

**THE POLICY AND GOVERNANCE
IMPLICATIONS OF THE EVOLUTION OF
GOVERNMENT-ENVIRONMENTAL NGO RELATIONS
IN CHINA SINCE THE 1990s**

by

Jing Xu

A dissertation submitted to the Faculty of the University of Delaware in partial fulfilment of the requirements for the degree of Doctor of Philosophy in Energy and Environmental policy

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TABLE OF CONTENTS

LIST OF TABLES	xii
LIST OF FIGURES	xiii
LIST OF ACRONYMS AND ABBREIVATIONS	xv
ABSTRACT.....	xvii

Chapter

1	INTRODUCTION	1
1.1	The Emergence of ENGOs in China.....	1
1.2	Governmental Policy on NGOs in the 1990s and 2000s	5
1.3	Recent Changes in ENGOs Policy.....	10
1.3.1	Easing Restriction on Registration of ENGOs.....	10
1.3.2	Enabling Environmental Public Interest Litigation by ENGOs...	13
1.3.3	Promoting Governmental Purchasing of Service from ENGOs ..	15
1.3.4	The Participation of ENGOs in Environmental Policy-Making..	17
1.4	Research Questions	19
2	LITERATURE REVIEW	21
2.1	Government-NGO Relations in China.....	22
2.1.1	Corporatism as a Major Analytical Framework in Early Research about Chinese NGOs	22
2.1.2	Recent Study on Analytical Models for Government-NGO Relations	24
2.1.2.1	Government-Centric Perspectives	24
2.1.2.2	NGOs-Oriented Perspectives	25
2.1.2.3	Perspectives Focusing on Partnerships between Government and NGOs.....	26
2.2	Government-ENGO Relations in China	27
2.2.1	Macro Perspectives	28

2.2.2	Micro Perspectives.....	32
2.2.3	Focusing on Changes in Government-ENGO Relations	33
3	A THREE-STAGES CONCEPTUAL FRAMEWORK.....	37
3.1	Theoretical Foundation: Historical Institutionalism	37
3.2	A Three-Stages Conceptual Framework	42
3.2.1	The First Stage: Environmental Authoritarianism.....	43
3.2.2	The Second Stage: Consultative Authoritarianism	46
3.2.2.1	Setting the Stage for Consultation	46
3.2.2.2	ENGOs' Persuasion-Based Approach	48
3.2.2.3	The Emergence of the Layering of Consultation	51
3.2.2.4	Consultative Authoritarianism	52
3.2.3	The Third Stage: Collaborative Regulation	54
3.2.3.1	Exogenous Drivers for Change.....	54
3.2.3.2	Endogenous Drivers for Change: Incentive/Resources Effects of Consultative Authoritarianism	56
3.2.3.3	The Emergence of Collaboration	59
3.2.3.4	Collaborative Regulation	61
4	RESEARCH METHODOLOGY.....	63
4.1	The Underlying Philosophy	63
4.2	Methodology	64
4.2.1	Advantages of Case Study Research.....	64
4.2.2	Case Study Design	66
4.2.2.1	Policy Focus: The Case of Water Pollution Control.....	66
4.2.2.2	Governance Focus: The Case of Two National ENGOs	70
4.2.2.3	Data Collection and Analysis.....	77
5	POLICY IMPLICATIONS OF THE EVOLUTION OF GOVERNMENT- ENGO RELATIONS SINCE THE 1990s: A CASE STUDY OF WATER POLLUTION CONTROL	84
5.1	Dominant Government and the Absence of ENGOs in the 1990s in Water Pollution Control.....	84
5.1.1	Water Pollution: Severity Undisputed Yet Politically Contentious	85

5.1.1.1	Severe Water Pollution in the 1990s.....	85
5.1.1.2	Contentious Politics in Water Pollution Control	86
5.1.2	Government-Dominated Water Pollution Control Regime	88
5.1.3	ENGOS Absent in Water Pollution Control.....	90
5.1.3.1	Environmental Education.....	91
5.1.3.2	Nature and Species Conservation	92
5.1.3.3	Research on Environment and Sustainable Development.....	93
5.1.4	Environmental Authoritarianism	93
5.2	Government-ENGO Relations Shifted to Consultative Authoritarianism in the 2000s.....	94
5.2.1	Water Pollution Deterioration.....	94
5.2.2	The Failure of Government-Dominated Water Pollution Control Regime	96
5.2.3	The “ Consultation-Persuasion” Interaction Model.....	97
5.2.3.1	Green Earth Volunteers.....	99
5.2.3.1.1	Strength in Fact and Knowledge.....	101
5.2.3.1.2	Appeal to Emotion	103
5.2.3.2	Institute of Public and Environmental Affairs	105
5.2.3.2.1	Unleashing the Persuasive Power of Pollution Data	106
5.2.3.2.2	Unlocking the Potential of Data to Advance Pollution Information Disclosure.....	110
5.2.3.3	Warriors for the Huai River	113
5.2.3.3.1	Exhibiting Photographs on Water Pollution of the Huai River.....	115
5.2.3.3.2	Promoting Public Participation in Water Pollution Monitoring.....	117
5.2.3.3.3	Non-Confrontational Conversation to Persuade the Government and Enterprises to Take Responsibility for Water Pollution	118
5.2.4	The Model of Consultative Authoritarianism	122

5.3	The Change to A New Stage from the Early 2010s to Present: Collaborative Regulation	125
5.3.1	The Emergence of Collaboration in Government-ENGO Relations Regarding Water Pollution Control	125
5.3.1.1	Three Primary Collaborative Strategies Initiated by ENGOs	126
5.3.1.1.1	Public Participation in Water Pollution Monitoring	126
5.3.1.1.2	Environmental Information Disclosure.....	129
5.3.1.1.3	Solution-Focused Conversations	131
5.3.1.2	Two New Collaborative Strategies Initiated by the Government.....	133
5.3.1.2.1	ENGOs' Environmental Public Interest Litigation.....	133
5.3.1.2.2	Governmental Purchasing of Services from ENGOs	134
5.3.2	Explaining the Institutional Change.....	138
5.3.2.1	The Characteristics of Recent Political Context	138
5.3.2.1.1	Deterioration of Water Pollution Has been Stopped, but the Problem Remains Serious	139
5.3.2.1.2	Building Ecological Civilization and Shifting to Governance	140
5.3.2.2	Positive Feedback Mechanism.....	142
5.3.2.2.1	Incentive/Resources Effects on ENGOs as Change Agent.....	143
5.3.2.2.2	Incentive/Resources on the Government as Change Agent.....	145
5.3.3	Indirect and Strategic Control Measures over ENGOs.....	148
6	GOVERNANCE IMPLICATIONS OF THE EVOLUTION OF GOVERNMENT-ENGO RELATIONS SINCE THE 1990s	154
6.1	Friends of Nature	154

6.1.1	Directive Government and Restricted FON.....	155
6.1.2	Persuasive FON and Responsive Government	158
6.1.2.1	Source of Information	159
6.1.2.2	Accountability Politics.....	161
6.1.2.2.1	Initiating the First Public Discussion	164
6.1.2.2.2	Participating in the Yuanmingyuan Public Hearing.....	165
6.1.2.3	Symbolic Events	169
6.1.2.3.1	The 26°C Air Conditioning Saving Energy Movement	169
6.1.2.3.2	The Green Stocks Campaign against the Gold East Paper Company’s IPO Application.....	173
6.1.3	Collaborative FON and Interactive Government.....	177
6.1.3.1	FON Collaboration in Environmental Policy Formulation.....	178
6.1.3.2	Environmental Public Interest Litigation.....	182
6.1.3.3	Incentive/Resources Effects on the Government.....	189
6.2	The Institute of Public and Environmental Affairs	190
6.2.1	Persuasive IPE in the Stage of Consultative Authoritarianism..	191
6.2.2	IPE in the Stage of Collaborative Regulation	202
6.3	Summary of Key Findings of Policy Governance	209
7	CONCLUSION.....	213
7.1	Major Findings.....	213
7.2	Areas for Future Research	216
	REFERENCES	223
Appendix		
A	SEMI-STRUCTURED INTERVIEWS	257

LIST OF TABLES

Table 4.1 ENGOs Interviewed or Consulted	81
Table 6.1 The governance implications in three respects under the three-stages conceptual framework.....	209
Table A.1 Semi-structured interview subjects	259

LIST OF FIGURES

Figure 3.1 The three-stages conceptual framework of the evolution of Chinese government-ENGO relations since the 1990s	43
Figure 4.1 China’s policies towards ENGOs since the 1990s	67
Figure 4.2 The relationship between policy development and the evolution of Government-ENGO Relations	68
Figure 4.3 The geographic location of FON and its 24 local groups (in red)	73
Figure 4.4 The geographic distribution of FON’s environmental public interest litigation highlighted in yellow	74
Figure 4.5 The geographic distribution of polluting suppliers which have been driven by IPE’s green supply chain project to correct pollution behaviours	76
Figure 4.6 The geographic distribution of local governments which are assessed in IPE’s PITI project	76
Figure 4.7 The geographic location of the five ENGOs investigated by the author in the fieldwork	78
Figure 6.1 The number of environmental public interest litigation of different types filed by FON	185
Figure 6.2 The geographical distribution and number of FON’s environmental public interest lawsuits from 2015 to 2018, the number represents how many lawsuits have been filed by FON in a specific area.	186
Figure 6.3 The categories of the 29 IT MNCs in terms of the quality of their responses	195
Figure 6.4 The typical MNCs that use IPE’s database to establish environmental management of supply chain in various industries	198
Figure 6.5 Hitachi’s environmental management system for supply chain	199

Figure 6.6 The number of suppliers that were driven by MNCs to engage with
ENGOS to address their environmental violations, from 2006 to 2015. 201

Figure 6.7 The cumulative number of the suppliers' environmental violations
resolved via the green supply chain project from 2007 to 2015.201

Figure 6.8 An example of the Blue Map app users' reports of the black, filthy, and
smelly water bodies. On January 21, 2018, a user posted two photos of
a river that was believed to be a black, filthy, and smelly water body
and was located in Shenzhen, with descriptions of the polluted water,
such as the color and odor, as well as personal comments. The exact
location is indicated by the symbol of a camera on the map. Within
three days after it was filed, the user received three official responses
(the red Chinese characters) from governmental agencies that
confirmed the validity of this reporting and explained the cause of the
pollution and the remedial measures to be taken. As indicated in the box
regarding improvement status on the top of the left panel, this pollution
problem has been solved.205

Figure 6.9 The distribution map shows the app users' reports of the occurrence of the
black, filthy, and smelly water bodies at the provincial levels. :
800~1600 reports; : 100~800 reports; : < 100 reports; : : None. 206

LIST OF ACRONYMS AND ABBREIVATIONS

GEV	Green Earth Volunteers
WHR	Warriors for the Huai River
IPE	The Institute of Public and Environmental Affairs
GYPEEC	Guiyang Public Environmental Education Centre
FON	Friends of Nature
MCA	Ministry of Civil Affairs
MEP	Ministry of Environmental Protection
EPL	Environmental Protection Law
PITI	Pollution Information and Transparency Index
EPBs	Environmental Protection Bureaus
GVB	Global Village of Beijing
IED	The Institute for Environment and Development
SGCA	The Saunders' Gull Conservation Association in Panjin City
GVLC	The Green Volunteer League of Chongqing
CBIK	The Center for Biodiversity and Indigenous Knowledge
BEDI	Beijing Environment and Development Institute
SNISD	South-North Institute of Sustainable Development
TVEs	Township and Village Enterprises
CSR	Corporate Social Responsibility
GCA	Green Choice Alliance

MNCs	Multinational Corporations
OEI	The Measures on Open Environmental Information
NRDC	The Natural Resources Defense Council
SEPA	The State Environmental Protection Administration
GH	Green Hunan
GQ	Green Qilu
WHEC	Wuhu Ecological Center
JXECC	Jiangxi Environmental Communication
GSEPC	Green Stone Environmental Protection Center
CBCGDF	China Biodiversity Conservation and Green Development Foundation
EIA Law	Environmental Impact Assessment Law
GEP	The Gold East Paper Company
IPO	Initial Public Offering
PRTRs	Pollutant Release and Transfer Registers

ABSTRACT

In recent years, government-NGO relations in China have evolved to a point where collaboration is now evident. For example, the government is now purchasing a variety of services from NGOs, such as pollution monitoring and projects to promote sustainability. Additionally, NGOs are now legally empowered to file environmental public interest litigation. This research raises two questions regarding this trend: after 20 years of strong government control, why have government-NGOs relations undergone substantial change? Can a model of this evolution explain the shift from authoritarian to collaborative relationships and enable researchers to evaluate the implications of this change for policy and governance?

To answer these questions, this thesis develops a conceptual framework by borrowing from the historical institutionalism research literature. A model of evolution in Chinese government-NGO relations is explored that proposes three closely interrelated stages of development over the past three decades: Environmental Authoritarianism (1990s), Consultative Authoritarianism (2000s to the early 2010s), and Collaborative Regulation (the early 2010s to present).

This thesis attempts to illuminate, test, and apply this three-stages conceptual framework by using two case studies. The first case focuses on the implication for policy development while government-NGO relations evolve in China. Water pollution control is used to explore policy implications. A combination of field work of NGOs—the Green Earth Volunteers (GEV), the Warriors for the Huai River (WHR),

the Institute of Public and Environmental Affairs (IPE), and the Guiyang Public Environmental Education Centre (GYPEEC)—with an extensive document analysis of multiple other ENGOs provide the empirical basis for the case study of policy implication. A second case study is centered on the interplay between the government and two specific ENGOs: Friends of Nature (FON) and IPE. In this case study, the governance implication of the evolution in the relations is examined. FON is China's earliest registered ENGO and experienced all three stages of modern government-ENGO relations in the country. IPE, which is also a national ENGO, has been active in the Consultative Authoritarianism stage and Collaborative Regulation stage and its story includes the embodying of science and research on an extensive scale in an ENGO's function.

From power hierarchy to a “persuasion-response” consultation mode, to collaboration, power sharing, and innovation, such changes in governance raise possibilities about social participation in shaping China's environmental policy, understanding, and action. Central to this research is the use of empirical evidence gathered through case study method to establish the usefulness of the conceptual framework in examining the evolving role of ENGOs and the government in China's environmental policy and governance. This research tries to fill a gap in current understanding of government-ENGO relations in China. It challenges a common view of government-NGO relations in China mostly on authoritarianism, shedding new light on the evolution of the relations and their implications for policy and governance.

Chapter 1

INTRODUCTION

1.1 The Emergence of ENGOs in China

The economic reforms and the opening-up policy initiated in 1978 has ushered in an era of transformation in China. A pluralization of public interests and social life has begun with fewer restrictions on freedom of speech and association and diversification of ownership and control of social resources (Howell, 1993; Li, 2009). The unprecedented reform era taps into the capacity, creativity, and vitality of Chinese society and is unleashing the people's economic energy and entrepreneurial initiatives, in order to promote economic development and regain public trust and legitimacy that had almost collapsed during the Cultural Revolution in the 1970s (Deng & Guo, 2011; Jing, 2015; Whiting, 1991). The government has started to loosen political control and to allow citizens to carry out economic and social activities on their own. Thus, citizens have greater freedom to speak, act, travel, and especially associate. The surge of associational life outside the state sphere is an excellent case in point. The decentralization of political and economic power and responsibilities to the provincial and local levels in the 1980s, coupled with the market-oriented strategies for economic development firmly established in early 1990s, has created both demands by people and favourable conditions for the emergence of Non-Governmental Organizations (NGOs) in China. As the government control retreats, the society is advancing and expanding to

meet social needs, thereby leading to more autonomous space for civil society in the public sphere (Howell, 2007; Teets, 2014).

Under its reform effort, the Chinese government has come up with a new policy of “small state, big society”, which has downsized the governmental apparatus and activated NGOs to play bigger roles in providing public service and solving social problems (Teets, 2014). In the aftermath of the Tiananmen Square protest, the government, for the first time, created and implemented specific rules for NGOs as valid representatives of the public interest. During the 1990s, the government adopted a series of regulations—including *Regulations for Administration and Registration of Social Organizations*; *Temporary Regulations for Administration and Registration of NGNCEs*—formally recognizing NGOs as having legal status and the authority to carry out activities within a defined political space. As a result, since the early 1990s, NGOs have proliferated throughout the country in a broad spectrum of areas, ranging from trade and business, education, poverty alleviation to culture, academics, and the environment (Hasmath & Hsu, 2016). Along with the gradual withdrawal of the state from many social and economic spheres, openings in China’s political, economic, and social system has created roles for various kinds of NGOs to fill, including environmental NGOs (ENGOS).

In this specific socio-political context, an additional impetus for ENGOS to emerge and grow lies in China’s increasingly severe environmental problems over the 1990s to the present. As massive economic development has taken hold, the maxim—“first development, then environment”, and “pollute first, control later”—seemed to be the prevailing philosophy of the government and the country’s media during that period (Liu & Diamond, 2008; Wang, 2006; Zhang, 2007). In the 1992 UN Conference on

Environment and Development held in Rio de Janeiro, Brazil, Chinese delegates articulated five principles of environmental protection, the first of which was that environmental protection can only be proper and effective when development has been attained (Economy, 2004). However, rapid economic growth, industrialization, and urbanization put intensive pressure on China's natural resources and resulted in environmental degradation on a large scale, including widespread air and water pollution, desertification, and water scarcity. The disaster of the Huai River was typical of China's environmental degradation in the 1990s. Tens of thousands of factories along the banks of the Huai River, including heavy-polluting paper and pulp mills and chemical production, dumped wastewater and toxic pollutants directly into the river. Consequently, 75 percent of the river sections in the Huai River basin were too polluted to be used for any purpose (Bai & Shi, 2006; Vermeer, 1998). Moreover, the speed at which desertification spread has doubled since the 1970s, with sandstorms not only blowing across northern China every year, but also traveling far away to contaminate the Japan, Korea and even the United States (Economy, 2004). According to half of China's forest bureaus, by the middle of the 1990s, trees were felled at an unsustainable rate, devastating one-fifth of national reserves and triggering serious secondary impacts such as flooding, climate change, soil erosion, and biodiversity loss (Economy, 2004). Of pressing concern for the government was that environmental problems began to result in social discontent, posing a threat to the government's authority and social stability. During the period of 1991-1993, the National Environmental Agency received over 130,000 complaints about environmental concerns every year (Ho, 2001). Between the mid-1970s and the mid-1990s, a total of 278 environmental protests occurred, among which 47 protests turned into violence, such as sabotage and even riots (Jun,

2000). The growing demand for cleaner air and water and government accountability led to the emergence of civil society groups working on environmental issues.

At the same time, while China continued to prioritize economic growth, it became clear that the deteriorating environment has to be taken seriously because improving environmental quality is not only a basic need for people to live and prosper, but also a crucial factor to sustain the economic boom and to prevent social unrest. The demand for economic development and the essential need for a good and healthy environment could not be viewed as mutually exclusive goals (Shapiro, 2012). As a result, a common sense of responsibility and concern for environmental protection has gradually emerged within the Chinese government and society, initiating the shift in social consciousness and politics of the environment. By the end of the 1990s, the government had moved aggressively to establish a large number of environmental agencies at multiple levels, to formulate and implement an extensive body of environmental laws, regulations, and policies, and to carry out environmental projects in a massive and sustained way (Hu & Chen, 2013; Mol & Carter, 2006; Qu, Meng, Ye, & You, 2016).

It is at this point that public space was created for ENGOs committed to environmental protection. In the early 1990s, there were only few ENGOs in China. The first grassroots ENGO was “Friends of Nature” (FON), founded in 1993 and legally registered in 1994, marking a breakthrough of public participation in China’s environmental governance and also signalling that the development of Chinese ENGOs started to take off (Ru & Ortolano, 2009). The 1990s witnessed a phenomenal emergence of ENGOs (Schwartz, 2004). ENGOs were primarily engaged in environmental education, species protection, natural conservation, research and

community-activities, such as trash recycling, tree planting, and energy efficiency programs, during the 1990s. Though acting within a limited scope at a small, localized scale, ENGOs were of importance in educating the public about China's environmental situation and encouraging communities to take actions, in the context that public environmental awareness was very low and social understanding about environmental issues was under-developed in China (Wong, 2010).

1.2 Governmental Policy on NGOs in the 1990s and 2000s

On 4 June 1989, the Tiananmen Square crisis occurred. The Chinese government's crackdown brought swift and strong international criticism. Initially, the government attempted to dismiss such criticism and to warn its citizens not to support the protests, but it soon became clear that the crisis released tremendous amount of potential energy from civic organizations and groups of students, workers, and urban residents (Ma, 2005). The government realized that NGOs could have enormous potential to cause political upheaval, seriously shake social stability and even challenge the standing of the one-party state (Whiting, 1991). Therefore, control was deemed vital to reduce or eliminate such risks as China's government system has been a monopoly with all power held by a single party of the Chinese Communist Party (CCP) (Foster, 2001). The fear of political and social unrest was compounded by the CCP's Leninist predisposition to ensure government domination over society and thwart institutional pluralism (Saich, 2000). As a consequence, later in that year, the government, for the first time, promulgated regulations specifically designed to control NGOs. Over the next decade, the government pushed for a set of regulatory policies to define NGOs in China, to designate what the legal scope for NGOs would be, to supervise and control their activities, with a goal of keeping NGOs' number, autonomy, and development in check.

Hilton and Geall assert that “the regulatory regime heavily favours state control and is widely thought to inhibit, rather than to enable a well-functioning civil society.” (Geall & Hilton, 2013, p.6). The regulatory system for ENGOs primarily comprises two regulations: *Regulations for Administration and Registration of Social Organizations*; *Temporary Regulations for Administration and Registration of NGNCEs*. In line with this, Chinese ENGOs consist of two general types: 1) social organizations and; 2) non-government and non-commercial enterprises (NGNCEs).

Based on Bratton’s typology of strategies of governmental control, the Chinese regulatory system conceived in the late 1990s had three main parts: registration, supervision, and dissolution (Bratton, 1989). Registration played a major role in regulating ENGOs. As Ma put it “ the official management of NGOs in China is in fact a registration-regulation” (Ma, 2005, p.61). Dual registration required that before each NGO legally registers with the Ministry of Civil Affairs (MCA) or its local bureaus that are the main agencies in charge of NGOs, it must get sponsorship from a professional supervising agency within government, which is often dubbed “mother-in-law” by Chinese NGOs. A sponsor of an NGO was required to take on many responsibilities, such as supervising its NGO’s application for registration, helping it follow bureaucratic procedures, monitoring the NGO’s daily activities and ideological stance, and conducting annual review. There were minimal incentives for governmental agencies to bear such extra responsibilities and political risks, but a strong disincentive to being liable in the case that any trouble, like violation of laws, or any political problem occurs with an NGO. It is not surprising that the sponsorship of agencies has turned out to be very difficult for NGOs to obtain. This was further complicated by the stringent rules on what type of governmental unit can be a professional supervising agency. Not only

should it engage in a similar professional area, but it also be located at the same administrative region as the NGO seeking registration. To make registration even more difficult, the regulations stipulated that any new NGO was prohibited from registering if another NGO in the same or similar field existed in the same administrative region. Further, national NGOs were not allowed to establish regional branches, largely because the government was very nervous of any form of social alliance in China. In addition to these restrictions, the government set high standards to establish a new NGO. For example, according to *Regulations for Administration and Registration of Social Organization*, a new environmental social organization must raise minimal operating funding of 100,000 RMB (US\$12,000) for a national organization or 30,000 RMB (US\$3,750) for a regional or inter-regional one; and it must have at least 50 individual members or 30 group members, a formal organizational structure, as well as full-time staffs engaged in professional activities.

As a result of these stringent rules, a substantial number of Chinese NGOs were unable to legally register. They had no other option but to register as for-profit enterprises, or affiliate to legal entities such as universities, or choose to not register at all. While the exact number of unregistered NGOs across China is difficult to quantify, many researchers found that a majority of Chinese NGOs exist illegally unregistered outside of the government regulatory system. The proportion of unregistered NGOs was estimated to range from 60 percent to even 90 percent by various scholars (Ashley & He, 2007; Deng, 2010; Hildebrandt, 2013; Shapiro; 2012; Spires, Lin, & Chan, 2014). Lack of legal status has proven to be a root cause of most NGOs' challenges and weakness, such as the shortage of funds, the paucity of human capital, and weak social legitimacy. For instance, unregistered NGOs, which were not considered as a legal

entity by law, were not entitled to open an independent organizational bank account that was essential for NGOs to legally receive foreign or domestic funding or to enter into contracts on their own accord.

Furthermore, even though an NGO managed to go through such a demanding registration process and formally registered, it will be subject to a wide array of supervisions conducted by both the civil affairs agency and its professional supervising unit. To keep a watchful eye on NGOs, these agencies oversaw NGOs' routine activities and financial conditions and limited their membership dues. Typically, they required NGOs to submit legal and financial documents and organizational activity reports for inspection. At the end of each year, NGOs must undergo an annual inspection that provided the government with another opportunity to scrutinize NGOs. The legal registration would be suspended or removed if an NGO failed in the annual inspection (Ru & Ortolano, 2008; Wu & Chan, 2012).

Last but not least, dissolution allowed the government to interfere with ENGOs, repress their functioning, or crack down them, if ENGOs failed to adhere to the government's monitoring measures, or violated any laws, regulations or policies, or was perceived as involved in subversive activities to disturb social stability, or was deemed troublesome or threatening by officials based on political considerations (Ru & Ortolano, 2008; Saich, 2000). A continuum of tactics could be adopted with regard to dissolution, from relatively gentle measures, such as impromptu inspection, suspending ENGOs' activities, removing their sponsorship, placing extra financial restrictions on them, to prohibiting certain activities, and transferring their leaders to other jobs; to very severe means, including an official warning, an office raid, declaring ENGOs illegal, confiscating assets, revoking their formal registration, shutdown, and even arresting or

sentencing their leaders (Economy, 2004; Howell, 2015). Aside from these regular and systematic regulations, the government also launched the “clean up and rectification” movement and re-registration campaigns nationwide to strengthen its control over NGOs in the 1990s and 2000s (Xia & Gao, 2016).

However, despite the political and legal constraints facing ENGOs, China has witnessed rapid development of ENGOs not only in the number, but also in function and social impacts over the past decades. According to China’s first ENGOs database developed by the civil society, there are about 1500 ENGOs as of May 2019 (HEYI Institute, 2019). ENGOs have played an increasingly active and important role in a wide range of areas, including environmental education and research, natural resource protection, participatory approaches and community-building to promote environmental values and policies, the design of sustainable development projects, the performance of pollution monitoring and control, the development of protocols for corporate environmental responsibility, policy advocacy, and environmental litigation and legal counsel. It is widely acknowledged that ENGOs have been the oldest, the most active and influential NGOs in China (Hildebrandt, 2013).

1.3 Recent Changes in ENGOs Policy¹

1.3.1 Easing Restriction on Registration of ENGOs

Since the early days of Chinese NGOs in the 1990s, the government has established a regulatory system to define the “legitimate scope” for their activities, supervise their operations, keep their growth in check, and control their political and social impacts. The key restrictive feature was dual registration management. This required that each NGO, before it legally registers with the MCA or local civil affairs bureau must receive sponsorship from a professional supervising unit within the government. Legal registration is essential for NGOs to get funding opportunities, as well as, in theory, to receive the help from their supervising agencies. However, in actuality, governmental agencies were largely unwilling to serve as sponsors for NGOs for two reasons: their sponsorship could entail many extra responsibilities and political risks yet generate few benefits; stringent rules were set to limit what type of governmental agencies can be professional supervising units (Ashley & He, 2007; Deng, 2010; Ma, 2005). Under such adverse conditions, Chinese ENGOs, on the whole, had great difficulty in finding a professional supervising agency. A large portion of them could not legally register with the MCA or local civil affairs bureaus. Lack of legal status made it very tough for unregistered ENGOs to obtain resources and legitimacy, and also made them subject to interferences and harassment from officials, including potential shutdown. There was no doubt that the dual registration

¹ This research finds that over time, differences in the focus and environmental enforcement of the government at the central and local levels have emerged that will be noted in the section of methodology.

management tremendously hindered ENGOs from obtaining legal identity and growing in the long term.

The 12th Five-Year Plan (2011-2015), for the first time, devoted an entire section to the construction and development of NGOs, signalling a dramatic shift in the government's attitudes and strategies towards NGOs. Later on, at the Third Plenary Session of 18th National Congress of the Communist Party of China held in November 2013, the government enacted *The Resolution on Significant Issues About Comprehensive and Profound Reforms*, laying out a path to reform the management system of NGOs and promote the separation of government from society. This Resolution sent a clear message that the Chinese government should and will stimulate and reinforce the vitality of NGOs, clarify their rights and duties, promote their self-governance, and create an enabling environment for NGOs to play a role in governing public affairs. The government is required by the Plenary to establish a new regulatory system for NGOs and devolve public services and function to NGOs, which fits with what NGOs are good at. One of the key initiatives is to largely reduce requirements for NGO registration and abolish the long-standing dual registration rule. NGOs in four broad categories—trade associations and chambers of commerce, science and technology, social welfare and charity, and community service in urban and rural areas—are permitted to directly register with MCAs or local civil affairs bureaus without the sponsorship of professional supervising units.

The Plenary prompted the government to implement a series of policies to push for the direct registration of NGOs at the national and local level. In 2016, the State Council promulgated *The Strategy of Institutional Reform on NGOs Management to Promote the Benign and Orderly Development of NGOs*. This Strategy emphasizes

lowering the threshold for NGOs registration and promoting direct registration. In the same year, the two major regulations for NGOs were revised and finished the phase of soliciting public advice. In accordance with the Plenary's resolution and the strategy, the revised regulations also focus on the direct and unified registration of NGOs. Local governments performed, actively and effectively, in rolling out the direct registration of NGOs². As of December 2017, the vast majority of provinces and municipalities have enforced the policy of direct registration of NGOs mainly in the four categories. Seven of them—Shenzhen, Shanghai, Guangdong, Zhejiang, Shandong, Yunnan and Henan—have made it clear that ENGOs can directly register without finding a governmental agency as sponsor. For the rest of China's jurisdictions, direct registration of ENGOs largely depends on local government's discretion in deciding whether ENGOs fall into the category of social welfare and charity. There is good reason to believe that it has become much easier and smoother for ENGOs to register than before, in light of the overall favourable policy environment recently (Howell, 2015; Shieh, 2016). Moreover, the Ministry of Environmental Protection (MEP), for the first time, has developed and adopted a policy specifically towards ENGOs—*The Strategy of Guiding the Development of ENGOs and Improving Regulations on ENGOs*—to guide and promote the orderly and healthy development of ENGOs. One of its major goals is exactly to stably push for the direct registration of ENGOs.

² This is based on an extensive investigation of the 34 provincial-level governments' regulations and governmental documents with regard to NGO registration.

1.3.2 Enabling Environmental Public Interest Litigation by ENGOs

China's amended Environmental Protection Law (EPL) that came into force on January 1, 2015 empowers qualified ENGOs to file environmental public interest lawsuits in the People's courts. Later in the same month, the People's Supreme Court, the highest judicial organ of the state, issued a judicial interpretation on civil environmental public interest litigation to provide authoritative support and detailed guidance for ENGOs to bring litigation on behalf of the public interest. These groundbreaking moves are seen as a defining moment for Chinese environmental litigation (Liu 2015; McCallum, 2017). Before this, the right to file environmental public interest lawsuits was mainly restricted to judicial institutions and relevant governmental agencies, such as environmental authorities. However, the new EPL, for the first time, grants this legal standing to ENGOs that meet two qualifications: 1) the organization has been legally registered with MCA or a civil affairs bureaus at municipal level or above; 2) the organization has been continuously engaged in environmental protection activities for five or more consecutive years without any record of violations of laws. Qualified ENGOs can bring lawsuits with courts against activities that pollute the environment, cause ecological destruction, or harm the public interest. It is estimated that there are about 700 ENGOs throughout China that can qualify (Zhang, 2015). According to the People's Supreme Court, ENGOs brought 112 environmental public interest lawsuits nationwide in 2015-2016, for a variety of issues, ranging from air, water, soil pollution to ocean and forest protection, to preserving endangered plants and nature reservations (People's Court Daily, 2017).

On the same day, the new law took effect, the Nanping Intermediate People's Court in Ningxia province accepted a lawsuit against four individuals for their miming operations that caused ecological damage. This case was filed by two ENGOs: FON and

Fujian Green Home. On October 29, 2015, the court ruled in favour of the ENGO plaintiffs and held the four defendants liable for ecological destruction. It ordered them to clean up mining materials and waste, repair the damages and pay 1.1 million RMB (US\$180,000) for the remediation of the unlawful mining site (Lin & Tuholske, 2015). This well-known “Nanping” case is the first lawsuit filed by ENGOs after the new EPL came into effect and also the first victory of ENGOs’ public interest lawsuits. Its success indicates ENGOs’ desire, capacity, and potential to participate in public interest lawsuits and reflects on the Chinese government’s efforts and commitment for this new undertaking as well.

Environmental public interest litigation is generally viewed as an integral part in enhancing effective implementation of environmental laws. Especially, courts can play an important role in facilitating enforcement in countries that have weak environmental regulators and ineffective enforcement (Bina, 2010; Rooij & Stern, 2016). China, whose environmental governance has been plagued by a major enforcement gap and weak environmental authorities, is a case in point. Nowadays, China is facing a vast array of very serious environmental challenges, some of which, such as air pollution, have become so daunting and urgent that they threaten social stability and create a challenge to the legitimacy of the government. However, environmental violations have far outpaced the government’s capacity of implementation and enforcement (Economy, 2004; Zhang, 2015).

It is in this context that the government has begun to empower ENGOs in environmental public interest litigation, seeking to make use of this policy instrument to boost enforcement capacity of environmental regulators and then bridge the implementation gap. A significant trend in recent environmental governance is the rise

in the use of courts to resolve environmental disputes. The government has acted aggressively to establish environmental courts, with the number of environmental court pilot projects rising from a few in 2009 to about 100 by 2011 (Bretell, 2013). As of the middle of 2016, there were more than 550 environmental courts and tribunals across 27 provinces and regions (McCallum, 2017). By means of this new empowerment, the government allows ENGOs, which were traditionally restricted to such areas as environmental education, nature conservation and pollution monitoring, to play a new and bigger role. This new arena definitely has significant implications for the evolution of government-ENGO relations and the development of China's environmental governance.

1.3.3 Promoting Governmental Purchasing of Service from ENGOs

Contracting public services to NGOs is an approach that is used by advanced industrial states, including the United State and Germany, to improve the quality, amount, and efficiency of public service provision (Dehoog, 1990; Teets, 2012) . For China, while governmental purchasing of public service from NGOs appeared in the middle of the 1990s, it was limited until recently to only a few cities and performed on a very small scale (Teets & Jagusztyn, 2016; Yang, Huang, & Fulda, 2015; Zhao & Li, 2016). In recent years, the government has begun to vigorously focus on purchasing public services from NGOs. In 2008, Shenzhen, Beijing and Guangdong were selected as experimental sites to take the initiative to push for governmental purchasing of services from NGOs providers. For example, the Guangdong provincial government paid 466 million RMB (about US\$ 711,324) for contracted public services from NGOs in 2012 (Howell, 2015); in the same year, MCA allocated 200 million

RMB(US\$320,000) as the “special fund for NGOs” to support a total of 377 projects selected from 901 applications submitted by NGOs (Yan & Yu, 2013). Following such notable actions, in 2013, the State Council promulgated *The Guiding Opinions on Government Purchasing of Public Services from Social Forces*, to formally incorporate NGOs into public service supply and to harness their strengths for facilitating governance innovation. In line with the central government’s commitment to outsourcing with NGOs, local governments have also pushed forward implementation with government purchasing of public services from NGOs nationwide.

ENGOS are key players contracting with the government for a wide range of environmental protection services from pollution monitoring and control to promoting public participation in environmental governance, to building sustainable community planning and advisory programs. For example, in September 2011, the Chaoyang district government of Beijing purchased the service of neighbourhood participatory waste management from a well-known ENGO, FON, for 100,000 RMB (US\$15,800). This program has particular importance in that it is the first governmental outsourcing of a service related to community-based waste management and education to ENGOS (Friends of Nature (FON); 2012e). Another example is from an ENGO named Guiyang Public Environmental Education Centre (GYPEEC). At the end of 2013, a local government of Guizhou province contracted with this ENGO for the service of engaging the public in pollution monitoring, among the first of its kind in China (personal communication, June 20, 2018). This project was successfully completed and renewed twice in 2016 and 2018. In 2017, MEP enacted the policy—*The Strategy of Guiding the Development of ENGOS and Improving Regulations on ENGOS*—with an emphasis on promoting ENGOS’ participation in governmental purchasing of public

service. It also issued a catalogue on guiding governmental purchasing of environmental services.

Governmental purchasing of public service provides a way to transfer to ENGOs public service and function that government “is unsuitable to do” or “cannot do well”. It can contribute to reforming governmental functions and improving the effectiveness of environmental protection. Given that most ENGOs are constrained by lack of financial resources, contracting with government creates opportunities for funding and other resources, and then ENGOs then build their capacity and increase the degree of professionalization (Wang, 2017). The important point to note here is that governmental purchasing of public service from ENGOs requires making conversations, building trust, and engaging in negotiation and collaboration, which could restructure government-ENGO relations to one that is more formal, horizontal, pluralistic, and cooperative. As Teets points out:

Contracting public goods might have the potential of significant effects beyond the term of the contract by increasing pluralism in local public policy, altering traditional state-society relationships (Teets, 2012, p.16).

1.3.4 The Participation of ENGOs in Environmental Policy-Making

The recent years have seen the shifting of the government’s ruling ideology from management to governance (Yu, 2011). The government is pushing for the four core principles of governance —party leadership, government responsibility, social coordination and public participation—to foster and facilitate social reforms in every respect to develop a scientific and effective governance system, maintain social stability, and promote the vitality of society (Pieke, 2016; Wang, 2017). The principles of social coordination and public participation are most relevant to the process of

policy-making that had long been exclusive to political leaders and officials (Ho, 2008). A watershed moment occurred when the government is required to solicit public comments on the drafts of all proposed laws or regulations and to convene experts meeting before they can be officially issued (National Legal Committee, 2008). Under the rule, policy makers usually put out a “notice and request for public comments” on official websites to solicit feedback and comments on the proposed laws and regulations. On top of this, policymakers also need to convene meetings where relevant experts and stakeholders are brought together to discuss policy proposals and express their opinions. Civic engagement in policy-making can not only contribute to the quality of policy but also help legitimate or justify the proposed policy. It is particularly important for environmental policies that often are concerned with the matters of significant concern, impact a great number of people, or could easily lead to controversy. Against this backdrop, ENGOs are provided with an unprecedented opportunity to play a role in environmental policy-making. In practice, ENGOs have actively engaged in the formulation of a variety of environmental policies since the early 2010s. They take full opportunities to create and provide comments on proposed environmental policies through the channel of soliciting public comments. More salient, perhaps, is that the government has begun to get ENGOs involved in experts meeting to substantially participate in environmental policy-making (personal communication, July 2, 2018). ENGOs’ participation in the revision process of Environmental Protection Law, which is China’s most important law in the environmental domain, in the early 2010s is a prime example (Lin, 2018).

1.4 Research Questions

The relations between the government and ENGOs have undergone notable changes. In a broad sense, since the emergence of ENGOs in the 1990s, government-ENGO relations have indeed experienced significant changes from top-down control to an embrace of partnership and collaboration recently, from restricting the development of ENGOs to gradually supporting and fostering their growth, from management dominated by government dictates initially to governance involving both government and ENGO actions.

This thesis thus raises two questions regarding this striking trend: 1) why have government-ENGO relations characterized by strong government control, which persisted for more than 20 years, changed significantly; 2) can a model of this evolution explain the shift from authoritarian to collaborative relationships and enable researchers to evaluate the implications for policy and governance. So far, little attention has been paid to the underlying dynamics and implications of the relations between the government and ENGOs from the early days to present. To answer these questions, this thesis develops a conceptual framework and then illuminates, tests, and applies the framework in two contexts: policy development and pluralistic governance.

The term “nongovernmental organization”, NGO, is not formally defined or used in Chinese government terminology. In light of China’s official classifications, there are two major types of civic organizations—social organizations and non-government and non-commercial enterprises—both fall into the category of NGO. Theoretically, NGOs usually refers to a collection of organizations that are voluntary-oriented and civic organization in basic structure, non-profit, with a certain degree of self-governance and formally constituted (LeRoux & Feeney, 2014; Salamon & Anheier,

1992; Salamon, 2012). Taking into account China's historical and political contexts, this thesis defines Chinese ENGOS in a specific way. Firstly, due to the long-standing restrictive registration rule, a substantial number of ENGOS in China could not legally register. This research does not see legal status as an essential characteristic of ENGOS. Instead, it emphasizes the actual activities and organizational nature when identifying whether a civic group is an ENGO or not. This thesis regards a private or civic organization, regardless of whether it has legal standing, as an ENGO, as long as it meets three requirements: its primary mission and practical activities are to protect and improve the environment; it is voluntary-based, non-profit distributing and has a certain degree of autonomy and organizational definition, that is, it self-defines its mission, operation and rules and has the ability to choose its leaders; it originates from China. Meanwhile, the study is mainly concerned with groups engaging in environmental protection outside of the governmental system, thereby excluding GOENGOS, state-affiliated or quasi-governmental ENGOS (Yang, 2005)³.

