

Protection of Environmental Rights in China 2009-2011
- A DIHR Human Rights Project

Project Review

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I. Executive Summary

This document is to review the Danish Institute of Human Rights' (DIHR) first environment related project in China, "Protection of Environmental Rights in China", implemented from July 2009 to September 2011 (hereinafter "the Project"). It is to review the Project's specific outputs and activities set down in the Project Document (DIHR file no. 621304) and its overall accomplishments. The original design of the Project is appropriate in that it is built upon the strength of the DIHR in the field of human rights protection and intends reaching out to a vibrant civil society sector in China - the environmental sector - beyond the legal circles. The idea to promote "advocacy" and to develop a generic model that improves the environment and at the same time enhances rights protection is highly relevant to the current development of civil society in China.

The review arrives at the following main conclusions about the Project's overall accomplishments:

- 1) It has contributed significantly to the capacity building among environmental NGOs in China in general, and the Xiamen Green Cross Association (hereinafter XMGCA) in particular. As a grassroots NGO based in the Xiamen city, Southeast China, XMGCA has grown substantially during the implementation of the Project in terms of organizational capacity, human resources and influences among peer organizations.
- 2) The Project has provided rare and valuable opportunities for Chinese environmental NGOs to discuss the concepts and practices related to "rights-based advocacy", such as what to take from international norms, what to learn from domestic experiences, and more importantly, what to do in the future with the current situation of Chinese politics. The direct product of such efforts is the "Manual for Environmental Advocacy in China" (hereinafter the Manual) and an interactive website on environmental advocacy with guidelines and illustrative cases.
- 3) The Project has connected various civil society organizations across professional lines, e.g., university based research institutes and grassroots NGOs. Staff from both local partners, XMGCA and the Center for Legal Assistance for to Pollution Victims (CLAPV), acknowledged that they learned a lot about the other's working style and the type of social force they each represent. DIHR has also gained useful experiences in facilitating communication and mutual learning between different types of civil society groups in China.

As the Project reveals, even in the not-so-sensitive field of environmental protection, the idea of "rights-based advocacy" provokes immediate caution among Chinese partners. XMGCA and some local environmental NGOs were at the beginning not familiar or convinced of the approach. But, genuine enthusiasm appeared after heated discussions and diligent deliberations. Local partners,

with the support from DIHR and their own experiences, modified the exact contents of “rights-based” and agreed how to operationalize it in the Chinese context. It is necessary to note DIHR’s ability to facilitate such learning process and to contextualize concepts with local practices.

XMGCA, as the leading partner of the Project, undertook most of the activities that involved direct interactions with environmental NGOs, and acted as the link between all partners and other environmentalists who contributed to writing the Manual. Their contribution to the Project is without doubt fundamental. However, their leadership was constrained by limited experience of multi-party projects and capacity in research and formal writing. Furthermore, the process of compiling the baseline study should have been shorter, the stakeholder consultations better reflected in project outputs, and the legal consultations provided by CLAPV better incorporated at different stages of the Project.

As a whole, the Project has accomplished crucial preparations for further engagement with the environmental activist community in China, and mapped out a general way of thinking and many specific methods for advocating for the protection of the right to a safe and healthy environment in China. The Project has also provided valuable lessons for DIHR to expand its partner circles and to push for rights consciousness and protection beyond the community of legal and human rights professionals.

II. Mandate and Introduction

This document presents an external and independent review of the DIHR project “Protection of Environmental Rights in China” (July 2009 to September 2011). It is a first project DIHR has implemented in China relating to environmental protection, and has been implemented by DIHR together with two local Chinese organizations, i.e., XMGCA and CLAPV, in the form of a partnership emphasizing “joint planning, commonly agreed objectives and shared values for the promotion and protection of human rights, rule of law and fundamental human rights values”.¹

I, Fengshi Wu, Assistant Professor in Government and Public Administration at the Chinese University of Hong Kong, undertook this external review as an independent consultant on a short-term contract with the DIHR in May and June 2011. Prior to this consultancy, I have had ten years of research experiences in the fields of environmental NGOs and activism in China, international NGOs working in China and transnational advocacy networks related to China. (See Appendix I for full CV). I was familiar with the work of the two local partners of the Project via secondary sources since many years. I have never worked with DIHR or any of their strategic partners in China related programs.

The immediate objective of this review is to assess project progress, achievements, impact, sustainability as well as project design and implementation process “with a view the ensuring that lessons are learned and reflected upon” by reviewing at minimum the following in accordance with the Terms of Reference stated in the Consultancy Agreement (ToR, also see Appendix II), though not necessarily in that order:

1. the overall relevance of the project and its objectives in the Chinese context
2. the overall progress in the implementation of project activities compared to plans. If any, what are the deviations and reasons for those
3. the progress, achievements and impact of the project measured against the established qualitative and quantitative indicators
4. any non-planned achievements or outputs, positive as well as negative
5. developments in project assumptions and risks
6. to which degree the project has contributed to strengthening partners’ institutional capacities
7. the DIHR project specific cooperation modalities including project management and monitoring
8. the working relations between DIHR and partner institutions and the latter’s commitment to and participation in the project

¹ For details of the principles of DIHR partnership approach, see Project Document (DIHR file No. 621304) page 14.

9. commitment of DIHR and the relevance and quality of the input provided during project implementation
10. the quality and utility of the Manual to rights-based environmental advocacy, and if lacking in one or the other, why?

