the Belt and Road Initiative and not build coal-fired power plants.”<sup>83</sup>

### *Wildlife Trade and Traditional Chinese Medicine*

During this reporting year, the government continued to promote the worldwide use of traditional Chinese medicine leading to international concern about Chinese authorities' commitment to fighting wildlife trafficking. According to a Hong Kong-based foundation, “[o]ne of the most alarming characteristics of wildlife trafficking is the growing use of threatened species in traditional medicines.”<sup>84</sup> By 2020, the government plans to set up 50 traditional Chinese medicine model centers outside China.<sup>85</sup> In October 2018, the State Council issued a circular that would permit the use of tiger and rhinoceros bones for traditional Chinese medicine.<sup>86</sup> The Chinese government had prohibited trade in tiger bones and rhino horns



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since 1993, when then-U.S. President Bill Clinton threatened to sanction the Chinese government for undermining the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).<sup>87</sup> CITES generally prohibits all international trade in tigers, rhinos, and their derivative parts,<sup>88</sup> and the CITES standing committee has identified 36 facilities that keep tigers in China, the existence of which “may be of concern.”<sup>89</sup> The UN Environment Programme subsequently described any changes to the ban on the trade of tiger and rhino parts as an “extremely alarming development” pointing out that such trade “falsely indicates that these products have medical value.”<sup>90</sup> Following international criticism, in November 2018, the Chinese government announced that implementation of the circular “has been postponed after study.”<sup>91</sup> According to an international wildlife organization employee, “[t]he lack of clarity does not help the wildlife enforcement authorities to do their job.”<sup>92</sup> The General Administration of China Customs (China Customs) reportedly cooperated with international non-governmental organizations (NGOs) to combat wildlife trafficking through educational outreach and identification of illicit shipments.<sup>93</sup> In April 2019, China Customs suggested that “further cooperation” with NGOs include ongoing publicization of the “positive outcomes” of the Chinese government’s efforts to implement a ban on the ivory trade.<sup>94</sup>

## Notes to Section II—The Environment

<sup>1</sup> Ministry of Ecology and Environment, “Quanwen shilu: Shengtai Huanjingbu buzhang Li Ganjie jiu ‘Dahao Wuran Fangzhi Gongjianzhan’ da jizhe wen” [Complete transcript: Ministry of Ecology and Environment Minister Li Ganjie “Fully Engaging the War on Pollution” answers to journalists’ questions], March 11, 2019; Li Jing, “China’s ‘Iron Fist’ against Pollution Is Softening,” *China Dialogue*, March 14, 2019.

<sup>2</sup> Freedom House, “China,” in *Freedom in the World 2019*, February 2019, D1; Zhou Chen, “Police Barged into My Room While I Was Covering the Fujian Chemical Spill,” *Caixin*, November 20, 2018.

<sup>3</sup> Cai Fei, “Quanzhou Officials Need to Come Clean about Chemical Leak,” *China Daily*, November 22, 2018; Kang Jia and Zhou Shiling, “6 ci xingzheng chufa beihou de baozha huagong chang” [Explosion at a chemical plant that had been administratively fined 6 times], *Beijing News*, March 23, 2019; Cao Xiao, “Bei ‘wuran’ de huanbao ju: Sichuan Suining huanbaoju 32 ren jiti shouhui yi ge ju de lingdao jihu quan jun fumo” [“Polluted” environmental protection bureau: 32 people from Suining, Sichuan environmental protection bureau collectively accepted bribes, bureau leadership almost completely annihilated], *The Cover*, April 17, 2019. See also Wu Changhua, “How Is the Digital Age Redefining China’s Environmental Governance?,” *CGTN*, March 4, 2019.

<sup>4</sup> Lauri Myllyvirta, “China’s CO2 Emissions Surged in 2018 Despite Clean Energy Gains,” *Unearthed*, Greenpeace, February 28, 2019; Jan Ivar Korsbakken and Robbie Andrew, “Guest Post: China’s CO2 Emissions Grew Slower Than Expected in 2018,” *CarbonBrief*, March 5, 2019. See also National Bureau of Statistics of China, “Statistical Communiqué of the People’s Republic of China on the 2018 National Economic and Social Development,” February 28, 2019, Table 3.