³ Chinese ENGOS consist of three major types: grassroot-ENGOS, GOENGOS, and International ENGOS. Grassroot-ENGOS are defined as organizations that originate from China, engage in non-profit environmental protection activities, and do not rely on state funding or utilize state assets (Schwartz, 2004). GOENGOS refers to ENGOS that are supported and sponsored by the government to carry out environmental protection activities, and therefore serve as an extension of the apparatus of the government (Schwartz, 2004, Yang, 2005). Since the 1990s, international ENGOS have established offices in China and engaged in activities to protect and improve the environment, such as Green Peace (Sima, 2011; Yang, 2005). Besides, the status of ENGOS' formal registration has been seen as fluid.

Chapter 2

LITERATURE REVIEW

Along with the unprecedented economic and social transformations taking place in China, NGOs have rapidly grown in number, strength and social impacts over the past three decades. Such a rise in NGOs has led to increasing research in the relations between government and NGOs. A large number of scholars, both from the West and from within China, are devoted to searching for appropriate and useful approaches to examine the complex and significant relations, leading to a wide array of analytical perspectives. Broadly speaking, the research literature on this topic has been developed in two major directions. One stream has been principally concerned with how government interacts with NGOs as a whole, without distinguishing different types of NGOs. The second stream involves in-depth study of ENGOs.

Since ENGOs are widely viewed as the oldest and the most active and influential civic organizations in the country, government-ENGO relations have particularly become a major focus of numerous scholars, thereby forming the second stream of studies. Both of these research streams of literature provide insight into the discussion of the evolution of government-ENGO relations and its implications since the 1990s.

2.1 Government-NGO Relations in China

2.1.1 Corporatism as a Major Analytical Framework in Early Research about Chinese NGOs

Corporatism was introduced in the 1990s to explore Chinese government-NGOs relations. Schmitter offers a widely accepted definition of corporatism that has been applied to NGOs.

Corporatism can be defined as a system of interest representation in which the constituent units are organized into a limited number of singular, compulsory, non-competitive, hierarchically ordered and functionally differentiated categories, recognized or licensed (if not created) by the state and granted a deliberate representational monopoly within their respective categories in exchange for observing certain controls on their selection of leaders and articulation of demands and supports (Schmitter, 1974, p.93-94).

Corporatism emphasizes the role of government in controlling and regulating NGOs and the practices of NGOs. This seems to resemble what happened in China with regard to two key aspects of government-NGO relations. In the early years of their appearance, the Chinese government set up a specific regulatory system to control NGOs and to limit their number, growth and social impacts. Indeed, under this system, many top-down NGOs, especially GONGOs, were organized and supported by the government to serve as the extensions of governmental agencies to carry out certain activities and functions. Secondly, due to China's policy of "designating a single NGO of a particular profession in one administrative area," this non-competition rule characterized NGO registration process, demonstrating that legally registered NGOs were by design monopolistic. This fits neatly into the core ideas of corporatism that government recognizes only one NGO as the sole legitimate representative of certain interest groups to maintain communication with that sector of society. A number of

scholars argue that corporatism offers an accurate approach to explain Chinese government-NGOs relations (Dickson, 2000-2001; Foster, 2001; Hildebrandt, 2013; Hsu & Hasmath 2014; Ma, 2006; Unger & Chan, 1993; Whiting, 1991; Yang, Wilkinson, & Zhang, 2016). As a result, corporatism has become a major analytical approach to the relations over the past decades, with a wide array of empirical studies lending support to this perspective.

However, the value of corporatism has been challenged by some researchers of the serious limitation that it oversimplifies the complex, heterogeneous and fluid relations between the Chinese government and NGOs merely as a “top-down control” pattern (Howell, 2007; Hsu, 2010; Yu, Zhou, & Jiang, 2012; Zhang & Baum, 2004). China is a large, diverse country which can be disaggregated to different levels of governments often with divergent agendas and interests. How the government deals with NGOs varies across specific issues and geographic regions (Wang & Connell, 2016; Wu & Chan, 2012). Moreover, despite the government’s restriction and control, a great number of independent and autonomous NGOs working in various areas have emerged bottom-up, some have ingeniously not only evaded the tortuous and tough processes of legal registration but also navigated local politics to survive and conduct civil activities (Yu, Zhou, & Jiang, 2012). In actuality, for many localized and service-oriented NGOs, local governments sometimes encourage rather than contain them. Yet, the corporatism framework does not account for such complexity and diversity and focuses heavily on the government’s power to constrain the development of NGOs. As Howell notes that “The corporatist framework fails in part because it is a unitary response to an increasingly diverse and differentiated reality” (Howell, 2007, p.22). Recently, empirical studies reveal that the government has begun to shift its attention to

engage with NGOs in consultation and collaboration, and especially some NGOs actually have been granted a considerable degree of operational autonomy (Hsu, 2010; Zhang & Baum, 2004). Corporatism is essentially too static and therefore is incapable of explaining the evolving process and variations of China's NGO sector. As a result, corporatism has a limited ability to make sense of the diverse and dynamic aspects of contemporary Chinese state-NGOs relations over time. However, it does hold strong explanatory power for elucidating early key dimensions of the relations.

2.1.2 Recent Study on Analytical Models for Government-NGO Relations

2.1.2.1 Government-Centric Perspectives

This theory embraces the core idea of corporatism centering analysis the state, yet it also takes into account the strategic adjustments of government to deal with NGOs. The model of "graduated controls" has been widely discussed, which offers a novel and nuanced perspective to examine how the Chinese government's control strategies vary with circumstances (Kang & Han, 2008; Wu & Chan, 2012). According to Kang and Han (2008), the government has adopted a variety of control strategies over different types of NGOs, in terms of two factors according to these researchers: NGOs' capacity to organize collective actions or challenge the authority of government, and the value that public service NGOs may provide. They came up with a graduated controls model where the government imposes selective, purposeful, flexible, and adaptive control over NGOs, leading to a more comprehensive and diverse landscape of the control side of government-NGOs relations (Kang & Han, 2008). This "graduated controls" model has been substantiated and further developed by Wu and Chan Recently (Wu & Chan, 2012). Nevertheless, the model is limited in its explanatory

breadth. It pays little attention to relations involving such elements as coordination and collaboration, giving scant consideration of NGOs' abilities and efforts to shape or change the interactions with government. Especially, in recent years, the government has already eased control over NGOs and embarked on a path of guiding and nurturing the NGOs sector⁴. Yet this model is incapable of capturing this new trend.

2.1.2.2 NGOs-Oriented Perspectives

The government-centric approaches remain very useful in making sense of government-NGO relations. Whereas, they run the risk of privileging the government side of the equation but under-investigating the role of NGOs. Recently, many scholars have paid attention to NGO drivers, producing a set of NGOs-oriented research. Hildebrandt (2013) argues that NGOs have made strategic adaptations to fit their work into a government's needs and goals, and then know how to take advantage of opportunities to survive. When it comes to the changing NGO landscape, Tai's (2015) account of the role of NGOs leaders stands out. In Tai's argument, NGOs leaders' social ties, including state linkages, media connections and international ties, play a central role in acquiring resources(Tai, 2015). Hsu and Jiang (2015) share with Tai a similar idea about the vital role of personal connections to government for the development of the Chinese NGO sector. NGO founders' personal institutional

⁴ Since the early 2010s, the Chinese government has created and implemented a series of laws, regulations and policy strategies that emphasize nurturing and promoting the development of the NGO sector, for example China's 12th Five-Year Plan (2011-2015) dedicating to an entire section to the construction and development of NGOs, the Third Plenary Session's *The Resolution on Significant Issues About Comprehensive and Profound Reforms*, the State Council's *The Strategy of Institutional Reform on NGOs Management to Promote the Benign and Orderly Development of NGOs*.

experiences are found to play a pivotal role in shaping NGOs' strategy to interplay with the government. For Hsu & Jiang, NGO founders who are former state bureaucrats tend to establish alliances with government, whereas other NGO founders who had no ties with government ties usually choose to avoid government (Hsu & Jiang, 2015).

2.1.2.3 Perspectives Focusing on Partnerships between Government and NGOs

In recent years, a growing number of studies pay attention to the shift in government-NGOs relations from hierarchical and asymmetrical to more horizontal and collaborative (Howell. 2015; Hsu. 2010; Teets and Jagusztyn. 2016; Yu et al. 2012). Shieh (2016) proposes a negotiation model to characterize government-NGOs relations since the late 2000s, arguing that the voluntary and negotiated interactions between both sides have taken place in not only personal, informal, unconventional ways, but formal and institutionalized channels as well. Despite the spread of partnership, Shieh (2016) suggests that the negotiations are actually based upon vertical and asymmetric interactions. Besides, with regard to a large portion of unregistered NGOs considered as illegal in China, Spires (2011) develops a "contingent symbiosis" perspective to make sense of their relations with the government in an authoritarian state. He argues that the mutual needs and goals drive government and NGOs to create collaborations, thus allowing the existence of unregistered NGOs. However, such relations are both fragile and contingent on an array of factors: including the mutual suspicion, NGOs' self-limitations to avoid conflict or antagonism with government, as well as broad contextual elements; for example, the fragmented administration and weak ability of policy implementation.

Fulda, Li and Song (2012) are interested in how the recent generation of Chinese NGOs are able to developing collaborative relationships with government. Based on a case study, they find that a wide range of strategies can be employed effectively to establish partnership and collaboration between them, such as “first-in-command Strategy” and network management. They argue that through these strategies, NGOs initiate an open-ended process of communication, exchange, consultation and cooperation among multiple actors, including officials, other NGOs and communities, reflecting an incremental process of evolution from government control to public management and network. In a similar vein, by paying specific attention to China’s labor NGOs, Cheng, Ngok and Zhuang (2010) find that the NGOs actually operate in a context without formal channels for them to deal with government; as a result, informal politics is of crucial importance. Although NGOs adopt various tactics and seek to build constructive relations with the government in an informal way, their empirical evidence shows that there is virtually no long-term, stable strategies or fixed tactics on which NGOs can rely to secure their survival, operation and legitimacy. As the authors point out, informal politics between NGOs and authorities can be best characterized by uncertainty which is caused not only by government’s predominant role in defining the “rules of the game” in state-society relations, but also by the fact that the interests and positions of various levels of government are ambiguous, shifting, and often even contradictory.

2.2 Government-ENGO Relations in China

The first registered Chinese ENGO was Friends of Nature, founded in 1994. Since that year, China has witnessed dramatic growth in ENGO creation and has seen their development throughout the country. ENGOs have played an increasingly

important role in a wide spectrum of areas, ranging from environmental education and research to nature conservation and public participation in environmental affairs, to pollution monitoring, policy advocacy and environmental litigation. It is widely acknowledged that ENGOs are the oldest, the most dynamic segment of the country's NGO sector and have had greatest social impact in China. The emergence and development of ENGOs and their relations with the government have attracted growing attention of scholarly research from both a macro and micro perspective.

2.2.1 Macro Perspectives

Many scholars have examined the development of ENGOs in China and how they interact with government. Yang (2005), one of the earliest scholars engaging in Chinese environmental governance and ENGOs, finds that the emergence of ENGOs can be attributed to four factors: political conditions, the opportunities provided by media, the rise of internet and the spread of international NGOs. Yang balances the state-centered and market-centered approaches, presenting a multi-institutional mapping of ENGOs. Yang highlights institutional drivers and considers the emergence of ENGOs as a response to political opportunities stemming from the government. Yet, despite its usefulness, the institutional approach is criticized because it underestimates the vital role of non-state actors. To overcome this problem, Yang puts a special focus on the role organizational entrepreneurs have played in mobilizing resources and promoting the growth of ENGOs (Yang, 2005).

Lu (2007) provides the first macro-assessment of the development of ENGOs, beginning her study of ENGO emergence during the middle 2000s. She identifies the trends and developments of ENGOs in many ways, including their strategy, strength, sophistication, political and social impacts. In spite of such developments, she argues

that there were virtually no fundamental changes in government-NGO relations where the government still played a predominant role (Lu, 2007). However, the validity of her central argument is undermined because her analysis is limited to a few prominent environmental campaigns and events. NGOs can affect environmental policy and engage in governance in ways other than launching campaigns or major events. For example, NGOs have exerted influence on policy process via informal channels, which has huge implications for state-civil society relations, though in an incremental manner (Ho, 2008; Xie, 2009). Lu does not take into account this point, making her argument incomplete and untenable.

Ho's theory of the embeddedness of Chinese environmentalism has been widely cited as making a great contribution to this strand of research (Ho, 2008). According to Ho, in China's semi-authoritarian context, the government exerts strict control over NGOs by employing formal strategies. But simultaneously, alongside the "greening" of the Chinese state, the government also provides political space and opportunities for NGOs in an informal fashion. He essentially argues that the semi-authoritarian setting of China is restrictive of, but paradoxically, also conducive to NGOs' development. NGOs adopt the "de-politicized politics", "self-imposed censorship" approach to make them a partner of government, rather than an adversary. This enables NGOs to embed with the governmental system and negotiate with it for maneuvering political space and leverage. As a result, the Chinese government and NGOs create a negotiated symbiosis that is defined as embedded environmentalism by Ho. Ho's concept of embeddedness is of particular significance in that he grasps the nature of China's state-society relations and identifies the central element that structures and shapes the interactions between government and NGO under the country's unique social and

political contexts. This is why this concept has repeatedly appeared in the past decade. Since the concept is seen as very general and accommodating, it can be used broadly and easily. But paradoxically, its strength is also its weakness, the frequent use of this embeddedness idea has not offered further insight or inspired more analytical exploration, due to the ambiguity of this concept.

Moreover, Xie (2009), for the first time, introduces the social network perspective to analyze the emergence and development of Chinese ENGOs in a broad sense. With a focus on networks in which ENGOs are involved, Xie points out that ENGOs' personal networks, such as ENGO leaders' personal connections, plays a crucial role in initiating and enhancing Chinese environmental activism in such ways as helping ENGOs to get access to China's political system or facilitating the establishment of collective identity (Xie, 2009). Her research is the first to find it essential to understand the role of ENGOs' social networks, particularly individual networks, in order to make sense of government-ENGO relations in China. Xie's research derives its strength from that fact that personal connections have long played a significant role in China's society, culture and political system. Yet, the role of social network and personal connections in the development of Chinese ENGOs has undergone changes and become less important over time, especially as more and more formal rules and mechanisms have emerged for ENGOs to deal with the government recently. This implies that the approach of the social network is well-suited to explain the emergence of Chinese ENGOs in the initial stage, while, researchers should be cautious when using this approach to explain the evolution or new trends of ENGOs.

In searching for a theoretical foundation for her study, Xie elaborates the shortcomings of social movement theories in examining the Chinese ENGO case,

whereas, in the analysis of Ru and Ortolano (2009), the political process model, a core idea of social movement theories, exhibits itself a helpful analytical framework. Based on this model, their investigation shows that the combination of three key factors—favourable political opportunities, cognitive liberation and indigenous organizational strength—can explain the emergence and growth of ENGOs in China (Ru & Ortolano, 2009). The explanatory power of this study derives from two sources: one is their strong empirical observations from a total of 128 ENGOs; the second is their comprehensive analytical approach. Besides, this is the earliest research of ENGOs where attention has been paid to international factors and the influence of global communities in details. But On the other hand, it runs into the problems of fitting the Chinese reality with the western-based theories, thus ignoring other key parts of the matter that the theories do not involve.

Additionally, to trace the evolution of Chinese environmentalism, Boyd (2013) broadly features an array of key campaigns over the past decades. Boyd concludes that multiple actors, particularly ENGOs, have emerged as important players in China's environmental governance, even though it is not sure that they can act as a reliable and effective force to check the power of government (Boyd, 2013). While those significant campaigns driven by ENGOs in Boyd's research have been widely discussed earlier, this is the first study that symmetrically puts all of these various campaigns together to present one holistic picture to make sense of how multiple players have collectively advanced the development of China's environmental activism under varying time and circumstances. However, this research suffers from a weakness that Boyd's argument is likely to be challenged for his bias in selecting the cases. Indeed, all of the cases in this

research are well-known, well organized, very effective campaigns, which, in fact, are not representative of the general condition.

2.2.2 Micro Perspectives

A variety of micro perspectives have emerged within an increasing body of literature to explore the emergence and development of ENGOs in China. To begin with, what role ENGOs play in shaping policy and producing political impacts is considered as a central topic in discussing government-ENGO relations. Copper's research specifically concentrates on policy impacts of China's south-western ENGOs from bottom-up initiatives, arguing that a growing number of ENGOs have begun to play an important role in engaging in the political sphere to enact policy changes, through diverse tactics, formally and informally (Cooper, 2006). In Cooper's view, ENGOs-state relations in this area can be characterized as the co-existence of dependency and distance, and the mix of cooperation and resistance. Since the early 2000s, environmental activism and ENGOs have begun to expand beyond major cities and taken hold in China's provincial and local areas, though not uniformly and unevenly. Despite this trend, a majority of research is about the development and characteristics of ENGOs and environmentalism at the national level rather than regional level. To fill this gap, Wu (2013) explores environmental activism driven by ENGOs at the provincial level and conducts a comparative analysis in two provinces, with an emphasis on illuminating regional disparities. She believes that the widely used "state-centered" approach puts too much focus on how changes stem from governmental and institutional factors, yet, underestimates the power and capacity of environmental activists and ENGO leaders in bringing about changes from the bottom-up. Therefore, Wu pays particular attention to the self-driving force of actors within

NGOs and finds that inter-organizational relations and networks of peer NGOs and activists have promoted the development of local environmental activism. In her view, the strong and extensive inter-organizational partnership among NGOs in Guangdong stands out as a major reason to explain its steady growth in contrast with a relatively low level in Guangxi province (Wu, 2013).

Wu narrows her study down to the regional level, whereas, Wang and Connell (2016) go much further to take a closer look at one particular NGO based in Yunnan Province. They consider the NGO's relations with multiple actors, such as governments at various levels and international donors, as multi-layered, inconsistent, heterogeneous and highly dynamic, which is a fundamental factor in shaping the NGO's decisions (Wang & Connell, 2016). Their study, for the first time, provides a perspective to examine one specific NGO's intertwined relations with various domestic and interactional players. Nevertheless, it might have little to offer to explain more complicated power relations involving numerous NGOs and other actors.

2.2.3 Focusing on Changes in Government-NGO Relations

Zhang and Barr (2012) note that Chinese NGOs have taken a series of innovative and pragmatic strategies, in seeking to work with the government to solve problems rather than make conflicts or confrontation. They highlight that government, which is still authoritarian, has been relaxing control over society; and instead of limiting or interfering NGOs' activities, governmental agencies at different levels have begun to collaborate with NGOs and appreciate their efforts. Even though conflicts might arise between NGOs and government, they argue that conflictual relations may not necessarily be antagonistic (Zhang & Barr, 2012). Their finding challenges a

traditional view on state-society relations marked by governmental control and antagonism, and it sheds new light on China's environmental politics.

Shapiro (2012) identifies Chinese ENGOs' three modes of political participation: information, accountability and symbolism. She argues that ENGOs are extending the scope of their activities from traditional non-political programs to policy advocacy and engagement in political issues, which marks a maturation in Chinese environmental activism. Zhan and Tang (2013) are concerned with the evolution and changes in ENGOs' activities and capacity for policy advocacy over time. Their empirical investigation spanning 2003 to 2010 shows that China's recent political and institutional conditions, on the whole, have facilitated ENGOs' participation in environmental policy and politics; more specifically, ENGOs with better financial resources and closer ties to government are more capable of taking advantage of political opportunities to carry out policy advocacy and political actions via both formal and informal channels (Zhan & Tang, 2013). Moreover, Han (2014) puts focus on the recent emergence of the deliberation and deliberative practice of ENGOs to work together with the government to open up the decision-making process and to enact changes in the policy realm. Han points out that since the mid-2000s, ENGOs have started to play an active role in policy advocacy and participatory policymaking, gradually moving beyond traditionally political uncontroversial areas. According to Han, in the absence of formal channels for public participation in China's policy processes, ENGOs come up with strategies to initiate and facilitate policy deliberation, including resorting to laws and formal rules and building networks with officials. Han underscores that albeit with mixed results, ENGOs' policy advocacy activities have the

potential to lead to gradual and incremental changes in environmental policy dominated by the government (Han, 2014).

In sum, existing literature indicates a lack of a systematic, dynamic and historical analysis on the evolution of government-NGO relations in China since the beginning of NGOs in the 1990s. In the first stream, each of the major analytical approaches accounts for a particular aspect of government-NGO relations or the relations in a particular period of time, thus only presenting an incomplete picture. Corporatism, for example, is more suitable to explain how the government dealt with NGOs in the early days marked by stringent regulations and control, whereas, the partnership models can reflect what has been happening between government and NGOs in recent years. What is more, these approaches treat NGOs as a whole from a general perspective. They have limited exploratory value when applied to a specific context of NGOs. Perhaps, more salient is that they are essentially static, very few of them trace the evolution between government and NGOs over time. The changing nature of government-NGOs relations in the long-term time frame, like three decades, cannot be captured by anyone of these approaches. The second stream of literature focusing on NGOs provide insight into the understanding of the emergence and development of NGOs and their relations with the Chinese government. However, studies in this strand overall are largely focused on a narrow time scale. None of them has ever accounted for the variations, dynamic and structures of the evolving process of government-NGO relations in the longest time frame of three decades, from the very beginning of NGOs. As a result, this thesis aims to fill a notable gap in research on government-NGO relations since the 1990s and shed light its policy and governance implications.

Chapter 3

A THREE-STAGES CONCEPTUAL FRAMEWORK

3.1 Theoretical Foundation: Historical Institutionalism

For some, the evolution of Chinese government-NGOs relations since the 1990s could be boiled down to an analysis of institutional development. As Stacey and Rittberger, and separately Campbell note:

Institutions are either a single or complex set of rules which govern the interaction of political actors, i.e. guiding principles which both prescribe and proscribe behavior and are set out in the form of prescriptions—either formally established or tacitly understood. (Stacey & Rittberger, 2003, p.860).

Institutions are defined as formal and informal rules, monitoring and enforcement mechanisms, and systems of meaning that define the context within which individuals, corporations, labor unions, nation-states, and other organizations operate and interact with each other. (Campbell, 2004, p.1).

Institutions often operate on formal and informal rules, procedures, norms, and practices that organize and structure the relations and interactions between actors in various units of the polity and economy (Campbell, 2004; Stacey & Rittberger, 2003; Steinmo, 2014). Scholarship on institutional analysis can provide insight into a conceptual framework for the evolution of relations between the government and ENGOs in China over the past three decades.

Nowadays, there are three major approaches to institutional analysis: rational choice, sociological institutionalism, and historical institutionalism (Mahoney & Thelen, 2010). Historical institutionalism is well-suited to the Chinese case because it

offers promising insights in several respects. First, historical institutionalism emphasizes understanding the origin, evolution, and transformation of institutions over time. It pays particular attention to the role of temporality and history, specifying sequence and tracing the historical process of institutional development (Pierson & Skocpol, 2002). This is consistent with the purpose of this thesis. Second, from a practical perspective, historical institutionalism provides a set of conceptual tools—such as critical junctures, path dependence, and positive feedbacks—to theorize the underlying mechanisms and the diverse, dynamic, historical process by which institutional changes occur. Third, this paradigm typically is concerned with meso- or macro-level analysis of causal processes and outcomes that unfold in a particular issue area, and especially the lengthy, large-scale but often slow-moving processes over a substantial stretch of years, maybe decades. It seeks to address big, real-world empirical questions that emerged from observed events (Campbell, 2004; Fioretos, Falleti, & Sheingate, 2015; Rixen, Viola, & Zurn, 2016; Steinmo, 2008). Overall, these three characteristics of historical institutionalism fit neatly into the goal of this thesis to learn how government-NGO relations have evolved and changed since the 1990s, in conjunction with large-scale change in China.

Three strands of historical-institutionalist thinking have particular merits and relevance to a conceptual framework for this thesis. First, a crucial source of historical institutionalism's explanatory power lies in its two major commitments. One is to explain "the ways in which institutions structure and shape political behaviour and outcomes." (Steinmo, 2008, p.118). The other is to trace historical processes to make sense of the persistence or the changes of institutions over long periods of time (Pierson & Skocpol, 2002; Rixen et al. 2016;). In this tradition, two core concepts are considered

as most relevant for the Chinese case: positive feedback and sequencing. Historical institutionalism underscores the importance of endogenous effects of past institutional development on shaping or changing subsequent institutional choices. With respect to endogenous sources of change, a core concept is positive feedback, which refers to the phenomenon that early steps in a particular direction elicit further institutional developments along the same path (Fioretos et al.2014; Kay, 2003). A diverse range of mechanisms, such as adaptive expectation and learning effects, have been identified and applied extensively to identify positive feedback processes which are embedded in the institutions to affect subsequent choices or trajectories (Dobusch & Schubler, 2012; Karch, 2009; Krapohl, 2007; Pierson,1993; Rast, 2007; Rixen et al., 2016). Historical institutionalism stresses the role of “the ways in which outcomes are contingent upon past processes include path dependence, sequencing” (Rixen & Viola, 2016, p.10). It offers a perspective on preference formation to explain how positive feedback influences the subsequent path of institutional development. It argues that actors’ preferences, strategies, and goals, which are likely to respond to a changing environment, are endogenously created and determined within institutional structures and contexts (Ackrill & Kay, 2006; Farrell & Newman, 2010;). As Steinmo puts it, “neither interests nor value have substantive meaning if abstracted from the institutional contexts in which human define them.” (Steinmo,1989, p.502). He goes further and points out that “ historical institutionalism made claims about the operation of institutions and their effects on preference formation, coalition building, policy evolution, and political dynamics.” (Steinmo, 2014, p.10). Positive feedback plays a fundamental role in shaping actors’ preferences and prompting them to take strategies

that can reinforce the past institutional path (Bannerman & Haggart, 2015; Fernandez & Antonio, 2013; Pierson & Skocpol, 2002).

Second, a growing body of literature is centered around gradual institutional change, finding that institutions normally evolve and shift in incremental ways (Ackrill & Kay, 2006; Mahoney & Thelen, 2010; Schickler, 2001; Streeck & Thelen, 2005).

According to this research, institutional change often occurs when the “gaps” between the rule and its interpretation or enforcement open up critical spaces for actors to implement the rule in new ways (Mahoney & Thelen, 2010). Scholars in this tradition argue that the interaction between the characteristics of political contexts and the properties of a certain institution drives institutional changes in a gradual and incremental manner. There are four common patterns of gradual institutional changes: displacement, layering, drift, and conversion (Mahoney & Thelen, 2010). As for the institutional changes of Chinese government-NGO relations, institutional layering is of particular relevance. Layering occurs when new elements are attached to existing institutions which are left in place, but the additions to the old ones change the ways that the existing institutions originally structured and organized actor’s goals, strategies and preferences (Mahoney & Thelen, 2010). While layering may be seen as a small change, the cumulative effects of small changes can hold the potential to prompt transformative changes over the long run. Institutional layering usually grows out of conditions where would-be “change agents” have low levels of discretion in institutional interpretation or enforcement but face a political context with strong veto possibilities; they lack the capacity to, virtually and radically, change an existing institution, and instead, try to introduce new elements that operate on top of or

alongside the old institution to address new challenges and needs (Kickert & Meer, 2011; Steinmo, 2014). Pierson and Skocpol state that:

Because of the strong effects of path dependence, institutions are not easily scrapped when conditions change. Instead, institutions will often have a highly “layered” quality. New initiatives are introduced to address contemporary demands, but they add to rather than replace preexisting institutional forms. Alternatively, old institutions may persist but be turned to different uses by newly ascendant groups. In either case, the original choices are likely heavily in the current functioning of the institution. Thus, institutions will rarely look like optimal solutions to present collective action problems.” (Pierson & Skocpol, 2002, p.709).

Third, according to Pierson and Skocpol, “historical institutionalists analyse macro contexts and hypothesize about the combined effects of institutions and processes rather than examining just one institution or process at a time. ” (Pierson & Skocpol, 2002, p.696). In this theory, a key endogenous source of change is derived from the interactions of different institutional arrangements and orders, which opens up possibilities for actors to bring about change (Conran & Thelen, 2016; Fioretos et al. 2015). As Thelen notes: “change in one arena affects other ongoing processes, which is what derives institutional evolution.” (Thelen, 1999, p. 383). This strand of study “ highlights conjunctures— interaction effects between distinct causal sequences that become joined at particular points in time.” (Pierson & Skocpol, 2002, p.702), and emphasizes the ways that multiple institutions and processes interact with one another. It pays close attention to the broad contexts that are crucial in not only making such interactions visible but also unveiling the causal mechanisms that underlie institutional changes. More salient is that it places emphasis on the broader, overarching contexts, such as types of political regimes, culture and traditions, regions, and eras.

3.2 A Three-Stages Conceptual Framework

By relying on historical institutionalism, this thesis develops a conceptual framework for explaining the dominant pattern of the evolution of the relations between government and ENGOs in China since the 1990s. It utilizes two variables—government-ENGO interactions and governmental control over ENGOs—to distinguish the changes in the relations over time. Given the nature of China's political system, the government-centric approach is evident in its state-society relations. Drawing on insight from this approach, the conceptual framework emphasizes the role and value of the government's control measures, such as the dual registration rule, in defining government-ENGO relations.

However, a common criticism of such a state-centered approach is that it privileges the government side of the equation but neglects the role of NGOs, thereby leading to an unbalanced picture of the value of NGO participation. In response to this limitation, this thesis introduces a second variable—government-ENGO interactions—into the conceptual framework, putting a new focus on the importance of the role ENGOs have undertaken to shape and influence its relations with the government. Based on these two defining variables, a model of Chinese government-ENGO relations since the 1990s is explored that proposes three closely interrelated stages of the evolution over the past three decades: Environmental Authoritarianism (1990s), Consultative Authoritarianism (2000s to the early 2010s), and Collaborative Regulation (the early 2010s to present) (Xu, 2019). This three-stages framework seeks to illuminate the nature and dynamics of government-ENGO relations and clarifying the underlying causal mechanisms by which change occurs. Ultimately, it aims to offer a perspective to better explain how and why the relations have evolved and changed over

the decades and to shed light on the policy and governance implications of such evolution (figure 3.1).

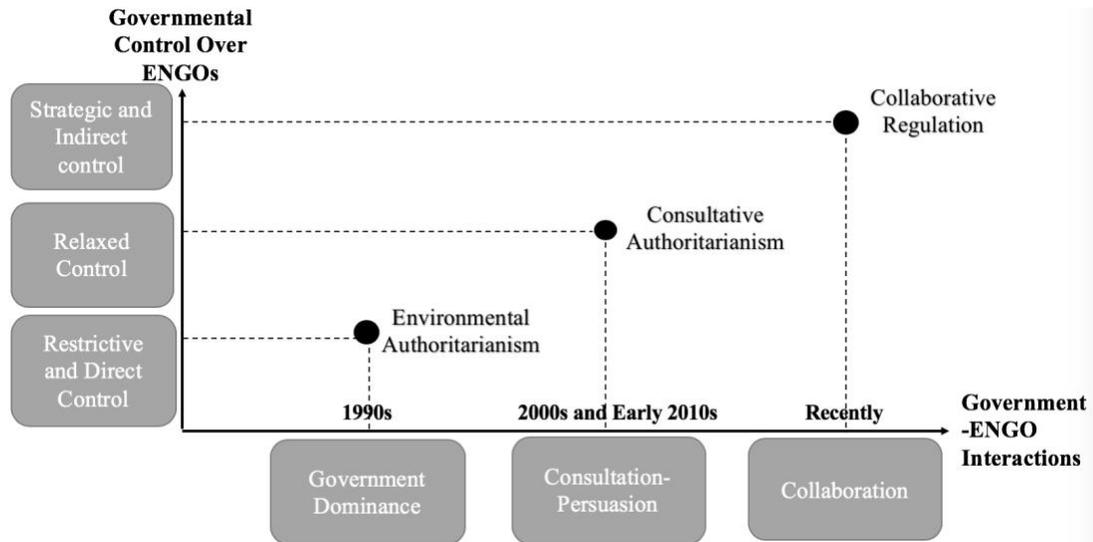


Figure 3.1 The three-stages conceptual framework of the evolution of Chinese government-ENGO relations since the 1990s

3.2.1 The First Stage: Environmental Authoritarianism

In the 1990s, the Chinese government established a regulatory system for NGOs to provide this sector with a pathway to legal status. On first reading, the policy environment towards NGOs may seem to be favourable, presenting some political opportunities and social space for NGOs to play a role. Nevertheless, this system, in reality, was very heavy on top-down oversight and control over NGOs and created little or no actual support for their development. This is mainly because the government was worried about and hostile to the idea that NGOs should have a role in governance. In the aftermath of the Tiananmen Square protest, the government perceived political

antagonism or threats from NGO action and adopted three types of strong control measures—registration, monitoring, and dissolution (Ma, 2005). Together, the regulations restricted NGOs' number and autonomy, kept their growth in check, limited their activities, capacity, and social influence, and ensured that NGOs only operated in a narrow scope and could not create trouble for the government.

Against the backdrop of such a restrictive environment, the scope of ENGOs' activities was further circumscribed by the fact that the government held a monopoly role in China's environmental governance system during this period (Xie, 2009). By the end of the 1990s, it had set up an elaborate institutional framework to manage the environment. A large number of environmental protection agencies were established at four levels of government—the central, provincial, municipal, and county level—to take full charge of environmental issues. In addition to this, many other governmental agencies, such as the Ministry of Water Resources, were also responsible for environmental matters, depending on the issue (Economy, 2004; Ren & Shou, 2014). It goes without saying that government actions were at the heart of the country's environmental management system. This dominant role was created and ensured by the conjunction of the nature of the Chinese one-party political system, the character of the environment as a public good, as well as a technical and scientific nature of environmental issues (Mol & Carter, 2006). Indeed, China's environmental management system in the 1990s offered a classic example of a vertical, top-down, technocratic development of a national regulatory system that was marked by the central role of regulatory authorities, an absence of civic participation, and a lack of pressure from society (He, Lu, Mol, & Beckers, 2012; Sims, 1999;).

In this context, while ENGOs could exist legally in the 1990s, formal channels for ENGOs' participation in environmental policy and politics, were virtually non-existent in China. Environmental policy-making and implementation were deemed to be an exclusive domain that should be handled only by political officials and environmental experts with limited or no public participation and consultation (Lo & Leung, 2000; Shi & Zhang, 2006; Vermeer, 1998). Under a dominant government model, ENGOs were regarded as marginal player in environmental issues. They were severely limited in capacity and legitimacy to articulate their opinions or take environmental actions. The government defined the boundary for activities of ENGOs and only allowed them to carry out activities that supported the overall goals and policies of the government and did not challenge its authority (Ho, 2008; Schwartz, 2004; Yang, 2005;). Activities with no or very low political risks, or in politically neutral areas were tolerated. Environmental education, a typical case in this category, became a primary area of ENGOs' activities throughout the 1990s, demonstrating how little latitude the government left for them. As Dai Qing, one of China's earliest and most renowned environmental activists, notes, "most officials are happy to support and encourage civilian organizations that carry out propaganda, education and other activities that do not offend the government." (Ho, 2008, p.22).

To this day, China is widely viewed as a typical, powerful authoritarian state. Linz's pioneering work on authoritarian regimes provides a classic and influential theory of authoritarianism (Brooker, 2013; Gassiorowski, 1996; Glasius, 2018; Kyriakopoulou, 2011; Munck, 1998; Purcell, 1973). Linz emphasizes that limited pluralism is the most distinctive feature of authoritarianism:

"The limitation of pluralism may be legal or de facto, implemented more or less effectively, confined to strictly political groups or extended to

interest groups, as long as there remains groups not created by or dependent on the state which influence the political process on way or another.” (Linz, 2000, p,161).

Linz points out that the limitation of pluralism of authoritarian regimes takes a variety of forms. As far as Chinese government-ENGO relations in the 1990s is concerned, two factors—government’s strong control measures over NGOs and the highly limited and controlled participation of ENGOs in environmental governance—played a major role in imposing limitations on which ENGOs were allowed to exist and under what conditions, as well as which groups were permitted to participate and in what way. This definitely reflects the nature of limited pluralism embedded in this top-down institution. Therefore, government-ENGO relations in the 1990s can be suitably characterized as “Environmental Authoritarianism” (Xu, 2019).

3.2.2 The Second Stage: Consultative Authoritarianism

Since the turn of the millennium, while the authoritarian measures discussed above remained in place, the Chinese government, facing new situations and challenges, began to open up more space for ENGOs’ participation in environmental matters. At the same time, ENGOs adopted a persuasion-based, non-confrontational approach to deal with the government and other non-state actors. Consequently, in the 2000s, a new institutional element—consultation—was created that was attached to the pre-existing institution, shifting government-ENGO relations to a new stage that in this dissertation is called “Consultative Authoritarianism. ”

3.2.2.1 Setting the Stage for Consultation

Historical institutionalism stresses that the dynamic elements of institutions to induce changes are built into the changing political contexts. The interactions between

the political system and the response of change agents may drive institutional changes (Ackrill & Kay, 2006; Mahoney & Thelen, 2010; Schickler, 2001; Streeck & Thelen, 2005). Since 2000, China has witnessed notable changes in its environmental realm among which the deterioration of environmental problems and the failure of environmental regulators have become the most salient features. China's unprecedented economic growth came at a huge cost to the environment, causing serious water, air, soil pollution and leading to resource scarcity, deforestation, and desertification. As a lens for viewing the severity of China's environmental degradation, in 2002, over 70 percent of the water that flows through five of China's seven major rivers was grade IV or worse, which means that the majority of its major rivers was unfit for human contact (The Ministry of Environment (MEP), 2003). Almost two-thirds of its cities failed to meet the World Health Organization's air-quality standards (Economy, 2004). A pressing concern for political leaders and officials was that environmental problems became one chief source of popular discontent and social protests, and the estimated economic costs stemming from environmental degradation accounted for 8 to 12 percent of China's GDP annually (Brettell, 2008; McElwee, 2011; Shi & Zhang 2006). Underlying the seriousness of China's environment situation was the government's failure to tackle environmental challenges. While some commitments and advances were made, the government failed to curb the overall deterioration in environmental quality. The rate of environmental degradation has far outpaced the government's capacity to handle it.

The mounting environmental challenges, combined with environmental regulators' failure, pushed the government to alter its strategy and turn to non-state actors who could help it fill the gap between the demands to improve the country's

environmental situations and its capacity to do so. In the 2000s, after a few formal channels established for the public to participate in environmental affairs, changes in the legal framework for public participation were made that allowed ENGOs to contribute to environmental impact assessment processes and environmental information disclosure (Huo & Luan, 2006). In this light, the political and policy environment was improved to some extent for ENGOs. As one specific non-state actor, ENGOs were mainly driven by the value of protecting the environment. And they usually developed organizational structures, possessed professional knowledge, expertise, and creative ideas to varying degrees, and mobilized various resources to carry out environmental activities and realize their missions.

3.2.2.2 ENGOs' Persuasion-Based Approach

Since 2000, ENGOs have pursued a non-confrontational, persuasion-based approach to interact with the government, the general public, and the business community, in seeking to survive and grow. A decade after the 1989 Tiananmen event, the government's authoritarian system set up in the 1990s was still effective to control NGOs. ENGOs became well aware of the government's fear and concerns about the political threat posed by civic organizations. They learned the lesson that the government, which continues to affirm Marxism and Leninism as its ideological foundation and the basis of its rule, could do anything to crack down NGOs that challenged its authority. As pointed out by a number of researchers, ENGOs were generally regarded as self-reflective, adaptive, and capable of taking appropriate strategies based upon an evaluation of their limited roles under the authoritarian government (Hildebrandt, 2013; Ho, 2008; Yang, 2005; Yu & Wang, 2010;). From the

perspective of ENGOs, as long as they did not confront the government, they could exist and conduct environmental activities. Even in many cases, ENGOs that were not registered legally could be tolerated. Given China's historical traditions and the current social-political system, confronting government will not only result in the repression and delegitimization but may lead to social instability and cause damage to the hard-won development as well, both of which ENGOs as consultative parties would never want to see. For these reasons, it is safe to say that Chinese ENGOs never meant to be antagonistic toward government, or advocate for civil participation to promote political and social reforms as NGOs in democratic countries usually do. Instead, ENGOs consider themselves in this period as allies rather than opponents to help the government tackle environmental degradation, and as a benign social force rather than a confrontational force to respond positively to China's environmental problems the government was unwilling or unable to handle (Ho, 2001; Ma, 2005). Therefore, pursuing a non-confrontational model represented a politically feasible and practically appropriate approach for the survival and development of ENGOs in China during the 2000s.