The external review was achieved with extensive reading of project documentation provided by the DIHR project staff and six interviews (in person or via phone) with key persons involved:

1. Hatla Thelle (DIHR Regional Coordinator), Hong Kong, 6:30-8:30pm, 8 May 2011
2. Tiziana Tota (DIHR Project Coordinator), DIHR Beijing office, 9:30-11:30am, 23 May 2011
3. Bjarne Andreasen (DIHR Project Manager), DIHR Beijing office, 11:30-1:30pm, 23 May 2011
4. MA Tiannan (XMGCA Executive Director), coffee shop near DIHR Beijing office, 2-4:30pm, 23 May 2011
5. WANG Canfa (CLAPV Executive Director) and HOU Jiaru (CLAPV Project Manager), CLAPV office at the China University of Political Science and Law, 3:00-5:30pm, 24 May 2011
6. Francesco Castellani (DIHR Senior Advisor), phone interview, 4-5pm, 10 June 2011

DIHR arranged the interviews in the way that it was not only most convenient for me to travel but also conducive for interviewees to speak with least interference. All interviewees showed great level of seriousness and thoughtfulness. English was used with DIHR staff and Chinese with local partners.

The main body of the review consists of four parts. Part III (covering No. 1, 2, and 5 listed in ToR) reviews the overall relevance of the project and its objectives in the Chinese context, the overall progress of the project implementation, and the developments in project assumptions and risks.

Part IV (covering No. 3, 4, 6, part of 8, and 9 listed in ToR) assesses the progress and achievements of the project measured against the established qualitative and quantitative indicators included in the original Project Document, and if any, non-planned achievements. This part is organized by focusing on the outputs and activities listed in the Project Logframe as Annex 6 of the Project Document (attached as Appendix III in this review). There is a section in this part devoted to explain how the Project has contributed to strengthening local partners' institutional capacities. When reviewing the two main written documents of the Project, the baseline study and the Manual on Environmental Advocacy, partner's specific contributions are discussed.

Part V (covering No. 7 and part of 8 listed in ToR) reviews project design, management and the working relationship among all partners. Part VI (covering No. 10 listed in ToR) is devoted to

assess the main output of the Project, the Manual for Environmental Advocacy in China, both its strengths and weaknesses.

In Conclusions and Recommendations, I provide two main recommendations for DIHR (and other readers of the review) to consider in designing future projects related to environment and human rights protection in China. My recommendations are drawn upon what I have learned from reviewing this current Project and raised particularly with long-term contributions in mind.

III. Assessment of Project Relevance, Progress and Development in Assumptions and Risks

1. Project Relevance

From the campaign to protect the Tibetan antelope against illegal poaching and trade in 1998 to the Ru River movement to stop a large dam construction in 2004 (until now), environmentalists and green NGOs have been among the most courageous, committed, and experienced ones in China to push for changes in policy implementation, public opinion and consumer behavior. In recent years, several residential campaigns against chemical plants, large-scale construction or incinerators in various cities including Beijing, Shanghai, Xiamen and Guangzhou, together with an upsurge of environmental NGOs' collective relief effort in the aftermath of the 2008 Sichuan Earthquake have signaled a new momentum of environmental activism in China.²

Talking about and acting upon the notion of “environmental rights” in China is not novel or rare anymore.³ For example, environmental lawyers and judges have been getting training through international funds since 2004. Besides CLAPV in Beijing, a new legal assistance center for environmental protection has been established in Wuhan city (capital of Hubei province) with the support from an American NGO, the National Resource Defense Council (NRDC).⁴ On May 1, 2008, the *State Council Government Open Information Regulations and Ministry of Environmental Protection Measures on Environmental Information Disclosure (trial)* entered into effect. Since then, both domestic NGOs and international environmental groups have experimented with various ways to hold the Chinese authorities accountable to this regulation and educate the public how to actively use their rights to access information and participate in environmental governance. More than 400 environmental groups (NGOs and/or quasi-NGOs) participated in the NRDC organized conference on law and open information in 2008. The first nationwide Pollution Information Transparency Index was released jointly by NRDC and the Institute for Public and Environmental Affairs (a Beijing based Chinese NGO) in June 2009.

² For environmental activism in general and individual local campaigns, see: Elizabeth Economy, *The River Runs Black: The Environmental Challenge to China's Future* (Ithaca: Cornell University Press, 2004), pp129-176; Andrew Mertha, *China's Water Warriors : Citizen Action and Policy Change* (Ithaca: Cornell University Press, 2008); Yanfei Sun and Dingxin Zhao, "State-Society Relations and Environmental Campaigns", in Kevin J. O'brien (ed.) *Popular Protest in China* (Cambridge, MA: Harvard University Press, 2008), pp. 145-62; Fengshi Wu. 2009. "Environmental Activism in China: Fifteen Years in Review 1994-2008" Paper presented at the annual meeting of the International Studies Annual Convention, New York, Feb 18.

³ Rachel Stern, "From Rhetoric to Action: Talking About Environmental Rights in Contemporary China", ISA's 49th Annual Convention (San Francisco, CA, USA: 2008).

⁴ <http://china.nrdc.org>.

In this context, **the current Project is highly relevant** in that it is the right time for environmental NGOs and activists to take a moment and learn from previous experiences, each other and international peers to search for a potential model of effective advocacy which can introduce sustainable changes to Chinese society and governance by incorporating the norms of human rights in environmental protection. The environmental movements overseas and at the global level have gone hand in hand with the growth of the liberal democratic discourse and the rise of international human right regime. The first generation of Chinese environmentalists and green NGOs have so much experience to share after working closely with international peers in the past 15 years, while the new wave of grassroots NGOs (generally located outside of Beijing) have much to learn before launching own local initiatives. **The Project's move beyond Beijing is a smart one**, and can potentially accelerate the knowledge sharing/generation within the environmental activism community.