<sup>5</sup> Christine Shearer, Melissa Brown, and Tim Buckley, “China at a Crossroads: Continued Support for Coal Power Erodes Country’s Clean Energy Leadership,” Institute for Energy Economics and Financial Analysis, January 2019, 4; Isabel Hilton, “How China’s Big Overseas Initiative Threatens Global Climate Progress,” *Yale Environment 360*, Yale School of Forestry & Environmental Studies, January 3, 2019; Michael Lelyveld, “China’s Belt and Road Initiative Blackened by Coal,” *Radio Free Asia*, January 31, 2019.

<sup>6</sup> National Development and Reform Commission, “Report on the Implementation of the 2018 Plan for National Economic and Social Development and on the 2019 Draft Plan for National Economic and Social Development,” March 5, 2019, 41. See also Dan Guttman, Oran Young, and Yijia Jing, et al., “Environmental Governance in China: Interactions Between the State and Nonstate Actors,” *Journal of Environmental Management* 220 (August 15, 2018): 128; Elizabeth Economy, *The Third Revolution: Xi Jinping and the New Chinese State* (New York: Oxford University Press, 2018), 176. Economy describes the “contradiction in the Xi government’s approach to civic engagement in environmental protection: the government welcomes public participation but only in support of government policy and as long as it doesn’t challenge existing policy or appear to challenge the government’s legitimacy.” She also notes that “[p]articularly threatening in this regard are individuals who command large followings and speak out on issues in ways that move beyond a narrow technical complaint to address broader values.”

<sup>7</sup> *Zhonghua Renmin Gongheguo Turang Wuran Fangzhi Fa* [PRC Soil Pollution Prevention and Control Law], passed August 31, 2018, effective January 1, 2019.

<sup>8</sup> *Ibid.*, arts. 3, 10, 21, 58, 66, 76.

<sup>9</sup> Greenpeace East Asia and Nanjing University Ecology Department, “Redeveloping the Polluted Land Under China’s Cities: Problems and Solutions,” April 17, 2019. See also Greenpeace East Asia and Nanjing University Ecology Department, “Zhongguo chengshi wuran dikuai kaifa liyong zhong de wenti yu duice” [Redeveloping the polluted land under China’s cities: problems and solutions], April 2019, 2.

<sup>10</sup> UN Office of the High Commissioner for Human Rights, “Joint Statement of the United Nations Special Procedures Mandate Holders on the Occasion of the 24th Conference of the Parties to the UNFCCC,” December 6, 2018.

<sup>11</sup> Robert Y. Pledge, “A Photographer Goes Missing in China,” *New York Times*, December 8, 2018. For more information on Lu Guang, see the Commission’s Political Prisoner Database record 2018-00601.

<sup>12</sup> Nina Strohlic, “Missing Chinese Photographer Known for Capturing Environmental Threats,” *National Geographic*, January 24, 2019.

<sup>13</sup> Robert Y. Pledge, “A Photographer Goes Missing in China,” *New York Times*, December 8, 2018.

<sup>14</sup> Committee to Protect Journalists, “China Detains Award-Winning Photographer in Xinjiang,” November 28, 2018.

<sup>15</sup> Li Jing, “China’s ‘Iron Fist’ against Pollution Is Softening,” *China Dialogue*, March 14, 2019; Ministry of Ecology and Environment, “Quanwen shilu: Shengtai Huanjingbu buzhang Li Ganjie jiu ‘Dahao Wuran Fangzhi Gongjianzhan’ da jizhe wen” [Complete transcript: Ministry of Ecology and Environment Minister Li Ganjie “Fully Engaging the War on Pollution” answers to journalists’ questions], March 11, 2019.

<sup>16</sup> Ministry of Ecology and Environment, “Quanwen shilu: Shengtai Huanjingbu buzhang Li Ganjie jiu ‘Dahao Wuran Fangzhi Gongjianzhan’ da jizhe wen” [Complete transcript: Ministry of Ecology and Environment Minister Li Ganjie “Fully Engaging the War on Pollution” answers to journalists’ questions], March 11, 2019; Li Jing, “China’s ‘Iron Fist’ against Pollution Is Softening,” *China Dialogue*, March 14, 2019. See also Jack Kamensky and Owen Haacke, “Environmental Compliance for US Companies in China,” US-China Business Council, March 2019, 6–7.