Additionally, the cultural tradition of Confucianism, which has occupied a dominant position in China's history and society, also helped to make sense of ENGOs' non-confrontational approach. Confucianism sees the relationships between Chinese people and government as inherently hierarchical and emphasizes that people should obey authorities to create harmony, stability, and prosperity (Xie, 2009). As Shapiro puts it "orderly hierarchical relationships were bedrocks of the dominant Confucian tradition." (Shapiro, 2012, p. 87). Influenced by Confucian philosophy for two thousand years, Chinese people traditionally hold a view that government, the sole guarantor of

public interest, is designed to dominate society for the overall well-being of the people. Chinese perceptions of governance are by no means antagonistic or divisive between government and society but as built on harmonious relations between a strong and responsible government and an obedient and dependent society (Ng-Quinn, 2006). With this long-standing cultural heritage, it was not difficult to understand that non-confrontation and avoiding conflicts laid at the heart of ENGOS' strategies.

To grasp the essence of ENGOS' non-confrontational approach, the literature on power provides a good starting point, since power, in its simplest form, is a social relation between agents. One strand of research on power has been principally concerned with the non-confrontational, facilitative, and productive dimension of its use, in contrast with the conventional views of power as coercive and conflictual relations (Bas, 2003; Dowding, 2012; Nye, 2011; Scott, 2001; Weber, 1978; Wrong, 2002). Power can be exercised through multiple and diverse mechanisms, going beyond the blunt forms of coercion or threatened violence. This points to the concept of persuasion that is deemed as one form of power, representing a consensual and non-conflictual way to wield influence. As Wrong put it, "persuasion is one of the most reliable forms of power from the standpoint of the power holder, running the least risk of arousing the antagonism or opposition of the power subject." (Wrong, 2002, p.34). It is clear that this perspective fits well into ENGOS' propensity in relations with government. For this reason, in this conceptual framework, underlying ENGOS' approach to the government and other non-state actors is persuasion; put differently, ENGOS' non-confrontational approach ultimately is seen as a strategy of persuasion.

Not only is persuasion an important tool for the exercise of power, it is also a key concept in the field of communication research. In terms of interpretation and

analysis, the literature of persuasive communication provides enormous insight into how NGOs engage with others to persuade them and what strategies they pursue to make persuasive efforts more effective. In this thesis, NGOs' persuasion is defined as a process in which NGOs take the initiative to shape or change attitudes, beliefs or behaviors of officials or other non-state actors by generating and communicating messages, yet the multiple actors who are persuaded have the discretion over how to respond to messages and to decide whether it is appropriate to think or act in the way that NGOs hope (Bettinghaus & Cody, 1987; Miller, 1980; Perloff, 2010; Stiff & Mongeau, 2003; Xu, 2019).

3.2.2.3 The Emergence of the Layering of Consultation

Since the 2000s, the more pressing environmental problems, coupled with the government's failure, has set the stage for NGOs to play a more active and constructive role in China's environmental governance. With governmental control measures remaining in place, NGOs have consciously adopted a persuasion-based non-confrontational approach. In this context, for political leaders and officials, NGOs could help them address environmental challenges and pose no or minimal risk or danger. As a result, these two actors—the government and NGOs—have created a new institutional element: consultation that government opens up space to allow NGOs to persuade not only officials but also other non-state actors such as the general public and the business communities. NGOs relied heavily on informal ways or personal ties-based strategies to conduct persuasion. In the meanwhile, a few formal yet general channels have also emerged for public participation in environmental governance. Even though these channels did not explicitly mention NGOs, they did

provide an avenue for ENGOs to persuade and influence the government and society. What was striking was that this “consultation-persuasion” model between ENGOs and multiple actors not only affected policy outcomes but also had an effect on social understanding and public actions towards the environment. According to the theory of gradual institutional change, this new element of consultation was viewed as a layering and could be added on top of or alongside the prior institution of Environmental Authoritarianism, leading to a new institution from the year of 2000. This effect is what historical institutionalists call institutional layering.

3.2.2.4 Consultative Authoritarianism

An institutional layering—consultation—was added on top of or alongside the prior authoritarian system during the 2000s (Mahoney & Thelen, 2010). A new institution of government-ENGO relations thus came into being which can be characterized as “Consultative Authoritarianism.” (Xu, 2019). It mixed authoritarian rules with the consultation that involved communication, interaction, persuasion, and learning among multiple actors. In this stage, the governments at various levels could still adopt the control measures to maintain limited pluralism, but in a relaxed way, due to the emergence of the “consultation-persuasion” model. Theoretically, as the space for positive interactions increases, governmental control over ENGOs would be loosened to some extent accordingly. The government and ENGOs created a non-confrontational, interactive, and negotiable space where ENGOs brought knowledge, information, and perspectives into environmental matters and exerted persuasive influence on multiple actors. Officials, the general public, and the business community may take ENGOs’ persuasion message into account as information relevant to their decision-making and

actions. Yet the power to decide how to deal with NGOs' messages was still concentrated in their own hands. It is worth noting that ENGOS took the initiative to persuade and influence the preferences and activities of multiple actors. This role of the initiator made government-ENGO relations operate in a more bottom-up fashion and had significant implications for how governance was advanced in the environmental realm during this period.

While the term of Consultative Authoritarianism has been used by a range of scholars to describe China's regime and institutions (Deng & Liu, 2017; He & Thogersen, 2010; He & Warren, 2011; Teets, 2014; Truex, 2017), Consultative Authoritarianism in this thesis is distinguished from previous works by its broader scope of consultation. It means to not only a mode of communication and consultation between civil society actors and government to influence policy, which has been highlighted as a primary focus in prior studies, but also a form of interaction and consultation between ENGOS and other non-state actors to shape or change social belief, value and behaviours, which may eventually impact policy outcomes.

The central characteristic that distinguishes this stage from the earlier one is the newly emergent layering of the consultation. Yet, it did not bring about a wholly new institution, but rather maintained the core part of the prior environmental authoritarianism—limited pluralism—though not as controlled and tight as before. It seems that there was no revolutionary transformation of government-ENGO relations. However, this kind of incremental adjustment may change the ways in which the old institution structure the relations between government and ENGOS and have the potential to generate transformative impacts in the long run. Although the government remains in a dominant position to control ENGOS, the “consultation-persuasion” model

created opportunities to link ENGOs much closer to the government and society, leading to a more and better understanding on this relatively new sector and greater mutual trust among them. As a result, governmental agencies and officials, the general public, and the business communities were more likely to be infiltrated, shaped or changed by ENGOs.

3.2.3 The Third Stage: Collaborative Regulation

The second stage lasted until the early 2010s when the combination of exogenous and endogenous factors produced driving force to bring about further institutional change. The government has been shifting its attention to collaboration with ENGOs, while at the same time retaining control over ENGOs via strategic, indirect, and deliberation-based measures. Involving both collaboration and control—these two seemingly paradoxical elements—government-ENGO relations are moving to a new stage called “Collaborative Regulation” from the early 2010s to present. The advent of this stage can be attributed to the convergence of three factors: 1) new challenges and trends in the recent political contexts; 2) positive feedbacks of Consultative Authoritarianism; 3) the enduring logic of control, which had been the core part of past institutions, exerts strong path-dependent effect.

3.2.3.1 Exogenous Drivers for Change

There are four primary characteristics of the recent political environment that function as an exogenous force to drive changes in government-ENGO relations. First, since the late 1978, the Chinese government has ushered in an age of extraordinary economic development, with the growth rate averaging nearly 10% for more than 20

years (The World Bank, 2018). Nevertheless, after three decades of such growth, China stands out as a focal point for environmental issues because of the magnitude and complexity of the country's environmental degradation and the sheer scale of social, political, and economic challenges stemming from it (Shapiro, 2012). Indeed, since the early 2010s, environmental problems have evolved into a crisis of critical importance that challenges the legitimacy and standing of the party-state. As a result, environmental issues have climbed to the top of the government's agenda, with sustainable development goals incorporated into China's five-year plan issued in 2011. Resolving China's environmental challenges has turned out to be a tough and arduous task that cannot rest on the government alone. This crisis demands a combination of multiple levels and diverse types of commitments and innovations from not only the government but also private and no-governmental organizations. The solution may lie in pushing for more active and constructive public participation and collaboration that entails "sharing of resources, information, productivity and legitimacy among partners from various sectors for public purposes." (Jing, 2015, p.3).

Moreover, one of the most significant trends in recent years is that the ruling ideology of the Chinese government is shifting from management to governance (Yu, 2011). The general principles of governance—party leadership, government responsibility, social coordination and public participation—has been incorporated in the reforms for a whole host of social issues and innovative explorations of local governments, aiming to form a scientific and effective governance system, maintain social stability, and promote the vitality of society (Pieke, 2016; Wang, 2017). Equally significantly, under the leadership of President Xi, Jinping, China's recent environmental policy is on track to build an "Ecological Civilization". "Ecological

Civilization” has been adopted as a national strategy and added to the Chinese Communist Party constitution in 2012, and more remarkably, has been enshrined in the constitution of China in 2018, legitimizing environmental protection as a cause at the highest level of concern. Additionally, the dramatic rise of social media in China, such as Microblogging and WeChat, constitutes another driving force to shift government-NGO relations from Consultative Authoritarianism and Collaborative Regulation. Because the interactivity, decentralized structure, and interaction ties of such technologies have the potential to improve NGOs’ capacity for civic engagement and help NGOs develop collaborative mechanism to engage multiple actors across public, private, and voluntary sectors.

3.2.3.2 Endogenous Drivers for Change: Incentive/Resources Effects of Consultative Authoritarianism

The prior institutional settings can affect subsequent institutional development through creating positive feedback—a central idea to historical institutionalist perspective—meaning that the factors leading to institutional change are endogenous to the institution itself. Political choices made during the prior institutional stage end up shaping subsequent decisions in a self-reinforcing way as a result of positive feedback. Incentive/resources effects, one major feedback mechanism, provides a useful tool for uncovering the dynamic of positive feedback in government-NGO relations (Campbell, 2004; Edmondson, Kern, & Rogge, 2018; Patashnik & Zelizer, 2013; Pierson, 1993;). First, the stage of Consultative Authoritarianism provided resources and incentives affecting the administrative capacities of the government in the environmental domain (Pierson, 1993; Edmondson, et al., 2018). For example, ENGOS

participated in environmental policy processes, formally or informally, and offered opinions and suggestions that promoted the quality of decision-making (Cooper, 2006; Tweets, 2014; Zhan & Tang, 2013); ENGOs developed a wide variety of approaches to enhance environmental education to increase public awareness (Economy, 2004; Tang & Zhan, 2008); they also worked and coordinated with governmental agencies to enforce environmental laws and hold polluters accountable (Shapiro, 2012). The “persuasion-consultation” interactions derived from the stage of Consultative Authoritarianism made the government realize that ENGOs were capable of providing resources to assist it in addressing environmental concerns and to help extend the government’s capacities beyond the limits of its formal institutions. This, therefore, created incentives that influenced political decisions and prompted the government to further enhance its interactions with ENGOs and to engage with ENGOs in a more active, deeper, and more cooperative manner. Second, incentive/resource effects took place within ENGOs and influenced their goals and strategies. In identifying path-dependence mechanisms, Campbell noted:

institutions provide a repertoire of already existing institutional principles and practices that actors can use to innovate. The key is to recognize that actors often craft new institutional solutions by recombining elements in their repertoire through an innovative process of bricolage whereby new institutions differ from but resemble old ones (Campbell, 2004, p.69).

The activities and strategies of ENGOs in the stage of Consultative Authoritarianism offered practically useful and politically feasible resources and then created incentives for ENGOs, particularly the younger ENGOs which would emerge in the 2010s, to adopt, and often in an innovative way. The proven practices in the prior

stage enabled and empowered ENGOs to act in ways that reinforced the path of consultation. As Thelen puts it,

Institutions are socially constructed in the sense that they embody shared cultural understandings of the way the world works. Specific organizations come and go, but emergent institutional forms will be “isomorphic”(i.e. compatible with, resembling, and similar in logic to) existing ones because political actors extract causal designations from the world around them and these cause-and-effect understandings inform their approaches to new problems (Thelen, 1999, p.386).

On the other hand, at the core of institutional path dependence is the notion that the development of an institution represents its own history, reflecting the persistence of particular institutional patterns or outcomes over a very long time (Mahoney & Thelen, 2010). As Campbell puts it, “once institutions have been established, they have a continuing effect on subsequent decision-making and institution-building episodes” (Campbell, 2004, p. 25). The control measures for NGOs established in the 1990s dominated the initial stage of Environmental Authoritarianism and they also remained relevant in the stage of Consultative Authoritarianism. This suggests that the government’s logic of control over ENGOs has been deeply embedded in their relations and replicated across different situations over more than two decades. In light of China’s historical tradition and the current authoritarian political system, the path of control has taken root largely because government leaders fear that the lack of control would create openings for political opposition groups or oppositional activities. The government has become aware that ENGOs can contribute to tackling the mounting environmental problems, while at the same time, it must maintain control over ENGOs, to a certain extent. As a consequence, the logic of control should continue to persist over a longer period of time but may undergo some adaptations and changes in control methods in order to create the balance between maintaining control and improving

environmental governance. Overall, the evolution of government-ENGO relations tends to be a path-dependent process, with governmental control as a core part of the further institution.

3.2.3.3 The Emergence of Collaboration

The co-existence of the sustainability of China's authoritarian regime and the profound social and economic transformations in the post-Mao era has fascinated many scholars both within and without China. They argue that the Chinese government's learning and adaptive, responsive capacities are the key to making reforms and policy innovations under changing circumstances (Dickson, 2000-2001; He & Warren, 2011; Heberer, 2016; Jiang, 2015; Lin, 2012; Nathan, 2003; Tsai, 2007; Wu & Chan, 2012; Yang, 2004; Yan & Xin, 2017; Zhan & Tang, 2013). The government has largely managed to adapt and change in the midst of new social, economic and political conditions. As He and Warren state that "the regime exhibits, rather, a resilient form of authoritarianism that draws its strength from reforms that increase the adaptability, complexity, autonomy, and coherence of state organization." (He & Warren, 2011, p.270).

In recent years, the pressure from the environmental crisis, in conjunction with the shift towards governance and a new undertaking of building "Ecological Civilization", constitute a driving force to push the government to make reforms and adaptations that are essential for it to navigate new challenges and demands. According to historical institutionalism, the government's preference and strategies it is likely to pursue are defined within the institutional contexts and deeply influenced or constrained by the past trajectories. In this sense, the dynamics leading to the government's new

decisions could arise from positive feedbacks created in the prior stage of consultative authoritarianism. Due to the resource/incentive effects, the government has been well aware that ENGOs can serve as partners to tackle the environmental crisis and represent a channel for public participation and social coordination. Such positive feedback would motivate the government to further develop its relations with ENGOs and shape government's preference for collaboration with them. Collaboration provides a path for ENGOs to play a bigger and more active role in environmental governance, which makes it possible for the government to better tap into ENGO's resource and ability. It seems to be a natural process of evolving from the "consultation-persuasion" model to collaboration that maximizes the complementary role of ENGOs and creating synergy between them. Because the "consultation-persuasion" model can be seen as a process that gradually generated knowledge, information, learning, legitimacy, trust, and then incentives and pressure for further change into partnership and collaboration. This process of incremental changes appears to follow China's principle of "touching stones to cross the river" in the reform era, exhibiting the government's pragmatic, cautious, adaptive, and step-by-step orientation toward NGOs, as well as its tentative but growing commitments.

In this thesis, collaboration is defined as activities of facilitating and coordinating in multi-organizational arrangements where multiple actors, including the government, ENGOs and other non-state actors, work together to achieve common goals, through formalized and informal mechanisms (O' Leary & Bingham, 2009; Wang, 2011). What is unique about this definition is that it underscores the role of formalization. In the prior two stages, there were no specific, formal, operable arrangements defined by explicit rules or policies for ENGOs to participate in

environmental governance; ENGOs relied on the informal, unspoken, implicit rules, or formal yet general procedures (Xu, 2019). The emergence of formalized mechanisms, which explicitly get ENGOs involved in governing the environment, definitely marks a fundamental shift in the relations. Formal collaboration requires a deliberate system that provides a high degree of planning among multiple participants, an alignment of goals and strategies, and an appropriate set of procedures, incentives and constraints for participants to work together effectively (Foslter, 2002). Under China's authoritarian system, these conditions can occur only when the government undertakes the task of creating policies for collaboration and plays a leading role in initiating and facilitating collaborative mechanisms with ENGOs.

3.2.3.4 Collaborative Regulation

The logic of control that has been entrenched in prior institutions exerts path-dependent influence on future institutional development. The recent emergence of collaboration will not herald the end of governmental control. Instead, the government still remains concerned about social unrest that would challenge its authority, so it is still vigilant about the activities of ENGOs and ensures that the expansion of ENGOs' role will not threaten its ruling power. Notwithstanding, in the new collaboration-oriented context, the government needs to make strategic changes in control methods to reconcile collaboration with governmental control. There should be adaptations of government's tactics. Namely, it has to introduce indirect, strategic, and deliberation-based measures to control ENGOs, rather than primarily relying on direct, traditional command and control means, like dissolution. For instance, the government may decide which specific ENGOs to formally collaborate with and the extent to which ENGOs get

involve in the partnership with government. It should be noted that although this type of tactic may become the prevailing way of controlling ENGOs, the traditional command and control measures established in the past still remain relevant when the government perceives a risk posed by ENGOs.

Literatures of regulation provides insight into the characterization of the relations between the government and ENGOs in this new context. The classic and widely cited notion of regulation comes from Selznick who defines the central meaning of regulation as “sustained and focused control exercised by a public agency over activities that are valued by a community.” (Selznick, 1985, p.383; Baldwin, Cave, & Lodge, 2013; Ford, 2017; Levi-Faur, 2011; Koop & Lodge 2017; Majone, 2011; Yeung 2017). Regulation can be understood as the purposeful activities undertaken by authorities that are often conceived as restrictive to provide discipline and constraints, but at the same time are also seen as enabling or facilitative to provide guidance and protection for steering and governing certain kinds of activities (Baldwin et al., 2012). This conception of regulation captures an essential feature of the recent government-ENGO relations that government adopts rules and mechanisms, on the one hand, to retain control over ENGOs’ activities to some extent, but on the other hand, also to enable and facilitate the collaboration between government and ENGOs. Therefore, since the early 2010s, government-ENGO relations in China are shifting to a new stage: Collaborative Regulation (Xu, 2019).

Chapter 4

RESEARCH METHODOLOGY

4.1 The Underlying Philosophy

Postpositivism is a truth and reality-oriented theory that plays an important role in informing contemporary social science research (Lincoln, Lynham, & Guba, 2011). It serves as the philosophical underpinning of this thesis. This reality-oriented inquiry framework is founded on a presumption that verifiable patterns exist in the real world and can be observed and predicted (Patton, 2015). Therefore, identifying the truth and explaining the reality should be seen as an appropriate goal of scientific research. However, the knowledge and capability of a human being to perceive this world is inherently limited, all means used to seek the reality are imperfect. As a result, multiple methods are needed to test and develop theories so as to improve our understanding of reality. From this perspective, the thesis presumes that a reality with verifiable patterns exists in the evolving process of Chinese government-NGO relations over the past decades. Its goal is to search for and utilize empirical evidence to create a more plausible theory to make sense of the evolution of the relations, thereby getting much closer to what has been really going on and leading to a better understanding of what implications the changing relations would have for policy and governance. Through proposing, illustrating and applying the conceptual three-stages framework, this thesis seeks to approximate the reality of institutional development of government-NGO relations in China, even though a full understanding the reality is unlikely to be obtainable. Postpositivism especially emphasizes the reliability and validity of the

illustration of reality. Although qualitative research is impossible to be completely value-free, this thesis tries to minimize the bias from the author's personal values or judgments and to maximize accuracy and report impartially. There are many strategies that are very helpful to reach this objective, including the triangulation of data sources and analytical perspectives, the discussion with colleagues as well as peer-review.

4.2 Methodology

4.2.1 Advantages of Case Study Research

The research method is determined by a set of key factors: the purpose of research, the type of research questions, the extent of control a researcher can exert over actual behavioural events, as well as whether to focus on contemporary events or historical events (Yin, 2009). Case study research is considered suitable for this thesis for three reasons. Firstly, “how” and “why” questions about contemporary events in the real world over which researchers have little or no control, usually tend to favour case study as a preferred research method (Yin, 2009). In this study, research questions are centered around why Chinese government-NGO relations characterized by strong governmental control for more than 20 years, have undergone substantial changes recently, and how to use the three-stages model to explain the shift from authoritarian to collaborative relations and to evaluate implications for policy and governance. Clearly, the researcher has no capacity to control over or get access to the actual operation of this real-world matter.

Secondly, this study aims to apply and test the three-stages conceptual framework to explain what the evolution of government-NGO relations has meant for policy and governance, both of which are very broad concepts and involve wide-ranging

issues. Exploring the implications in these two respects demands extensive and in-depth empirical description, interpretation, and understanding of how the government and ENGOs interact with each other under different circumstances over time. A case study is sensitive to specificity, complexity, and historical processes and provides an excellent approach to take a close examination into a particular area or phenomenon (Harrison, Birks, Franklin, & Mills, 2017; Verschuren, 2003), which makes it appropriate to detail the evolving patterns, characteristics, and implications of the complex, intertwined, and dynamic government-ENGO relations in various circumstances. Thirdly, in-depth cases study have long been proven to be a research methodology well-suited to historical institutionalism that undergirds the conceptual framework proposed in this thesis, because case study is seen as a way of comprehensively, holistically, and historically, illuminating the dynamics of a complex, particular social phenomenon or institution bounded by time, space and activity (Pierson & Skocpol, 2002). In discussing the key claims of historical institutionalists, Pierson puts it, “the detailed investigation of carefully chosen, comparatively informed case studies is a powerful tool for uncovering the sources of political change.”(Pierson, 1993, p. 596). Furthermore, the case study method has been extensively adopted as a primary research method by almost all scholars who conduct research on Chinese government-society relations from a variety of analytical perspectives, indicating the usefulness and relevance of case study with regard to this theme. In addition, other research methods, such as archival analysis and survey, may also be relevant to qualitative studies. Nevertheless, for this thesis, case study stands out with a distinct advantage since it offers an appropriate and effective way to grasp the dynamics of the evolving process of government-ENGO relations and make sense of its implications, which seems to be too large and too complex for survey

or other strategies. Overall, the case study is at the core of research methodology for this thesis.

4.2.2 Case Study Design

The research questions and the three-stages conceptual framework provide primary direction and guidance for designing case study in this thesis. The goal of case study is to explore how the conceptual model can be used to help make sense of the policy and governance implications of the evolution of government-NGO relations. This thesis adopts two case studies. One is focused on using the model to explain the development of policy towards NGOs in relations to water pollution control. The other elaborates on the interactions between the government and two particular NGOs in order to shed light on the evolving role of the government and NGOs in China's environmental governance over the past three decades. All the NGOs discussed in this thesis originated from China. It is important to note that the goal of this research is to test the robustness of the three-stages conceptual framework that represents the evolution of the relations between the government and China-originated NGOs. To fulfil this purpose, the research is limited to China-originated NGOs.

4.2.2.1 Policy Focus: The Case of Water Pollution Control

The policy concerning Chinese NGOs has experienced dramatic changes recently. During the 1990s and 2000s, there were only two major regulations for NGOs with an emphasis on controlling and restricting the activities and development of NGOs. The two regulations were promulgated in the 1990s and there was no change in NGO policy throughout the 2000s. More salient was that no policy ever emerged with respect to NGOs until recently. Since the early 2010s, a wide range of policies have

been created and implemented that aim to stimulate and advance the vitality of the society and to foster the development of NGOs. For example, the requirements for legal registration of NGOs have been eased; the government has begun to push for purchasing public service from ENGOS. Most tellingly, some policies, for the first time, specify the role of ENGOS in governing the environment. As shown in figure 4.1, the policies highlighted in yellow explicitly mention ENGOS and clearly define their roles. Prominent among them is the newly amended EPL that, unprecedentedly, entitles ENGOS to file environmental public interest litigation. Such recent new developments of ENGOS policy are characterized by an emphasis on developing and promoting collaboration between the government and ENGOS.

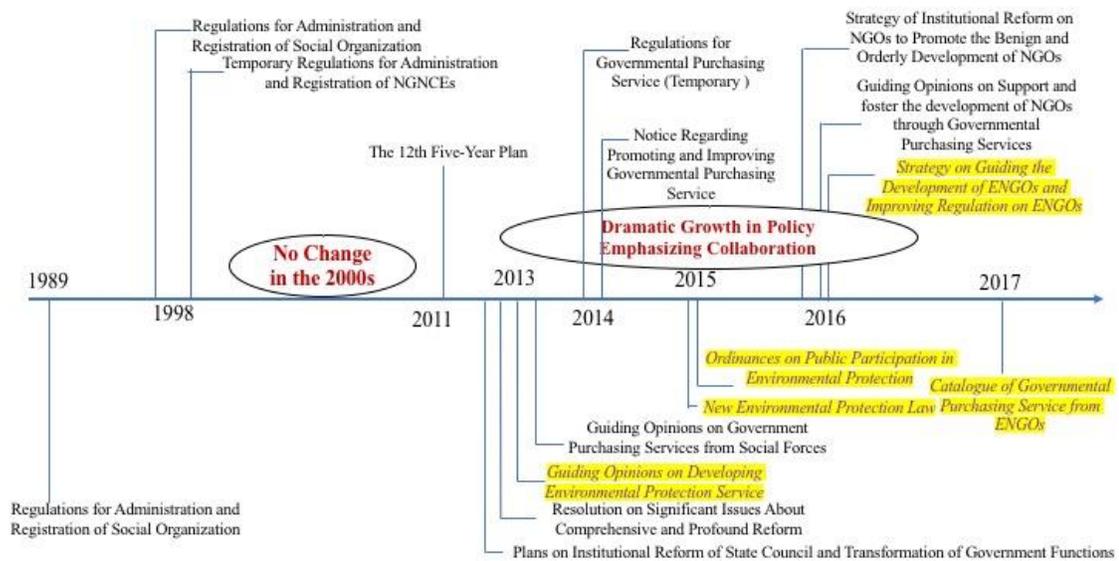


Figure 4.1 China's policies towards ENGOS since the 1990s

Policy developments concerning ENGOS are closely tied to how government-ENGO relations evolve. To be specific, policy has direct and enormous effects on the relations and explicitly reflects on where their relations are. And the evolution of the relations, in turn, implicitly underpins the development of policy towards ENGOS, as illustrated in figure 4.2. Therefore, the two matters— policy developments concerning ENGOS, the evolution of government-ENGO relations—can be viewed in an interactive way. Of particular relevance here, how can the change and development of policy concerning ENGO be explained? And can the three-stages conceptual model be useful to understand the recent emergence of the collaboration-oriented policies? To address these questions, the thesis identifies a specific issue area—water pollution control—as a case study.

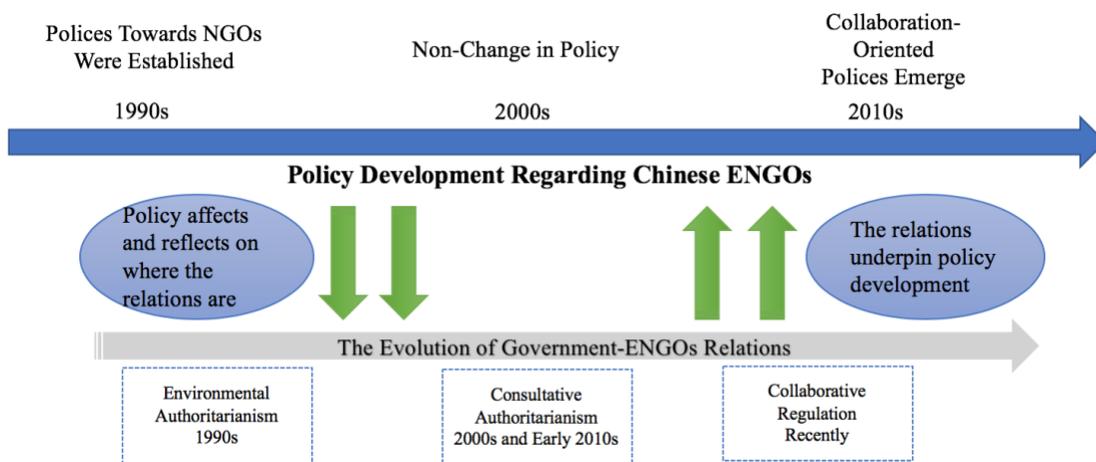


Figure 4.2 The relationship between policy development and the evolution of Government-ENGO Relations

There is no doubt that water pollution has long been one of the most significant environmental problems facing China. Addressing the widespread and severe water pollution has been a top environmental concern for the Chinese government. A number of ENGOs across the country have been committed to dealing with water pollution as their primary activities. The 2000s witnessed growing positive interactions among ENGOs, the government, the general public, and the business community to enhance environmental enforcement regarding water pollution prevention and control. A series of landmark policy initiatives have been adopted in recent years to create and facilitate the collaboration and partnership between ENGOs and the government. For instance, ENGOs have been given the legal standing to file environmental public interest litigation against polluters who contaminate water resources; the government has begun to actively outsource water pollution monitoring to ENGOs. Therefore, there is a good reason to believe that the recent emergence of collaboration-oriented policy concerning ENGOs is notable in the issue area of water pollution control.

Moreover, the three-stages conceptual framework characterizes the shift of governmental control over ENGOs, moving from restrictive and direct control to relaxed control, and then to strategic and indirect control recently. While it is very difficult to qualitatively assess such changes, there are some indications that can help make sense of the nuanced but critical changes. ENGOs' involvement in politically sensitive areas is such an appropriate indicator. As discussed earlier, in the 1990s, the boundary for ENGOs' activities was seriously limited to activities with no or very low political risks, or in politically neutral areas. Nonetheless, since the 2000s, ENGOs have become increasingly active and engaged in policy advocacy and some politically contentious areas, signifying that government control has evolved. The involvement of

NGOs in water pollution control is an excellent case in point. Last but not least, the central government controlled environmental policy in the 1990s and largely remained dominant in the 2000s. Nevertheless, recently the governments at the local levels have interpreted and implemented policies concerning NGOs in ways that fit with their own agenda and could not conflict with the central policy. The three-stages conceptual framework takes this into account by emphasizing the dimension of the indirect and strategic controls of the government. Selecting water pollution control as a case study can help better consider the differences in the focus and environmental enforcement of the central and local governments. Because water pollution control is closely linked to local economic development and then has the potential to lead to indirect and strategic control from local governments, thereby offering a good example to apply and test the usefulness of the conceptual framework. As a result, for these reasons, water pollution control is selected as an example to apply and test the conceptual framework and to explain what the evolution of government-NGO relations has meant for policy development concerning NGOs

4.2.2.2 Governance Focus: The Case of Two National NGOs

In a broad sense, since the emergence of NGOs in the 1990s, government-NGO relations have experienced substantial changes, from top-down control initially to embracing partnership and collaboration recently, from restricting the growth of NGOs to increasingly supporting and fostering their development, from management dominated by the government initially to governance involving not only the government but also NGOs and other non-state actors, and from power hierarchy to power sharing and innovation (Zhan & Tang, 2013; Zhang & Barr, 2012; Zhao & Li, 2016; Wang,

2017). Over the past several decades, the concept of governance has been one of the most widely used approaches to discussing the relationships between state and society (Peters, 2012; Yu & He, 2012). As Shapiro puts it:

The concept of governance, with its Latin root in “steering”, broadens the study of politics beyond that of the state, with its laws, regulations, and “monopoly on the legitimate use of violence”, as Max Weber so famously expressed it, to focus on the processes, policies, laws and institutions that affect social relations and guide public attitudes and behaviors. (Shapiro, 2012, p.18).

To illustrate this analytical concept, she further goes on to note that:

Non-governmental forces and actors such as citizens’ groups also participate in “steering” societies and shaping public behaviour, often circumventing the state entirely. (Shapiro, 2012, p.18)

Stoker offers a commonly cited conception of governance, defining that:

Governance consists of five propositions: “ a set of institutions and actors that are drawn from but also beyond government; the blurring of boundaries and responsibilities for tackling social and economic issues; power dependencies involved in the relationships between institutions involved in collective action; autonomous self-governing networks of actors; and the capacity to get things done that does not rest on the power of government to command or use its authority. Government uses new tools and techniques to steer and guide. (Stoker, 1998, p.18).

From this perspective, the broadly changing landscape of Chinese government-NGO relations since the 1990s indicates that governance in China’s environmental realm has been engineered, changed, and promoted. This thesis seeks to understand what the evolution of government-NGO relations means for China’s environmental governance. Drawing on insight from literature on governance and the Chinese experience, this thesis focuses on three defining characteristics of governance to better capture the governance implications of the dynamic government-NGO relations: 1) the

participation of the government, ENGOs, and other non-state actors, such as the public and the business community, in environmental governance; 2) power sharing which means the government specifically empowers ENGOs to play a role in governing the environment; 3) formal institutions driven by government and informal institutions originated from ENGOs (Peters, 2012; Stoker, 1998; Yu & He, 2012; Yu, 2012). The examination into the governance implications, therefore, is centered around one question: how can we use the three-stages conceptual framework to understand the governance implications of the relations in these three respects?

This thesis focuses on two ENGOs—Friends of Nature (FON) and the Institute of Public and Environmental Affairs (IPE)—to explore the governance implications. The goal of this research is to test and establish the usefulness and robustness of the conceptual three-stages framework. Therefore, I intentionally select these two typical ENGOs that can well serve this purpose. Since it was founded in 1994, FON, China's oldest ENGO, has been actively and constructively involved in a wide spectrum of areas, ranging from environmental education and nature conservation to promoting public participation, to policy advocacy and environmental public interest lawsuits. While FON is based in Beijing, it can be viewed as a national ENGO that has a total of 24 local groups spreading widely across North China (NC), East China (EC), Central China (CC), South China (SC) (figure 4.3)⁵.

⁵ The introduction of FNO's local volunteers and groups. <http://www.fon.org.cn/>



Figure 4.3 The geographic location of FON and its 24 local groups (in red)

In recent years, FON has devoted to participating in environmental public interest litigation almost throughout the country, greatly extending the scope of its activities. As highlighted in yellow in figure 4.4 below, there are 34 litigations filed by FON in 19 provinces and municipalities extensively across China⁶. Given its pioneering position and social impacts, FON is commonly acclaimed as a role model of Chinese ENGOs. Moreover, since the beginning, FON has proactively and consistently played an important, often leading, role in getting other multiple ENGOs together to engage with a number of strategies, projects, and campaigns, some of which are of significance

⁶ FON's environmental public interest litigation.
http://www.fon.org.cn/index.php?option=com_content&view=featured&Itemid=105

for China's environmental governance (Ma, Webber, Finlayson, & 2009; Pan, 2010; Li, 2014; Johnson, 2014; Wang, 2016). Therefore, tracing the development of this typical ENGO offers a good avenue to make sense of how the relations between government and a specific ENGO has evolved, what roles they play in environmental governance in different stages, and in what ways.



Figure 4.4 The geographic distribution of FON's environmental public interest litigation highlighted in yellow

Most Chinese ENGOs were established after 2000. It is thus important and necessary to select an active and engaged ENGO founded in the 2000s. IPE established in 2006 is a case in point. With collecting, exploring, and using environmental data at its heart, IPE has vigorously and effectively created and implemented a series of innovative

approaches to get not only the government, but also the business community and the public to better participate in environmental governance. Like FON, IPE is also based in Beijing, whereas, its activities and influence have reached across the country, which can be best illustrated by its two prominent projects: the green supply chain project and the Pollution Information and Transparency Index (PITI) . The goal of the former project is to push the polluting suppliers of multinational corporations to correct their behaviors and improve environmental performance. By the end of 2018, there were a total of 2458 polluting suppliers that had been driven by the project to make positive changes in terms of environmental practice (IPE, 2018a). Those companies extensively spread throughout the country, concentrating in southern China, as shown in figure 4.5. Moreover, IPE engages with over 110 local governments in its PITI project, covering almost all major cities across China (figure 4.6), with an aim of assessing and ranking local governments' performance on disclosing environmental information. Particularly, what makes IPE stand out is that it has made active, sustained, and constructive engagement with not only the government, but also the business community, holding thousands of enterprises accountable. Enterprises play an essential role in addressing industrial pollution and the excessive use of natural resources. They are definitely an integral part of environmental governance. Therefore, IPE offers a specific way to approach what the government-ENGO relations means for governance, leading to a more comprehensive grasp of the governance implications.



Figure 4.5 The geographic distribution of polluting suppliers which have been driven by IPE's green supply chain project to correct pollution behaviours



Figure 4.6 The geographic distribution of local governments which are assessed in IPE's PITI project

4.2.2.3 Data Collection and Analysis

To explore the evolution of government-NGO relations in China and its implications for policy and governance since the 1990s, two methodologies will be employed for data collection: semi-structured interview and document analysis. The three-stages conceptual framework consists of a set of components—such as persuasion, positive feedback processes and various collaborative mechanisms—none one of them can be well explained without rich and in-depth interpretation and understanding of how they operate in specific settings. Only people who are involved in these processes may provide a comprehensive and detailed description and explanation. This is why in-depth interview comes into the methodology of this thesis because they allow the author to enter those people’s experience, feelings, and perspectives about interaction processes between NGOs and multiple actors. The fieldwork, which took place during the summer of 2018, mainly includes participant-observation research conducted at five NGOs (Green Earth Volunteers (GEV), IPE, Warriors for River (WHR), FON and Guiyang Public Environmental Education Center (GYPEEC). WHR is located in Henan Province; GYPEEC is situated in Guizhou province and the rest of the three NGOs are all Beijing-based (figure 4.7).



Figure 4.7 The geographic location of the five ENGOs investigated by the author in the fieldwork

WHR is the earliest ENGO dedicated to water pollution control with an emphasis on pollution problems of the Huai River. More salient is that WHR pioneered two approaches—engaging the public in water pollution monitoring and undertaking nonconfrontational conversations to address pollution— both of which are central to ENGOs’ persuasion in the stage of Consultative Authoritarianism and their collaborative strategies in the stage of collaborative regulations. Therefore, WHR fits well into the purpose of this thesis to test and apply the three-stages conceptual framework to explore policy implications through the lens of water pollution control. Moreover, GYPEEC founded in 2011 devotes to addressing local water pollution problems. It stands out as one suitable case largely because of its prominent role in

governmental purchasing of service related to water pollution control. GYPEEC is the first ENGO to contract with the government to control and reduce water pollution. Since the early 2010s, a series of local governments have purchased various services related to water pollution control from GYPEEC. GYPEEC offers a good example to make sense of the new collaborative policy—governmental purchasing of service from ENGOs—and provides empirical evidence to test the conceptual framework. Furthermore, as one of the oldest and most well-known ENGOs, GEV shifted its focus on protecting water resources and dealing with water pollution problems in the early 2000s. What is striking about GEV is that it has created and implemented the approach of getting people involved in walking along the rivers to shape or change their environmental attitudes, beliefs or behaviors, which embodies the central idea of ENGOs' persuasion defined in the conceptual framework. In a similar vein, IPE's data-based strategies regarding water pollution control typically represent the core of persuasion occurred in the second stage of Consultative Authoritarianism. Therefore, GEV and IPE present excellent examples of how ENGOs undertook persuasion and brought about changes in terms of policy, social understanding and actions. Besides, as discussed earlier, this thesis will focus on FON and IPE to examine governance implications, thereby making them the integral part of the fieldwork for this thesis.

While visiting each of these ENGOs, the author has conducted numerous face-to-face semi-structured interviews with a wide variety of people, including the leaders and key members of ENGOs, relevant local government officials, environmental lawyers and activists, volunteers, representatives of enterprises, as well as local citizens. In addition, the author spent time with some of them informally and made informal conversations that can offer helpful data and insight as well.

The interpretation of historical processes over time is at the core of this thesis to provide evidence for testing and applying the conceptual framework. It requires detailed and extensive historical knowledge in a large-scale context and long-time period. Document analysis is well-suited to obtain data and information for this demand. Document sources for data primarily consist of scholarly literature and public archives, including journals, internet, newspapers, media reports, the websites of ENGOs, the newsletters, annual reports and other grey literature produced by ENGOs. The author pays particular attention to both English-language and Chinese-language publications about Chinese NGOs and state-society relations in China. In the case study of water pollution control, empirical evidence derives from a combination of fieldwork of ENGOs identified above with document analysis of multiple other ENGOs.