2. Project Progress

In general, the Project has been implemented well with no external interruptions or internal divergences. All major activities, especially the four national NGO seminars that I have read detailed reports of, have been conducted smoothly. Such seminars each have had over 40 participants (including trainees, lecturers and staff) from all over the country, and they took place in different cities such as Beijing, Haikou (capital of Hainan province) and Xiamen. Considering the general context in China, and the effect of the Jasmine Revolution since February 2011, the accomplishment of these seminars is clearly a positive sign of the overall progress of the Project. **The Project made necessary adjustments in accordance with changing assumptions and risks so that the overall implementation was not affected.** For example, upon learning more about DIHR's experiences of conducting projects in China, local partners suggested that the kind of "media coverage" as normally phrased in DIHR project documents was hardly possible in the particular context of the Project. DIHR, after deliberation, was convinced and it was agreed to let local partners take full charge of the details of media coverage. Section 3 below will elaborate more on this point about necessary adjustments due to changes of assumptions.

There was some delay at the beginning due to administrative procedures of international cooperation projects. But, it has been largely remedied by the extra hard work of all parties and the extension of three months granted by the donor. **The whole process of the baseline study took longer than expected**, up until April 2011. The delay was first due to the normal procedures (e.g., signing of contracts and disbursement of funds), and then partially caused by XMGCA's limited capacity in research and formal writing. However, the positive side of this unintended long process

is that it turned into a rich learning experience for all parties in addition to assessing the needs of environmental NGOs in China. Meaningful discussions related to the key concepts (e.g., what is rights-based advocacy) took place during the process, and prepared all parties better to the next task of writing up the Manual by becoming familiar with each other's working styles, knowing more about the potential audience of the Manual and debating how to translate international notions to the Chinese context.

The structure of a three-party partnership presented challenges for project coordination and administration, especially due to the difference in professional backgrounds of the two local partners. Situated in the China University of Political Science and Law in Beijing, CLAPV's staff are all law professionals and/or professors. While, XMGCA is a grassroots NGO in Xiamen, understaffed and has had little experience in research and analysis. Its Executive Director Ma Tiannan's primary background prior to XMGCA was in business and public relations.

Communication problems between the two local partners emerged during the discussions related to the baseline study and the Manual, but they were largely mediated by DIHR project staff. **All in all, local partners commented they had a smooth experience throughout the Project and attributed that to DIHR staff's excellent communication skills.**

By the time of this review, the Project has accomplished most of the targets set in the Project except the ones related to "strategic advocacy and public awareness raising" which are to be implemented in the remaining months. Details of the progress of each output will be provided in Part IV of this review.

3. Developments in assumptions and risks

There are two main changes in assumptions which the Project has gradually adopted during the course of implementation. The first is related to the assumption that promoting "rights-based advocacy" within environmental circles in China would be relatively less sensitive. And, the second is related to the assumption that the "stakeholder consultations" with Chinese authorities, businesses and environmental NGOs would be possible also at the national level.

The field of environmental protection seems to be less politically sensitive compared with others such as migrant labor rights and criminal justice. However, the idea of "rights-based advocacy" still immediately sparked caution among Chinese partners. XMGCA at the beginning was not convinced of the approach, and even commented that the talk about rights-based advocacy provided by DIHR Advisor at the 1st national NGO seminar was "too theoretical" and there was "a gap" between the

“skills and methods” applied in the international cases and the “domestic situation” of China.⁵ But, genuine enthusiasm appeared after heated discussions and diligent deliberations were held by local partners and environmental NGOs who participated in various NGO seminars. **The core concept of the Project gradually transformed into a two-fold “legal-based advocacy” approach in the Project files and the Manual:** The first layer of the meaning of this approach is to advocate legally and not to over-step the boundaries permitted by the existing laws. The second layer of the meaning is to advocate by holding the government accountable to the laws they have drafted and passed. In other words, environmental NGOs need to understand environmental laws in order to ensure that government is in fact enforcing them and enforcing them well.

On the one hand, I tend to agree with some of the DIHR staff that **this transformation happened organically as a result of the mutual learning process among all the parties involved.** Moreover, it should be interpreted as **a genuine reflection of what Chinese environmental grassroots NGOs want, need, and believe to be feasible for them to incorporate into their daily practices.** Self-censorship is still prevalent in China across all fields of work, and NGOs are no exception. Consciously or not, they may even suffer from the non-democratic nature of the regime and thus practice self-censorship in their daily work.⁶ With my research experiences of international donors/NGOs working in China, I would argue that **the change should be understood as an indicator of DIHR’s long-term commitment to Chinese civil society and guiding principal not to jeopardize local partners’ survival under any circumstances.**

On the other hand, being a political scientist, I cannot be blind to the change of the nature of what the Project has achieved. Even though the rights to information, participation in policy-making and health are never neglected in discussions and the final Manual, **the distinction between “fundamental rights” (and “human rights”) and the rights according to the law has not been fully elaborated or truly reflected in the outputs.** Some DIHR staff felt that the Project did not fully establish a common understanding or clear definition of what is “rights-based advocacy” and/or what is “legal-based advocacy” from the outset, which could help explain this.⁷ When asked the question “what is the ‘legal-based’ advocacy or ‘rights-based’ advocacy that you learned from this project” during my interviews in May 2011, the responses from XMGCA and CLAPV

⁵ XMGCA Status Report dated 1 February 2010. p. 7.