<sup>17</sup> Brady Dennis and Chris Mooney, “‘We Are in Trouble.’ Global Carbon Emissions Reached a Record High in 2018,” *Washington Post*, December 5, 2018.

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<sup>18</sup>Ministry of Ecology and Environment, “2018 Zhongguo shengtai huanjing zhuangkuang gongbao” [2018 report on the state of the ecology and environment in China], May 22, 2019, 6.

<sup>19</sup>AirVisual, IQAir, “2018 World Air Quality Report: Region & City PM2.5 Ranking,” March 5, 2019, 4; Greenpeace International, “Latest Air Pollution Data Ranks World’s Cities Worst to Best,” March 5, 2019.

<sup>20</sup>AirVisual, IQAir, “World’s Most Polluted Cities 2018 (PM 2.5),” accessed May 1, 2019.

<sup>21</sup>Jocelyn Timperley, “The Carbon Brief Interview: Prof Qi Ye,” *Carbon Brief*, January 22, 2019.

<sup>22</sup>Luo Sha, “2018 nian quanguo fayuan shenjie jiancha jiguan huanjing gongyi susong anjian 1252 jian” [2018 Chinese courts concluded 1,252 public interest cases brought by procuratorates], *Xinhua*, March 2, 2019.

<sup>23</sup>Wanlin Wang and Dimitri de Boer, “China’s Prosecutors Are Litigating Government Agencies for Being Soft on Pollution,” *China Dialogue*, February 22, 2019. According to Wang and de Boer, NGOs are not allowed to “target environmental violations by government departments.”

<sup>24</sup>Cang Wei, “Polluting Companies Ordered to Apologize to Public,” *China Daily*, December 28, 2018.

<sup>25</sup>China Development Brief, “The Top Ten Stories of the Year in Chinese Civil Society,” January 18, 2019.

<sup>26</sup>Chinese Communist Party Central Political and Legal Affairs Commission, “Qunian jiancha jiguan pibu pouhuai shengtai huanjing fazui 15095 ren” [Last year, procuratorates approved the arrest of 15,095 people for ecological environment crimes], February 19, 2019; “China’s Environmental Crime Arrests Soar in 2018,” *Reuters*, reprinted in *South China Morning Post*, February 14, 2019.

<sup>27</sup>*PRC Constitution*, passed and effective December 4, 1982 (amended March 11, 2018), art. 35.

<sup>28</sup>International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, arts. 19, 21, 22; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed May 29, 2019. China has signed but not ratified the ICCPR.

<sup>29</sup>Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, arts. 19, 20.

<sup>30</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, January 24, 2018, paras. 12–14.

<sup>31</sup>“Thousands Protest Industrial Waste Processing Plant Plan in China’s Guangdong,” *Radio Free Asia*, October 24, 2018.

<sup>32</sup>“Guangdong Shunde wan ren kangyi jian wei feiwu zhongxin” [Ten thousand people in Shunde, Guangdong, protest establishment of hazardous waste center], *Radio Free Asia*, October 24, 2018; “Shunde jumin haozhao jin wan zai shiwei dapi jingche jinzhu” [Shunde residents call for another demonstration tonight, a large number of police vehicles stationed there], *Boxun*, October 25, 2018.

<sup>33</sup>“Chongqing ‘Lu Ye Xingdong’ chengyuan Pan Bin bei mimi panxing” [Chongqing “Green Leaf Action” member Pan Bin sentenced in secret], *Radio Free Asia*, January 8, 2019.

<sup>34</sup>Chinese Human Rights Defenders, “Xue Renyi,” May 31, 2019; Dui Hua Foundation, “From Hu to Xi: China’s Grip on Environmental Activism Part II: Environmental Activism From Above and Below,” *Dui Hua Human Rights Journal*, July 24, 2019.

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