In sum, according to the three-conceptual framework, a totally of 23 ENGOs are selected to serve for the purpose of this research, as indicated in table2. This thesis begins with a conceptual framework and then proceeds to illuminate, test, and apply it by analysing empirical data from interviews and documents. Data analysis primarily relies on the pre-determined three-stages framework that presents a causal process involving some interlocking parts, such as positive feedback mechanisms and NGOs' persuasion. The method of process tracing will be adopted to in-depth describe and clarify these parts and causal links among them in different contexts.

Table 4.1 ENGOs Interviewed or Consulted

	The Selected ENGOs	The Focus of ENGO	The Purpose of Selection
The first stage of Environmental Authoritarianism	Global Village of Beijing	Environmental Education	The central idea of the first stage of Environmental Authoritarianism is that ENGO activities were restricted to only politically safe or insensitive areas. In the 1990s, they primarily focused on environmental education, nature conservation and species protection, and research for the environment, thereby leading to a notable absence of ENGOs in the issue of water pollution control that was politically contentious. These ten ENGOs are selected that offer typical examples of ENGOs actively working on the three areas during that period.
	GEV	Environmental Education	
	The Institute for Environment and Development	Environmental Education	
	FON	Environmental Education and Nature conservation and species protection	
	The Saunders' Gull Conservation Association in Panjin City	Nature conservation and species protection	
	Green River	Nature conservation and species protection	
	The Green Volunteer League of Chongqing	Nature conservation and species protection	
	Beijing Environment and Development Institute	Research for the environment and sustainable development	
	South-North Institute of Sustainable Development	Research for the environment and sustainable development	
	the Center for Biodiversity and Indigenous Knowledge	Research for the environment and sustainable development	
	GEV	Water resource conservation and water pollution control	
	IPE	Promoting pollution control and environmental information disclosure	

<p>The second of Consultative Authoritarianism</p>	<p>WHR</p>	<p>Water pollution control</p>	<p>At the core of the second of Consultative Authoritarianism is ENGOs’ persuasion-based nonconfrontational approach to deal with the government and society. In the case study of water pollution, this thesis applies Aristotle’s classic model of persuasion to elucidate ENGOs’ two major persuasion strategies: one is about <i>logos</i> that refers to communicating with truth claims such as data; the other is about <i>pathos</i> that refers to arousing the emotions of people in favour of water pollution control. Three ENGOs are purposely selected to provide in-depth examination into how ENGOs adopt these two strategies. GEV largely relied on <i>logos</i>. IPE took full advantage of <i>pathos</i>. WHR combined both <i>logos</i> and <i>pathos</i> to exert persuasive influence.</p>
<p>The third stage of Collaborative Regulation</p>	<p>Green Hunan Green City of Rivers Green Han River Green Qilu The Green Stone Environmental Protection Center The Jiangxi Environmental Communication Centre</p>	<p>Water pollution control Water pollution control Water pollution control Promoting pollution control and environmental transparency Pollution control Pollution control</p>	<p>Central to the third stage of Collaborative Regulation is the recent emergence of the collaboration among ENGOs, the government, and other non-state actors. This thesis selects a total of 14 ENGOs covering six geographic regions of China to understand what collaborative strategies they have pursued since the 2010s, as detailed in 5.3.1.</p>

	GVE	Water resource conservation and water pollution control	
	IPE	Promoting pollution control and environmental information disclosure	
	The Wuhu Ecological Center	Pollution control	
	The Chongqing Liangjiang Voluntary Service Centre	Pollution control	
	The Green Camel Bell	Pollution control	
	WHR	Water pollution control	
	The Shenzhen Green Volunteers	Pollution control	
	GYPEEC	Pollution control	

S1 represents the first stage; S2 represents the second stage; S3 represents the third stage; L represents local ENGO; N represents national ENGO; P represents policy implications; G represents governance implications

Chapter 5

POLICY IMPLICATIONS OF THE EVOLUTION OF GOVERNMENT-ENGO RELATIONS SINCE THE 1990s: A CASE STUDY OF WATER POLLUTION CONTROL

5.1 Dominant Government and the Absence of ENGOs in the 1990s in Water Pollution Control

Under the reforms initiated in the late 1970s, the Chinese government retreated from its traditional role of guardian taking care of all aspects of social welfare services and public affairs, reduced governmental control over society, and allowed a wider space for non-state actors to address social demands and problems. This profound social transformation created political opportunities for the emergence and expansion of civil society in China (Howell, 2007; Whiting, 1991). Alongside the extraordinary economic take-off in the 1990s, China underwent tremendous degradation of natural environment and resources, which constituted the other critical impetus for Chinese ENGOs to emerge (Economy, 2004). As a result, ENGOs have quickly sprouted in China like bamboo shoots after spring rain since the early 1990s. But on the other hand, in the aftermath of the Tiananmen Square protest, the government became very vigilant of potential political risk of civil society organizations. To hold control over NGOs, the government adopted a series of regulations and defined the boundary of NGOs' legitimate activities. Facing such a highly restrictive context, ENGOs primarily focused on politically insensitive or safe areas—such as environmental education and research for sustainable development, endangered species protection and nature conservation—

and cautiously steered away from politically contentious issues such as water pollution control, so as to avoid being regarded as threatening or troubling by the government.

5.1.1 Water Pollution: Severity Undisputed Yet Politically Contentious

5.1.1.1 Severe Water Pollution in the 1990s

Beginning in 1978, with the reform and opening-up policy, the Chinese government has ushered in an era of industrial development and economic growth at an unprecedented pace, making economic development a hallmark of China in the post-Mao age. In 2000, the annual growth rate of China's gross domestic product (GDP) was 8.4% (Guardian, 2015), in tandem with a more than tenfold increase in GDP per capita in 1999 (Asian Development Bank, 2018). However, this spectacular economic growth came at a high cost of the country's natural environment. The MEP's annual report in 1998 exhibited that the water quality of 63.1 percent of China's seven major rivers—Yangtze River, Yellow River, Peral River, Songhua River, Huai River, Hai River and Liao River— was classified as grade IV or worse, meaning that the water was unfit for human contact (MEP,1999). More striking, 37.7 percent of the seven major rivers was so polluted that it could not be used for any purpose (MEP,1999). Meanwhile, water pollution seriously affected China' lakes in the 1990s. Three of China's largest lakes— Tai Lake, Dianchi, and Chao Lake—suffered acute pollution and degradation. Dianchi was overall graded V or worse, rendering it only suitable for agricultural purpose or landscaping. Even worse was that the constant and rampant pollution made the Chao Lake lose all functions.

Water pollution took a heavy toll on public health and social stability. “Cancer villages” along the polluted rivers offered a glimpse of what dire consequences it

caused. For instance, along with a remarkable process of industrialization and economic development, the Huai River valley has experienced massive water pollution since the 1980s (Economy, 2004). The incidence of various cancers was found to be much higher among residents along the river. In a village along the Shayinghe, the largest tributary of the Huai River, more than half of the people, who died from 1990 to 2004, died of cancer, resulting in 60 percent higher mortality rate than a decade ago (Bai & Shi, 2006). In actuality, such “cancer village” was not an exceptional case, but instead was also be found in other areas within this valley (Bai & Shi, 2006). There has been a widely held view that local drinking water heavily contaminated by hazardous discharge into the Huai River has been a major cause of “cancer village.”

5.1.1.2 Contentious Politics in Water Pollution Control

Since China began its reforms in the late 1970s, economic development has been critically important for the legitimacy of the government, and thus has long been its priority number one. In the 1990s, the slogan “it is glorious to get rich” was prevailed as a national credo that encouraged everyone to increase industrial or agricultural production and to make profits and improve living standards (Jahiel, 1997). One key factor driving the country’s economy was the central government’s decentralization policy that devolved a substantial amount of authority for economic development to local governments, such as the power to determine capital construction projects and bring foreign investment and joint ventures (Economy, 2004; Teets, 2014). At the same time, a GDP-oriented evaluation system was adopted explicitly to motivate officials at the local levels to prioritize economic growth. Because GDP growth was often the most significant factor in determining officials’ performance evaluation and political

promotion, their performance on environmental protection was much less important. The data regarding the turnover of local leaders between 1979 and 1995 demonstrates that the promotion of provincial officials was strongly correlated with the economic performance of their provinces (Qi & Zhang, 2014). Moreover, under the tax assignment system implemented in 1994, a greater proportion of the total tax revenue was distributed to the central government. As a result, local governments, which bear the primary responsibility for public and social service, largely faced financial difficulties (Teets, 2014). This constituted the other huge incentive for local governments to prioritize economic development over other concerns to gain more revenues. Consequently, the dynamics that were centered on economic growth has definitely taken root in China.

Against this background, water pollution control seems to be in conflict with promoting a rapid and constant economic growth that was a preoccupation of the country. Pollution prevention and reduction entails constraints on growth and requires adequate investments of funding and resources from government and private sectors. As Lan et.al. note, “pollution control and natural resource management touch on disparate elements of economic life, from production to consumption.” (Lan, Livermore, & Wenner, 2011, p.44). Industrial firms were considered as the principal culprit of China’s water pollution problems, whereas most of them acted as an important contributor to local tax revenue and job creation (Li, 2013; Nelson, 2008). To control water pollution, firms need to adopt environmentally friendly but often costly technologies, as well as wastewater treatment system to comply with certain discharge standards. They also have to pay the penalty if a violation occurred, aside from paying water pollution discharge fee. Heavily polluting firms have to be forced to suspend

production or close down. Thus, it is fair to say that water pollution control may largely drive up the costs of production and economic development, affect the industrial competitiveness and profits, reduce taxes paid to local government, and then impede growth in the economic sphere. Especially, in the era of reforms, China's economic model heavily relied on massive exploitation of the natural environment, as Yang, Liu and Zhang put, "the economy depends on high input, high consumption, high pollution, low output." (Yang, Liu, & Zhang, 2017, p.1). Therefore, to a great extent, a rapid and sustained growth inevitably causes pollution (Ren & Shou, 2013). Local governments, which were main executive bodies to enforce environmental laws, mostly were faced with two seemingly contradictory goals between addressing water pollution problems and facilitating economic growth. It is within this context that water pollution control became a contentious political issue in China. Given the central role of economic growth in the incentives mechanisms of local officials, water pollution concerns were often subordinated to economic interests when the two were in conflict.

5.1.2 Government-Dominated Water Pollution Control Regime

In the 1990s, government agencies were the main actor in China's water pollution control regime that consisted of multiple ministry-level governmental agencies and their subordinated bureaus at the provincial, prefecture, and county governments (Hu & Chen, 2013; Jiang, 2015; Mol & Carter, 2006; Qu, Meng, Ye, & You, 2016). The State Environmental Protection Administration (SEPA, upgraded to the MEP in 2008), China's top environmental regulator, was in charge of formulating water pollution-related regulations and policies and overseeing the enforcement of its local Environmental Protection Bureaus (EPBs). At the subnational levels, EPBs were the primary governmental bodies to take charge of the implementation of relevant laws,

regulations and policies, including monitoring water pollution, conducting on-site inspection, detecting violations, collecting discharge fees and penalties. In the meantime, an array of other agencies, such as the Ministry of Water Resources and its local agencies, were also responsible for coordinating with the SEPA or EPBs to take care of affairs about water pollution control (He, Lu, Mol, & Beckers, 2012). As a result, the government dominated the water pollution control regime, leaving almost no room for non-state actors to participate in the regime or play a role (He et al.2012; Vermeer, 1998; Zhang & Shi, 2006).

The campaign approach to address water pollution problems of nationwide importance and magnitude provided a typical example to illustrate the government-monopolized regime (Economy, 2004; Rooij & Lo, 2010;). During the 1990s, the Chinese government launched the “three rivers and three Lakes” campaign to clean up the most polluted water bodies: Liao, Huai and Hai Rivers and Tai, Chao and Dianchi Lakes. The campaign targeted at the Huai River Valley, along which tens of thousands of industrial factories mushroomed and boomed, was the first and the largest campaign of this kind of pollution control. Initiated in late 1995, the government aggressively undertook two top-down, command-and-control measures with a specific but unrealistic goal over limited time periods: one was to launch a massive movement to close down 15 categories of small-scale polluting factories along the river by the end of June 1996, such as small paper, textile dyeing and chemical factories; one was to strongly push for enforcement and order all factories discharging effluents to meet certain standards by the end of 1997 (Bai & Shi, 2006; Economy, 2004; Wang, Webber, Finlayson, & Barnett, 2006). Viewed through the lens of this campaign, the executive authority was the sole means of controlling water pollution. The government rarely engaged with

non-state actors in this short-term, intense, and powerful movement; enterprises were only passively subject to inspection and supervision from regulators, and the involvement of ENGOs was nearly non-existent (Economy, 2004; Vermeer, 1998).

5.1.3 ENGOs Absent in Water Pollution Control

The policy environment that allowed ENGOs to participate in water pollution control was determined by two factors: governmental regulations on ENGOs and the properties of China's water pollution control regime. Out of fear of the political and social unrest stemming from the Tiananmen square crisis, the Chinese government developed and implemented a series of strategies—registration, supervision, dissolution—to tightly limit the number of NGOs and control the scope of their activities and influence in the 1990s (Hildebrandt, 2013; Howell, 2007; Ho, 2008). ENGOs were certainly subject to such control measures and constraints. First of all, the registration rule to regulate ENGOs' application for legal identity consisted of four measures, including the dual registration, anti-competition, ban on regional branches, and a high bar set for establishing an ENGO. On top of this, every ENGO, regardless of its legal status, was subject to supervision from governmental agencies that oversaw a full range of issues from ENGOs' daily activities to financial situations (Ma, 2005; Percival & Zhao, 2014). In addition to these regular supervisions, the government could interfere with, repress or crack down any ENGO if it breaks laws, regulations, or conducts activities that the government would find troublesome, threatening or confrontational. A continuum of strategies could be adopted, from relatively gentle measures, such as suspending the ENGO's activities and removing its sponsorship, to strong means, including official warning, office raid and outright shut down (Economy, 2004; Howell, 2015; Ru & Ortolano 2009; Saich, 2000). Faced with these substantive

restrictions, ENGOs had to align their activities with the goals and policies of the government and cautiously steered away from politically contentious issues (Ho, 2008; Yang, 2005).

A closer look at what ENGOs were working on throughout the 1990s reveals that they primarily focused on three politically safe areas: environmental education, nature and species conservation, research for the environment and sustainable development. They were seldom involved in politically contentious areas, for example, promoting public participation in policy-making, which are generally considered as common activities of ENGOs in western countries. Despite the demands to respond to the acute water pollution during this period, ENGOs, in fact, rarely engaged in the prevention and control of water pollution.

5.1.3.1 Environmental Education

In the early days, most ENGOs were dedicated to promoting environmental education and public awareness of the environment by employing a variety of means (Fu, 2006). The Global Village of Beijing (GVB) was a classic case in point. GVB's main approaches to advance environmental education involved television programming, participatory green activities, and environmental publications (Economy, 2004; Fu, 2006; Kunp, 1997). In the middle of 1990s, GVB produced a weekly television program—Time for the Environment— broadcasted by China Central Television, an environmental code of conduct for citizens and children, as well as early childhood environmental films, widely disseminating knowledge and information about environmental protection to inform and guide the Chinese public. GVB also took the initiative to engage local communities in recycling resources, classifying garbage, and building a green lifestyle. Another prominent ENGO was GEV that created an

innovative and interesting environmental education model to bring people close to nature (Wang & Wang, 2012). GEV organized various activities for urban citizens to get closer to nature, such as birds watching, wildlife watching, trees planting, trees adopting and green summer camps. In addition, it is worth noting that the Institute for Environment and Development (IED) pioneered a training approach—leadership environment and development program—to build leadership capacity for sustainable development in China within a group of environmental professionals and scholars (Kunp, 1997; Ho, 2008).

5.1.3.2 Nature and Species Conservation

Nature conservation and species protection have been seen as a politically acceptable or safe issue; in that, apparently, it does not overtly or directly challenge the priorities which has been deeply entrenched in China's political economy in the age of industrialization and modernization (Economy, 2004). Actually, in the 1990s, a wide range of ENGOs emerged in response to the engendered ecosystem and species. The Saunders' Gull Conservation Association in Panjin City (SGCA) was perhaps the earliest Chinese ENGO specially established to save endangered species in the early 1990s. SGCA played a vital role in effectively protecting the endangered Saunders' Gull and its wetland habitat (Xie, 2009). The Green River, founded in 1995, put great efforts to protect the ecological environment and rescue endangered wildlife like the Tibetan antelope in the headwater of the Yangtze River (Economy, 2004). Tellingly, it built the first nature protection station by civil society in this region in the late 1990s. Two other striking examples were the Green Volunteer League of Chongqing (GVLC) and the Center for Biodiversity and Indigenous Knowledge (CBIK). GVLC devoted to protecting natural forests in the upper reaches of the Yangtze River. And the main focus

of CBIK was to conserve biodiversity in the southwest part of China (Wang & Wang, 2012).

5.1.3.3 Research on Environment and Sustainable Development

Research for environmental and sustainable development was the third major area of ENGOs' activities in the 1990s. Beijing Environment and Development Institute (BEDI), South-North Institute of Sustainable Development (SNISD) and CBIK offered great examples in this regard. With support from the Institute of Environmental Economics at Renmin University of China, BEDI focused its work on applied research for approaches to environmental and developmental problems and sought to promote the use of the approaches within the government agencies (Kunp, 1997). Along similar lines, CBIK affiliated with a local academic institute of Chinese Academy of Sciences took on such issues as the multi-disciplinary research on biodiversity conservation, community development, and participatory resource management (Kunp, 1997). By pursuing a different and more specific strategy, SNISD mainly concentrated on studying energy-related policies and promoting the deployment of renewable energy in China (Ho, 2008).

5.1.4 Environmental Authoritarianism

In the context of serious water pollution across China in the 1990s, there were three primary factors that characterized the relations between the government and ENGOs in the area of water pollution control. First, the water pollution control regime was dominated by governmental bodies and their command-and-control regulatory instruments, such as the anti-water pollution campaign, which allowed little or no role for non-state actors. The second factor was a highly authoritarian system over the NGO

sector that imposed tight control over ENGOs in a top-down fashion and restricted the scope of ENGOs' activities to political acceptable or safe areas like environmental education and research. In other words, under political vigilance and governmental control, ENGOs' involvement in water pollution control, which was regarded as a politically contentious issue, was not tolerated by the government during this time of period. As a result of such a constrained political and policy environment, the participation of ENGOs in water pollution control was noticeably absent, against the backdrop of the proliferation of ENGOs and their active presence in many other areas in the 1990s (Lo, 2015). In conclusion, the government created the limited pluralism by imposing direct and restrictive control over ENGOs and dominating environmental governance system with very limited participation of non-state actors, thereby making government-ENGO relations regarding water pollution control an exemplar of environmental authoritarianism in the 1990s.

5.2 Government-ENGO Relations Shifted to Consultative Authoritarianism in the 2000s

5.2.1 Water Pollution Deterioration

Despite multiple government regulators and their command-and-control approaches, the water pollution control regime fell short of addressing the contamination and damage on water resources. Overall, China's water pollution was not curbed through the 1990s into the 2000s, and remained the same or continued to deteriorate. According to MEP's annual environmental reports in 2000-2007, over 60 percent of the water in China's seven major rivers fell into the category of IV or worse, indicating that the water was too polluted to contact by humans. Tellingly, the water, which lost all functions, accounted for approximately 40 percent of the seven major

rivers (MEP, 2019). China's major lakes also presented a very grim picture of water pollution and degradation. While the government launched costly and massive campaigns to clean up the three most polluted lakes in the 1990s, there was no or very limited improvement in water quality of these lakes. During the 2000s, the worst pollution still took place in Daichi that was of no function or benefit to humans as a result of a constant and extremely high level of contamination and eutrophication.

China's mounting water pollution caused profound negative impacts on its economy and society in the 2000s. First and foremost, water pollution problems was viewed as a bottleneck to drive further economic growth in China (Nelson, 2008). It was widely estimated that the total economic cost stemming from water pollution and other types of environmental contamination was equal to 8 percent to 12 percent of its annual GDP (Economy, 2004). For ordinary people, perhaps more pressing concerns were water pollution-related accidents and health problems such as the rising cancer rate and abnormal pregnancy, which became major causes of the growing environmental complaints and social unrest (Brettel, 2008). Nearly half of China's 1.3 billion people were plagued on a daily basis by contaminated drinking water with various chemical and biological pollutants (Schmidt, 2002). According to one study, two million people died each year in China due to diseases related to water and air pollution (Briggs, 2006). During the period from middle 1980s to middle 2000s, the number of water source pollution incidents generally increased, hitting a record high in 2006, unsurprisingly, which led to the lack or cut-off of safe drinking water supply, and then triggered public discontent and undermined social stability (Qu, Meng, Ye, & You, 2016). As Pan Yue, the then vice minister of the SEPA, put it:

China's water pollution is approaching a dangerous turning point. Water pollution prevention and control is the most significant and urgent

environmental issue over a long period of time. If not addressed effectively, water pollution will cause devastating impacts on social harmony (Weekly China News, 2007, July 6).

5.2.2 The Failure of Government-Dominated Water Pollution Control Regime

Alongside the first law on water pollution control and prevention enacted in 1984, China's water pollution control regime was established, laying out an institutional framework and a series of regulatory instruments (Shi & Zhang, 2006; Yu, Ohandja, & Bell, 2012). Nonetheless, the serious reality indicates that the regime failed to stem the overall deterioration of water quality in the 1990s and 2000s. This reflected the failure of governmental agencies at both central and local levels that played a dominant role in the regime. To begin with, SEPA, the highest level of governmental agency for environmental protection, was primarily responsible for controlling water pollution, whereas, it had a relatively lower rank in the government's bureaucracy and limited administrative power with constrained resources (Ren & Shou, 2013). While pollution-related laws stipulated that all relevant agencies involved in the regime should coordinate with SEPA, SEPA often did not have sufficient authority to take a leading role in coordinating with diverse agencies, many of which virtually had higher administrative rank and more leverage in decision-making (Vermeer, 1998). Secondly, local EPBs are the major environmental implementers and enforcers. Despite such an important role specified by law, EPBs largely were limited in capacity and resources to enforce laws and regulations. Local EPBs were subordinated to the SEPA and the upper-level EPBs, whereas, they heavily relied on the corresponding local governments for all necessary support, both politically and financially, including budget, staffing, EPBs officials' appointment and promotion, employee benefits as well as equipment for environmental inspection like cars (Economy, 2004; Lan et al., 2011; Wang, Webber,

Finlayson, & Barnett, 2006). As noted earlier, local governments have been subject to the GDP-oriented evaluation system, thereby making economic development their central preoccupation. Amidst pro-growth governments in general, EPBs usually found it difficult to gain support and coordination that were critical for their operation and effective water pollution enforcement (Rooij & Lo, 2010). As a result, the lack of authority, funding, and personnel immensely impaired EPBs' capability to execute their duties. Thirdly, the water pollution control regime, which was set up in the early 1980s, initially aimed to tackle water pollution stemmed from state-owned enterprises (SOEs) (Shi & Zhang, 2006). Nevertheless, China's profound reforms spawned the great boom for Township and Village Enterprises (TVEs). Unlike SOEs, TVEs were characterized by their small scales, enormous quantity, geographical dispersion, water resource-intensive industries, obsolete equipment and technology, and the lack of wastewater treatment facilities (Nelson, 2008). Since the 1980s, millions of TVEs have widely spread and achieved spectacular growth in almost every corner of China. It was estimated that TVEs contributed to half of China's industrial wastewater discharge. Nonetheless, the regime turned out to be not effective and adaptive to cope with TVEs' water pollution concerns (Shi & Zhang, 2006). The most notable challenge was that the sheer number of TVEs overwhelmed the government's human capacity to oversee them, leaving a vast number of them outside the sphere of EPBs' supervision. This was further compounded by TVEs' wide dispersion that made it tough for EPBs to identify and locate polluters (Wang et al. 2006).

5.2.3 The “ Consultation-Persuasion” Interaction Model

Against the backdrop of the mounting water pollution and the failure of the government-dominated regime, a number of ENGOs emerged to focus on a new area—

water pollution control—in the 2000s. To navigate through the government’s authoritarian control that remained in place, ENGOs pursued a persuasion-based, nonconfrontational approach. In this research, persuasion refers to a process where ENGOs took the initiative to shape or change the attitudes, beliefs or behaviors of officials or other non-state actors through generating and communicating messages, such as knowledge, information, and perspectives regarding water pollution control, yet the multiple actors had the discretion over how to deal with the message and decided whether it is appropriate to think or act in the way ENGOs persuade them towards (Perloff, 2010; Stiff & Mongeau, 2003).

It is well known that the classic model of persuasion—*ethos*, *logos*, and *pathos*—proposed by the philosopher, Aristotle, elucidates the three pillars of persuasive power (Triadafilopoulos, 1999; Weiss, 2015; White, 2006;). *logos* and *pathos* are central to Chinese ENGOs’ persuasion. *Logos* can be conceived as the clarity, logic, and rationality of the reasoning and arguments in ENGOs’ persuasion messages (Braet, 1992; Higgins & Walker, 2012). This indicates that presenting the “logical proof” lain at the heart of ENGOs’ strategy of *logos*. Given the nature and complexity of water pollution issues, identifying the pollution problems, understanding their origins, and seeking solutions demand specialized knowledge and information, to a varying degree. For this reason, *logos* was of particular relevance to ENGOs’ persuasion. To communicate truth claims, ENGOs relied on factual information, scientific evidence, data, field investigations, real-life cases, as well as visual elements, such as photographs and documentary films. *Pathos* refers to arousing the emotions and feelings of people ENGOs try to persuade. Water pollution problems had the potential to arouse an array of emotions, including concerns, sympathy, a sense of consciousness and responsibility,

just to mention a few. As far as *pathos* is concerned, ENGOs' persuasive effect depended on whether their messages regarding water pollution could stir the emotions of the actors, such as officials and the general public, and then get them engaged in this issue (Demirdogen, 2010; Higgins & Walker, 2012; Perloff, 2010; White, 2006). In this thesis, three typical cases are selected and analysed that illustrate how ENGOs tapped into *logos* and *pathos* to persuade multiple actors to recognize and take action on water pollution problems.

5.2.3.1 Green Earth Volunteers

In 1996, Wang, Yongchen, one prominent journalist and active environmentalist, established GEV based in Beijing, which was one of the oldest environmental groups in China. In the early years, GEV primarily focused on increasing public environmental awareness and getting city-dwellers closer to nature. In the early 2000s, GEV shifted its focus to protecting rivers and promoting water resources sustainability (Xie, 2009). The project named "Walking Along the Rivers" was a major activity of GEV to get the wider public involved in water pollution control and water resources protection. Under the slogan "know the beauty of rivers and feel the pain of rivers," GEV organized Beijing's dwellers on a voluntary basis to walk along the rivers in the city of Beijing and its suburb where there are more than 100 rivers and streams.

The first "Walking Along the Rivers" took place along the Liangma River on March 17, 2007, against the background of Beijing's serious water quality degradation. According to Beijing EPB's annual reports, during 2000 and 2006, in most cases, more than 70 percent of the monitored rivers in Beijing were contaminated, exceeding the standards of water quality. GEV was responsible for a full range of things to

operationalize “Walking Along the Rivers” as a form of organized activity, including designing walking routes, posting announcement, inviting experts, recruiting volunteers, leading the walking tour, and taking care of logistics such as gathering (personal communication, July 6, 2018). Everyone of any age, education, social and economic backgrounds was welcome to join in. Since the early 2007, GEV has encouraged and mobilized scores of or hundreds of Beijing’s dwellers every Saturday to attend this activity without interruption. Each week, a different route was taken by a different group of people who walked from several km to dozens of km, along one or more rivers. Tens of thousands of people characterized by the tremendous diversity, ranging from children, some as young as 3 years old, and the elderly more than 70 years old, to ordinary citizens, college students and professionals of all kinds, to officials and people from the business community as well as foreigners, voluntarily participated in the “Walking Along the Rivers” (personal communication, July 5, 2018).

Walking along the rivers enabled participants to get a physical connection to waters, to know and learn the history, evolution, and current status of the local river ecosystem, to see and feel the polluted, dirty, and smelly rivers surrounding the city, and also to experience the beauty of a few clean and clear rivers. This immediate and powerful experience encouraged and motivated them to think about the relationship between humans and water and to reflect on the impacts of the deteriorating water quality on local communities, thereby increasing their knowledge and awareness of water pollution control and water resources protection. As Wang, Yongchen, in the seminar of the third anniversary of “Walking Along the Rivers”, said “the project does not merely bring pleasant feeling of getting close to the nature, but, more importantly, it aims to prompt thinking and reflection on water pollution, evoke the determination, and

urge to address environmental problems.” (China Environmental News, December 22, 2010). In light of the persuasion theory, GEV adopted a strategy of “Walking Along the Rivers” to shape or change the attitudes, belief or behaviors towards water resources protection and pollution control in otherwise indifferent local dwellers. The tactics of *logos* and *pathos* were employed to tap into the facts, knowledge, and emotional insight stemming from the concrete experiences of walking along the rivers in authentic situations.

5.2.3.1.1 Strength in Fact and Knowledge

“Walking Along the Rivers,” served as a real-world activity for city-dwellers to see and learn, directly and actually, the reality of the city’s water resource status and pollution problems through their own eyes and hearts. In other words, the immediate and fundamental objective of “Walking Along the Rivers” was to clearly show what damage was done to the rivers and what water pollution really looked like. What participants often saw was that the rivers looked dirty, smelled with unpleasant odours, and sometimes were fraught with garbage and foam floating on the surface. However, it is common sense that water is a colourless, odourless, tasteless and transparent (not turbid with a suspension of particles) substance. As a result, from their own first-hand experience, there was no doubt that the severe and widespread pollution was occurring around them. A closer look at the rivers also revealed to participants why and how the rivers were polluted. If walking closer to waters, it was often not difficult to find wastewater outlets nearby that discharged polluted wastewater directly into the rivers. Therefore, Beijing’s water pollution problems were not merely the news they heard from media or the reports that the government delivered to them. It was a real concern

facing their home city that was relevant to their lives and caused actual harm and threat to their communities, that could not be overlooked and had to be dealt with.

One critical part of “Walking Along the Rivers” was to build a platform to initiate conversation and facilitate learning about water resources and environmental protection among city-dwellers in a relaxing and easy manner. As a rule, every time, GEV engaged experts from diverse fields, such as environmental science and engineering, ecology, drinking water and health research, hydrology, history, culture and law, in the project. During the walking tour, the experts talked to participants and explained to them various subjects concerning Beijing’s river system and water pollution problems. Yang, Chunlin, a senior expert of “Walking Along the Rivers”, pointed out, “in 2007 when the project began, public awareness of the environment was very low and Beijing’ dwellers had no or very little understanding of water resources protection.” (personal communication, July 6, 2018). It was in this context that the involvement of experts became an important part of the project to provide knowledge and insight to participants, help improve their perception of environmental problems, and to enable people to better understand how to respond.

Water quality monitoring was another focus of in the “Walking Along the Rivers.” While direct observation by sight and smell could, to a large extent, identify the incidence of water pollution, GEV sought to let people have a clearer and more reasonable awareness and understanding by emphasizing water quality monitoring and the role of science. Many participants, who were college students from Beijing-based universities with the background of such relevant majors as environmental science and biology, brought devices to get a sample and test water quality. The scientific underpinnings not only presented substantial evidence to make sense of the degradation

of water quality but also created an added impetus to drive actions on this challenge (personal communication, July 6, 2018).

5.2.3.1.2 Appeal to Emotion

Emotions play a significant role in affecting human interactions with the environment and encouraging their pro-environmental and sustainable behaviors (Kals & Maes, 2002; Kals & Muller, 2012; Perrin, 2011; Tapia et al., 2010). A positive feeling for the environment is regarded as one of the key factors influencing the success and effectiveness of public environmental education initiatives (Reis & Roth, 2010). “Walking Along the Rivers” appealed to people’s pro-environmental emotions in multiple ways. Generally speaking, urban dwellers nowadays lack the need or opportunity to being in touch with nature or know about nature (Johnson & Catley, 2009). The increasing alienation from the natural environment was typically true for mega-cities like Beijing in an intense phase of industrialization, modernization and urbanization (Zhang & Barr, 2012). Such disconnection and separateness between humans and the natural environment produced a detached, unemotional pattern of their relationships. Undoubtedly, this turned out to be a fundamental issue involving the public in caring about the environment (Song, 2008). “Walking Along the Rivers” exactly created such an opportunity for Beijing’ dwellers to get close to the rivers and streams, and to see, smell, touch, and feel them. This very act had the power to inspire some emotional responses of participants in a stimulating and positive way.

First and foremost, the immediate, first-hand experience fostered a strong sense of connection to waters that is essential in serving and nourishing people’s lives. As put forward by many participants that, “ thanks to “Walking Along the Rivers,” busy urban citizens have an opportunity to directly connect to nature and to know about the reality

of environmental problems that cannot be ignored.”(Green Earth Volunteers (GEV), 2008a). What was striking was that this project put a focus on the cultural and historical link between Beijing’s rivers and its dwellers. From the very beginning, GEV invited experts to specially explain the history, social influence and stories of the rivers to participants. Many of Beijing’s rivers were seen as a natural and cultural heritage that certainly deserved protection and care. Learning about the history and culture regarding the rivers were not only a fun part of the project, but even more salient, it played a role in cultivating emotional connection and arousing a sense of appreciation and value. As a result, people’s beliefs and attitudes were inclined to be more caring, sympathetic, and responsible for the rivers.

More important, perhaps, was that “Walking Along the Rivers” inspired a sense of concern and responsibility among local dwellers about water quality degradation. It is widely believed that public awareness and concern about the environment is a prerequisite to taking action and protecting it. The vital part of this project was to let Beijing’s dwellers see, feel, smell, and touch the widespread polluted rivers in their home city, arousing a public sense of concern and awareness about water pollution problems. Indeed, facing rivers that appeared to be different colours and were suffused with a nasty smell, garbage, foam, pollutants and even sometimes dead fishes floating on the surface, participants expressed shock and surprise about what happened to the rivers and shown concern and worry about water quality degradation and its effects on the city and its dwellers (GEV, August 16, 2008b). This immediate, concrete, and compelling experience helped encourage them to think about human responsibility for stewardship of the rivers, which could prompt them to take a protective role towards the environment. Wang Xiaona, an active volunteer of GEV, wrote that, “the river has been

so polluted that it is the dirtiest river I have ever seen, just like a garbage river. Such a shocking scene impels me to ask what we can do to care about this river suffering from dire pollution.” (GEV, August 31, 2008b).

5.2.3.2 Institute of Public and Environmental Affairs

IPE was established in 2006 by Ma Jun, one of China’s leading environmentalist. IPE has been a pioneer of Chinese ENGOs in collecting, collating, and analysing environmental data, with a mission to promote information disclosure and transparency, enable multiple actors, such as the government, business, research organizations, and ordinary citizens, to know and use environmental information and eventually advance their participation in governing China’s environment and combating pollution. Since its establishment, IPE has put a focus on tackling water pollution issues. Ma noted that:

The biggest challenge to address China’s environmental problems is not technology or money, but the lack of motivation. One essential element of the solution is to activate and promote public participation. And disclosing environmental information is a prerequisite for meaningful and effective public participation. (Ma, Zhang, Wang, & Ruan, 2010, p. 6).

Therefore, disclosing environmental data was at the core of IPE. By undertaking two innovative projects, IPE sought to tap into the potential of data and persuade multiple actors to recognize the severity of China’s water pollution and take actions against the problem. One initiative was its online water pollution map database. The other was the PITI designed to annually assess and rank Chinese municipal governments’ performance on environmental disclosure.

5.2.3.2.1 Unleashing the Persuasive Power of Pollution Data

IPE dedicated itself to building an online map database of water pollution to persuade people to recognize the reality of water pollution and act on it. Pollution data represents the logical reason and concrete evidence that China experienced the real, serious, and extensive degradation of water resources, sending a clear and persuasive message that such a significant issue needed to be seen and dealt with. A comprehensive, systematic, and coherent database of pollution was of particular importance to China where environmental information came from and was scattered throughout, a variety of sources. The Chinese people had limited access to environmental information, and also had little capacity to understand the information or use it, thereby posing a huge obstacle to their engagement in environmental issues (Wang, 2018). Against this backdrop, IPE focused primarily on making pollution data readily available, useful, and informative to the public.

IPE launched and created China's first public water pollution map database on its website (ipe.org.cn) in 2006. It provided massive and real-time data on water quality and pollution information, spanning more than 300 cities in 31 provinces. The online map database was exclusively built upon publicly available data disclosed by the government, including environmental protection agencies, water resources agencies, ocean agencies, construction agencies, official statistics, and official media (Ma, 2006). While the quality and accuracy of governmental information was often questioned, the government's environmental data has been prevalent by virtue of its comprehensive scope, detailed and timely information (Haddad, 2015; Qi & Zhang, 2014; Wang, 2018). Perhaps, more importantly, despite the reliability challenge, the government has long been viewed as a reliable and trusted provider of environmental data by the public. In the authoritarian state, environmental governance was a typical top-down system

where regulatory authorities had a predominant role (He et al., 2012; Sims, 1999). The Chinese people believed that the government was mainly responsible for taking care of the environment and solving the country's environmental problems (Wong, 2010). A set of surveys shown that the government, particularly the central government, was the most trusted source of environmental information (Zhang, Mol, & He, 2016). Therefore, it is fair to say that a rich collection of governmental data that IPE relied on helped create and enhance the clarity, logic, and rationality of its pollution map database.

Unlike the traditional ENGOs, IPE had numerous staffs with technic expertise to collect and exploit the enormous amount of environmental data. They collected and collated the data from multiple sources, analysed and organized the data in a coherent manner, and then created an easily accessible, searchable digital map database. The map database offered three major categories of information—water quality, water pollution discharge, and the polluting enterprises—displaying a wide array of detailed indicators under each category in different geographical areas. The most prominent feature of the map database was that it provided environmental inspection records of the polluting enterprises that violated China's discharge standards and environmental regulations. As of January 2007, seven months after IPE was founded, the map database had violation records of over 3200 polluting enterprises, including big companies and multinational corporations (Ma, 2006; Shao, 2009). Based on this, IPE created a blacklist of polluters nationwide that expanded to include violation records of over 222,000 polluting enterprises by the end of 2015. One can consult the map database to locate where polluting enterprises are, to find out whether an enterprise in a specific area violates regulations, and to search for detailed information of the violation behaviour.

Central to IPE's map database was to exercise the power of persuasion on the polluting enterprises to motivate them to improve their environmental performance and control water pollution. After being exposed by IPE, the enterprises on the blacklist were expected to respond and correct their behaviors under pressure from government supervision and the public. Nonetheless, in the early days, there were almost only some large western and Japanese companies that responded and engaged with IPE to deal with their water pollution problems exposed in the database. Domestic enterprises including Hong Kong, Taiwan companies, and Korean enterprises rarely responded (Huaxun Finance, 2011). As a result, most polluting companies were still contaminating the water (Haddad, 2015). There were at least two reasons for the indifference and non-compliance of the polluting companies, despite being named. First, it is well known that China's governmental agencies were lax and weak in environmental enforcement, and then often failed to deter polluters. Second, China's domestic companies oftentimes were largely indifferent to their corporate reputation and images. They were far less reliant on consumer brands and more invulnerable to reputational damage. As a consequence, the tactic of "naming and shaming" on changing their environmental practices proved to be very limited.

In this context, IPE developed an innovative approach—greening supply chain—to exert the persuasive power of pollution data upon the polluting enterprises through multinational corporations (MNCs). MNCs usually care about their corporate social responsibility (CSR) and corporate reputation and most of them have incorporated environmental protection into their CSR. In particular, some leading global MNCs made environmental performance of their suppliers an integral part of their core business strategy (Ma et al. 2010). China was widely viewed as "the world's factory"

where an MNC often had hundreds or even thousands of suppliers. MNCs' concern about CSR and corporate reputation served as an incentive to motivate them to take action on environmental violations in supply chain.

IPE's water pollution map database offered a monitoring tool to check on the environmental performance of MNCs' suppliers, find out which suppliers violate environmental regulations, and obtain detailed information about violations. During the middle 2000s and early 2010s, IPE focused on urging MNCs to employ this map database and tackle violations. In 2007, IPE partnered with numerous Chinese ENGOs to establish the Green Choice Alliance (GCA), aiming to make concerted efforts to persuade MNCs to promote supply chain environmental transparency and management. A focus of ENGOs' job was to investigate the environmental performance of MNCs' supply chain to identify polluting suppliers. Wang Jingjing, a key member of IPE, noted that the investigation was a process to find evidence of the link between the polluting suppliers and their MNCs clients (Tengxun News, 2011). After getting such evidence, IPE reached out to the purchaser MNCs to communicate with them about the pollution problems of their suppliers and urged them to take actions. The identification, correction, and verification of enterprises' environmental practice were highly technical in nature, which demanded a professional, practical and effective method to fully utilize the map database and provide enterprises with better guidance and assistance. Therefore, the IPE-led GCA established a Green Choice Audit system with a credible and rigorous third-party audit. To be removed from IPE's blacklist, water pollution violators needed to go through the system and get verified by an accredited third-party auditor (Tan, 2014).