⁶ Peter Ho’s long-term research of the environmental movement in China has excellently revealed this matter. Peter Ho, “Self-Imposed Censorship and De-Politicized Politics in China: Green Activism or a Color Revolution?” in Peter Ho and Richard Edmonds (eds) *China’s Embedded Activism: Opportunities and Constraints of a Social Movement* (New York: Routledge, 2008), pp. 20-43.

⁷ The matter of replacing “rights-based” with “legal-based” was to some degree treated as a language issue early on in the project. When attention was caught to the fact that there was no clear common understanding or definition of either among the three partners, it was already mid-way through the Project.

converged on the point that it is “to utilize what is available [in laws] and to encourage NGOs to make use of those laws”. XMGCA confirmed that they felt it would be extremely sensitive to incorporate principles/concepts related to “human rights” in the Project, and the change to “legal-based” was a necessary move to continue the Project. CLAPV commented that they thought the Project could have pushed for “protection of rights” and “awareness of rights violations”, which would not be too sensitive according to their experience. It was clear to me that both local partners shared the interpretation of “legal-based advocacy” to a large extent, but neither of them really mentioned the substantive meaning of “basic rights” or “human rights” in the specific context of environmental protection.

The change from “rights-based” to “legal-based” advocacy is a compromise, and a practical and necessary one for the Project to continue to serve the Chinese environmental NGOs. I am persuaded that adding too much “human rights” related content in the final Manual and other materials publicly accessible could have jeopardized the Project as a whole, but I would have expected to see more internal learning of the full meaning of “the right to a safe and healthy environment” among local partners.

The other major change to assumptions is related to the stakeholder approach noted in the Project Document. The original idea was to engage different stakeholders at both national level and local, but the Project team soon realized that such was not feasible for XMGCA, and modified the goal to engage governmental agencies and corporations in Xiamen and Fujian province. Relevant interviews and communications were conducted accordingly and the findings incorporated in the baseline study. In the final draft of the Manual I read, the stakeholder perspective at the provincial/local level is reflected in Chapter 5 Section 4 on “how to interact with various sectors” and supplemented with relevant provincial or lower level local cases. It is a valuable experience for DIHR to better understand the difficulties in engaging with national-level stakeholders.

In terms of risks, it is not easy to comment at this moment. The revolutions and regime changes in the Middle East have had cascading effects beyond the region. In China, the general political environment has become more restricted since the spring of 2011 represented by the arrest of the activist-minded artist Ai Weiwei. However, on 13 June 2011, within a week after the exposure of the pollution leaking into the Bo Sea caused by the Harbin Pharmaceutical Group Co. Ltd located in Penglai city, Shangdong province, an alliance of environmental NGOs (from both Beijing and Heilongjiang Province) and concerned citizens released public statements demanding transparent

investigations and public access to information.⁸ The Green Earth Volunteers, a Beijing based NGO established in 1998, organized follow-up roundtables for environmentalists and activist groups to meet and discuss further strategies. Illustrated by this most recent case, it is not completely impossible for NGOs to use existing legal measures for public advocacy. The authorities have responded differently towards activism and social mobilization in different parts of the country and at different times, and the boundary between legitimate and provocative activities will continue to remain vague in China. However, **this makes it important for knowledge sharing among activists and within the civil society community, which fully justifies the Project design by DIHR.** In Part VI, I will provide two main recommendations for DIHR to consider for future projects to meet this need of knowledge sharing among environmental NGOs.

⁸ <http://eng.greensos.cn/ShowArticle.aspx?articleId=975>, last accessed on 19 July 2011.

IV. Assessment of Project Outputs and Activities

Output 1. Baseline study, needs assessment and stakeholder consultations

Activities conducted to achieve Output 1 include one partner workshop (2 participants from each partner organization, Beijing, Sept. 26-27, 2009)⁹, one national NGO workshop (38 participants, Xiamen, Nov. 24-27, 2009), and various stakeholder consultations. To find and collect views from relevant stakeholders, XMGCA conducted a research survey (178 valid questionnaires) and 20 in-depth interviews in two villages in the Xiamen municipality, which suffered from the pollution of a chemical manufacture plant nearby. XMGCA also successfully conducted interviews with seven local officials of Xiamen municipal and Fujian provincial governments, 12 corporate representatives from Xiamen, and 30 staff from different environmental NGOs across the country.

All quantitative indicators set for this Output have been met with the exception of “stakeholder consultations”. Although XMGCA has spent a considerable amount of time in spring 2010 conducting field work with rural residents, interviewing officials and business representatives, and hosting environmental NGOs from other parts of the country, no stakeholder hearing seminars or round tables were organized.¹⁰ The format of round table in the original design was meant for cross sectoral discussions, and not one-way information solicitation driven by the Project partner. Moreover, the original design aimed also at a nationwide audience and stated clearly “consultation with national authorities and enterprises”.¹¹ However, during the course of the Project, it became clear to all parties that for practical reasons the baseline study would primarily have a regional foundation (i.e., Fujian Province). This held particularly for the stakeholder analysis in the baseline study stage. The parties were aware of this comprise and the methodological challenge it could introduce, assuming regional findings would be sufficiently representative for the country as a whole and thus could serve as basis for the development of the Manual and website. **Such a modification of the stakeholder consultations is justifiable considering the geographic location and capacity of XMGCA.** It would be extremely difficult for XMGCA to go beyond its own base and get access to relevant national authorities within a short period of time and conduct meaningful interviews or organize national level round tables. However, the methodological concern is valid and needs to be addressed also in future projects.

⁹ This first partner workshop served the purpose of the official launching of the Project and the writing of a baseline study. The whole process of baseline study as discussed later went on beyond the planned period, and thus part of the following 2nd, 3rd and 4th partner workshops also dealt with the matters related to baseline study.

¹⁰ In their Progress Report (dated 1 Feb. 2010, p. 2), XMGCA stated that they attended round tables together with governmental agencies, media, and other assumed stakeholders organized by other organizations.

¹¹ Project Document, Annex 6. Project Logframe.

The final product of the baseline study is a 118-page document (Chinese version) which covers all the set-targets: assessing the needs of Chinese environmental NGOs, mapping environmental laws (international and national), reporting relevant stakeholders' interests, and comparing different advocacy approaches in the region (e.g., Taiwan and Hong Kong). Below, I review each party's contribution to this baseline study in more details.

1.1. MGCA's direct contribution to the baseline study

Within only two months after the official launch of the Project, XMGCA was able to organize the 1st national NGO seminar and invited NGO leaders from Taiwan as peer educators using their established working networks. The seminar was crucial for the successful needs assessment and served as a good start for the whole Project.

XMGCA's direct contribution to the final writing up of the baseline study includes mainly four parts: 1) a summary of green NGO development and their organizational needs; 2) a case study of different stakeholders and their diverging interests related to the PX activism in Xiamen city in 2007; 3) interviews and research of stakeholders in environmental protection in Xiamen municipality, such as rural villagers, urban residents, the business sector and governmental agencies; and 4) a comparative note on advocacy practices in Hong Kong, Taiwan, India and Southeast Asia based on secondary materials and presentations by invited guests at the first national NGO seminar.

As a grassroots NGO with little previous experience in field research, data collection and analysis, writing a baseline document was a true challenge for XMGCA. Short of research staff, they collaborated with professors from local universities to design the questionnaires for villagers in Haichang District, Xiamen municipality, and asked graduate students to conduct many of the interviews. With this amount of collaboration and outsourcing, the analysis based on the interviews remained very limited in the baseline study. For example, Section 5 of the baseline study documented the history of the villagers in Xiamen Haichang Districts struggle against the Xianglu chemical factory over the past decade, presented the findings of the survey of 178 villagers which asked detailed socio-economic, behavioral and attitude questions, and collected systematic demographic data of the two villages involved, but the analysis of this case of continuous conflict between rural residents and polluting industries was less than 500 words and very general. In their own Progress Report dated 31 July 2010 (p. 9), XMGCA noted that they had underestimated the difficulty of the comparative study on environmental advocacy between Taiwan and mainland China, which further delayed the completion of the baseline study.

1.2. CLAPV's direct contribution to the baseline study

CLAPV's direct contribution to the baseline study is **a separate report mapping environmental legal documents** (international and domestic), environmental law enforcement, administrative problems related to environmental protection, and environmental victimhood and legal assistance in China.

1.3. DIHR's direct contribution to the baseline study

In addition to all the administrative and communicative support which was very critical to the whole process, DIHR's direct contribution to the baseline study was also carried out in the form of expert advice. DIHR's Senior Advisor Francesco Castellani gave a keynote speech at the 1st national NGO seminar and attended subsequent partner workshops with DIHR colleagues to follow up on many of the discussions initiated at the 1st national NGO seminar. His willingness to share the knowledge of "rights-based advocacy" in other countries with Chinese NGOs was well received according to local partners' reports and my own interview notes. Francesco also visited XMGCA in June 2010 to give detailed advice to the baseline and worked together with XMGCA to complete the analysis based on the field work and the writing of the report.

Overall speaking, the baseline study, as a document for internal use only, could have been improved by at least three steps: one, assisting XMGCA in analyzing first-hand research materials from Xiamen; two, adding a list of concrete indicators/tasks at the end that are important and realistic for the Project team to keep in mind for the rest of the project implementation; and, last yet not least, linking parts of the two documents prepared separately by XMGCA and CLAPV. Although the two documents each serve its own purposes, parts of the XMGCA document are closely related to the legal mapping. For example, Section 3 of the baseline report, "Environmental NGOs, laws and policies", in the Chinese version that I received, pointed out Chinese green NGO's lack of legal knowledge, the disconnection between the civil society sector and the policy-making circles. This finding is of such importance that, in a sense, it provides the overall justification for the Project. However, Section 3 is only two pages long and written with no reference to the many relevant points raised in the legal mapping part prepared by CLAPV. Had parts of the legal mapping been incorporated into the Section 3 of the final baseline study document, the argument that Chinese environmental NGOs are in great need of legal training and human rights education would have been much strengthened.

Output 2. Development of manual and web based guide for rights-based environmental advocacy

This is a core output of the Project. The targeted indicators for Output 2 include 1) minimum 2 partner workshops; 2) 1 national NGO seminar, minimum 3 days, 40 participants; 3) drafts of the manual on environmental advocacy in China; 4) the published manual, approx. 200 pages, in 5000 copies; and, 5) an interactive web based guide to environmental advocacy in China supplementing the published manual, which will be regularly updated and maintained beyond the duration of the Project.

Up until the time this review was completed, most of the above indicators were met. For some indicators, as detailed below, the Project has accomplished more. 1) XMGCA and CLAPV each hosted a partner workshop, one in Beijing, 24-25 April 2010 and the other in Xiamen, 23-24 August 2010. Important and heated discussions took place at these workshops with regard to how to create and write up the Manual. The title of the Manual was decided, key concepts defined and re-defined, tasks allocated, and a team of contributors suggested. **Additional two partner workshops were held to implement the decisions made in the initial two**, in Beijing 11-12 December 2010 and in Xiamen 19-20 March 2011. These additional workshops were necessary since the Manual now would be written not just by the two local partner NGOs but a group of contributors from various environmental NGOs. Besides the project staff from each partner organizations, the authors of various chapters in the Manual also attended these two workshops.