In the first several years, a range of MNCs, including Walmart, General Electric (GE), Nike, Unilever, Esquel, responded positively and began to use IPE's map database to oversee their suppliers' environmental performance (Ma et.al 2010). As of September of 2010, driven by the pressure of MNCs, over 290 polluting suppliers gone through the Green Choice Audit and disclosed their environmental information. IT manufacturing and the textile industry were two major sources of water pollution in China. Between 2010 and 2012, IPE led the green supply chain campaign to precisely target polluting suppliers in these two industries. A large number of MNCs responded actively and constructively to IPE's persuasion. They started to use the map database to identify polluting suppliers and push them to take corrective measures and engage with IPE to verify their correction and improvement in environmental outcomes (personal communication, July 4, 2018).

5.2.3.2.2 Unlocking the Potential of Data to Advance Pollution Information Disclosure

China's 2007 Regulations on Open Government Information marks a huge milestone in the country's dealing with government information (Wang 2018). MEP was the first to implement the regulations and promulgated the Measures on Open Environmental Information (OEI) just one month later. These legislative initiatives brought a ground-breaking reform to China's environmental governance, given that China had long been well known for keeping government information secret and limiting public access to information. They require governmental agencies and enterprises to proactively disclose a wide spectrum of environmental information, and

citizens are empowered to obtain information by request. The landmark legislation made it clear that promoting environmental information transparency was one of the most important policies supported and endorsed by the government. This, therefore, created a new and good opportunity for ENGOs to persuade the government to act on its commitments from central to local levels. Disclosing environmental information is essential to help all stakeholders have a clearer and better understanding on how serious China's environmental situation is. With the opening up of environmental information, the civil society actors, like ENGOs and the general public, can be enabled to monitor law enforcement and undertake public supervision over environmental violations. It is against this backdrop that IPE, in cooperation with an international ENGO named the Natural Resources Defense Council (NRDC), launched a well-designed and innovative project—Pollution Information and Transparency Index (PITI)—in 2008, aiming to quantitatively assess local governments' performance on disclosing environmental information.

Data was at the heart of PITI in the same way as the water pollution map database. PITI was built on collecting and analysing a vast amount of data from environmental protection bureaus of municipal cities. Under the technical and legal framework of the OEI, PITI—the degree and the quality of the government's environmental disclosure—is evaluated for a wide array of data, including regular inspection records of pollution violations, intensive enforcement campaigns against pollution sources, auditing data of clean production, the overall ratings of enterprises' environmental performance, the disposition of verified public petitions and complaints about environmental problems or polluting enterprises, environmental impacts assessment reports and completed project inspection and approval, opening up the data

of discharge fees, as well as governmental response to public information requests (IPE 2009). As Ma asserted that, “IPE speaks with data and emphasizes quantitative analysis.” (Huaxun Finance, October 31, 2011). IPE exclusively depended on governmental data to develop PITI. By the same token, the clarity, logic and rationality of PITI derived from IPE’s reliance on official data. On top of this, the evaluation system contributed to enhancing the persuasive power of PITI. IPE evaluates four dimensions—the systematic, timely, comprehensive and user-friendly dimension—of the collected data, which displayed the scientific and technical nature of PITI. The evaluation methods of PITI were determined based on consultation with experts in various fields like environment, law and statistics. Indeed, PITI was named one of China’s top 10 environmental events in 2009 by China Economic Times, an influential national news media, which noted that,

 NGOs at the grassroots level utilizes professional expertise and engages with government within legal bounds. Some local governments may not know these two NGOs, IPE and NRDC. However, the scientific-nature and rigor of the PITI evaluation system make it impossible for governmental officials to ignore their evaluation results. (China Economic Times, October 13, 2010).

IPE’s PITI project covered the country’s all major cities and offered China’s first comprehensive assessment of where local governments are in the process of disclosing environmental information, whether they fulfil their duties, what progress has been made, and what challenges and problems they face.

Since 2009, IPE has produced and published the annual PITI report assessing and ranking over 110 local governments’ environmental information disclosure performance, which has drew a wide and growing attention and official responses. First and foremost, the involvement of the government is very important for generating the

results of PITI. IPE actively engaged with numerous local governments in the whole process of creating PITI, ranging from collecting data, to soliciting comments on draft reports and exchanging feedback, to releasing and promoting final reports, such as workshop and forums (China Development Brief, 2010; China Transparency.org, 2011; Norwegian Energy, 2011). The mission and purpose of PITI fit perfectly with the policy of opening up information and enhancing environmental transparency, which was formally endorsed and supported by the government. And meanwhile, environmental information disclosure was seen as a new duty for Chinese local governments that often faced difficulties and challenges in doing their job (China Economic News 2010). The PITI project provided assistance and information to help them understand and handle the new responsibility. These two reasons, combined with IPE's active and persistent engagement efforts, led local governments to become increasingly responsive to IPE's persuasion via PITI. For example, in the process of drafting the 2009 PITI, many local governments, such as Jiaxing, Beijing, Zhongshan, Yantai and Baoding, actively responded to IPE's requests and engaged with IPE to improve their performance on disclosing environmental information (IPE 2009). Besides, media played an important role in helping IPE exert the power of persuasion by making PITI reports reach more audience. The 2009 PITI results was reported by more than 100 media outlets. Likewise, other PITI reports also received a similar heavy media coverage and attention (personal communication, October 12, 2018).

5.2.3.3 Warriors for the Huai River

Warriors for the Huai River (WHR) founded in 2001 by Huo, Daishan, is the earliest ENGO focusing on water pollution control, and also one of the most well-

known ENGOs in China. In the 1990s, the Huai River, one major river of the country, underwent acute and widespread pollution as a result of the rapid process of industrialization and economic growth (Economy, 2004). According to MEP's official statistics, over 50 percent of the water in Huai River was classified as grade IV or worse, indicating that the water was unsuitable for human contact. More tellingly, in 1997, 52 percent of the Huai River's water, falling into the worst category of water quality, could not be used for any purpose (MEP, 1998). Faced with such serious situations, millions of residents along the river suffered social consequence and health effects of water pollution. For example, three very significant water pollution incidents happened there in 1994, severely affecting the drinking water security of hundreds and thousands of people and leading to enormous harm to agriculture.

Huo, Daishan, who was originally a photojournalist, was born and brought up in Shenqiu county of Henan Province where the Huai River runs through. As one of the people who love and count on this river for living from birth, Huo, unsurprisingly, has a special and deep emotional bond with the Huai River. He first-hand witnessed how the river's pollution deteriorated over years and how it caused negative impacts on all aspects of people's lives along the river. What concerned him most was that the percentage of residents there who died from various cancers, such as the cancer of the esophagus, stomach cancer and intestinal cancer, was highly abnormal. The drinking water heavily contaminated by hazardous discharge into the river has been widely considered as one major reason for the high occurrence of cancers in the Huai River valley. Huo himself is a victim of this public health crisis related to water pollution. Over 20 members of his family living around the area, including his mother, died from cancers (personal communication, June 26, 2018). Huo points out, the incidence of

cancer turned out to be much higher in the area than other regions. In his opinion, it is unquestionable that water pollution, which became increasingly massive and intransigent, was the cause of the abnormal phenomenon.

Against this background, Huo established WHR in 2001 at his hometown, Shenqiu, a small and remote county in Henan province. The motivation behind this was to do something to help deal with water pollution problems of the Huai River and to help his fellow citizens who rely on the river for their livelihood. WHR focused on three areas— exhibiting photographs on water pollution of the Huai River, promoting public participation in water pollution monitoring, persuading the government and business to take responsibility for tackling water pollution—to shape and change the attitudes, beliefs and behaviors of all stakeholders in relation to water pollution of the Huai River (Southern Weekly, 2010).

5.2.3.3.1 Exhibiting Photographs on Water Pollution of the Huai River

In the face of the Huai River's dire pollution, Huo tried to make sense of the matter of significant concern to millions of people. He quitted his job as a photojournalist and started a project called "ecological investigative photography of the Huai River" in 1998. Huo walked along the Huai River from its beginning to the end alone, spanning more than 20 cities and counties and traveling over 3,000 km (personal communication, June 26, 2018). He took more than 20,000 photographs about water pollution of the Huai River and people's lives under that situation, recording what was really happening to the river and residents along it (Hu, 2012). In the early 2000s, the level of China's overall environmental awareness was very low, which was particularly true in remote and rural areas (Wong, 2010). In Huo's view, an important first step should be to awaken public awareness of environmental problems and raise their

consciousness about protecting the environment and defending their own rights. As a result, WHR put its initial focus on publicizing Hu's photographs on the Huai River's pollution and helped shape people's attitudes and beliefs of the issue and get more people engaged in it. Huo deliberately selected about 120 photographs among his over 20,000 investigative photographs and made 105 exhibition display boards, including photos and illustrations. Due to the authenticity and social value of his works, Huo's investigative photographs were awarded two prizes from the central government (Southern Weekly, 2010).

Since 2003, WHR's photography exhibition has toured extensively in the streets of numerous counties and cities in Henan, Anhui, Hubei, Jiangsu provinces, as well as in Beijing and many colleges and universities. All photographs truly and powerfully revealed how serious the Huai River's pollution was and how severe the social consequences of water pollution could be. The exhibition highlighted what residents on the river were going through in their everyday lives with such a serious problem and paid particular attention to their suffering related to water pollution, such as the struggling victims of cancers (personal communication, June 26, 2018). The official recognition and awards from the central government was a type of permission for Huo to display those photographs publicly and provided some degree of political protection from local governments' obstruction or interferences.

Many local residents voluntarily and actively attended WHR's photography exhibition. This immediate experience was a process of observation, shock, questioning, and conscious thinking of water pollution and its relation to their everyday lives (Zhang & Barr, 2012). Huo believes that the photographs really shown what was actually happening in front of their eyes and spoke out exactly what they wanted to say but did

not find a channel to get their voice heard. It is important to note that the photography exhibition took place in the early 2000s. This is a time when the Chinese people had very limited access to environmental information; they generally had little or no knowledge and understanding of pollution problems (Wang, 2018). WHR's photo exhibition, in this context, therefore, was itself a milestone event and of special significance to the country's environmental education. There is a good example of WHR's influence on raising environmental awareness. A mother, who viewed the photographs, was so touched and inspired by the exhibition. She then went back home and brought her son to the exhibition. This mother guided her kid to watch those photographs and explained their meanings to him. The seed of environmental awareness was planted into the heart of this young boy and his mother as well (personal communication, June 26, 2018).

5.2.3.3.2 Promoting Public Participation in Water Pollution Monitoring

In Huo's opinion, identifying water pollution is not a highly-technical matter and does not require very professional knowledge or skills. It is a common sense that water is a colourless, odourless, tasteless, and transparent substance. While WHR also used water quality monitoring equipment to identify pollution, the incidence of water pollution was largely identified by human sight and smell, according to Huo. The extraordinary scope and magnitude of the Huai River's pollution made Huo realize that other than relying on WHR itself, he had to involve local residents, farmers, and villagers in water pollution monitoring. Since the middle of 2000s, more and more local people have become volunteers of WHR. Particularly, many volunteers had a relatively high level of environmental consciousness and social responsibility, such as university students, retired officials and professionals. The number of volunteers who officially

registered with WHR reached 1083 in the early 2010s (personal communication, June 26, 2018).

With the participation of numerous volunteers, WHR established eight ecological protection units for water pollution monitoring, covering 800km of the Huai River valley. There were at least 35 volunteers in each unit to monitor the certain sections of the river. Their activities involved identifying the occurrence of water pollution, finding out where the source of pollution was, and monitoring illegal discharge of enterprises, primarily by sight and smell, sometimes by monitoring equipment. Volunteers usually communicated with WHR about what they found out in a timely manner by making phone calls or posting message and comments on WHR's website. As a result, WHR built a monitoring network for the Huai River and made its pollution problems subject to the watchful eyes of lots of volunteers. Huo regarded volunteers as reliable and effective in doing this job on the grounds that water pollution issues were closely related to their own interests. Indeed, the Huai River's water quality and pollution virtually affected all aspects of local people's lives, ranging from their drinking water to agricultural and industrial production. Especially, the emergency of multiple cancer villages made local people fully aware of the consequences and risks of water pollution (personal communication, June 27, 2018).

5.2.3.3.3 Non-Confrontational Conversation to Persuade the Government and Enterprises to Take Responsibility for Water Pollution

Public participation in pollution monitoring, in conjunction with WHR's own monitoring efforts, provided WHR with factual information and evidence about the Huai River's pollution to persuade the government and business to take responsibility for tackling the problem. WHR pursued three primary strategies to exert the power of

persuasion on officials and enterprises (personal communication, June 27, 2018). To begin with, after finding out the occurrence of pollution, WHR first persuaded local EPBs' officials to go to the alleged pollution site to check the exact situation. The presence of governmental authorities often led to face-to-face conversations among officials, WHR, and the involved polluting companies, in a formal or informal way. Because of WHR's active involvement, these stakeholders were brought to the table where they listened to each other, expressed opinions and concerns, identified the responsibilities, and sought a solution in a non-confrontational environment. After a consensus was reached by these multiple actors, WHR continued to play a role of watchdog, following up whether the companies corrected their behaviors and complied with environmental regulations.

Local officials often actively responded to WHR and addressed the pollution problems identified by it. However, in many cases, officials reacted to WHR's persuasion in a perfunctory manner, largely ignoring the problems that was put forward. As a result, WHR pursued another major strategy to send investigation reports on the Huai River's pollution to SEPA and aimed to persuade governmental agency at the central level. WHR's reports were based upon the first-hand investigation and observation of WHR and its volunteers, making its messages more credible and persuasive. The most prominent example was that one of WHR's reports was viewed by Xie, Zhenhua, the then minister of SEPA, which led to SEPA's immediate and intensive enforcement against some heavy polluters along the Shayin River, a tributary of the Huai River, in 2003 (personal communication, June 27, 2018).

In this widely known event, Lianhua Monosodium Glutamate Company (hereinafter referred to as Lianhua), then the biggest brand in Asian monosodium

Glutamate industry, was the primary target of SEPA's law enforcement. WHR's approach to addressing Lianhua's pollution represented its third strategy of directly dealing with the polluting enterprises and enabling conversations to happen between ENGO and the enterprises. In the early 2000s, Lianhua was well known not only for its marketing and brand but also for its extremely poor environmental performance. Even worse was that it had taken various measures to deceive environmental inspection officials about its non-compliance. WHR conducted a long-term, thorough, and independent investigation into Lianhua's illegal discharge and found out concrete pieces of evidences of its violations and deceits. However, the local government gave privileges and protection to Lianhua because of the company's contributions to local revenues. In that context, although WHR repeatedly persuaded local EPB to tackle Lianhua's violation, there was virtually no response to WHR's persuasion requesting attention and action. Likewise, WHR persistently reached out to Lianhua and tried to initiate the conversation about its pollution problems. Nevertheless, Lianhua always held an arrogant and indifferent attitude and disregarded WHR's requests. As a result, WHR reached an impasse in its approach of non-confrontational conversations for changing the behaviors of Lianhua that persisted in contaminating the Huai River.

Dramatic changes occurred in the wake of SEPA's enforcement that was prompted by WHR's report to the SEPA. Lianhua was fined 12 million RMB and its leaders also received a penalty, which led its stock to slip drastically. The company rapidly declined to a point where it would not continue to survive without fundamental changes in its environmental practices. Finally, it decided to make reforms to its leadership and environmental strategy. In 2004, Lianhua, for the first time, actively reached out to WHR and clearly indicated that it would take corrective actions to

perform in accordance with environmental standards and to fulfil its corporate environmental responsibility (Li, 2012). Such a big change in Lianhua actually surprised Huo. He was pleased with it and agreed to offer help and consultation. In his view, the ultimate solution to solve enterprises' pollution was to make conversation and provide assistance, rather than cause conflicts or shut down the pollution companies. It was at that time WHR and Lianhua started conversations in a constructive and non-confrontational way. They reached two consensuses: one was that Lianhua needed to accept public monitoring over its environmental practice; the other was that WHR was responsible for helping it correct its past actions.

Between 2005 to 2007, the two sides—WHR and Lianhua— worked together to improve the company's environmental performance. The company upgraded its production technology and kept the wastewater treatment plant in full operation to reduce pollution and meet with standards. To monitor and enhance its progress, WHR engaged local volunteers and residents nearby in monitoring Lianhua's wastewater outlets and discharge. What is striking about the public monitoring-led by WHR was a creative project called “environmental information billboard.” (personal communication, June 27, 2018). WHR proposed the idea that Lianhua set up a billboard at its main gate to publicly disclose its discharge information on a range of indicators, including pH, Biochemical Oxygen Demand (BOD), Chemical Oxygen Demand (COD) and the total amount of wastewater discharge. The information on the billboard was updated every single day. WHR was in charge of checking its accuracy and reliability. The purpose of an environmental information billboard was to facilitate public monitoring and improve the company's credibility in terms of environmental matters. Besides, WHR offered practical and effective pieces of advice that contributed

to the improvement of Lianhua's environmental performance. In 2007, three years after their first non-confrontational conversation, the company's wastewater discharge was reduced significantly and met environmental standards. Concomitant with this progress was that water quality of the Shayin River improved tremendously with the indicator of COD changing from the worst grade to good condition (Hu, 2012). Because of this achievement, a non-confrontational conversation-based model between ENGOs and enterprises was formed, which was called "Lianhua Model" and was effectively applied in many other areas in the late 2000s.

5.2.4 The Model of Consultative Authoritarianism

ENGOs' non-confrontational persuasion-based strategy for water pollution control was developed in the context of an authoritarian system that was established in 1990s and remained effective during the 2000s and early 2010s. The government still had a set of control measures—registration, supervision, dissolution—to keep ENGOs' number, activities and influence in check, so as to maintain limited pluralism. WHR offered a classic example in this regard. When WHR was founded in 2001, it registered legally with the local civil affairs bureau and was sponsored by a technology bureau as its professional supervising agency. However, as WHR engaged in water pollution control and prevention in an increasingly active, participatory, and deep way, local government was growing wary of WHR's potential to challenge its authority and cause social instability. As a consequence, in 2005, WHR did not pass the government's annual inspection of NGOs, and its official registration was suspended, leaving it in legal limbo. At the same time, WHR's activities was subject to intense governmental monitoring. Local officials frequently appeared to interfere with Huo's field investigation on water pollution. WHR's website, which was an important channel for

public engagement, was banned by the local security bureau (personal communication, June 27, 2018).

But on the other hand, the government-dominated water pollution control regime failed to curb the overall deterioration of water quality in the 2000s. A number of ENGOs emerged to take up water pollution issues and pursued a non-confrontational persuasion-based approach. First and foremost, the emergence and development of ENGOs focusing on water pollution control indicated that the government allowed ENGOs to get involved in such a politically contentious issue where ENGOs were virtually absent during the 1990s. This represented an opening of the prior authoritarian system, thereby moving governmental control forward in a relaxed way. Moreover, due to ENGOs' active involvement, there has been increasing interactions, positive feedbacks, and learning among the government, ENGOs and other non-state actors. The rise of the "consultation-persuasion" model prompted the government to recognize the benefits of ENGOs and then relax its control over them. For instance, since 2007, considering that WHR was largely benign and helpful in addressing water pollution, the local government loosened its grip on WHR and allowed it to go through the annual inspection and get registered again. Meanwhile, the governmental monitoring over WHR's activities became much less restrictive. However, it is important to point out that WHR's new formal identity was downgraded, which made it difficult for WHR to apply for funding. And WHR remained subject to the monitoring of the government that could adopt various control measures if necessary. In a word, the governmental control, the core part of the prior environmental authoritarianism, remained in place, though not as restrictive and tight as before.

A new institutional element—consultation—emerged out of the context of the “consultation-persuasion” interaction model and the government’s relaxed control. This element can be viewed as an institutional layering, according to historical institutionalism. It was added on top of or alongside the prior authoritarian system, forming a new institution of government-NGO relations: “Consultative Authoritarianism” in the 2000s. NGOs took the initiative to create, use, and communicate environmental information, knowledge, and perspectives to exert the power of persuasion over officials, the public, and the business community to shape or change their attitudes, beliefs or behaviors in favour of water pollution control. The most distinctive feature of the stage of “Consultative Authoritarianism” is that the consultation occurred not only between the government and NGOs to impact policy, but also among NGOs and other non-state actors to have influence on social understanding, values and actions regarding water pollution control and prevention, which may eventually lead to changes in policy. This stage saw growing opportunities to connect NGOs much closer to the government and the society, leading to more and deeper interactions and understanding, as well as greater and more constructive learning and trust among them.

5.3 The Change to A New Stage from the Early 2010s to Present: Collaborative Regulation

5.3.1 The Emergence of Collaboration in Government-NGO Relations Regarding Water Pollution Control

According to the first and only database of Chinese ENGOs developed by HEYI Institute, the number of ENGOs working on water pollution problems has grown quickly since the 2000s (HEYI Institute, 2019). There are about 250 ENGOs which either fully dedicate to water pollution control or make it a focus of their activities. They are located in six geographic regions of China, including North China (NC), Northwest China (NW), East China (EC), Central China (CC), South China (SC) and Southwest China (SW), with concentrations in four areas: NC, EC, CC and SW. This research focuses on 14 ENGOs active in water pollution control—four in CC, four in EC, two in NC, two in SW, one in NW, and one in SC. Although the sample is non-random and limited in size, it provides a representative and informative case to capture the strategies ENGOs recently adopt to deal with water pollution problems⁷. These

⁷ Four ENGOs in CC: WHR in Henan, The Green Hunan in Hunan, The Green City of Rivers in Hubei, and The Green Han River in Hubei.

Four ENGOs in EC: The Green Qilu in Shandong, The Wuhu Ecological Center in Anhui, The Green Stone Environmental Protection Center in Jiangsu, and The Jiangxi Environmental Communication Centre in Jiangxi.

Two ENGOs in NC: GVE in Beijing, IPE in Beijing.

Two ENGOs in SW: The Chongqing Liangjiang Voluntary Service Centre in Chongqing, The Center for Guiyang Public Environmental Education in Guizhou.

ENGOS engage in activities to facilitate and coordinate in multi-organizational arrangements where ENGOS, the government, and other non-state actors like enterprises and the general public, work together to achieve common goals of reducing and controlling water pollution, in both formal and informal ways (O' Leary et.al., 2009; Wang, 2011). Three collaborative strategies, which basically have already existed in the prior stage, are widely utilized and notably enhanced with innovations. They include public participation in water pollution monitoring, environmental information disclosure, and solution-focused conversations, which make up the backbone of ENGOS' recent approaches to water pollution. Even more salient are the new two formal mechanisms for collaboration, including ENGOS' environmental public interest litigation and governmental purchasing of services from ENGOS.

5.3.1.1 Three Primary Collaborative Strategies Initiated by ENGOS

5.3.1.1.1 Public Participation in Water Pollution Monitoring

The magnitude and severity of China's pollution problems has long outpaced government's law enforcement capacity (Economy, 2004; Zhang, 2015). As a result, it has been widely recognized that pollution control and prevention cannot be reached by the government single-handedly, public participation in pollution monitoring and supervision is seen as essential to facilitating environmental enforcement and holding polluters accountable. It is within this context that ENGOS have put a primary focus on

One ENGO in NW: The Green Camel Bell in Gansu.

One ENGO in SC: The Shenzhen Green Volunteers in Shenzhen.

public monitoring over pollution. Indeed, all of the 14 ENGOs have extensively and deeply engaged in the monitoring over water pollution. Despite a diverse array of activities, at the core of ENGOs-led public monitoring is a simple but effective framework that ENGOs mobilize the public and work together with them to investigate the polluted water bodies, identify pollution problems, report the incidents of water pollution to EPBs, and collaborate with the government to resolve the problems. Water pollution is, therefore, under the watch of hundreds of thousands of people who regularly, extensively, timely conduct water quality checks to find out where water pollution occurs and what it looks like. This process, whereby ENGOs take the initiative, the public engage in monitoring and reporting pollution, and the government is responsible for addressing the problems, has created a useful and notable collaborative mechanism.

The most prominent feature of this ENGOs-led collaborative mechanism is a number of monitoring networks nationwide where ENGOs and volunteers devote their time, energy, and resources to monitor the water quality of nearby rivers, streams or effluent discharge of industrial enterprises. Green Hunan, a Hunan province-based ENGO, is an excellent case in point. In 2011, Green Hunan launched a public monitoring network over the Xiang River valley with the slogan “Protecting the Mother River”. This network initially covered six major tributaries of the Xiang River and two heavily polluted industrial districts, with 50 monitoring units in 23 cities and counties (Green Hunan (GH), 2012). It had more than 30 key members of volunteers who carried out a set of monitoring activities in a regular, timely, persistent and site-specific manner, including on-site water quality monitoring, collecting water sampling that was sent to do testing, investigating industrial sources of pollution, taking real-time

notes, photos and videos of water pollution incidents, and publicizing them via social media and the internet (GH, 2011). With first-hand evidence of pollution, the next critical step was to report water pollution incidents to local authorities mainly through online channels and complaint hotlines. The reporting prompted the government to take immediate actions. Particularly, presenting the concrete pollution evidence turned out to be effective to push officials to execute their duties. Green Hunan usually persistently followed up with the government's enforcement to ensure that the identified pollution problems were dealt with properly.

Since 2011, this network has rapidly developed and expanded, creating enormous and growing collaboration among the government, the ENGO, the public and enterprises to address water pollution. For instance, in 2015, five years after its first launch, the key members of GH's monitoring network dramatically increased to 271, extending the monitoring from the Xiang River to three more rivers in 52 cities and counties, and creating a total of 2078 microblogs of pollution incidents and taking 9047 investigative on-site photos (GH, 2015). The local government collaborated with the network and solved 147 water pollution problems in 2015. Due to the network's contribution to enhancing environmental law enforcement, GH and its volunteers received a prominent award "2013 Figure for the Rule of Law" granted by the Ministry of Justice and the state-owned China Central Television (GH, 2013).

Since the early 2016, the Chinese government launched a massive and noteworthy nationwide campaign of "cleaning up the black, filthy and smelly water bodies in cities." With the emphasis on public involvement in identifying and reporting water pollution, the campaign has established a specific online platform for the public to participate, providing an avenue for ENGOs to work with the government to promote

public monitoring over pollution. The typical cases come from two ENGOs—Green Qilu (GQ) and Wuhu Ecological Center (WHEC)—which have engaged with numerous volunteers to monitor and report water pollution. Throughout 2017, the GQ-led public monitoring network monitored the water quality of more than 80 rivers and reported 87 incidents of water pollution to the government via the platform (Green Qilu, 2017). In that same year, WHEC’s network conducted water pollution monitoring on the Wu Lake and the rivers of Xuan city up to 212 times and filed a total of 191 reports (Wuhu Ecological Center, 2017). Overall, as of the end of 2017, 98 percent of the reported pollution issues have been dealt with by governmental agencies.

5.3.1.1.2 Environmental Information Disclosure

In tandem with the two landmark regulations on opening up governmental information, promoting environmental information disclosure has emerged as a primary activity of ENGOs since the early 2010s. There are two approaches that ENGOs pursue to collaborate with the government to fulfil this goal. First and foremost, according to the regulations, environmental agencies should proactively disclose a wide spectrum of information and the public is entitled to obtain information by request. However, the Chinese government, as a whole, has not performed its duties well. A great deal of environmental information should have been made available to the public, whereas, it was actually kept secret. One important reason is that opening governmental information has been a quite new responsibility for the government that, in the initial stage, had limited understanding and capacity to do the job. Against this backdrop, ENGOs actively and persistently submit requests to the government for specific pollution information. The involvement of ENGOs plays at least two roles: increasing officials’ awareness and understanding of their responsibilities regarding opening up information; prompting

them to fulfil their duties. There is a classic case of Jiangxi Environmental Communication Centre (JXECC) dedicated to making multiple requests to local EPBs each month and leads the government to disclose pollution information of importance. For instance, before November 2016, only four of Jiangxi province's eleven municipalities disclosed the list of major polluting facilities that the government was required to disclose by law. In the next two months, JXECC submitted total 15 requests for the list to the rest of the seven municipalities' EPBs. Finally, by the end of December 2016, upon the requests, the seven EPBs disclosed the list of major polluting facilities in their own jurisdiction. By virtue of JXECC's efforts, the information on major polluting facilities of Jiangxi province's all eleven municipalities, therefore, become available to the public. Moreover, the second approach is to adopt pollution disclosure assessment. Since the early 2010s, the PITI, which was invented by IPE, has been widely and continuously utilized by multiple other ENGOS at the provincial levels to assess and rank specific provinces' municipal governments in terms of their performance on disclosing environmental information. The application of PITI is a process of engagement and interactions between ENGOS and numerous local governments, creating a channel for them to work together and facilitate their collaborations to promote pollution information transparency.

In addition to promoting the disclosure of environmental information from official sources, ENGOS have recently risen to become a new source of environmental information. ENGO engage with numerous volunteers and citizens in the monitoring network nationwide to regularly and timely monitor and supervise water bodies. They take on-site photos of the polluted water bodies and share them with the government and the public along with the description of water quality and personal comments,

which actually constitutes a new type of environmental monitoring data. Such new environmental information is characterized by the bottom-up sources, mobile technology-based data, high volume and variety, as well as a high level of credibility and timeliness. As a result, it is complementary to governmental environmental information and has contributed to helping the government identify the occurrence of water pollution and facilitate the resolution of pollution problems. GH, GQ, and WHEC are prime examples of creating and adopting the new environmental monitoring data to enhance environmental transparency and enforcement. China's environmental agencies are often overwhelmed by the sheer magnitude and wide desperation of environmental violations. The new type of environmental monitoring data enables ENGOs to collaborate with the government to locate and address environmental problems in a more effective way, representing a new catalyst to lead to government-ENGO collaboration.

5.3.1.1.3 Solution-Focused Conversations

Industrial wastewater is the biggest culprit of China's water pollution, making enterprises mainly responsible for preventing and controlling excessive or illegal discharge into water bodies. To hold them accountable, the government has largely relied on command-and-control regulations, such as the mandatory and stringent effluent discharge standards and the pollution levy system (He, Lu, Mol, & Beckers, 2012; Ren & Shou, 2013). However, the deterioration of the country's pollution problems has shown that this top-down, command-and-control approach is not sufficient to tackle the pressing and serious pollution facing China, which, undoubtedly, demands new ideas and new ways. In recent years, ENGOs put a focus on solution-focused conversations where all stakeholders—governmental agencies, the involved

enterprises, experts, the general public, and NGOs—work together to address enterprises' pollution problems. At its core, this strategy is for conversation and solution, not conflicts or penalties that are often the results of the command-and-control regulations. NGOs bring all relevant parties at one table to discuss, negotiate, and seek solutions. With an emphasis on providing aid, assistance, and expertise, NGOs usually bring in experts in a variety of fields, such as environmental science and engineering and law, so as to help enterprises figure out ways to combat pollution and increase enterprises' environmental awareness. NGOs involve local communities in monitoring and supervising polluting enterprises through special training programs for volunteers (personal communication, June 19, 2018). This creates an avenue for concerned citizens to participate and contributes to mitigating popular discontent with the government and polluting enterprises that fail to take their environmental responsibilities, given the increasing social protests and unrest against pollution across China (personal communication, June 22, 2018).

This NGOs-led strategy offers an effective way for NGOs, the government, and multiple other actors to collaborate on water pollution control. GSEPC, a Jiangsu-based NGO, stands out as an excellent example. GSEPC shifted its focus on preventing and controlling industrial pollution in the early 2010s and made the solution-based collaborative strategy at the centre of its mission and purpose. In 2015, the first year it adopted this collaborative strategy, GSEPC started and maintained conversations among local environmental officials, the polluting enterprises, NGOs, and local communities, allowing them to work together on the pollution problems of chemical industrial districts in Jiangsu province. The solution-based, collaboration-oriented approach successfully pushed more than 30 polluting enterprises to take corrective

actions. The next year saw a dramatic rise of this approach, with a total of 105 enterprises correcting their pollution problems and improving environmental performance throughout 2016 (Green Stone Environmental Protection Center, 2015, 2016).

5.3.1.2 Two New Collaborative Strategies Initiated by the Government

5.3.1.2.1 ENGOS' Environmental Public Interest Litigation

The judicial system can play a crucial and necessary role in enhancing environmental enforcement and holding polluters accountable, which is particularly true in countries with weak environmental regulators and enforcement, such as China (Bina, 2010; Rooij & Stern, 2016). China's amended EPL that took effect on January 1, 2015, entitles ENGOS to bring environmental lawsuits to the People's courts on behalf of public interest. This represents a significant breakthrough for the collaboration between the government and ENGOS to implement environmental laws and bridge the country's enforcement gap. ENGOS, therefore, have been provided a new, formal, and legal tool to work with the government in water pollution control (Li, 2015; McCallum, 2017). In 2015, the first year after the new EPL came into force, ENGOS brought 53 environmental public interest lawsuits accepted by courts, and the number rose to 68 in 2016 (Li, 2015; Li, 2016; Zhou, 2017). According to an official report of the Chinese People's Supreme Judicial Court, as of the end of 2017, the total number of environmental litigation filed by ENGOS reached to 252, and water pollution constituted a major part. For instance, 26 out of the 53 lawsuits brought by ENGOS in 2015 were related to water pollution problems (Li, 2015).

Given the highly professional and sophisticated nature of filing lawsuits, Chinese ENGOs at this early stage have difficulties in adopting this new tool on a large scale, such as the shortage of funding, expertise, and skills. The number of environmental public interest lawsuits brought by ENGOs could be dwarfed by the tremendous scope and magnitude of China's environmental degradation, whereas it represents a small but critical initial step towards new collaboration between ENGOs and the government in environmental enforcement. One should not underestimate the significance of this new empowerment that offers ENGOs a specific, formalized channel that did not exist in the 2000s. The advent of such specific and formal mechanisms marks the beginning of the new stage of collaborative regulation of government-ENGO relations. This tool allows ENGOs to warn polluters about the potential legal consequence of non-compliance behaviors and empowers them to pursue legal actions if needed, which is complementary with ENGOs' conventional approaches to handling pollution.

5.3.1.2.2 Governmental Purchasing of Services from ENGOs

A common strategy to improve the quality and efficiency in providing public service is to contract certain services out to public or private suppliers, in the industrialized countries (Teets & Jagusztyn, 2016). Aside from promoting ENGOs' involvement in environmental public interest litigation, since the early 2010s, the Chinese government has pushed for outsourcing public services to ENGOs that are considered more flexible, creative, readily accessible to a wider talent pool, and cost-effective than governmental agencies in providing some kinds of environmental protection services (Yang, Huang, & Fulda, 2015). Governmental purchasing of services to address water pollution from ENGOs have become increasingly prominent

recently. Guiyang Public Environmental Education Center (GYPEEC), a Guizhou province-based ENGO devoted to tackling local water pollution problems, is the frontrunner. In the late 2013, a local municipal government contracted with GYPEEC to buy a two-year service of “third-party environmental monitoring” from GYPEEC with 180,000 RMB annually. This is China’s first governmental purchasing of services from ENGOs related to water pollution control. GYPEEC developed and implemented a collaborative co-governance mechanism to serve as the third-party supervisor that was responsible for monitoring, identifying, and resolving illegal discharge and environmental violations of enterprises in the jurisdiction of the government. This pioneering project turned out to be useful and effective in combatting pollution and improving the environmental performance of local enterprises (personal communication, June 19, 2018).

Dehoog observes that there are three approaches for the government to contract out public service to NGOs—the competitive bidding model, the negotiation model, and the cooperation model (Dehoog, 1990). The implementation of China’s first governmental purchasing of services related to water pollution control from GYPEEC fits neatly into the cooperation model. According to Dehoog, whether the cooperation model is more appropriate depends on three conditions: “1) where there is only one existing suppliers prepared to produce the service; 2) little government expertise and/or experience in delivering a service; and 3) a high level of uncertainty and complexity about future events or successful service methods.” (Dehoog, 1990, p.329). All of these conditions have been present in the case of GYPEEC. In 2013, GYPEEC was the only one local ENGO that legally registered. With years of dedication to addressing local environmental problems, it established a reputation for and possessed the capacity in

protecting the environment, which was largely absent from other ENGOs in that area (All-China Environment Federation, 2015a). On the other side, the local EPB was constrained by a lack of professional expertise and resources, making it difficult for the Qinzhen government to fulfil its environmental responsibilities (All-China Environment Federation, 2015b). Against this background, the pilot outsourcing project was fraught with uncertainty, complexity, and risk. As a result, GYPEEC was regarded as the sole service contractor for the governmental purchasing of service that was initiated without competitive bidding. In this contractual relationship, the system of planning and implementation was decentralized, leaving a great deal of discretion and flexibility to both sides. The government and GYPEEC collaborated in sharing information and resources, developing the co-governance mechanism, and making appropriate adjustments. As far as the contract oversight is concerned, the outsourcing project did not particularly specify or detail the evaluation procedures. In practice, officials, who took charge of this project, met monthly with GYPEEC and the involved enterprises to discuss the service quality and progress and to solve problems in its operation. From the beginning, a WeChat-based communication and feedback platform was built that facilitated the evaluation of the contractor GYPEEC and the quality of its service (personal communication, June 20, 2018). WeChat is the largest and the most influential social media in China, with active users hitting 1 billion recently⁸. One of its main function is group chat where users can be brought into one group to communicate

⁸ Number of monthly active WeChat users from 2nd quarter to 2nd quarter 2019 (in millions) <https://www.statista.com/statistics/255778/number-of-active-wechat-messenger-accounts/>

with one another. GYPEEC exactly adopted this function by pulling a group of stakeholders, including officials, ENGO staff, and relevant enterprises, together in a WeChat group to connect, share information, and cooperate with one other to implement and assess the project.

The positive outcomes of this pioneering governmental purchasing of service motivated the government to continue to collaborate with GYPEEC and renew the contract twice in 2016 and 2018. Indeed, since 2016, a series of other local governments in Guizhou province have followed suit and engaged with GYPEEC to purchase environmental services. For instance, in a three year-contract with the Guan Shanhu district government that began in 2016, GYPEEC initiated a new form of co-governance named the dual-head of rivers: governmental head of river and civil society head of river. Local rivers, therefore, have been in the charge of the two types of heads; the civil society head mainly responsible for identifying water pollution problems, the governmental head of river primarily responsible for resolving the problems. To promote this new initiative, GYPEEC focused on two matters: selecting, training, and managing civil society head of river; establishing communication and feedback channels among the dual head of river and other related parties. The model of dual-heads of rivers has been replicated to GYPEEC's another three year-outsourcing service contract with the Bai Yun district government that was launched in 2017(personal communication, June 21, 2018). It is worth noting that as of the mid-2018, GYPEEC had seven on-going service projects purchased by various local governments in Guizhou province, which represented the only source of funding for GYPEEC (personal communication, June 22, 2018).

5.3.2 Explaining the Institutional Change

What accounts for this recent institutional development regarding government-ENGO relations that are characterized by collaboration and partnership? In terms of historical institutionalism, such change was driven by the combination of the exogenous, specific characteristics of the recent political context in which the relations are embedded, with positive feedback mechanisms endogenous to the prior stage of Consultative Authoritarianism.

5.3.2.1 The Characteristics of Recent Political Context

Historical institutionalists are particularly concerned with the broad context in which institutions are operated in, and influenced by. As for government-ENGO relations regarding water pollution control, there are three main characteristics of recent political contexts which constitute an exogenous force for changes since the early 2010s. First of all, while further deterioration of water pollution has been curbed, water pollution remains one of the most serious environmental challenges facing China. Environmental problems have become hot-button social issues that trigger the mounting public concerns and questions about the legitimacy of the government. “Ecological Civilization” has been advanced as a national strategy for balancing economic development, environmental protection, and the well-being of Chinese people. Under the framework of building “Ecological Civilization,” combating China’s water pollution has become a frontline of the government’s war on pollution in which public participation stands out as a guiding principle and plays a crucial role. It is within this context that ENGOs have been empowered more than ever (Huo & Luan, 2013).

5.3.2.1.1 Deterioration of Water Pollution Has been Stopped, but the Problem Remains Serious

In recent years, China has stopped the further deterioration of water pollution and has seen an improvement in water quality across the country. However, despite the progress being made, water pollution still remains a serious environmental and social challenge facing this country today. According to MEP's statistics, the percentage of water graded IV or worse in the seven major rivers declined in the early 2010s, indicating the overall water quality has gotten better, whereas, the water unfit for human contact still accounted for about 30 to 40 percentage. In spite of the government's efforts to clean up the heavily polluted lakes from the late of 1990s, the major lakes continued to suffer from dire degradation featured by extensive and intractable eutrophication. The official monitoring data of 26 national key lakes in 2011 shows that the water classified as IV or worse was up to 57.7% and was too toxic to be touched by humans (MEP, 2013). Over 90% of China's groundwater has been contaminated to a varying degree, and what is particularly appalling was that 37% of groundwater has been so polluted that it cannot be treated for drinking water (Qiu, 2011; Economy, 2014). In addition, more than 1700 water pollution incidents occur in China each year (Miao, Tang, Wong, & Zang, 2015), posing serious challenges to social stability that is always the top one priority of the government. Therefore, it is fair to say that the Chinese government has made efforts and some progresses in water pollution control and prevention. Nevertheless, it has struggled to find a solution to substantially address the problem.

Water pollution has significant negative impacts on public health and well-being. It is estimated that 190 million people in China fall sick and 60,000 die due to diseases related to water pollution each year (Tao & Xin, 2014). In an environmental

survey carried out between 2010 to 2012, water pollution was always among the top 3 of environmental threats perceived by the Chinese public. The 2012 results show that 71.8 % respondents felt they were under the threat of water pollution, with an increase of 6.5 % compared with the data in 2011 (China Youth News, 2013). Therefore, it is not surprising that water pollution has remained a chief cause of social protests and discontent. Thousands of incidents of civil unrest sparked by water pollution take place in China each year (Han, Currell, & Cao, 2016). Pollutants have extensively contaminated over 90% percent of China’s underground basins as well as the water used for irrigation, putting the health of millions of people in peril. Water pollution has been widely viewed as a major reason for the phenomenally high occurrence of cancers in numerous villages dubbed “cancer village” (Westcott & Wang, 2017). Recently, this assumption has been proved scientifically by an authoritative agency—the Chinese Center for Disease Control and Prevention—that published a book explaining a direct correlation between water pollution of the Huai River and a high risk and occurrence of cancers in nearby villages (Zhang, 2013). It has been reported that there have been a total of 459 “cancer villages” distributed across 29 of China’s 31 provinces (Shapiro, 2012).

5.3.2.1.2 Building Ecological Civilization and Shifting to Governance

As the environmental crisis has arisen to challenge the legitimacy of the government since the early 2010s, China has been called on to act urgently and substantially; otherwise, as Grano asserts that the hard-won accomplishment of more than four decades of opening up and the rapid economic growth would be in jeopardy (Grano, 2016). This is when Ecological Civilization was put forward as a national strategy and enshrined in both the constitution of China and the Chinese Communist

Party constitution. This unprecedented move elevates environmental matters to the highest level of significance and concern. “Ecological civilization construction” has been placed on par with “economic, political, cultural, and social construction”, thereby forming five into one ideology of Chinese socialism (Kitagawa, 2017). Originated in the Chinese traditional norm of harmony between nature and men, the goal of Ecological Civilization is to protect the environment and conserve natural resources, to promote scientific, harmonious, and green development, to balance the relationships among industrialization, people’s well-being, and environmental protection, and eventually to build a beautiful and prosperous homeland with blue sky, green land, and clean water (Xiao & Zhao, 2017). At the core of Xi, Jinping’s idea about EC is “green mountains and clean waters are golden and silver mountains and waters”(Wang-Kaeding, 2018). The new leader of China stresses the importance of balancing economic development and environmental protection and emphasizes that “To protect ecological environment is to protect productive force. To improve ecological environment is to develop productive force.”(Bachtell, 2018; Xinhua Net, 2017).

Another profound shift from management to governance in the ruling ideology of the Chinese government is already underway. The government has pushed for four general principles of social governance—party leadership, government responsibility, social coordination and public participation—to define and guide its role and strategy in dealing with society (Yu, 2011). As far as ENGOs are concerned, public participation and social coordination stand out as a principle of making laws and policies related to ENGOs in recent years. The most prominent development is the new EPL that was enacted in 2014. This was the first time this overarching law is amended during the 25 years after the original law promulgated in 1989. An entire section of EPL is devoted to

public participation and environmental information disclosure. In line with this, the Measures of Public Participation in Environmental Protection issued by MEP in 2015 lays out channels for the public to engage in environmental monitoring and governance and defines the government's responsibilities to implement and deepen public participation. It is important to note that both EPL and MPPEP explicitly mention ENGOs and specify the roles of ENGOs. The laws' recognition of ENGOs as a legitimate actor definitely represents a watershed moment in the relations between the government and ENGOs. At the same time, the new administration led by Xi Jinping has embarked on a new round of intensive downsizing government bureaucracy and reforming governing institutions from a service producer to more of a regulatory function (Teets, 2012). The government seeks to transfer functions that it does not have the capacity to do well, or is not authorized to handle, or is not suitable to do, to the society and market that can undertake those functions more effectively and appropriately (Wang, 2017). It is committed to providing a supportive legal and fiscal structure, steering and regulating the market and society rather than delivering public service on its own.

5.3.2.2 Positive Feedback Mechanism

As Buthe notes that, "change requires agency" (Buthe, 2016, p. 41). Both the government and ENGOs, at the centre of the relations, are change agents to carry endogenous forces that help move government-ENGO relations to a new stage. According to historical institutionalism, positive feedback refers to the phenomenon whereby early steps in a particular direction shape the subsequent decisions in an incremental and self-reinforcing fashion, and therefore lead to future institutional

changes along the same path (Fioretos et al., 2015; Kay, 2003; Pierson, 1993).

Incentive/resources effects, one major feedback mechanism, occurred in the stage of Consultative Authoritarianism and had a great impact on how change agents make their decisions, pursue their goals, and what strategies they adopt. This is exactly where the endogenous driving force for the recent emergence of collaboration comes from.

5.3.2.2.1 Incentive/Resources Effects on ENGOs as Change Agent

The institution of government-ENGO relations in the second stage of Consultative Authoritarianism provides a repertoire of already existing institutional principles and practices for ENGOs to use and innovate (Campbell, 2004). First of all, the existence and development of those principles and practices indicates that they have been not only politically appropriate and acceptable, but also practically useful and effective. This, therefore, creates motivations for ENGOs to learn from the prior experiences and to make use of the already established resources. Even more importantly, the adoption of the existing “proven” principles and practices can substantially reduce the political risk for ENGOs that deal with a vigilant government. As a result, the strategies of ENGOs in recent years have been influenced and shaped by the incentives and resources stemming from the prior stage of Consultative Authoritarianism.

As aforementioned in detail, promoting public participation in monitoring pollution is the most used strategy of ENGOs to tackle water pollution. In actuality, the ENGOs-led public monitoring to identify and report pollution has already existed in the stage of Consultative Authoritarianism over the 2000s. Notably, it was initially adopted by WHR—the earliest ENGO fully dedicated to water pollution control—in monitoring water pollution incidents of the Huai River valley in the early 2000s. About one decade

later, this pre-existing practice is extensively employed and enhanced among hundreds of ENGOs. The current practice of the strategy resembles the old one by maintaining its central part that consists of the involvement of the general public and the coordination with the government. That is to say, today's strategy has inherited yesterday's key characteristics and reproduced its core structure. However, there are distinct differences because ENGOs have implemented this strategy in creative ways recently in order to accommodate new conditions of the current social and political contexts and also to make the strategy more useful and effective.

Two classic examples are illustrative of how the strategy is learned and used innovatively. First, in the second stage, information and communication technology (ICT) was largely unavailable for ordinary people in China, which was particularly true in the early 2000s. As a result, when ENGOs like WHR identified the occurrence of water pollution, they could not be able to present concrete evidence of pollution, like photos, to local EPBs. They had to persuade officials to go to the pollution site to check the situation. However, after 2010, ICT, such as the internet and smartphone, has quickly become universal across the country. ENGOs and the public are enabled to take photos of pollution immediately once they find out water pollution incidents, and then promptly send the photos with location to the government to report pollution via social media such as WeChat and Microblog (GH, 2015). In the age of ICT, ENGOs and the public have been much more empowered to get involved in monitoring pollution problems. Second, as WHR typically shown that identifying water pollution mainly relied on human sight and smell in the second stage. Nevertheless, recently, in addition to human observation, professional monitoring equipment are widely used by ENGOs

to improve their effectiveness in identifying pollution (personal communication, June 26, 2018).

The diffusion of PITI provides another excellent example of incentive/resources effects on ENGOs. PITI was invented by IPE in 2008 to evaluate and rank over one hundred local governments' performance on environmental information disclosure at the national level. Since the early 2010s, an increasing number of other local ENGOs have learned the tool of PITI and implemented it at the provincial level. As a result, the PITI is being diffused throughout the country and used to assess environmental transparency performance of governments within specific provinces. The process of translating PITI into local practice has reproduced and reinforced the pre-existing institutional instrument, thereby generating a typical self-reinforcing feedback mechanism.

5.3.2.2.2 Incentive/Resources on the Government as Change Agent

In the stage of Consultative Authoritarianism, ENGOs pursued a non-confrontational approach that improved China's environmental protection in a number of important ways and helped enhance the government's capacity in governing the environment. This provided resources and incentives that motivated the government to further promote its interactions with ENGOs and engage with ENGOs in a deeper, more active, and more cooperative way (Edmondson et al., 2018; Pierson, 1993; Patashnik & Zelizer, 2013). Such incentive/resources effects, as a result, shaped the government's choices and preferences towards collaboration with ENGOs.

GEV created an innovative, interesting, and dynamic approach of environmental education that engaged people of every age and background in getting close to nature and learning first-hand about environmental problems through their own eyes and

hearts. It contributed to raising environmental awareness and promoting public involvement in protecting water resources (personal communication, July 6, 2018). College students, one major group of people participating in the “Walking Along the Rivers”, were inspired and touched by such an immediate and compelling experience. Many of them were motivated to establish environmental groups on their own or joined environmental associations at their schools. By the same token, the project had a positive influence on children, sowing the seeds of environmental consciousness into the younger generation. In a typical example, expressing feelings and thoughts about walking along the rivers became a popular topic of writing for elementary school students attending the activity. The approach expanded traditional environmental education program that focused on school education and environmental publicity in the media, thereby providing an environmental education channel and resource. As a result, such incentive/resources effects have motivated the communist youth league of the Beijing government to purchase the project from GEV in 2015 and collaborated with GEV to implement and enhance it since then (personal communication, July 5, 2018).

IPE invented two original tools—the water pollution map database and the PITI—to promote environmental transparency and accountability. IPE built China’s first public pollution map database and offered a new approach to hold polluting enterprising accountable. By relying on its pollution database, IPE persuaded MNCs to address pollution problems caused by their suppliers in China. Numerous MNCs employed the database and pushed thousands of suppliers to resolve the problems. Particularly, in recent years, instead of only responding to IPE’s persuasion, a large, fast-growing number of MNCs have begun to cooperate with IPE and made greening supply chain an integral part of their management system. As of the end of 2015, over

50 large MNCs, proactively and regularly, used IPE's database to monitor their supply chain, which prompted about 2294 polluting enterprises to take corrective measures and improve environmental performance (IPE 2015; personal communication, July 4, 2018). Moreover, environmental information disclosure was quite a new task for the Chinese government that met with difficulties in understanding this matter and enforcing relevant laws (China Economic News, 2010). It is within this context that PITI provided a resource that helped the government do the new duty. The EPB of Huangshan city in Hubei Province is a case in point. Its senior official, Tang, Yuanpen, noted that after they learned excellent experiences and lessons in a PITI-related workshop, they immediately upgraded their environmental information disclosure website and made it more helpful and readily available for the public to get access to environmental information (China Transparency, 2011; China Development Brief, 2010). This EPB also offered pieces of advice to IPE about improving PITI and expressed the hope that IPE could help it improve their performance on opening up environmental information to reach the highest standard. Due to such incentive/resource effects, more and more local governments have become supportive of PITI and have positively and constructively engaged with IPE to promote environmental information disclosure and transparency.

In two respects, WHR provided resources and incentives that improved the government's capacity in tackling water pollution. First, WHR focused on regularly monitoring water pollution of the Huai River on the ground, on its own or by engaging local volunteers and residents. This led to timely and credible information of water pollution incidents and helped facilitate the pollution enforcement of the government that was often overwhelmed by the magnitude and wide distribution of pollution

problems. In a notable example, WHR's investigation reports played an important role in initiating an enforcement against big polluters of the Huai River. WHR was thus publicly endorsed and called "MEP's eyes on the Huai river" by MEP, which was widely reported by media and became well known for years (Hu, 2012; Li, 2012). Even more salient was that MEP gave a privilege to Huo and allowed him to directly call MEP to communicate matters about water pollution, such as reporting pollution incidents. On top of such a tremendous endorsement of MEP, Huo was awarded the honour of "Top 10 Figures of Green China 2007" that was China's highest governmental prize in the environmental field (personal communication, June 27, 2018). Second, WHR created a new approach to environmental accountability: non-confrontational conversation with the polluting companies. With emphasis on communication, assistance, and solution, this approach helped expand the boundary of the government's traditional enforcement tactics characterized by top-down command-and control means.

5.3.3 Indirect and Strategic Control Measures over ENGOs

To reconcile the potential risk of ENGOs with the emergent collaboration with them, the Chinese government makes strategic adaptations of control methods by shifting attention to indirect and strategic control measures. However, this does not mean that the traditional command-and-control methods have been irrelevant, but instead, some of them, such as annual inspection of ENGOs, still remain in place. There are a series of indirect and strategic tactics that are adopted to balance the demand for collaboration and the need for control, and three of them are seen as notable. First and foremost, the dual registration rule, which impeded most ENGOs from obtaining legal

status, was a cornerstone of the government's control measures until recently. With respect to legal registration of NGOs, a dramatic change occurred after the Third Plenary Session of 18th National Congress of the Communist Party of China held in 2013. An important outcome of this landmark meeting was to require the government to repeal the long-standing dual registration rule largely, if not completely, and push for the direct registration of NGOs. As of middle 2018, the registration of NGOs has been eased, to a great extent, across the country. Particularly, seven provinces and municipalities have allowed ENGOs to directly register without finding a governmental agency as sponsor. Undoubtedly, this represents a watershed moment in the government's way of dealing with ENGOs.

But on the other side, the formal registration of ENGOs is generally the first factor that determines whether an ENGO can be qualified to participate in the new collaborative strategies: contracting with the government or bringing environmental public interest litigation. These two strategies have just been initiated with uncertainties, complexities, and challenges at the early stage. Therefore, from the perspective of the government, allowing more than one thousand ENGOs to easily obtain formal registration and opening up the two collaborative channels to such a great number of ENGOs would pose unanticipated challenges and political risks. In this sense, the incomplete implementation of direct registration of ENGOs can be viewed as "regional experimentation", which is reflective of the government's strategic control over them. Following China's major principle of "touching the stone to cross the river" in the reform era, the government pursues a pragmatic, cautious, and incremental approach towards the matter of the registration of ENGOs.

Moreover, the two criteria NGOs must meet to bring environmental public interest litigation typically represent the government's strategic and indirect control. NGOs that are eligible must fulfil the following requirements: 1) legally registered with civil affairs bureaus at the municipal level or above; 2) have been continuously specializing in environmental protection public interest activities for five or more consecutive years without violating any laws. It is known that the first requirement concerning the formal registration of NGOs plays a major role in restraining NGOs from getting involved in environmental public interest litigation. And it seems that the second requirement can be more easily fulfilled. However, tremendous discretion has been devolved to local courts to interpret and implement this second rule, which actually provides the government another way to exert control over NGOs in an indirect manner.

China Biodiversity Conservation and Green Development Foundation (CBCGDF) offers an excellent example in this respect (The Supreme Court, 2016). In 2015, CBCGDF filed an environmental public interest lawsuit against the Meiliyuan company that illegally discharged wastewater and caused serious pollution to the Tengdeli desert. However, both the intermediate court of Zhongwei city and the supreme court of Ningxia province rejected this lawsuit. These two courts asserted that CBCGDF did not meet the second requirement for two reasons. First, the charter of CBCGDF does not have the written words of "engage in environmental protection public interest activities." Second, in a similar vein, the written statement of the scope of CBCGDF's activities in its registration certificate does not have the words of "environmental protection." CBCGDF argued that its charter and the written statement of activities clearly include such words as "biodiversity protection", "developing green

causes” and “building ecological civilization”, which, undoubtedly, fall into the category of environmental protection. And it also provided relevant documents and pieces of evidence to prove that it has long engaged in environmental protection activities, but to no avail. As a result, in the early 2016, CBCGDF brought this case to China’s supreme court that ruled in favour of CBCGDF, saying that CBCGDF meets the two criteria and has the standing to file environmental public interest litigation. The supreme court claimed that the two local courts interpreted and implemented the law in an improper way, leading to an error in their judgments (The Supreme Court, 2016).

With regard to this case, a Chinese law professor said, “ the local courts’ literally word-by-word interpretation of the articles of law made no sense.” (FON, 2017). In fact, the local courts’ decision is inextricably linked to the issue of China’s judicial independence. It is widely believed that China’s judicial system is not independent of the executive administration of the government and the ruling Communist party, and it is subject to interference and influence from a variety of sources (Fairbairn, 2016). Local governments are considered as the most significant source of external interference in the judicial independence and decision-making of environmental public interest litigation, in order to protect local industries, which is known as the local protectionism embedded in the judicial system (US’s congressional-executive commission on China, 2019). Because local courts’ financial resources like judicial salaries and appointments, all heavily rely on local governments. As a result, as Schultze puts it, Chinese courts at four levels “operate more like small bureaucracies responsible for implementing policy than courts of law as envisioned in western world.” (Schultze, 2016, p. 404). Against this background, the case of CBCGDF indicates that despite the new empowerment for ENGOs, the government still can restrain ENGOs

from fulfilling their rights and disqualify them from adopting the tool of environmental public interest litigation, thereby exercising indirect and strategic control over them.

Last but not least, governmental purchasing of services from ENGOs offers a new and formal channel for ENGOs to collaborate with the government and to become more active and involved in China's environmental governance. It is striking that the government has started to act as a financial donor to provide funding through contracting environmental services to ENGOs, constituting a new source of financial support for ENGOs that are generally constrained by the lack of funding. However, in spite of these benefits, this new mechanism still can be used by the government to exert control over ENGOs, though in an indirect and strategic fashion. The government has begun to push for outsourcing public service to NGOs since the early 2010s. But so far, there is no overarching implementation framework to guide governmental purchasing of service from NGOs (Tuan, Huang, &, Fulda, 2015; Teets & Jagusztyn, 2016). In practice, as a result, the government plays a decisive role in deciding what environmental service it purchases from ENGOs, which ENGOs it collaborates with to outsource, and what procedures it follows. ENGOs, which contract with the government, have to align its service with the purpose and demand of the government, and to comply with obligations under the contract. This, to a large extent, can be seen as a form of the government's indirect control because it limits the activities of ENGOs to certain kinds or fields and constrains the scope of their strategies. Especially, since 2017, MEP issued detailed and specific catalogues of environmental services that can be purchased by the government. Local governments have followed suit with similar catalogues to define the scope of governmental procurement, which, definitely, puts limits on ENGOs contracting with government. Moreover, the non-competitive bidding

has characterized the current process of selecting ENGOs that government outsources environmental service to (Tuan, et al., 2015; Zhongming Charity Donation Information Center, 2015). For instance, the selected contractors are often well-known and long-standing ENGOs. Such a non-competitive selection serves as a good starting point for the government to keep control over the process of purchasing of service from ENGOs. Governmental purchasing of services offers an incentive for ENGOs to collaborate with the government, but at the same time, it also provides a new avenue for the government to wield control over ENGOs strategically and indirectly though.

Chapter 6

GOVERNANCE IMPLICATIONS OF THE EVOLUTION OF GOVERNMENT- ENGO RELATIONS SINCE THE 1990s

The past three decades have seen significant changes in China's environmental governance, which allows more active public participation, encourages greater collaboration between the government and non-state actors, and involves less government domination and more relaxed control over ENGOs. The three-stages conceptual framework offers an analytical tool to elucidate what the evolution of government-ENGO relations means for China's governance and shed light on how environmental governance has been developed and promoted over years. This thesis applies the framework to two ENGOs—FON and IPE—to understand the governance implications of the relations in three respects: how ENGOs have engaged with the government and other non-state actors at different times, what types of institutions, formal or informal, have been created and adopted, as well as whether and how the government specifically empowers ENGOs to play a role in governing the environment. Particular attention is paid to how the involvement of ENGOs has shaped and changed not only environmental policy but also social understanding and action.

6.1 Friends of Nature

6.1.1 Directive Government and Restricted FON

China's first ENGO is FON founded in 1994 by Liang, Congjie, one of the most pioneering environmental activists. As detailed earlier, facing an authoritarian system for the NGOs sector in the 1990s, ENGOs had to accommodate, adapt to, the government that adopted three control measures—registration, supervision and dissolution—to keep NGOs in check. The dual registration rule required each NGO to have a professional supervising unit within the government as its sponsor before it registered for legal status. Yet it proved to be very tough for ENGOs to secure sponsorship (Ashley & He 2007; Deng, 2010; Ma, 2006). The lengthy and arduous path for FON to find a sponsor provided a good example of this. Liang first asked SEPA to serve as FON's professional supervising agency, dubbed "Mother-In-Law" of NGOs. However, this attempt failed after a ten-month wait; SEPA rejected his request. He then approached some other agencies, such as the EPB of Beijing municipal government, to get sponsorship, but without success (Economy, 2004). Ultimately, Liang had to turn to the Chinese Academy of Culture where he was a professor and vice president and then registered FON formally with the institution's support in March 1994 (Saich, 2000; Teets, 2014). What is notable about FON's registration was that FON registered with its original name "The Academy of Green Culture." Such an inconspicuous name was to make FON low-profile and innocuous in the sight of the government and then get approval from it.

According to the three-stages conceptual framework, ENGOs had to engage in politically insensitive or safe matters in order not to appear threatening or troubling to authorities in the first stage of Environmental Authoritarianism in the 1990s. This was embodied in the early work of FON that put its primary focus on two areas:

environmental education, species conservation. First, environmental education was typically the most politically acceptable issue with no political risk in that period of time. FON focused on creating and publishing popular books and science-oriented readings on environmental protection to educate the public and raise environmental awareness (Ho, 2008). It particularly emphasized environmental education at the primary and secondary schools by sponsoring environmental art exhibits and organizing environmental activities on campus (Kunp, 1997). Between 1997 and 1999, FON led groups of teachers to visit Germany where they got training in environmental education for primary and secondary schools, and afterwards, they became an important force for the country's environmental education (Economy, 2004). Another approach of FON was to involve the public, particularly local communities, in various conservation activities, such as tree planting and a summer camp named "forest and kids" (Economy, 2004; Kunp, 1997). More salient was that FON launched China's first watching birds activity in 1996, which has led to the widespread diffusion of watching birds among the public across China since then (Zhang, 2012).

Second, species conservation was viewed as a politically acceptable issue for ENGOs to get involved because it appeared that protecting species did not overtly or directly challenge the priorities of industrialization and modernization that were strongly entrenched in China's political economy in the reform age. During the 1990s, FON devoted to protecting two species: the Yunnan snub-nosed monkey whose habitats were threatened or destroyed by illegal logging in north-western China, and the Tibetan antelope endangered as a result of poachers in western areas (Economy, 2004). In the first stage of Environmental Authoritarianism, the government's regulatory system for NGOs was heavy on command-and-control, there were virtually no formal channels for

NGOs to engage with the government in environmental issues. As a result, NGOs largely relied on informal ways to deal with officials to influence their decision-making and policy. Liang's position and personal connections played a crucial role in FON's conservation of the two species. His grandfather and parents were renowned figures in modern Chinese history, which gave him a level of political and social privilege. He also was a professor of Peking University, the most prestigious university in China, and held a government research position. More importantly, Liang was a member of the Chinese People's Political Consultative Conference Standing Committee that provided him a political platform to bring concerns to the attention of government leaders (Teets, 2014). Such a distinguished personal background and connections enabled FON to pass a letter on advocating the protection of Yunnan snub-nosed monkey to the then China's vice prime minister, which greatly facilitated FON's efforts to relieve the plight of the monkeys. Similarly, in the campaign of protecting Tibetan antelope, Liang delivered a report on Tibetan antelope conservation to SEPA and the Ministry of Forest to promote anti-poaching actions and call for more attention and support (Kunp, 1997; Saich, 2000).

In addition to engaging in politically uncontentious matters, FON deliberately put limits on its membership to keep a low, non-confrontational profile that was critical for NGOs to survive in the stage of Environmental Authoritarianism. FON was clearly aware that expanding the number of its members would be not in accordance with the government's restriction-oriented policy towards NGOs. Liang expressed his deep concern that FON would face a shutdown if it goes too far with a large membership (Shapiro, 2012). By virtue of FON's voluntary limitation on membership, the number of its members was about 1,500 in the early 2000s, which was much lower than what was

generally expected to be (Schwartz, 2004). Besides, FON could not be able to establish regional branches because NGOs was prohibited from setting up regional affiliations or branches by regulations.

In conclusion, in the first stage of Environmental Authoritarianism in the 1990s, with direct and restrictive control measures, the government hindered ENGOS' legal registration and defined the boundaries of ENGOS activities to constrain them in what areas the government considered acceptable. In the face of such a directive government, FON first ran into great difficulties in registration, it then restricted the scopes of activities to environmental education and species conservation, two politically safe areas. Due to the lack of formal channels for ENGOS, its founder's personal connections and informal ways played a major role in getting access to officials and influencing their decisions. FON also cautiously limited its size and impacts so as to avoid being seen as ambitious or threatening to authorities.

6.1.2 Persuasive FON and Responsive Government

At the core of government-ENGO relations in the stage of Consultative Authoritarianism is that ENGOS pursued a persuasion-based non-confrontational approach to interact with the government and other non-state actors, seeking to shape or change their attitudes, beliefs or behaviors in the 2000s and early 2010s. Keck and Sikkink offer a nuanced and comprehensive typology of NGOs' persuasion tactics among which the source of information, accountability politics, and symbolic events are most relevant to Chinese ENGOS (Keck & Sikkink, 1999). While environmental education remained a major activity for FON during this period of time, FON extended its focus to policy advocacy and implementation and to serve as a civil society source of environmental information. Along with this shift, the ways the government dealt with

ENGOs also underwent changes, from a directive government to a more responsive one that allowed FON to participate in environmental governance in a wider and deeper way. Put differently, the government became more open to public consultation and more responsive to FON's persuasion.

6.1.2.1 Source of Information

In the 2000s, FON acted as a source of information and provided environmental knowledge, information, perspectives, and strategies, in order to persuade the public and the government of the need and importance for environmental protection and drive them to take action. There were a wide range of channels for FON to create and disseminate information, including the publication of numerous books, reports, and articles, the circulation of newsletters and pamphlets, the adoption of the internet, FON websites, various media like magazines, as well as forums. FON's long standing publication is "FON Newsletter," which has been issued every two months since 1996. In the beginning, "FON Newsletter" primarily aimed to offer useful and understandable information to FON's members. Gradually, this pamphlet become one popular environmental reading among the general public.

FON's annual publication of the China Environment Yearbook and its investigation reports characterized FON as a source of information. In order to understand China's environmental matters from ENGOs perspective, FON has published the annual China Environment Yearbook since 2005. This series of books presented both the facts and views about a whole host of environmental challenges facing China and proposed ideas and solutions (Liang & Yang, 2005; Yang, 2006, 2008, 2009, 2010, 2011, 2012). The books' power of persuasion rested on two factors.

FON got a variety of civil society actors—such as ENGOs frontline staffs, environmental activists, journalists, lawyers, scholars, and concerned citizens—involved in one book, thereby providing information and insight from diverse perspectives and backgrounds, and especially offering bottom-up insight and views. This distinguished the China Environment Yearbook from all others based on governmental or academic perspectives. The series of books sent persuasive messages derived from the data, facts, real-world experiences and cases. This was of particular significance in the 2000s when environmental knowledge and information primarily came from official, media, and academic sources. Therefore, it is safe to say that FON's books provided an alternative type of information that would not otherwise be available to inform the public and to influence environmental decision-making. Moreover, the China Environment Yearbook covered almost every aspect of China's environmental governance, from all kinds of environmental problems like pollutions and climate change to environmental policy analysis and suggestions, to the implications of environmental challenges, for instance, environmental health and sustainable consumption. They paid special attention to each year's hot-button environmental issues. Such a holistic and comprehensive collection made the books an important source of information on China's environmental sphere. The series of China Environment Yearbook has won wide recognition; tens and thousands of copies have been sold (FON, 2012). Remarkably, since 2007, the books have been translated into English versions that are available abroad.

In the middle of 2000s, FON began to put a focus on investigating environmental issues of great concern and making its findings known to the public. Its investigation reports stressed the role of scientific and technical information to deliver

clear and persuasive messages to shape and change the beliefs, attitudes and behaviors of both the government and society. It conducted investigations into a broad range of issues, such as water resources, energy consumption, and domestic waste management, among which FON's rigorous study on China's urban domestic waste management was an excellent example. From 2009 to 2012, the professional staffs and volunteers of FON went to a number of provinces and cities, such as Beijing and Guangdong province, to get first-hand data and representative cases about how urban domestic waste was generated and treated, with a aim of explaining challenges facing urban waste management and exploring policy recommendations to get them resolved (FON, 2011). Especially, FON's field investigation in Beijing covered more than 100 neighbourhoods experimenting waste classification (FON, 2011). The results of its investigation was useful for raising public awareness of domestic waste classification, promoting public participation in projects of recycling, reducing and managing waste, and creating meaningful policy suggestions.

6.1.2.2 Accountability Politics

Confronting with the more pressing environmental degradation and its profound negative impacts on China's society and economy, the Chinese government became more committed to tackling environmental problems in the 2000s. It endorsed an array of pro-environment principles and policies and emphasized the importance of preserving the environment in national-level statements and commitments. For instance, the then President Hu, Jintao pushed for the scientific outlook on development, emphasizing that China must not pursue short-term economic growth at the price of environment and natural resources; it is imperative for China to promote sustainable

development, develop cycling economy and clean production, and build an environmentally friendly society⁹. In the meanwhile, there was a growing governmental commitment to fulfil these principles and propositions on the ground, which was well illustrated by the landmark legislation of the 2002 Environmental Impact Assessment Law (EIA Law) and the 2007 Regulation on Opening Environmental Information (Xie, 2009). In this context, the persuasion tactic of accountability politics emerged within ENGOs. They tapped into the government's discursive positions, persuaded the government to act on the principles it formally endorsed, and hold the government accountable to commitments it made publicly and officially (Keck & Sikkink, 1999). In the 2000s, FON used the accountability politics to get involved a series of environmental matters, from the campaign against the Nu River hydropower project to the Yuanmingyuan public hearing, to ENGOs' collective support for SEPA's so-called environmental impact assessment storm (Li, 2014; Matsuzawa, 2011). The Yuanmingyuan public hearing stand out as a prime example.

On March 24, 2005, while visiting the Yuanmingyuan park, Zhang, Zhengchun, a scholar of Lanzhou University accidentally found out the park's numerous lakebeds were being sealed with plastic and cement to reduce water seepage and prevent drainage. Mr. Zhang was acutely aware of the devastating consequence of this project on the park's ecological system and its invaluable cultural heritage (Ma, Webber, &

⁹ The State Council: the resolution of scientific outlook of development to enhance environmental protection. 2005. http://www.gov.cn/zwjk/2005-12/13/content_125680.htm

Finlayson, 2009). He then immediately informed the media and FON as to the massive lakebed-sealing construction project happening in the park. The Yuanmingyuan is of particular meaning and importance for China because it stands as a witness of the national humiliation history of modern China and warns Chinese people not to forget the history and the tragedy. For this very reason, the finding of potential harm to the Yuanmingyuan sparked a great deal of controversy and concerns among both the government and civil society. One week later, SEPA announced that the lakebed-sealing project in the Yuanmingyuan was carried out without regard to the EIA Law that mandates that the project must go through environmental impact assessment before it starts (Li, 2014). As a result, the project must be halted immediately and its developers must promptly undertake environmental impact assessment and submit the report to SEPA.

In terms of the EIA Law and other related policies and governmental documents¹⁰, there were three principles that were publicly endorsed by the government, including assessing environmental consequences of plans or actual projects prior to implementation, pushing for a rational, objective, and democratic process of environmental decision-making, and encouraging public participation in environmental

¹⁰ The State Council: the resolution of scientific outlook of development to enhance environmental protection. 2005. http://www.gov.cn/zwgk/2005-12/13/content_125680.htm

The State Council: Implementation Guideline of the rule of law. 2004. http://www.mee.gov.cn/gzfw_13107/zcfg/fg/gwyfbdgfxwj/201605/t20160522_343115.shtml

policy formulation and implementation. FON made the government's principles or statements into opportunities for accountability politics in the Yuanmingyuan case.

6.1.2.2.1 Initiating the First Public Discussion

Immediately after SEPA's announcement, on April 1, 2005, FON started the first public meeting to discuss and debate what impacts the lakebed-sealing project could cause on the Yuanmingyuan's environmental and cultural value. A variety of people, such as scholars, officials, ENGOs, and representatives of citizens, were brought together to express opinions on the consequences and implications of the project. Liang, the founder of FON, stated that citizens had the rights to know about any plan, policy or actual project of significant public interest and voice their opinions and concerns and this was only possible when the lakebed-sealing project was made known to the public (Liu, 2010). He stressed that the meeting sought to provide an opportunity for all stakeholders to offer all kinds of opinions, either for or against the project. Zhang, whose finding of the project instigated this whole issue, was present and called urgent attention to protect the ecological, historical, and cultural value of the Yuanmingyuan (Ma et al., 2009). Scholars of various backgrounds, such as environmental science, natural resources, biology, economics and law, presented many diverse opinions as well (Liu, 2010). Especially, concerned citizens and staffers of multiple ENGOs, who attended the meeting, contributed their views based on their own observation and experiences. In the end, despite a diverse array of opinions and perspectives, they reached a consensus that the government needed to hold a public hearing to debate the lakebed-sealing project in the Yuanmingyuan and a "make-up" EIA had to be done. FON, in partnership with other ENGOs, issued a joint statement

criticizing the project that ignored the EIA law and calling on a public hearing (Johnson, 2014; Ma & Ge, 2015).

Only a week after the project was exposed, FON acted immediately and played a central role in initiating the first public meeting that was co-organized by a social media named SINA, one of China's most popular website. SINA was live streaming the meeting to millions of Chinese internet users (Li, 2014). FON's prompt action certainly helped draw public attention to the matter that quickly became a hot-button social issue and facilitate civil participation. Various people, particularly experts, were provided a platform to voice different opinions and concerns in the public meeting featured by the breadth and depth of information and perspectives. As a result, with IPE's active involvement, a clear and powerful message was created and delivered that the lakebed-sealing project in the Yuanmingyuan was very contentious and had serious environmental and social implications, and therefore, the decision-making process of such a significant issue should allow public participation and consider public opinion. FON aligned its message with the principles endorsed formally by the government, serving as a good starting point for it to use accountability politics to persuade the government to fulfil its commitments.

6.1.2.2.2 Participating in the Yuanmingyuan Public Hearing

Four days after this public meeting, in response to the widespread concern and strong public sentiment, SEPA officially announced that it will convene a public hearing on the ecological impacts of the lakebed-sealing project and the conservation of the Yuanmingyuan as a Chinese historical cultural heritage (Johnson 2014). As China's first national public hearing on environmental issues, it set a stage for FON to move further forward with its tactic of accountability politics. Considering that public hearing

was a very new thing, FON organized a “model public hearing” to offer some practice and guidance several days before the official hearing (Ma, Ge, 2015). More than 50 people, including scholars, environmental activists, journalists, concerned citizens, ENGOs, and SEPA official, attended FON’s “model public hearing” where participants learned about how to present evidence and arguments, either for their own opinions or against others’ views in public hearing.

The national-level Yuanmingyuan public hearing was held on 13 April 2005. It was organized by SEPA with the participation of eight other governmental agencies. Over 120 people from different background with diverse professions and practices attended the hearing, and 30 of them offered their opinions, including Xue, Ye, the then leader of FON (Li, 2014). For the sake of transparency, the entire hearing was broadcast live via two mainstream social media and widely covered in news media. Due to the highly technical complexity of the matter, the meeting participants were mostly experts from relevant fields. In spite of the dominant viewpoint to challenge or criticize the project, opinions presented in the hearing were developed in two directions: one was to support the lakebed-sealing project, one was to oppose it. This exactly represented a major goal of public hearing to allow and encourage different, competing opinions to be voiced and heard, and then promote a fair and objective decision.

What was striking about FON’s contribution to the public hearing was that Xue presented compelling evidence to show that the lakebed-sealing project had done harm to the ecological system of the Yuanmingyuan (Li, 2014). In the early 2010s, FON had two groups of bird watching and botany observation. Under the guidance of Gao, Wu. a professor of biology, these two groups conducted ecological investigation and observation in the Yuanmingyuan every week in the early 2000s. They observed a

tremendous diversity of water birds and water plants there between 2002 and 2003. However, this began to change in the early 2004 that was the time when the lakebed-sealing project started. The number and life of water birds and water plants drastically declined. The two groups of people took photos and notes to record such change before and after the project (Renmin Website, 2005). These documents finally became strong evidence put forward by Xue during the hearing, indicating that the ecological decline of the Yuanmingyuan could be linked to the lakebed-sealing project. FON had less professional expertise on evaluating the project's ecological effects than experts present in the hearing, but the photos and notes were considered the only actual evidence showing the serious consequences of the project (Ma & Ge, 2015). Therefore, the power of FON's persuasion in this case stemmed largely from its first-hand data and knowledge of the Yuanmingyuan's ecology and biodiversity.

After the ground-breaking public hearing in China's environmental governance, SEPA issued an order that the impacts of the lakebed-sealing project had to be thoroughly examined via EIA procedures in 40 days. The EIA institute of Tsinghua University was commissioned to undertake this task. It concluded that the project, which itself was seriously flawed, had already severely affected the park's ecological water system; the project had to be completely modified or altered. And it also proposed a plan for a comprehensive modification. SEPA made a final order and guidance to ensure appropriate and effective modifications. Two months later, the project's modification was finished, and it passed SEPA's inspection (Liu, 2010; Li, 2014). This matter of intensive public concern was finally resolved with the active involvement of FON.

The Yuanmingyuan case indicated that the accountability politics of FON not only helped prompt the government to act on its commitments but also promoted environmental governance in a broad sense. There were two factors that were essential for FON to effectively use this tactic. First of all, what FON advocated, in this case, fit perfectly with the principles endorsed by the government. Through adopting such laws as the EIA law, the government officially committed itself to some principles and policies, including the mandate EIA procedure, public participation in environmental policy, and a rational, objective and democratic decision-making process. Implementing these principles was placed high on SEPA's agenda. It was within this context that the lakebed-sealing project took place, which violated the EIA law and went against those principles (Moore & Warren, 2006). As a result, FON took this good opportunity for accountability politics and persuaded the government to act on the principles and bring about accountability. FON's strategies—ranging from getting the public involved in the first public discussion, to calling for a public hearing, to participating in the public hearing—were exactly in alignment with what principles the government publicly endorsed and supported. Secondly, at its core, ENGOs' persuasion-based non-confrontational approach was to create and communicate messages to shape or change the attitudes, beliefs or behaviors of multiple actors. In this case, FON derived its messages from not only a broad variety of people, mostly experts, but also its own first-hand observation in the Yuanmingyuan. The latter source greatly enhanced FON's capacity to create opinions and participate in environmental policy. It demonstrated a specific advantage of ENGOs that carried out activities on the ground, and therefore were able to obtain important information and knowledge that otherwise might be undiscovered or neglected.

6.1.2.3 Symbolic Events

ENGOS can focus on identifying powerful symbolic events to call attention to environmental problems and persuade both the government and society to act in favour of the environment (Keck & Sikkink, 1999). The symbolic events, an important part of the process of persuasion, served as an avenue for ENGOS to create and deliver messages that shaped or changed not only policy but social understanding and actions on environmental matters as well. FON engaged in a set of symbolic events in the 2000s. The “26°C air conditioning saving energy movement” and the “green stocks campaign against the gold east paper company’s IPO application” were the most notable examples.

6.1.2.3.1 The 26°C Air Conditioning Saving Energy Movement

The rapid growth of the economy and people’s living standards led to a shortage of power facing China in the 2000s, which became particularly pressing in summer when air conditioning was intensely used to cope with the hot weather in North China. It was estimated that air conditioning accounted for about 40 percent of the total power consumption in Beijing during summer (Pan, 2010). This was further compounded by low energy efficiency of buildings and air conditioning, as well as the lack of public awareness of saving energy (Wong, 2010). Experts believed that if air conditioning goes up from 22-24°C to 26-28°C, the power consumption of Beijing would decline by 400 million to 600 million kWh, and the saving of consumers’ electricity bills would be between 180 million and 270 million RMB, which would reduce the emission of greenhouse gases and contribute to mitigating climate change (Qiao & Wang, 2005). It was against this backdrop that FON with five other ENGOS launched the “26°C air

conditioning saving energy movement” in June 2004, advocating that air conditioning should be set not below 26°C in summer.