2) XMGCA organized the 2nd national NGO seminar of the Project to identify relevant cases of rights-based environmental protection activism/advocacy in China and discuss the key concepts and points that the Manual would be centered on, in Xiamen 20-23 August 2010. 30 NGO representatives (3/4 of the targeted number) participated in the seminar. According to XMGCA, they were selected from over 90 applications and among the most active environmental NGOs with previous experiences in environmental advocacy.

3) During the process of the review, I was given multiple drafts of the Manual, in both Chinese and English. I was able to read through the 129-page final draft of the Manual (in Chinese). In Section VI I will discuss the content, relevance and quality of the Manual in more details, and here I only review the direct contribution by each party.

2.1. XMGCA's direct contribution to the Manual

Knowing their limits in research and writing, XMGCA managed to assemble a team of contributors responsible for individual chapters and an external editor to ensure the quality of the final

manuscript. This team wrote five out of the six chapters in the final draft manuscript. This again shows XMGCA's excellent skills in networking and coordination, yet low capacity in analysis and formal writing.

2.2. CLAPV's direct contribution to the Manual

CLAPV's role was to provide general legal consultation and expertise during the process of writing up the Manual. Legal components and the notion of "using the law" can be found in most chapters and throughout the final draft of the Manual. CLAPV also wrote a separate chapter on using legal means to defend environmental pollution victims. Also, CLAPV staff spent considerable effort to copy-edit earlier versions of the Manual, including basic formatting, citations and so forth.

2.3. DIHR's direct contribution to the Manual

Similar to the process of the baseline study, DIHR played the crucial role of facilitator, advisor, and provider of substance input. DIHR's contribution to the final product was comprehensive and well recorded in all meeting minutes of the partner workshop (esp. the workshop on 11-12 Dec. 2010). For example, DIHR's advice to shorten the case studies and making the Manual more user-friendly, instead of a research paper, has shaped the final outlook of the Manual. Also, DIHR's advice and insistence of finding an external editor for the final draft of the Manual enhanced its quality noticeably.

4) The Manual is scheduled to be published by the China Environmental Science Press in August 2011. I have been informed by DIHR that a list of potential recipients, including NGOs, experts and relevant authorities, is under compiling.

5) By time of this review, I have been informed about the registration and preparation of the interactive website. The content of the website and allocation of tasks were discussed in the partner workshop which took place in Beijing in late May 2011. I have not seen the specific contents of the website in writing at the time of this review.

Output 3. Capacity building and education of environmental advocates

The Project's accomplishment for Output 3 is significant and has exceeded what was originally anticipated: 1) minimum 1 partner workshop, 2) minimum 3 Chinese participants to attend the NGO conference of COP15 in Copenhagen, December 2009, 3) internal legal capacity building with 5 experts in Chinese environmental law for 24 months, and 4) minimum 2 national NGO seminars on "rights-based advocacy".

1) At the very beginning of the Project, DIHR held a three-day financial training for local partners (4-6 September 2009). Three staff from XMGCA attended the training. And, they reported that they learned about DIHR financial management policies, basic requirements and account forms. (Status Report, 1 February 2010)

After talking to staff from both local partners, one thing I realized was that all the internal partner workshops served purposes of communication and learning. The Project is the largest international cooperation project for XMGCA so far, and they needed to take up a leading role among all the partners. They have grown significantly together with the Project. The mentorship, training and learning that they have gotten from participating in the Project are unprecedented. In its Executive Director Ma Tiannan's own words, **the Project is the turning point for XMGCA**. She shared with me that the Project strengthened XMGCA's capacity in almost all aspects, from administrative documentation, budgeting, networking to substantive research, analysis and formal writing.

When I asked "what is the single most unique thing you learned or benefited from the Project", CLAPV interviewees, particularly Project Manager Dr. Hou Jiaru, answered "I learned more about environmental NGOs". For example, they learned how grassroots NGOs work on a daily basis, and how they perceive the environmental cause beyond legal terms. Though CLAPV's Director Prof. Wang Canfa has worked closely with environmental NGOs in the past decade, e.g., the Institute of Public and Environmental Affairs, this is the first time for Dr. Hou to manage an internationally funded project and to work directly with grassroots NGOs that are understaffed, and with little experience in research and formal writing. He shared with me during the interview that "the Project opened the door of the NGO world" for him. The discussions and sometimes heated debates during internal workshops may not seem to be "capacity building" for CLAPV in the formal sense, but they did serve the purpose of peer education and enhanced CLAPV's ability to work with organizations different from themselves.

2) The Project sponsored two staff members each from XMGCA and CLAPV (four in total) to attend the United Nations Climate Change Conference 2009 (COP15) in Copenhagen. Both local partner organizations benefited greatly from attending the conference and the field visits in Denmark arranged by DIHR. Both commented that the trip was eye-opening, eventful, and memorable. Even though they had international conference experiences and worked on climate change related environmental issues, they never attended actual COP meetings. They appreciated the opportunity to learn about international politics and governance of climate change in person.

They attended relevant NGO forums where they interacted with environmental NGOs from all over the world. They were exposed to the diversity of the NGO world and learned how NGOs work in other countries.