In 2004, three years after Beijing won the bid for the 2008 Olympic Games, the city was undergoing a massive national effort in preparation for the Olympics. With a slogan of “Green Olympics, Technology Olympics, Cultural Olympics,” the Beijing Olympics made Green Olympics a core ideal to convey the message of protecting the environment to China and the world. Therefore, the Beijing Olympics offered a perfect opportunity for ENGOs to advocate energy conservation. In the opening of the “26°C air conditioning saving energy movement”, about 30 people, including ENGOs staffers and volunteers, wore T-shirt that said “26°C air conditioning saving energy” and biked across the Beijing city towards the organizing committee of the Olympic Games, distributing advocacy pamphlets and brochures to hotels, commercial institutions, and office building on their way (Pan, 2010). After they arrived at the hall of the committee, representatives of ENGOs handed over an open letter of the “26°C air conditioning saving energy movement” to the environmental minister of the organizing committee of Olympic Games (Wang, 2016). This striking move connected ENGOs’ movement and energy conservation to the Olympics. The Beijing Olympics had an extraordinary role in the Chinese government and people. Such action not only drew attention to the movement but helped ENGOs obtain support from the government and the public as well. Besides this, from the beginning of the movement, ENGOs persuaded high-level officials about taking policy measures favouring energy saving. For example, they submitted a petition with the National Development and Reform Commission to advocate energy conservation policy (Qiao & Wang, 2005).

A major goal of the “26°C air conditioning saving energy movement” was to create and raise public awareness of energy conservation. The ENGOs alliance initiated a number of activities to widely and strongly push the message of saving energy to shape or change the attitudes, belief or behaviors of the general public. There are three typical examples. First of all, FON and its ENGOs partners brought the message directly into numerous neighbourhoods of Beijing, gave lecture classes of environmental protection and energy-saving, and mobilized ordinary people to engage in the movement (Wang, 2016). Many local officials worked with ENGOs to grant the “green environmental protection volunteers” badge to community members, encouraging them to get involved in helping move the movement forward (Pan, 2010). Moreover, a renowned professor from the University of Chinese Traditional Medicine was invited to give a public lecture about health, pointing out that the indoor temperature of 26-28°C is good for health and people feel comfortable at this temperature (Qiao & Wang, 2005). Last but not least, the ENGOs alliance shown a classic movie named ‘The Day After Tomorrow’ for free that depicts the disastrous and abrupt climate change happening in our earth, which attracted a great number of people to watch. FON and other ENGOs made use of this occasion and organized specific lectures and talks on tackling climate change and saving energy after the movie ended. They also publicized the movement and shared the message via a series of concerts of Fei, Wang, one of the most famous singer in China (Pan, 2010; Qiao & Wang 2005; Wang, 2016).

Considering that enterprises’ air conditioning consumed a greater proportion of electricity, FON and its partners persuaded many enterprises, such as hotels and office buildings, to engage with their movement (Wang, 2016). ENGOs widely distributed the

“26°C promise” cards to hotels, restaurants, office buildings, book stores, shopping malls across Beijing and encouraged them to participate. A large number of enterprises positively responded to this call and committed to taking actions and accepting the monitoring of ENGOs. To check whether they lived up to their 26°C promise, ENGOs regularly carried out measurement of indoor temperatures of 76 enterprises that filled out the cards and made the promise (Pan, 2010). Some enterprises voluntarily offered assistance to ENGOs, such as finding, human resources and venues for activities.

At their core, all these activities were designed in an attractive way to bring attention to the movement. Only three months after it was launched, the campaign became widely known, and the concept of 26°C air conditioning became a hot topic and received heavy media coverage. According to a survey to a random group of people in Beijing on September 2004, about 40 percent of 252 respondents said that they knew the “26°C air conditioning saving energy movement” organized by ENGOs (Qiao & Wang, 2005). The main focus of ENGOs’ tactic of symbolic events was to deliver messages through the events and get the messages heard as far and wide as possible, which was essential to begin a persuasion process for shaping or changing social perception and behaviors. The movement’s first phase, which lasted three months in 2004, created such a good starting point for FON and its ENGOs partners that sought to bring about changes in policy, social understanding and actions in favour of saving energy. In the summer of 2005, the second phase of the movement resumed to further enhance its growing persuasive influence.

The culmination of the movement happened on 30 June 2005, when the then prime minister, Wen, Jiabao, made a keynote address about accelerating building a conservation society, specifically pointed out that air conditioning of offices and

conference rooms in summer should not be set below 26°C to advance energy saving (Wang, 2016). This was seen as a landmark speech that ushered in new policy measures on energy conservation. On 5 July 2005, the State Council issued an order requiring government agencies to commit to saving energy and set temperatures of air conditioning of offices and conference rooms in summer below 26°C (Pan, 2010). In alignment with these policy initiatives at the central level, the Beijing government took immediate action to order that the setting of air conditioning in all its agencies and official buildings should be above 26°C, between 1 July and 31 August. In addition, it sent out an open letter to all private and public organizations in Beijing, calling them to act on 26°C air conditioning in summer (Qiao & Wang, 2005). Such dramatic changes in policy should be understood in the specific context during the early 2000s. The government faced with environmental challenges and electricity shortage began to push for the building of a resource conservation society. This new undertaking demanded both top-down government-driven approaches and bottom-up initiatives like ENGOs' conservation activities. As a result, the movement was viewed as a symbolic and substantially important event that fit into that context and the government narrative. The government, both at the central to the local level, was responsive to FON and its ENGOs partners in the entire process of the movement.

6.1.2.3.2 The Green Stocks Campaign against the Gold East Paper Company's IPO Application

On 5 August 2008, MEP published an official notice on its website about environmental inspections into the Gold East Paper Company (GEP) that filed Initial Public Offering (IPO) application with Shanghai Stock Exchange, saying that “GEP basically meets environmental requirements for IPO approval” (Johnson, 2014).

According to regulations, before this decision takes effect, it has to be disclosed publicly for ten days to solicit comments. Soon after the notice, FON learned about GEP's IPO application and the MEP's basic decision. Because GEP's parent company, APP, had been long criticized by ENGOs for destroying the environment, FON consistently kept an eye on environmental performance of GEP. As a result, FON partnered with five other ENGOs, such as Green Peace, found out credible evidence on multiple environmental violations of GEP over the past three years, including eight pollution accidents and destruction behaviors on forest and natural reserve (FON, 2008). On 12 August 2008, these six ENGOs jointly wrote a letter to report such violations to MEP and persuaded the government to cautiously handle the environmental inspection of GEP and delay its IPO approval. Upon receiving the letter, MEP immediately responded and commissioned two agencies to look into the alleged violations of GEP (National Business Daily, 2008a). This prompted MEP to put a brake on GEP's IPO application. In the meanwhile, FON and its partners sent the other letter to GEP to request it to publicly disclose environmental information by law. Two weeks later, GEP issued a statement saying that it had already fixed the pollution problems reported by ENGOs and disclosed the required information. But FON claimed that the information provided by GEP was general and vague.

After writing the first letter to MEP, ENGOs continued to make efforts in examining GEP's environmental practice. Through checking official inspection records and conducting field investigation between 28 and 31 August 2008, they found that Jinhai Pulp, one of GEP's six subsidiaries, had caused long-standing and serious water and air pollution problems within 29 months prior to its IPO application, leading to detrimental impacts on local communities (National Business Daily, 2008b). On 2

September 2008, FON and its partners wrote the second letter to report to MEP on the newly founded over 25 violations of GEP. However, GEP responded and put out a local government's investigation report on its website to demonstrate that the violations identified in ENGOS' new claim had been properly addressed half a month ago (Ma, 2008). As a result, this issue evolved to a point where ENGOS and GEP held competing positions and opinions, thereby making GEP's IPO environmental approval highly controversial and drawing a lot of attention.

In the face of this hotly debated issue, MEP ordered three provincial-level EPBs to thoroughly inspect GEP's environmental practice (FON, 2008). About six months later, On 2 March 2009, MEP finished its investigation and published the second notice that GEP increasingly improved its environmental management and made investments in modifying or altering its pollution treatment facilities; it particularly indicated that the violations identified by ENGOS had been resolved (FON, 2008; Hu, 2009). FON and its partners appreciated the opportunity for ENGOS to participate and MEP's positive response to ENGOS' opinions. Eventually, MEP approved GEP's IPO application on 30 June 2009 and ordered GEP to further improve its environmental performance to ensure compliance with environmental laws and standards (MEP, 2009). Perhaps most tellingly of all, due to the active participation of FON and other ENGOS, GEP's IPO application was delayed for almost ten months and it had to reapply.

This was the first case of enterprises' IPO application being blocked by ENGOS, after the green stock policy was established in China in the early 2008. Enterprises of intense pollution, including the paper industry, must pass environmental inspection before getting IPO approval, and the inspection result should be publicly disclosed for

ten days to solicit comments before it takes effect. In the beginning of the green stock institution, this case created and delivered a strong and clear message that environmental inspection was critical in the process of IPO approval; enterprises had to be accountable for the environment and their performance was under the oversight of not only the government but also ENGOs. In a word, the persuasive ENGOs, together with the responsive MEP, played an effective role in the enforcement of green stock.

To sum up, in the second stage of Consultative Authoritarianism during the 2000s and early 2010s, the government opened space for public consultation and participation, at the same time, ENGOs pursued a persuasion-based non-confrontational approach. Persuasive ENGOs and the responsive government characterized the landscape of China's environmental governance in this stage. FON adopted three tactics of persuasion—the source of information, accountability politics and symbolic events—to shape or change environmental attitudes, beliefs or behaviors of the government and society. It tapped into the government's discursive positions and persuaded the government to act on principles or policies it formally endorsed. The alignment between FON's persuasion messages and the principles the government was committed to publicly, therefore, prompted the government to positively respond. Symbolic events were a major part of FON's persuasion. FON, often in partnership with other multiple ENGOs, dedicated efforts to identifying powerful symbolic events and making them into opportunities to deliver specific messages, raise attention, and motivate action with regard to certain aspects of environmental governance, such as energy conservation and green stock. The impact of the symbolic events largely depended upon the endorsement and response of the government. In the two symbolic campaigns-organized by FON, the government positively responded to the events, leading to changes in not only policy

but social understanding and public behaviors as well. The relations among ENGOs, the government, the public, and enterprises were governed and structured by both formal yet general rules, such as environmental public hearing and public participation of green stock policy, and informal mechanisms, for example, a set of procedures and practices in the “26°C air conditioning saving energy movement”.

6.1.3 Collaborative FON and Interactive Government

Under the three-stage conceptual framework, the recent government-ENGO relations are characterized by the emergence of collaboration that is defined as activities of facilitating and coordinating in multi-organizational arrangements where multiple actors, including the government, ENGOs and other non-state actors, work together to achieve common goals, through formalized and informal mechanisms (O’ Leary et al., 2009; Wang, 2011). Actually, collaboration has become an increasingly dominant element of environmental governance in recent years, which can be well illustrated by the recent major transition of FON. Since the early 2010s, FON has formed a team of more than 10 professional staffs to undertake two new initiatives: environmental policy formulation and environmental public interest litigation, which have emerged as new focuses of FON. For a shared goal of developing better policy, FON has collaborated with the government that is shifting to be a more interactive actor in the process of policy formulation. More salient, perhaps, is that the government, for the first time, has opened up the arena of environmental public interest litigation for ENGOs, thereby creating a new collaborative mechanism. FON, therefore, makes use of this opportunity to hold individuals and enterprises that damage the environment accountable on behalf of public interest through the legal process.

6.1.3.1 FON Collaboration in Environmental Policy Formulation

In the 2000s, ENGOs were primarily focused on promoting and improving policy implementation, for instance, FON's accountability politics and the green stock campaign. Due to the lack of formal channels, ENGOs were far less involved in the policy formulation during that period of time. They had to rely largely on the informal, personal connection-based strategies to influence policy formulation, the '26°C air conditioning saving energy movement' was a case in point. Since the early 2010s, however, as the government is shifting its ruling ideology from management to governance (Yu, 2011), the principles of social coordination and public participation are emphasized in the process of policy formulation that had long been exclusive to political leaders, officials, and experts (Ho, 2008). One landmark reform was that the government is required to solicit public comments on the drafts of all laws or regulations and to conduct experts meeting before they can be officially issued (National Legal Committee, 2008). In accordance with the rule, policy makers usually publish a "notice and request for public comment" on official websites to solicit feedback and comments on the proposed laws and regulations, aiming to engage the public in the policy formulation process. On top of this broad civic engagement, policymakers also need to convene meetings where relevant experts and stakeholders are assembled to discuss policy proposals and express their opinions. Generally speaking, the aim of soliciting broad-based feedback is not only to improve the quality of policy but also legitimate or justify the proposed policy. This is important and necessary for environmental policies which often deal with the matters of significant concern, affect a great number of people, or could easily inspire and provoke controversy.

NGOs are therefore provided with an unprecedented opportunity to play a role in environmental policy formulation. FON is among the most active and engaged ones. Since 2012, it has actively participated in the formulation of a wide range of policies by offering comments and attending experts meetings (FON, 2016). For example, in 2016, FON was deeply involved in the formulation process of a total of 20 environmental law and regulations, nine of them are considered crucial for specific areas, such as the Forest Law of China and the Marine Environmental Protection Law of China. To better collaborate with the government in policy formulation, FON is focused on making its comments and opinions more relevant, insightful, and credible, and making them reflect or represent the voice and views of the wider public.

As one of China's oldest and the most well-known NGOs, FON has played an active and important role in a broad variety of environmental activities since 1994, which has helped it gain decades of on-the-ground experience and knowledge. FON thus is often capable of providing useful perspective and insight into various policy issues. Especially, in recent years, FON has a group of staff specialized in policy analysis and advocacy. And FON's research capacity is also regarded as an asset. For instance, in response to the government's request for comments on China's first law on soil pollution control and prevention in 2017, FON conducted specific research and deep investigation on the matter in order to get more insight and make more informed comments (personal communication, July 2, 2018). Given the complex and technical nature of environmental policymaking, FON's own expertise and skills alone are often not enough to develop opinions that could be viewed as relevant and valuable. As a result, seeking expert advice is a crucial part of FON's participation in policy formulation. FON usually hosts roundtable discussions to bring together experts and

listen to diverse opinions and comments on specific proposed laws or regulations. Meanwhile, FON also pays attention to calling the attention of ordinary citizens and involving them in the policy formulation process. To facilitate the engagement of the public, FON serves as a bridge to encourage, guide, and help people to participate. It reposts the government notices and requests for public comment on proposed laws or regulations via social media and asks the public to express their opinions and send them to FON. The feedback of the public is collected by FON and integrated into its final comments submitted to the government (personal communication, July 2, 2018).

The collaboration on improving policy formulation largely occurs in the direct interactions between the government and ENGOS. After soliciting comments, governmental agencies often engage FON in experts meetings to discuss policy proposals with policymakers, expert, and stakeholders (personal communication, December 2017). This presents an excellent avenue for FON to collaborate with the government in creating and improving policies. The drafts of proposed policies can be revised and issued to solicit comments up to three times or more, based on public comments and expert advice. Whether FON's opinions have been taken into account could be seen through checking the new drafts or the final version of laws or regulations (personal communication, July 2, 2018). The incorporation of FON's opinions into policy drafts or final policy decision can definitely reflect the depth and effect of collaboration between the government and FON. However, all that matters is FON's engagement itself in the process of providing comments and getting involved in experts meetings. To clearly exhibits how the collaboration takes place and what roles FON plays in it, FON's active and constructive participation in the amendment of EPL—China's most important environmental law—offers the best example.

In 2012, the Chinese government embarked on the revision of EPL that lays out the main framework and defines the principles for the country's environmental legislations and governance (Liu, 2015). This represents the first change in this fundamental law since its enactment in 1989. The original law has long been criticized for being obsolete, impractical, and ineffective (Zhang, Cao, Gu, & Liu, 2016). As a result, the move to amend it focused the highest level of attention of both the government and ENGOS, thereby creating an opportunity for them to work together to make a better law. On 31 August 2012, the national legal committee issued a notice for public comments on the first draft of EPL amendment within one month. FON reacted immediately and its ability to respond to comments request of such an overarching law relied on not only its own expertise and experiences but also the approach of seeking advice from outside experts. On 20 September 2012, FON convened a roundtable discussion to gather numerous environmental experts, lawyers, and representatives of frontline ENGOS (FON, 2012a). Various views on reforming and improving the law were presented and debated, which allowed FON to make more insightful and relevant comments after taking into account all perspectives. One week later, FON sent its comment letter to the committee, suggesting that an array of environmental instruments and institutions should be added to EPL, such as environmental public interest litigation, pollution discharge permits, imposing penalties of non-compliance on a daily basis, public participation and supervision (FON, 2012b). While these tools are important and necessary to tackle China's mounting environmental crisis, FON's recommendations were considered bold and ambitious at that time.

Later on, at a discussion meeting formally held by the committee, FON shared information, expressed its views, and discussed with lawmakers for the revisions of

EPL (FON, 2012c). Such deep interactions are a critical part of a government-ENGO collaboration that starts from the solicitation of public comments. It turned out that most of FON's recommendations were accepted and mentioned in the second draft of EPL (FON, 2012c). Given the significance of the EPL, its amendment had gone through four drafts over two years, before it was ultimately written into the law. FON remained actively engaged in the long process (FON, 2012d). Untimely, three of FON's recommendation— pollution discharge permits, daily penalties of non-compliance, and public participation—were incorporated into the new EPL issued in 2014, representing the governance benefits of the collaboration between the government and FON.

6.1.3.2 Environmental Public Interest Litigation

It is widely recognized that China's environmental governance has been tremendously impeded by the enforcement gap and incapable environmental authorities (Bina, 2010; Rooij et al., 2016;). Environmental violations have far outpaced the government's enforcement capacity, which has become more pressing in recent years of the mounting public pressure to combat pollution. It is against this backdrop that environmental public interest litigation has emerged as a new enforcement tool to enhance environmental accountability via courts (Gold, 2015). To bolster this new initiative, the government made an aggressive push to establish environmental courts, with a drastic increase of environmental court pilot projects from a handful in 2009 to about 100 by 2011 (Bretell, 2013). As of the middle 2016, over 550 environmental courts and tribunals have been established across 27 different provinces and regions (McCallum, 2017). The ground-breaking moment came when the standing to bring environmental public interest lawsuits has been expanded to include ENGOs under the EPL since 2015. Before this, the right to file environmental lawsuits on behalf of public

interest was limited to judicial departments and environmental authorities. Inspired by this unprecedented policy change, ENGOs put a new focus on taking a legal step and suing enterprises and individuals that pollute the environment, cause ecological damage, or harm the public interest. A new collaborative mechanism between ENGOs and the government has therefore been created and implemented recently. FON is a clear frontrunner in bringing environmental public interest litigation.

Starting as early as 2005, FON began to get involved in the matter of environmental public interest litigation, ten years before ENGOs are granted the standing. On March 2005, Liang, Congjie, the founder of FON, put forward a proposal to China's "Two Sessions" about initiating and promoting environmental public interest litigation (FON, 2017a). Since then, FON has persisted in trying to advocate for the matter. Its active participation and constructive comments in the judicial interpretation on civil environmental public interest litigation were publicly endorsed by China's superior court that sent a letter of thanks to FON (FON, 2017b). In 2013, FON brought two environmental lawsuits with courts against activities that caused pollution and ecological destruction, representing the earliest attempt of ENGOs to sue for environmental violations on behalf of public interest (FON, 2017a). However, because relevant policies were still in the making, the two cases ended up without legal responses. It indicated that FON's efforts to build its capacity for engaging in this area has been underway. The watershed moment came when the new EPL was passed on April 24, 2014, which ushered in a new era for ENGOs' role in environmental public interest litigation. In that same year, FON launched two innovative projects—"environmental public interest litigation action network" and "environmental public interest litigation funds", aiming to create and provide support and assistance for

NGOs to get involved in filing environmental lawsuits on the behalf of public interest (personal communication, July 2, 2018).

Since 2015, through the EPL and other measures, the government has empowered NGOs to bring environmental public interest litigation, thereby establishing a formal channel to collaborate with NGOs in enforcing environmental laws and holding polluters accountable. FON dedicates to this collaboration and makes it a new major focus. Between 2015 and 2018, FON filed a total of 40 environmental public interest litigations, among them, 34 lawsuits have been accepted by courts that pertain to a broad range of issues, including water pollution, air pollution, soil pollution, ecological destruction, ocean protection and tackling climate change, 17 of them had been resolved via trial or settlement by the end of 2018, and the rest of them are still in the litigation process (figure 6.1). FON's lawsuits are spread extensively across China, covering 19 provinces, municipalities and autonomous regions (figure 6.2). In light of NGOs' general lack of funding and expertise in filing lawsuit and the difficulty in acquiring evidence, the alliance strategy has been often adopted by NGOs to strengthen their ability to bring lawsuits (Gold, 2015). FON usually partners with many other NGOs to serve as co-plaintiff. Besides its own lawyers, FON also needs to cooperate with outside lawyers in many cases (personal communication, July 2, 2018).

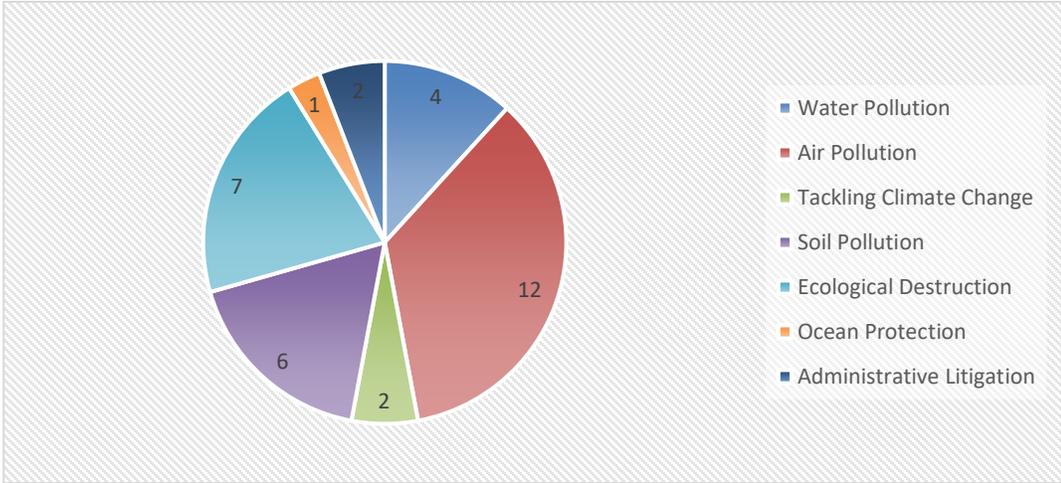


Figure 6.1 The number of environmental public interest litigation of different types filed by FON

defendants' ecological damage to forestry land, and their illegal license of mining (FON, 2015a). One essential element to support the plaintiffs' claims was that FON provided the evaluation of fees for ecological restoration conducted by a certified assessment agency, which was approved by the court. This is particularly notable as environmental cases were often obstructed by the requirement for a credible certificate of environmental damage assessment (Lin & Tuholske, 2015).

The court ruled in favour of FON and held the four defendants liable for ecological destruction On October 29, 2015. It ordered the defendants to repair and restore the damaged site of forestry land in the next five months after the conviction and obliged them to plant suitable trees and maintain the trees for three years (Li, 2015). The court's rule also obliged them to pay 127 million RMB in compensation for the actual ecological damage and the future loss of ecological function before the site is ecologically restored to normal (Li, 2015). In addition, the defendants were ordered to pay plaintiffs' attorneys fees, assessment fees, and other reasonable costs, which total about 134 thousand RMB (FON, 2015b). This so-called Nanping case is Chinese EGNOs' first victory in environmental public interest litigation, signalling that this new collaborative mechanism can be useful and effective for the government and ENGOS to work together in addressing the country's lax environmental enforcement. China's Supreme court selected this case as one of 2015 top ten environmental lawsuits because it served as a model for handling such crucial issues as verifying the standing of ENGOS plaintiffs and evaluating the costs of ecological destruction (People's Court Daily, 2017).

What is striking is that over a third of FON's lawsuits are related to air pollution. One good example is a case against a chemical company named Jinling in Shandong

province. In the late 2015, FON found out that this company's discharge of air pollutants violated environmental regulations and standards over a long period of time; besides this, it failed to appropriately use air pollution treatment facilities and also produced fraudulent environmental data. As a result, in January 2016, FON filed a lawsuit against the company for contaminating the air and harming public interest (FON, 2017c). Faced with FON's accusation with irrefutable evidence, the company took prompt and effective corrective action. Before this case went to trial, it had made its discharge completely comply with environmental rules and kept monitoring devices in full operation, which passed the inspection of local EPB (XinHua Net, 2017). In the context of the defendant's positive and immediate response, FON and the company entered into a mediation and reached an agreement to settle the case. The company was legally obliged to pay 300 million RMB in compensation for environmental damage (People's Court, 2017a). The court disclosed this mediation arrangement to the public for comments within a certain period of time. After that, the arrangement was checked again by the court to ensure that the mediation decision was in accordance with the mission of environmental public interest lawsuits and the purpose of remedying environmental damage in a timely and effective manner. Tellingly, a greater proportion of FONs' lawsuits have been settled through mediation in the similar way. According to Wang, Canfa, a leading environmental lawyer and activist, the mediation is increasingly used as a means to solve environmental lawsuits, because defendants become well aware of the high possibility of losing lawsuits, which then motivates them to seek mediation to end dispute (Wang, 2018).

In spite of its efforts and accomplishment, FON actually faces a variety of obstacles in participating in environmental litigation, including the lack of funding,

expertise or experience, the high level of legal and political risks, as well as the lengthy process of lawsuits (personal communication, July 2, 2018). Indeed, FON typically reflects the challenges and difficulties ENGOs generally are confronted in the early stage of environmental public interest litigation in China (Gold, 2015). As a result, the number of lawsuits brought by FON and other ENGOs is dwarfed by the enormity of the environmental degradation that China faces, but it represents a small but notable initial step between collaborative ENGOs and an interactive government.

6.1.3.3 Incentive/Resources Effects on the Government

Incentive/resources effects constituted endogenous forces that contributed to the shift of government-ENGO relations from Consultative Authoritarianism to Collaborative Regulation (Edmondson, et al., 2018; Pierson, 1993). This positive feedback mechanism was embodied in the interplay between the government and FON. In the stage of Consultative Authoritarianism, the “persuasion-response” model of interaction between them provided resources and incentives that helped improve the government’s capacities in environmental policy and then influenced its recent decisions favouring collaboration with FON in formulating policy. In the 2000s, FON mainly relied on informal approaches and personal connection-based channels to participate in environmental policy (personal communication, July 2, 2018). For example, FON provided policy proposals to the “Two Sessions” through National People’s Congress Deputy with whom FON had personal ties. FON created resources that were useful to raise the quality and legitimacy of policy in three ways. First, in response to specific environmental challenges like the shortage of power, FON, along with other ENGOs, came up with new ideas, such as the “26°C air conditioning for saving energy”. Their innovative policy ideas helped draw the government’s attention to

policy issues and encourage it to consider or formulate new policy. Second, FON's first big advantage lies in its on-the-ground activities and experiences covering a broad spectrum of environmental areas for decades. This enabled it to contribute to policy ideas and opinions that often were different from, but complementary to official or academic perspectives (Coston, 1998). FON's annual publication of the China Environment Yearbook and its first-hand observation in the Yuanmingyuan presented in the public hearing were cases in point. Besides, FON was illustrative of ENGOs that were flexible and open-minded to diverse sources of information and opinions. It actively reached out and engaged with experts and the public to build a platform for more and different perspectives and voice concerning specific policy issues, which not only made its information and opinions more informative, but also made them represent the wider public.

6.2 The Institute of Public and Environmental Affairs

IPE founded in 2006 has three features that make it stand out as an excellent case to apply the three-stages conceptual framework for the goal of examining governance implications of the evolution of government-ENGO relations. Most of Chinese ENGOs were established in the 2000s without experiencing the first stage of Environmental Authoritarianism in the 1990s (Spires et al. 2014). Therefore, their evolving role and implications for China's environmental governance can be explored by focusing on the other two stages of the conceptual framework. IPE has been among the most active and engaged ENGOs and represented a typical example of ENGOs after 2000. Perhaps even more important about IPE is its focus on engaging with the business communities in the protection of the environment. Business is seen as the major culprit

of environmental pollution and degradation in China, making it the primary target of government regulation and public monitoring. But on the other hand, business plays a critical role in the solutions to environmental problems through improving corporate environmental performance, such as reducing the discharge of pollutants, saving energy and resources, and investing and adopting eco-friendly technologies. There is no doubt that business is an integral part of environmental governance and its interactions with ENGOs is of great importance to the development of governance. Since its establishment, IPE has devoted itself to environmental data and data-related tactics in order to push enterprises to address pollution problems and improve environmental practice. Its active and constructive engagement with the business communities offers a unique perspective to what governance implications the evolution of government-ENGO relations has had. Besides, IPE launched the Blue Map in 2014 that is China's first mobile application to provide the public with access to real-time environmental data. The number of active users hit 3.4 million in the middle of 2018. IPE is a forerunner to employ the advanced information and communication technology to collaborate with the government on pollution issues.

6.2.1 Persuasive IPE in the Stage of Consultative Authoritarianism

The second stage of Consultative Authoritarianism was centered around the layering of the consultation where ENGOs persuaded the government and other non-state actors in a non-confrontational manner to shape or change their attitudes, beliefs or behaviors, but the multiple actors had the discretion over whether and how to respond to ENGOs' persuasion. The three persuasion tactics of NGOs—the source of information, accountability politics, and symbolic events—still help us understand IPE's persuasion strategy and what response it prompted in the 2000s and the early 2010s (Keck &

Sikkink, 1999). IPE combined the three tactics to conduct persuasion on the business communities (personal communication, July 4, 2018).

The mission of IPE was to collect, collate, and analyse environmental information and unleash the potential of data to empower relevant stakeholders to promote environmental governance. Relying on information disclosed by the government and other official sources, IPE's first major focus was to establish a pollution map database that provided three categories of key environmental information of 339 municipal cities across 31 provinces, including environmental quality data, pollution discharge information, and governmental inspection records of the polluting enterprises. Soon after it was founded in 2006, IPE built a water pollution map database. Two years later, an air pollution map database was built as well. Its pollution map database served as the foundation for IPE's persuasion towards business, which perhaps can be best illustrated by its green supply chain project.

As described in section 5.2.3.2. for reputation-minded MNCs, their corporate image and interests would be harmed if they fail to manage environmental violations in their supply chain. IPE exactly made this an opportunity for using accountability politics to persuade MNCs to act on the principle they supported and endorsed publicly and formally. MNCs were often critical or very important clients of domestic suppliers. Such a market position gave them the power to demand that the polluting suppliers needed to correct their behaviors and control pollution. Considering the risk of losing business from big client MNCs, the suppliers had the motivation to positively respond to MNCs and comply with their demands (Wang, 2018). IPE built a Green Choice Alliance (GCA) with numerous other Chinese ENGOs and launched the green supply

chain project in 2007 to hold MNCs accountable for their commitment to the environment via the supply chain.

The IPE-led GCA implemented the green supply chain project targeting a series of industries causing extensive and serious pollution problems in China, such as the IT, textile, battery, and retail industry, and persuaded MNCs in these industries to tackle environmental problems that occurred in their supply chain and push their suppliers to correct illegal or improper environmental practice. IPE initially focused on big retail companies and received positive responses from such MNCs as Walmart, General Electric (GE), Nike, and Unilever (Ma et.al, 2010). In 2010, it launched a massive campaign to call for actions of 29 top IT MNCs to act on heavy metal pollution problems caused by their suppliers, representing a culmination of the green supply chain project. China suffered an outbreak of heavy metal pollution incidents in 2009, which took a heavy toll on public health and the country's social stability¹¹. In response to this crisis, the IPE-led GCA took aim at the IT industry that was a major source of heavy metal pollution. IPE's pollution map database had over 220, 000 records of government inspection of the polluting enterprises in 2015, and the number surged to over 1 million in 2019. By searching through such records, the GCA first identified companies that illegally discharged heavy metal pollutants. The next step was to find a supplier-purchaser relationship between those polluting companies and MNCs clients by a set of means, including checking companies' website or formal statements, examining corporate annual reports, or reaching out directly to MNCs (personal communication,

¹¹ China vigorously combats illegal discharge of heavy metal pollutants
http://www.gov.cn/jrzq/2010-04/10/content_1577874.htm

July 4, 2018). Finally, the GCA found out that some of the polluting companies publicly claimed to be suppliers for big IT MNCs.

On April 15-16, 2010, based on the reliable information and evidence, the IPE-led GCA sent letters to the CEOs of 29 IT MNCs to inform them that those companies, which were believed to be their suppliers, were found to violate environmental regulations, and request their responses to a list of key questions, including whether the companies are their suppliers or not? If yes, do they have the knowledge of the companies' environmental violations? How do MNCs deal with this matter? Do they have other suppliers with illegal environmental practice? Do they set requirements to manage suppliers' environmental performance? And do they build an environmental management system for supply chain? (IPE, 2010a). After receiving the letters, 8 MNCs immediately responded to the GCA's requests and engaged with ENGOs to address the pollution problems exposed by ENGOs, Panasonic, Sanyo, Haier, and Lenovo were noteworthy among them. However, the majority of the 29 MNCs did not respond to the letters before April 26, 2010 (IPE, 2010a). Such results were soon published in the GCA's first report on IT MNCs' responsibility for heavy metal pollution, which begun to draw growing attention and concerns, not only because of the outbreak of heavy metal pollution but also because these MNCs were very well-known brands attracting millions of consumers in China.

Building on this momentum, the GCA continued to strive to persuade more MNCs to get involved in the matter of great concern. In May 2010, IPE played a major role in launching the second round of persuasion toward MNCs by various means, not only letters but also phone calls, teleconference, and face-to-face meetings. At the end of that month, the number of MNCs that formally responded to the GCA's request rose

to 21. Yet the remaining 9 MNCs still made no response, including the world-renowned companies Apple and IBM (IPE, 2010b). As illustrated in figure 6.3, in terms of the quality of their responses, IPE classified the 29 MNCs into five categories, including “deep response” (investigating the pollution cases related to their suppliers identified by ENGOs, submitting investigation reports, and agreeing to use information such as IPE’s pollution map database to create and reinforce environmental management for supply chain), “ limited response”(investigating the pollution cases related to their suppliers identified by ENGOs, submitting investigation reports, and showing understanding on the issue of creating and strengthening environmental management for supply chain), “basic response” (investigating the pollution cases related to their suppliers identified by ENGOs but avoiding responding to environmental problems and heavy metal pollution occurred in their supply chain), “immaterial response” (confirming the receipt of letters from ENGOs and claiming that they would follow up, but without further action), and “no response” (IPE, 2010b).

Deep Response	Limited Response	Basic Response	Immaterial Response	No Response
<ul style="list-style-type: none"> • Samsung • HP • Panasonic • Siemens • Toshiba 	<ul style="list-style-type: none"> • Sanyo • Haier • Lenovo • TCL • Hitachi 	<ul style="list-style-type: none"> • Sony • Alcatel-Lucent • Cisco • Seiko Epson • Nokia • BT • Sharp 	<ul style="list-style-type: none"> • Singtel • MOTO • Foxconn 	<ul style="list-style-type: none"> • Apple • Philips • Ericsson • Vodafone • IBM • LG • Canon • BYD

Figure 6.3 The categories of the 29 IT MNCs in terms of the quality of their responses

With these new developments, the GCA quickly published the second report on IT MNCs' response to ENGOs' calls for action against heavy metal pollution in the early June. These 29 MNCs were regarded as the top IT companies worldwide. All of them had publicly made the commitment to protecting the environment. As a result, environmental violations of their suppliers, combined with the unresponsive or irresponsible attitudes of some of them, sparked a string of surprise, concern, and even anger among consumers and civil society groups at home and abroad. For example, during June and July of 2010, over 260 Chinese consumers sent letters to those unresponsive MNCs, such as Apple, LG, IBM, and Canon, to voice their concerns over the severe heavy metal pollution of their suppliers (IPE, 2010c). Due to the advocacy of an American ENGO named Pacific Environment, more than 900 Chinese and foreign consumers wrote letters to Apple, expressing concerns and questions about Apple's environmental management for its supply chain (IPE, 2010c). At the same time, the IPE-led GCA continued to engage with MNCs in numerous conversations, debates, and negotiations. Under such intensive engagement and attention, the 8 "no response" MNCs ultimately responded to GCA's requests. By July 21, 2010, about three months after the campaign was launched, the IPE-led GCA received responses, though varying in quality, from all the 29 top IT MNCs (IPE, 2010c). The responses from MNCs signalled that they formally recognized the pollution problem in supply chain and made commitment to solving it, which served as a starting point for actually addressing the problem.

A large, fast-growing number of MNCs were successfully persuaded to push the polluting suppliers to correct violations and improve environmental performance. IPE put the polluting enterprises on a blacklist, they would be removed from the blacklist

only when their corrections were verified by the GCA. Because of the push of MNCs, a great number of polluting suppliers were motivated to engage with GCA to resolve their problems. The correction and verification of companies' environmental practice was a highly technical matter in nature, which demanded professional skills and expertise. For this reason, the IPE-led GCA established a Green Choice Audit system to set evaluation standards for corporate environmental performance and to conduct a credible and rigorous third-party audit. The polluting suppliers needed to go through Green Choice Audit and get verified by an accredited third-party auditor before they could be taken off the blacklist (Tan, 2014). Considering that going through such audit was complicated and time-consuming, in many cases, polluting companies were also removed from the blacklist as long as they passed the inspection by IPE.

IPE's pollution map database provides real-time information on hundreds of thousands of governmental inspection records of corporate environmental violation. It offers MNCs a readily available, useful, and reliable approach to identify and manage polluters in the supply chain. Since the early 2010s, more and more MNCs in various industries have proactively used IPE's pollution database to establish a searching system and oversee environmental performance of suppliers, as indicated in figure 6.4. They actively and regularly check the system on a quarterly, monthly, or even more frequent basis, to identify polluting suppliers and work with IPE to push them to correct their behaviours and increase environmental performance. MNCs require the polluting suppliers to deal with IPE directly and promptly to resolve their environmental violations. IPE often provides expertise and assistance to help them figure out solutions. Their correction and improvement need to be verified by IPE. In the meanwhile, MNCs

and IPE keep in touch with each other about how and whether the violations are dealt with properly (personal communication, July 4, 2018).

IT	Apple, Dell, Panasonic, Samsung, Foxconn, HP, Microsoft, Cannon
Textile/ Leather	Adidas, Levi's, Target, M&S, Gap, Walmart, Zara, H&M, Zara, Puma, Nike, Columbia, Mizuno, Timberland, Northface, Burberry
Food Beverage	Coca-Cola, Unilever, Danone, Pepsi, Taisei
Paper	Oji Holdings
Auto	Mercedes-Benz, BMW
Others	Unilever, Kao, Hitachi, Philips, GE, Toshiba, Siemens

Figure 6.4 The typical MNCs that use IPE's database to establish environmental management of supply chain in various industries

Hitachi and Dell provide perfect examples of how MNCs use IPE's database to establish a system of environmental management of supply chain. As illustrated in figure 6.5, Hitachi, for the first time, formed a green purchasing commission in 2014 (IPE, 2017). Its international purchasing department of China (IPDC) is designated to take overall charge. The department regularly checks for the updates of corporate environmental violations records from IPE's database and delivers relevant information to all Hitachi's business divisions in China. Each division is responsible for identifying the polluting suppliers of its own and pushing them to address violations and disclose

information. All the developments and results are required to report to the IPDC. This system is characterized by clear leadership and an effective division of responsibility, tremendously fulfilling the potential of IPE’s database to hold polluting suppliers accountable. Dell has pursued an aggressive approach to green its supply chain since 2014. It considers environmental performance of suppliers as a deciding factor when making purchases and excludes environmental violators from its list of suppliers. Dell holds monthly corporate the environmental responsibility meeting to check the status of its suppliers’ environmental practice and enhance the corrections of violations. What is striking about Dell is that it incorporates environmental performance of suppliers into its purchasing managers’ performance assessment, thereby providing a strong incentive for supervising the environmental practice of supply chain. In 2016, Dell pushed a total of 42 suppliers to communicate and engage with IPT to address their violations, and 31 of them went through the GCA system, which made Dell one of the best performers among more than 50 MNCs (IPE, 2017).