Both local partners appreciated the opportunity to visit DIHR's office and met with various departmental directors. They commented that the meetings with DIHR staff were memorable and made them understand the organizational culture better. They took the field visit as an in-depth case study of NGOs in a different political contexts, and both partners appreciated very much the level of professionalism they observed at DIHR.

3) Internal legal capacity building was mainly carried out by CLAPV. Prof. Wang Canfa and Dr. Hou Jiuru throughout the entire project. Jing Huang, a volunteer at CLAPV, served as the third legal advisor for the first six months and was replaced by Wei Daobo, Yang Min and Wu Zhijiao afterwards. All five legal experts, Wang, Hou, Wei, Yang and Wu, participated in the partner workshop, 24-25 April 2010.

The research, writing and legal mapping conducted by CLAPV served the purpose for both DIHR and the Chinese environmental NGOs to understand two kinds of gaps: one, the gap between international norms and Chinese domestic legislation; and, two, the gap between what is written in Chinese laws/regulations and what has been implemented in practice (by the government). CLAPV, with its background in the legal sector, admitted that the latter part of the work was more of a challenge to them.¹² Francesco Castellani, as Senior Advisor for the Project, pointed out in his comments to the baseline study report, that **there was also a need for expertise in public policy and/or environmental governance which would suit a political scientists better than lawyers/law professors.**¹³

4) Two national NGO seminars on environmental advocacy with a focus on rights-based and legal-based environmental advocacy were held by local partners in Hainan province, 22-23 April 2011 and in Beijing, on 10-12 June 2011. Specific presentations were given by legal experts at each seminar on topics covering China's environmental laws in general, regulations on public access to environmental information, international legal documentation of environmental rights, and practices of public access to environmental information in China.

¹² See 2nd Partner's Workshop (24-25 April 2011) Meeting minutes.

¹³ Document "FCA general comments to Baseline_June 2010" provided by DIHR.

For the seminar in Hainan, except presenters and project staff, there were around 30 participants from 11 different provinces, 24 of whom were from the NGO sector (20 NGOs), and 6 legal professionals. The choice of the seminar location in Hainan was driven by the thought to further expand the influence of the Project and the concept of “advocacy” beyond Beijing and Fujian province (where XMGCA is based). The number of participants increased to 43 for the Beijing seminar, and the background of the participants also expanded noticeably. The 43 participants came from 28 different NGOs and 8 public interest groups such as research institutions, business association and publishing house. 20 participants at the Beijing seminar in fact traveled from 13 different provinces. **These seminars are effective activities for the Project to expand the knowledge sharing, networking and capacity building among larger circles of activists, environmental NGOs and concerned social groups in China.**

The Project has achieved capacity building for environmental NGOs in advocacy through three channels. One, direct support and mentorship from DIHR to the two local partner organizations; Two, internal legal capacity building via the expertise provided by CLAPV; and Three, capacity building for environmental NGOs in general and concerned public interest groups through the national NGO seminars implemented by XMGCA and CLAPV. When I conducted the interview with Ma Tiannan, Executive Director of XMGCA, she spoke to me with high enthusiasm that she would like to launch a nation-wide “network for environmental advocacy” in the future. If such is accomplished and maintained on regular and sustainable basis, the output of capacity building by this Project would be greatly amplified.

Output 4. Strategic advocacy and public awareness raising

Quantitative indicators for the activities related to Output 4 include: 1) minimum 1 partner workshop; 2) minimum 1 stakeholder seminar, 2 days, 50 participants from authorities, enterprises and media; 3) minimum 1 press conference; 4) promotion and distribution of the Manual (3000 copies); and, 5) public awareness raising via media, minimum 5 examples of media debate with specific references to the work of project partners. By the time of the review, Output 4 is the only part of the project that was still in progress. The partner workshop was held in late May and discussed how to raise public awareness and promote the Manual. I was informed that the stakeholder seminar, press conference and distribution of the Manual would take place in August and September 2011. Therefore, I am unable to comment much on this part of the output.

Despite the general censorship of media reporting in China, I have been provided with a number of reports by newspapers and websites about the national NGO workshops organized by both local

partners during the course of the Project, and the phrase “environmental advocacy” in Chinese, *huanjing changdao*, was highlighted and sometimes used in the titles.¹⁴ Local partners suggested and DIHR agreed that the kind of “media coverage” as normally phrased in DIHR project documents was not possible in the context of this particular Project, and all decided that the exact content of media coverage will be handled by the local partners themselves and focused on the NGO seminars and less on the controversial concept of “rights-based advocacy”.

¹⁴ XMGCA listed the names of newspapers and TV programs which had reported about their activities in their Status Reports. CLAPV provided five examples of the actual media coverage.

V. Assessment of Project Design and Management

1. Project focus

The choice of project focus, linking environmental protection with human rights, is well evidenced in the Project Document prepared by DIHR. In the Document, DIHR has rightly pointed out that “the Chinese authorities are gradually acknowledging the grave consequences of environmental degradation” and “the environment has proved to be a platform for civil society’s most dynamic growth” (p.4). The environmental sector has been argued as the most vibrant example of civil society development in China since 1978.¹⁵ I agree that **the time is ripe to DIHR to move beyond its usual working circles** and to expand its experiences in “assistance to and support of reform minded groups within the country to strengthen the rights of the individual citizen” with new partners in the field of environmental protection.

DIHR also has a fairly good grasp of the development of environmental awareness and the success of the public protests against the PX chemical plant in the city of Xiamen, Fujian province.