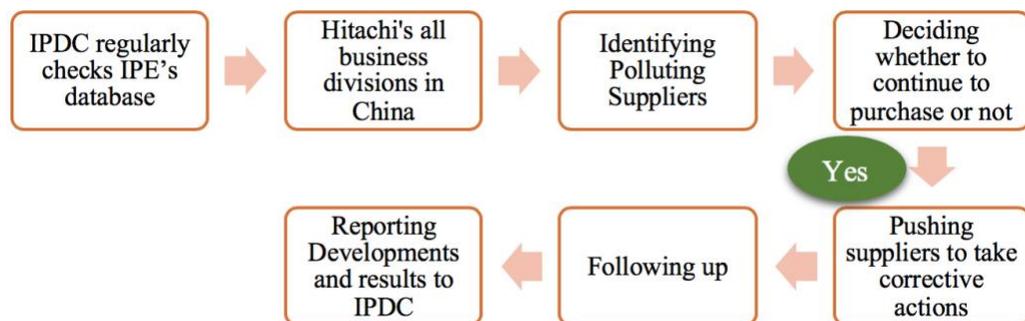


Figure 6.5 Hitachi’s environmental management system for supply chain

By 2016, ten years after the green supply chain project was initiated, several thousand suppliers in a broad range of industries, driven by MNCs, communicated and engaged with GCA to address their environmental violations (IPE, 2016) (Figure 6.6). Practically, there is no doubt that such corrective actions of the polluting suppliers contributed to controlling pollution and improving environmental quality¹². As figure 6.7 shows, the number of the suppliers' environmental violations resolved through this mechanism has climbed substantially and steadily since 2007. Symbolically, the green supply chain project signalled that the business communities could and should be held accountable by ENGOs, besides the government, and sends a compelling message that opportunities do exist for ENGOs and the business communities to work together to make a difference to China's environmental governance.

¹² The suppliers that have been pushed by MNC clients are mostly not state-owned companies. IPE's green supply chain management actually could not deal with environmental violations of state-owned companies. This reflects that the uneven environmental enforcement could also be originated from bottom-up, indicating the limited role ENGOs could play in the authoritarian setting.

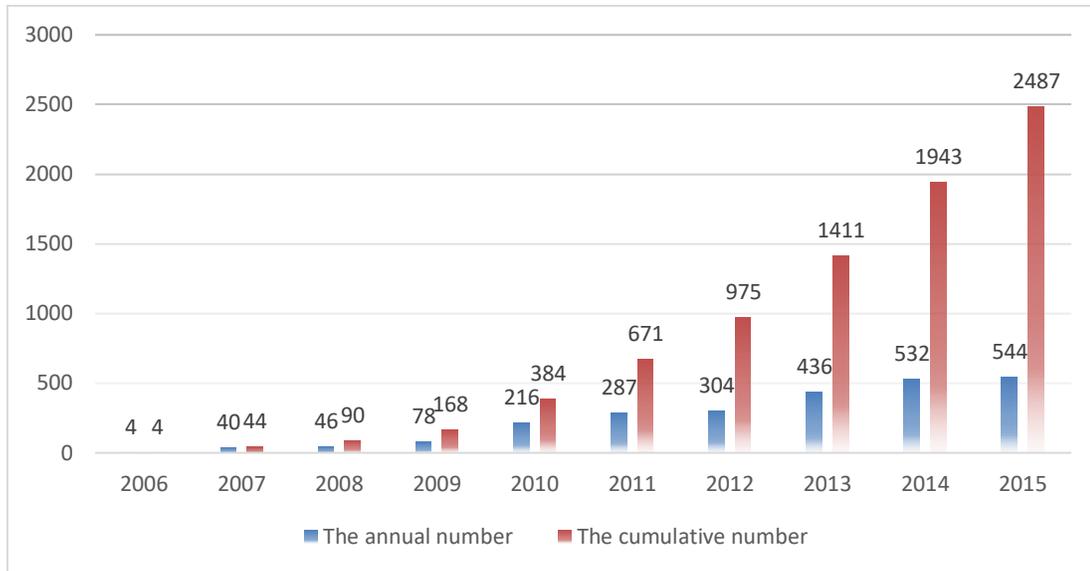


Figure 6.6 The number of suppliers that were driven by MNCs to engage with ENGOs to address their environmental violations, from 2006 to 2015.

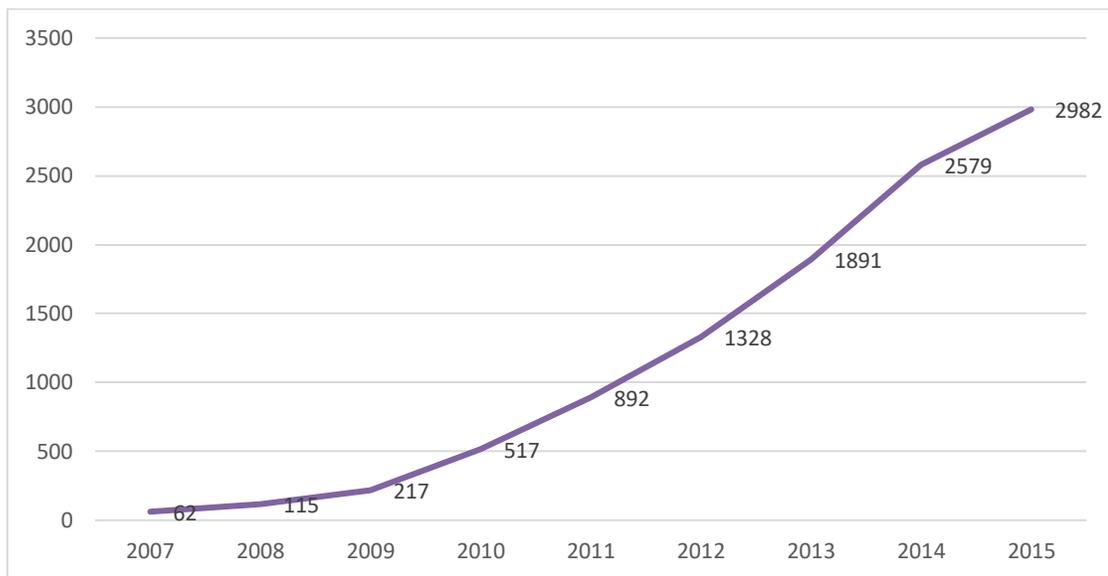


Figure 6.7 The cumulative number of the suppliers' environmental violations resolved via the green supply chain project from 2007 to 2015.

6.2.2 IPE in the Stage of Collaborative Regulation

In June of 2014, IPE invented and launched an app called Blue Map for disclosing, creating, and sharing environmental data. The app based on IPE's environmental map database is China's first mobile application to provide access to comprehensive and real-time or near real-time environmental information. It has been constantly upgraded by IPE and gained wide attention with active users hitting 3.4 million in the middle of 2018. In addition to offering environmental data derived from governmental sources, IPE uses the Blue Map app to encourage and empower people to produce environmental data on their own and share the data with the public and the government on a real time or near real time basis. Therefore, by creating a new type of environmental monitoring data, IPE has collaborated with the government to timely identify environmental violations, facilitate the government's enforcement, and enhance environmental accountabilities.

Faced with severe environmental degradation, Li Keqiang, the prime minister of China, declared a "war on pollution" in 2014, which prompted a series of new tough policies and aggressive measures. The Water Pollution Prevention and Control Action Plan enacted in 2015, dubbed as the "10-Point Water Plan", has been adopted as a cornerstone for environmental policies to prevent, control, and remedy water pollution. It sets detailed objectives and mandatory, quantitative targets of water quality and the reduction of pollution. The massive campaign of "cleaning up black, filthy, and smelly water bodies in cities" is a major undertaking of the government's ambitious efforts to tackle water pollution, which has been in the charge of two ministries: MEP and the Ministry of Housing and Urban-Rural Development. Its goal is to reduce the foul, filthy and smelly water bodies in cities by 90% by the end of 2020, and to completely eliminate such water bodies in urban areas by 2030.

Given the sheer magnitude of black, filthy, and smelly water bodies and the fact that they are happening nationwide, public participation in environmental monitoring via social media enters a major government project for the first time. The two ministries created an online platform to serve as a channel for the public to get involved and to timely share information regarding water pollution. What is truly striking is that the public can report the occurrence of black, filthy, and smelly water bodies through a WeChat-based system of the campaign. WeChat is China's largest and the most powerful mobile social media, hitting 1 billion active users nationwide by 2018 (Statista, 2018a). Therefore, this strategy is designed to reach out to and engage with the public, to the greatest extent possible, to identify, report and monitor the damaged water bodies. As Chen, Jining, the then minister of MEP, pointed out that "let every cellphone become a mobile monitoring station, let every citizen become an environmental supervisor." (IPE, 2017a). The Blue Map app of IPE with millions of users has been connected to the system since August of 2016. The users can report the occurrence of the black, filthy, and smelly water bodies to the government directly through the app.

The app users can identify the black, filthy, and smelly water by sight and smell. They use their mobile phone to take on-site photos of the polluted water bodies and publish the photos with relevant information—the location of water bodies, water quality characteristics, such as color, odour, the floating trash, and the discharge of wastewater, as well as personal comments—via the Blue Map app. Figure 6.8 shows a good example of what the report of an app user looks like and how the government usually deals with it. Under the rules, the report should be sent to a specific governmental agency that is responsible for addressing the black, filthy, and smelly

water bodies on the ground. There is usually an initial official response to inform about this procedure. Upon receiving the report, the governmental agency, which is required to respond within seven business days after the reporting is filed, promptly goes to the site where the alleged water pollution occurred to check the exact situation and conduct on-site monitoring activities and rectification action. It then provides a detailed and timely response that often includes whether the report is valid, an explanation of why a water body is polluted, what measures have been taken to address the pollution problems, what its action plans and timetable are. The cell phones themselves, therefore, have become a mobile environmental micro-monitoring station in China, making the polluted water bodies subject to the watchful eyes of millions of people. Tens of thousands of reports come from most of China, covering 22 provinces and 8 provincial-level municipalities and autonomous regions, as shown in figure 6.9.

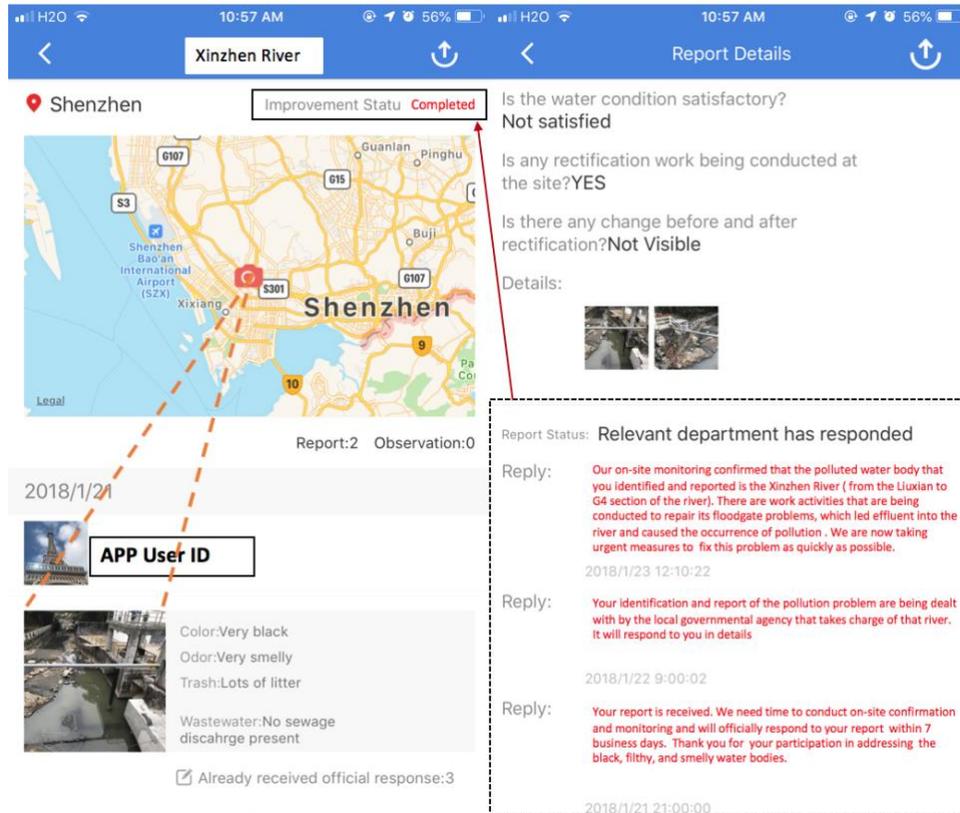


Figure 6.8 An example of the Blue Map app users' reports of the black, filthy, and smelly water bodies. On January 21, 2018, a user posted two photos of a river that was believed to be a black, filthy, and smelly water body and was located in Shenzhen, with descriptions of the polluted water, such as the color and odor, as well as personal comments. The exact location is indicated by the symbol of a camera on the map. Within three days after it was filed, the user received three official responses (the red Chinese characters) from governmental agencies that confirmed the validity of this reporting and explained the cause of the pollution and the remedial measures to be taken. As indicated in the box regarding improvement status on the top of the left panel, this pollution problem has been solved.

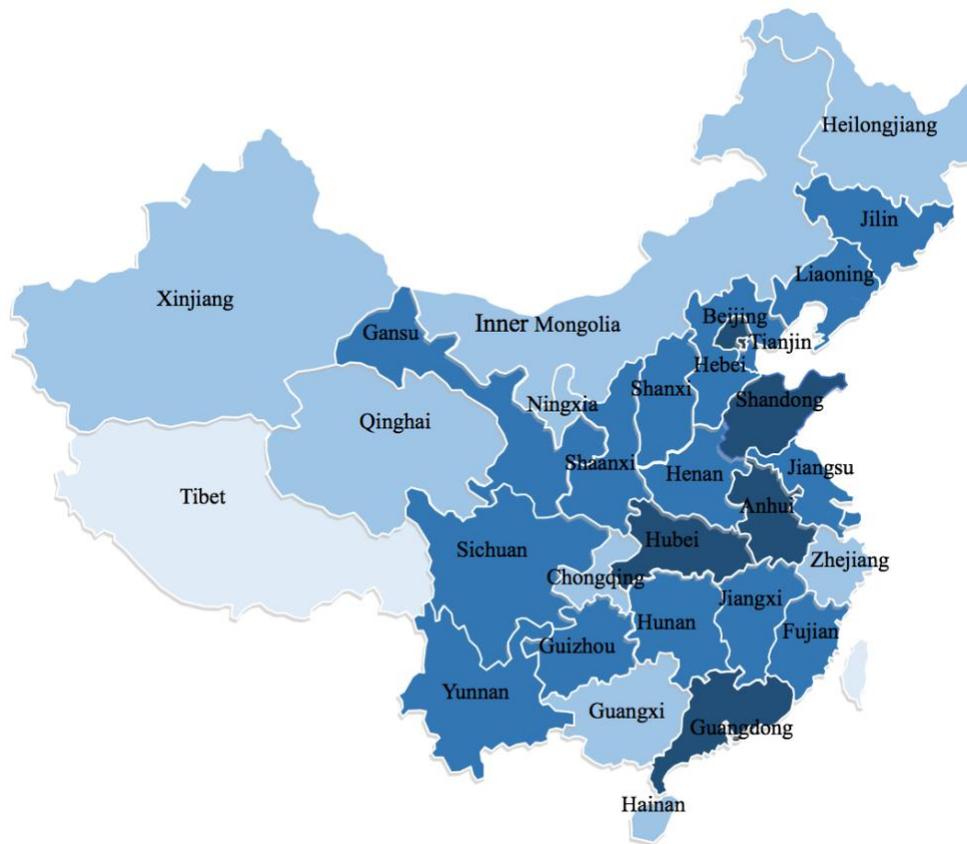


Figure 6.9 The distribution map shows the app users' reports of the occurrence of the black, filthy, and smelly water bodies at the provincial levels. ■: 800~1600 reports; ■: 100~800 reports; ■: < 100 reports; ■: None.

China's environmental inspectors are often overwhelmed by the magnitude and wide dispersion of environmental violations (Economy, 2004; Zhang, 2015). With the help of the app, ordinary citizens can timely identify the polluted water bodies and promptly report to the government. Therefore, they can play the role of monitor and reporter on the ground to identify otherwise unmeasured or uncollected environmental problems and data. There is a myriad of eyes in terms of identifying pollution problems, which helps improve the government's enforcement capacity. Governmental agencies at

various levels, which are specifically designated to take care of the black, filthy, and smelly water bodies, play the role of responder and enforcer. To achieve the targets, they need to respond to citizens' reporting and take actions to confirm and address the polluted water bodies identified by citizens. The communication and cooperation between citizens and governmental agencies comprise three phases: identification, reporting, and response. This bottom-up public engagement is initiated and enabled by IPE's Blue Map app that enriches the repertoires of collective action among the government, ENGOs, and the public. The Blue Map-induced reporting has fostered the collaboration between the government and IPE and has contributed to the positive outcome that a total of 2869 water bodies nationwide have been officially identified and confirmed as the black, filthy, and smelly water bodies and have undergone rectification measures, and most of the rectification has been completed, as of October 2019¹³.

As this collaborative mechanism between the government and IPE has proved to be remarkably useful in identifying and solving environmental problems. Numerous ENGOs nationwide quickly follow suit with active involvement to identify and report black, filthy, and smelly water bodies, largely through the Blue Map app. Especially in recent years, ENGOs are increasingly equipped with devices and expertise to do water quality tests, which helps them identify and monitor the damaged water bodies. By May of 2018, a total of 26 ENGOs nationwide filed reports regarding 205 water bodies that were considered as black, filthy and smelly, along with 2141 observation records (IPE, 2018a). The government has responded to many of their reports and tackled the problems ENGOs found out.

¹³ Information Platform of Cleaning up the Black, Filthy, and Smelly Water Bodies Nationwide. Available online: <http://www.hcstzz.com>

It is in this context that a new strategy has emerged recently to enhance further collaboration between the government and ENGOs. After two years of the massive and sustained campaign, the two ministries came up with an idea to involve ENGOs in assessing the effects that the government's actions have had on cleaning up black, filthy and smelly water bodies. Many collaborative ENGOs, including IPE, therefore, have built a network called Neighboring Clean Water in August 2017, aiming to do follow-up investigation of water bodies, the government claims, which have been cleaned up (IPE, 2018a). Between December 2017 and March 2018, the ENGO network investigated the status of water quality of 101 water bodies across 16 cities. IPE alone conducted investigations into 13 water bodies in three cities, Beijing, Shanghai and Haikou. ENGOs found that the overall water quality of 33 water bodies was good, which was consistent with the result released by the government. However, 18 water bodies among them still suffered from serious contamination problems, showing a disparity between the government report and the findings of ENGOs. Furthermore, in spite of improvements, the rest of the 50 water bodies also could not meet certain environmental standards. ENGOs' first-hand knowledge have enormous importance for the government to get more accurate and complete information on real progress it has made, and on the challenges and realities it faces. More salient is that this is the first time ENGOs are allowed to get involved in monitoring and evaluating the effects of government projects, signalling a new level of their collaboration and a more interactive government.

6.3 Summary of Key Findings of Policy Governance

This thesis applies the three-stages conceptual framework of the evolution of government-ENGO relations to explore three key dimensions of governance, including the participation of the government, ENGOs, and the business communities in China’s environmental governance, power-sharing which means the government specifically empowers ENGOs to play a governance role, as well as formal institutions driven by the government and informal institutions stemmed from ENGOs. Two ENGOs—FON and IPE—are employed to make sense of the governance implication in these three respects over the past decades.

Table 6.1 The governance implications in three respects under the three-stages conceptual framework

	Environmental Authoritarianism (1990s)	Consultative Authoritarianism (2000s and early 2010s)	Collaborative Regulation (the early 2010s to present)
The participation of multiple actors	<ul style="list-style-type: none"> • Directive government • Restricted ENGOs 	<ul style="list-style-type: none"> • Persuasive ENGOs • Responsive government 	<ul style="list-style-type: none"> • Collaborative ENGOs • Interactive government
Formal or/and informal institutions	<ul style="list-style-type: none"> • Informal institutions 	<ul style="list-style-type: none"> • Informal institutions • Formal yet general channels 	<ul style="list-style-type: none"> • ENGOs have legal standing to file environmental public interest litigation • Governmental purchasing of services from ENGOs • Formal yet general channels • Informal institutions

Power sharing	No	No	Yes, but to a limited extent

In the first stage of Environmental Authoritarianism during the 1990s, the government adopted a set of measures to control ENGOS and create limited pluralism, restricting ENGOS to only politically safe and insensitive areas. FON, which focused on environmental education and species conservation and deliberately limited its membership size, was an exemplar of this. Therefore, this thesis use “directive government” and “restrictive ENGOS” to characterize their participation in environmental governance in the 1990s. The 2000s saw the rise of ENGOS’ persuasion strategies—the source of information, accountability politics, and symbolic events—to shape or change the attitudes, beliefs or behaviours of multiple actors in non-confrontational ways. This approach proved effective for ENGOS to participate in environmental affairs under the authoritarianism system. FON and IPE excellently exemplify how ENGOS undertook these persuasion tactics, how the government and business responded to ENGOS, and how changes were made in terms of policy, social beliefs and practices regarding the environment. For instance, FON’s “26°C air conditioning saving energy movement” played an important role in promoting energy conservation policy and advancing social beliefs and understanding of saving energy. Similarly, IPE’s “green supply chain project” was illustrative of the great impacts of IPE’ persuasion on the business communities whose environmental awareness and behaviors were shaped and improved. As a result, the roles of these actors in environmental governance in the 2000s and early 2010s could be characterized by “persuasive ENGOS,” “responsive government” and “responsive business.” Recently, an array of collaborative mechanisms have emerged that are moving their interactions

away from the “persuasion-response’ model and towards collaboration and partnership. ENGOs collaborate with the government in policy formulation, implementation and enforcement, thereby greatly contributing to environmental governance. The government has become increasingly interactive with ENGOs to foster and promote collaboration.

Institution, the second dimension of environmental governance, refers to formal and informal rules, procedures, norms, and mechanisms that organize and structure how the government, ENGOs, and other non-state actors operate and interact with one other to tackle environmental issues (Campbell, 2004; Stacey and Rittberger, 2003; Steinmo, 2014). Confronted with a directive government in the context of Environmental Authoritarianism during the 1990s, ENGOs had to rely on informal, individual-based strategies to survive and carry out activities. In a notable example, Liang’s personal connection was regarded as crucial for FON to register with the government and to protect the two endangered species. Such informal ways continued to remain relevant in the second stage of Consultative Authoritarianism in the 2000s. IPE is a prominent example of creating and implementing a series of informal mechanisms to engage with the business communities, such as its pollution map database and the green chain supply project. But on the other hand, it is important to point out that a few formal but general channels were established for public participation, definitely providing ENGOs with opportunities to get involved in environmental issues. FON’s active participation in the Yuanmingyuan public hearing and the green stock campaign to block the polluting company’s IPO approval offered striking cases. Moreover, the dramatic emergence of formal and specific channels for ENGOs in recent years distinguishes Collaborative Regulation from the prior stage. A

set of laws and policies, unprecedentedly, mention ENGOs and specify the governance roles of ENGOs. But in the meanwhile, formal yet general channels and informal institutions are still relevant and needed in the new stage.

Last but not least, power-sharing is narrowly defined in this thesis. The power sharing occurs only when the government specifically empowers ENGOs to play a governance role. ENGOs have only recently been specifically empowered to bring environmental public interest litigation and to contract with the government for providing service, indicating that the government has started to share power with ENGOs in certain aspects of policy implementation and enforcement. FON stands out as a prime example of such new empowerment. Nevertheless, power sharing takes place only to a limited extent currently. There are more than one thousand ENGOs in China, whereas, only about 700 ENGOs are qualified to file environmental public interest litigation (Zhang, 2015). Moreover, legal registration is a decisive factor in determining which ENGOs could be involved in governmental purchasing of service. Whereas, due to the incomplete adoption of direct registration, a great number of ENGOs still face difficulties in registering with the government. However, despite the limited scope, the current collaboration model still represents the significant on-going shift from power hierarchy to power-sharing between the government and ENGOs.

Chapter 7

CONCLUSION

7.1 Major Findings

The Chinese government adopted a tough stance to swiftly crack down on civic organizations and groups of students, workers, and urban residents in the Tiananmen Square crisis in June 1989, signalling the start of government-NGO relations fraught with deep concern, vigilance, and top-down grip in the 1990s. FON, China's first ENGO, was founded in 1994, which marked the beginning of the development of ENGOs and environmental activism in this country (Yang, 2005). ENGOs have been subject to a set of governmental measures, such as registration, supervision, and dissolution, among which the dual registration rule has played a prominent role in keeping control of the number and growth of ENGOs (Ma, 2005). Unlike their counterparts in western countries, Chinese ENGOs have been widely believed to be restrained in terms of the way they dealt with the government because they cautiously focused on politically acceptable areas, such as environmental education, to avoid being deemed as aggressive or threatening (Ho, 2008). As a result, there has been a widely held view that the government dominated its relations with ENGOs in China, making its authoritarian control a central characteristics of their relations. However, since the early 2010s, the policy environment concerning ENGOs has begun to become more favourable, which could be best illustrated by the fact that the long-standing dual registration is loosened. A series of collaboration between the government and ENGOs

have emerged and are on the rise. For instance, ENGOs are unprecedentedly entitled to bring about environmental public interest litigation that was exclusively limited to the sphere of the government; and meanwhile, the government has begun to purchase a variety of environmental protection services from ENGOs. With such new developments, it has become evident that government-ENGOs relations is shifting into a new stage, moving away from top-down control towards collaboration and partnership. Of particular relevance to this trend, why have government-ENGOs relations that were characterized by strong governmental control for over two decades, undergone substantial change recently? Can a model of this evolution explain the shift from authoritarian to collaborative relationships and enable researchers to evaluate the implications of this change for policy and governance? This thesis aims to provides answers to these two questions.

Drawing on insight from historical institutionalism, this research develops a model of Chinese government-ENGO relations since the 1990s that consists of three tightly interconnected stages of the evolution over the past three decades: Environmental Authoritarianism (1990s), Consultative Authoritarianism (2000s to the early 2010s), and Collaborative Regulation (the early 2010s to present). To date, no published literature exists that attempt to explain the evolution of Chinese government-ENGO relations from the early days to present. This thesis is among the first research to shed light on this topic. The three-stages conceptual framework is at the core of this research. Therefore, the research is to test the robustness of the framework comprehensively and specifically from two angles: one is policy, one is governance. This research purpose provides guidance and support on identifying the issue area of water pollution control as a case study to explore policy implications and selecting FON

and IPE as case studies to understand governance implications. These case studies demonstrate that the empirical findings and the conceptual framework point in the same direction, thereby establishing the usefulness of the three-stages conceptual framework in explaining the evolution of government-ENGOS relations in China.

It is fair to say that the stage of Environmental Authoritarianism featured by the government's control measures was largely perceptible. By contrast, in the 2000s and early 2010s, the substantial changes in government-ENGO relations occurred that were more subtle and hidden. The three-stages conceptual framework is underpinned by the key ideas of historical institutionalism, including sequences, temporal processes, the formal as well as the informal aspects of institution. As a result, it unveils an institutional layering—consultation—that was added on top of or alongside the prior authoritarian system, thus uncovering the hidden stage of Consultative Authoritarianism. The advent of the collaboration between the government and ENGOS recently can only be understood by understanding the dynamics and critical changes of their relations in the prior stage. Because the incentive/resources effects created during the stage of Consultative Authoritarianism constituted a major endogenous force to push the relations move forward towards collaboration.

While I presented this research in one international conference held in Kobe, Japan, some people were skeptical about the actual impacts of ENGOS' standing to bring about environmental public interest litigation given that the number of lawsuits filed by ENGOS is still small compared to the magnitude and scale of China's environmental challenges. Nevertheless, one should not underestimate the significance of this new empowerment that has catalysed a new formal and specific channel for ENGOS to participate in China's environmental governance. The emergence of such a

channel signals a new stage of government-NGO relations and represents a new approach. This powerful tool allows NGOs to warn polluters about the consequence of non-complaint behaviours and take legal measures to hold them accountable, which is complementary with NGOs' conventional approaches to environmental issues. Meanwhile, NGOs have been granted this right only since 2015. Their involvement is still at the very early stage where they largely face with a range of challenges regarding the lack of funding, expertise, and skills. As NGOs become more and more engaged in adopting this legal tool to tackle environmental violations via the court, those challenges would be expected to be gradually overcome, with the number and social impacts of the lawsuits increasing in the future.

7.2 Areas for Future Research

The evolution of China's government-NGO relations is just shifting into the current stage of Collaborative Regulation recently and is an ongoing process. This research also provides insight into how the new stage continue to evolve. The three-stages of government-NGO relations indicates that NGOs have played an increasingly important role in shaping and changing the dynamics and structure of the relations. Indeed, the past three decades have seen not only the expansion of the scope of NGO activities, but also the enhancement of NGOs' capacity and social impacts. NGOs are usually regarded as more creative, flexible, open-minded, and resourceful to create and implement original ideas, for instance, GEV's participatory approach to environmental education, WHR's photograph exhibit on water pollution, and FON's 26°C air conditioning saving energy movement. In the third stage that embraces NGOs as an critical actor and encourages their active engagement, NGOs would mobilize more resources and adopt innovative approaches to increase their professionalism and

build collaborative relations with the government and other stakeholders. For example, with the rapid development of information and communication technologies (ICTs) in China, more and more NGOs pay attention to using ICTs, such as social media like WeChat and Microblogging, environmental big data, and mobile applications, to diversify their strategies and promote collaboration and partnership across the public, private, and voluntary sectors. In April of 2019, a NGO called Green Hunan created a mobile application called Xunhebao. What makes this app notable is that it is China's first mobile application specifically designed for the public to regularly and timely monitor, record, and share the conditions of water bodies. Aside from identifying and reporting the occurrence of water pollution, the Xunhebao has a variety of innovative functions. For instance, one can team up with other users to take care of rivers in a certain geographic area. Six months after the app was launched, the number of its users hit one hundred thousand. In addition to facilitating public supervision and environmental accountabilities, this app helps improve public awareness of the environment and drive social actions in environmentally responsible ways. Such approaches of high-level professionals will expect to increase in the number and social impact, thus helping advance the current stage of Collaborative Regulation. But on the other hand, there is concern about the risk that the growing role of professionalism could undermine the values and core advantages of NGOs, such as their connection and involvement with the general public. Later studies could explore some key questions regarding this concern, for example, while NGOs put more focus on improving their level of professionalism and technical capacity, do they still stick with ordinary citizens that are usually seen as their base? how do NGOs balance the development of professionalism and the grassroot-engagement?

The government's perceived political risk posed by ENGOs has been a key factor determining how the government deals with ENGOs, which has important implications for government-ENGO relations. Over the past three decades, the gradual relaxation of control over ENGOs have been in line with the change in the government's perception of the danger posed by ENGOs. The perceived risk of ENGOs is contingent on circumstances. In the first stage, the consequence of the Tiananmen Square crisis played a major role in evoking the government's deep concern about the threat of NGOs to its power and authority. As government-ENGO relations shifted to the second stage, the combination of the gap between NGO regulations and enforcement with ENGOs' conscious non-confrontational stance and self-constraint led the government to perceive ENGOs as less threatening and more helpful in addressing environmental problems. Since the early 2010s, in the third stage of Collaborative Regulation, the central government has set the major direction to promote ENGOs development and build collaboration with ENGOs. But a great deal of administrative power has been devolved to local governments to implement the policy. As a result, local governments have an enormous amount of discretion over whether an ENGO poses risk and how much the risk is. Local governments often have different agendas and priorities. How they perceive political risk of ENGOs varies depending on specific circumstance facing them. Therefore, future inquiry could pay particular attention to the difference of the government's perceived risk of ENGOs at the local levels that may often be subtle and nuanced.

There are three main types of ENGOs in China: domestic ENGOs, GOENGOs, and international ENGOs. The "Three-Stages" conceptual framework is developed to specifically explain the dynamics of the relations between the government and domestic

NGOs. However, it can also offer some insight into the evolution of government-international ENGO relations and its implications. International ENGOs have begun to enter into China and become increasingly active in a wide range of environmental issues since the late 1990s. They experienced the second stage of Consultative Authoritarianism with two characteristics: building coalition with domestic ENGOs, a high level of professionalism and expertise. In the 2000s, there were plenty of examples of collective action of international ENGOs and domestic ENGOs, such as the partnership of IPE and NRDC in PITI, and the alliance of FON and Green Peace in block the polluting paper company's IPO application, which are described in details in this research. There was a lack of formal institutions for ENGOs to engage with the government in the second stage when ENGOs largely relied on informal channels to get involved. Against this background, building coalition with domestic ENGOs greatly helped international ENGOs navigate the political and cultural situation and conduct persuasion tactics to get things done. The distinct comparative advantage of international ENGOs was their high level of technical and professional savvy. This was complementary to domestic ENGOs that were more adept at coping with the Chinese government and politics, more easily appealed to the general public, but were generally limited by the lack of skills and expertise. As a result, their coalition led to a synergy that contributed to environmental governance. Nevertheless, the recent years have witnessed the rapid progress of domestic ENGOs' capacities, expertise, and professionalism, which can best illustrated by the emergence and development of technology-enabled strategies created by domestic ENGOs. As a result, domestic ENGOs rely less and less on technical assistance from international ENGOs, and meanwhile, international ENGOs rely more and more on formalized channels rather

than informal ways. Within this context, some interesting questions can be raised for future studies, including what are the new arenas for them to collaborate? How different is government-domestic ENGO relations from government-international ENGO relations in the third stage?

In the first stage of environmental authoritarianism, ENGOs were subject to an array of explicit and direct control measures, clearly indicating the vulnerability of ENGOs. As government-ENGO relations have undergone the second stage and shifted to the third stage that is centred around collaboration. It seems that the policy environment has become much more favourable to ENGOs. Nonetheless, in an authoritarian state, ENGOs are always vulnerable to the government's interference, obstruction, or control, though to different extent. In the current stage, in order to both reap governance benefit of collaboration with ENGOs and reduce the risk or danger posed by ENGOs, the government exerts control over ENGOs in a more subtle and indirect manner. ENGOs are getting much more involved with the government in various collaborative mechanisms. It is worth exploring the vulnerability of ENGOs under this new situation in further research. For instance, what the vulnerability looks like if an ENGO heavily relies on governmental purchasing services? How vulnerable an ENGO could be if it puts all the focus on environmental public interest litigation? And how can ENGOs balance independence and collaboration to mitigate risk and reduce vulnerability?

The third stage represents the growing prominence of collaboration among ENGOs and multiple actors and a promising new way to enhance environmental governance. Nonetheless, this stage faces the risk of environmental injustice stemming from urban-rural inequality. The adoption of IPE's Blue Map app offers a good example

of this concern. There are two key factors influencing public participation in using this app to monitor pollution problems, create environmental data, and coordinate with the government to solve the problems. One is the number of ENGOs in one area. IPE has actively cooperated with many other local ENGOs to engage more people in this app. Chinese ENGOs are mostly urban-based and are more active in urban areas. The more ENGOs one area has, the more citizens are likely to be encouraged to participate in environmental issues by adopting the app. The other factor people's technology skills and capacity and environmental awareness, which are much stronger in urban areas. As a result, these two factors actually favour urban citizens and would probably bring about an uneven playing field for civic engagement in environmental matters, thus leading to environmental injustice. Future studies could undoubtedly extend this research by investigating such negative consequence of the evolution of government-ENGO relations.

The three-stages development of government-ENGO relations marks a generational change, which perhaps could be best explained by mutual trust among ENGOs and multiple other actors. The government's attitude towards ENGOs in the first stage of Environmental Authoritarianism is characterized as wary, at best, as hostile, as worst. In the meanwhile, since NGO was a new thing in China during that period, the general public had no or very limited understanding of this social sector. Actually, NGOs were often viewed as oppositional force to the government. Such an adverse environment had no place for trust. However, with the emergence of the "persuasion-consultation" interaction model in the second stage of Consultative Authoritarianism, mutual trust has begun to be built among ENGOs, officials, the business communities, and the ordinary citizens, thereby constituting an important

endogenous driver to enact change. The interviewee of IPE pointed out that IPE and a growing number of the reputation-minded MNCs have gradually built mutual trust since the green supply chain project starts in the middle of 2000s. A sense of trust among ENGOs, the government, volunteers, citizens, and companies, was also notable in my observations of GYPEEC and WHR where trust has been an major contributor to various collaborative activities. Trust is often viewed as a key factor to foster and promote collaboration and partnership. However, the impact of trust on the evolution of government-ENGO relations is not considered in the conceptual framework, leading to a limitation of this research. In future studies, trust should be taken into account as an endogenous driving force to help not only better clarify the underlying causal mechanisms by which the relations shifted from the second stage to the third stage, but get a better grasp of how the relations will continue to develop as well.

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APPENDIX A

SEMI-STRUCTURED INTERVIEWS

This research relied on semi-structured in-depth interviews for collecting data. The fieldwork in five ENGOs were conducted at three sites: Beijing, Guiyang in Guizhou province and Shenqiu in Henan province. I conducted interviews with ENGO leaders, staff, volunteers, local official and other stakeholders like environmental lawyer (a full list of interviewees is present in Appendix A, Table A.1). In accordance with the protocol approved by the University of Delaware’s Institutional Review Board. I began each interview by introducing myself and briefly explaining my research topic and the interview purpose. I asked for oral consent to proceed with the interview and their permission to record the interviews. In no instance was this request refused. All the interviews serve the purpose of applying, illustrating, and testing the three-conceptual framework to establish its usefulness in explaining the evolution of government-ENGO relations. Therefore, I has explicit goals for each interview and topics that I hoped to cover. The interview questions of GYPEEC are centered around its governmental purchasing of services, including why the government did purchase services from GYPEEC? How have been the governmental purchasing of services, particularly its first project, implemented and evaluated specifically? How have multiple actors, such as the government, GYPEEC, the business communities, and the public, collaborated to create the co-governance mechanism in Guiyang? How has GYPEEC engaged in environmental public interest litigation? This line of questioning usually led to a discuss about GYPEEC’s interactions and relations with different levels of government. The

primary focus of fieldwork in WHR was to understand its persuasion strategies toward the Huai River's pollution problems in the second stage of Consultative Authoritarianism and its relations with local government during the period. My questions were about how did WHR adopt different persuasion strategies to interact with the government and other non-state actors in the 2000s and early 2010s? How did those actors respond? Has their response and attitudes changed over time? Is the government more collaborative now than it was in the second stage? Moreover, the interview of FON concentrated in two areas: FON's recent participation in environmental policy formulation and its involvements in environmental public interest lawsuits. A series of questions were raised and discussed that include how FON gets involved in the process of environmental policy-making? Has its means of participating in policy formulation changed over time? How do they assess the effects of their participation? I asked them about the overview, achievements, progress, and challenge with regard to its environmental public interest litigations. At the center of the fieldwork in IPE is its data tactics. My interview questions were focused on how has IPE implemented its two data-based projects: PITI and the green supply chain project. I asked about what is its data sources? how is its IT expert team? How has it interacted with the government at local levels to adopt PITI? How has it conducted persuasion strategies over MNCs? What were the driving forcing for MNCs to respond? How do MNCs and IPE to cooperate recently? Has trust been built between them? Last but not least, I interviewed GEV to understand its project of "Walking along the River" and proposed questions on how has been this project implemented? How do they evaluate the outcomes of the project? How did the government respond? All the interviews were

conducted in public places, most in ENGO offices. Interviews were conducted in Mandarin Chinese and recorded.

Table A.1 Semi-structured interview subjects

No.	Date	Position	Location
1	June 19, 2018	GYPEEC Leader	Guiyang
2	June 19, 2018	GYPEEC Staff	Guiyang
3	June 20, 2018	GYPEEC Staff	Guiyang
4	June 20, 2018	Environmental lawyer	Guiyang
5	June 21, 2018	GYPEEC Leader	Guiyang
6	June 21, 2018	Local EPB official	Xiuwen
7	June 22, 2018	GYPEEC Leader	Guiyang
8	June 26, 2018	WHR leader	Shenqiu
9	June 26, 2018	WHR leader	Shenqiu
10	June 26, 2018	WHR Staff	Shenqiu
11	June 27, 2018	WHR leader	Shenqiu
12	June 27, 2018	Manager of a company that is a partner of WHR	Shenqiu
13	June 28, 2018	WHR Volunteer	Shenqiu
14	July 2, 2018	FON Staff	Beijing
15	July 3, 2018	FON Staff	Beijing
16	July 4, 2018	IPE Staff	Beijing
17	July 5, 2018,	GEV Staff	Beijing
18	July 6, 2018	GEV Staff	Beijing
19	July 6, 2018,	GEV Volunteer	Beijing
20	December 12, 2018	IPE Staff	Via phone