However, the choice of Xiamen reflects at least two layers of ambition. One, such choice is a reflection of the knowledge of the distribution of environmental NGOs in China and decided with the intension to benefit and assist smaller, less resourceful grassroots groups outside of Beijing (or large cities), which in turn could be a valuable contribution to the overall development of environmental activism in China. And, two, the choice is based on the observation that the societal foundation of environmental activism and protests is stronger in Xiamen than other medium-sized cities in China. With strong local support, the Project would likely face fewer challenges and generate models of action (based on rich local experience) for other NGOs to take home and apply in their practices in other parts of the country. The Project is concerned with national implications after all, and would like to see local partners engage with national authorities and businesses and media at the national level by using their successful local experiences. **Both these ambitions are valid and praiseworthy, contributing to the uniqueness of the Project compared with other similar internationally funded cooperation projects** that I have encountered in my research the past decade.

¹⁵ Environmental NGOs are among the most studied Chinese NGOs (in both Chinese and English) with regard to the status and development of civil society organizations (Fengshi Wu, "Environmental Politics in China: An Issue Area in Review", *Journal of Chinese Political Science*, Vol. 14, No. 4, 2009, pp. 383-406). Timothy Hildebrandt's most recent comparative study of the political economy of NGO registration in environment, HIV/AIDS prevention and gay and lesbian rights confirms that on average environmental NGOs have a longer organizational history than the ones in the two other issue areas. (Timothy Hildebrandt, "The Political Economy of Social Organization Registration in China," *The China Quarterly*, Forthcoming.)

2. *Choice of local partners*

Choosing the right local partner is always crucial to international cooperation projects. **The choice of XMGCA as the leading implementing partner of the Project has both merits and shortcomings** considering the overall goals and also the specific choice of Xiamen city (the regional approach). XMGCA is a suitable choice in terms of being a grassroots, self-initiated, and relatively small NGO located outside of Beijing and in Xiamen city. It is also the most known environmental NGO from Xiamen to international audience. XMGCA worked very hard throughout the Project and proved to me to have grown substantially at the end of the Project. The XMGCA team exhibited excellent skills in networking and coordination, has been fundamental to the implementation and delivery of Project outputs and activities, and has been crucial for the Project to enhance Chinese environmental NGOs' capacity in general.

Fairly speaking, what XMGCA has achieved should be truly acknowledged considering the general context of social activism in China. The following is not meant as a critique either XMGCA team or the Project, but meant to provide food for thought for future projects of this kind in China. There is a small, yet relevant detail missed in the early planning of the Project (see Annex 1 on Chinese Partner Organizations in Project Document). During the famous movement and PX protests in 2006-2007, now considered a symbolic moment in the history of environmental activism and public participation in China, XMGCA made public statements to distance, or even disengage itself from the movement. Such is well known within Chinese NGO circles and reported in a number of progressive magazines and newspapers in China (e.g., the *South People* magazine). In my opinion, it is not accurate as described in the Project Document that "XMGCA ...played a significant role in mobilizing the public in the Xiamen PX demonstrations". During the review process, DIHR clarified to me that the choice of XMGCA, besides its location, was not only because of its role in the PX protests, but also because of its non-confrontational approach. I am persuaded by DIHR's concern of political risks and feasibility of project implementation, but have reservations on the point of "non-confrontational". The "non-confrontational" character of Chinese environmental NGOs in general is a highly controversial and contested argument, in fact.¹⁶ Sufficient case studies

¹⁶ It is extremely hard to answer the question whether Chinese environmental NGOs are just "non-confrontational", or simply "co-oped". Even experienced China scholars differ sharply on this point. Some argue that Chinese environmental NGOs remain critical in truth, and actively counter co-operation by the government. e.g., Tony Saich, "Negotiating the State: The Development of Social Organizations in China", *The China Quarterly*, Vol. 161 (2000), pp. 125-141; Elizabeth Economy, "The New Politics of the Environment", in *The River Runs Black: The Environmental Challenge to China's Future* (Ithaca: Cornell University Press, 2004), pp. 129-176; Andrew Mertha, *China's Water Warriors: Citizen Action and Policy Change* (Ithaca: Cornell University Press, 2008). Others remain suspicious of Chinese environmental NGOs being "non-confrontational", e.g., Qing Dai and Eduard B. Vermeer, "Do Good Work, but Do Not Offend the 'Old Communists': Recent Activities of China's Non-Governmental Environmental Protection Organizations and Individuals", in Werner Draguhn and Robert Ash (eds) *China's Economic Security* (Surrey: Curzon Press, 1999), pp. 142-62; Peter Ho, "Greening without Conflict? Environmentalism, NGOs, and Civil Society in China",

in the field of China's environmental politics and DIHR's previous experience with migrant labor rights and criminal justice can prove that applying a "non-confrontational" strategy in daily NGO work does not automatically translate into not participating in collective actions, constructive criticism of policy failures, or pushing for alternative solutions different from the existing governmental practices. To some extent, XMGCA's lack of experience with public advocacy has contributed to the modification of the Project's original goals and the emphasis on "rights-based".

Because the main output of the Project is the Manual which requires considerable amount of social scientific research and formal writing, XMGCA's limited capacity in this aspect greatly constrained its ability to lead the writing process and thus the Project as a whole. DIHR has, on multiple occasions, encouraged XMGCA and made it clear that they were in the driver's seat, and everybody else were essentially there to support XMGCA. During my interviews in May, I tried to understand the causes for the communication problems that emerged between the two local partners. What I found was that partially it was due to CLAPV's Project Manager Dr. Hou Jiaru's lack of previous working experience with grassroots NGOs, and partially the frustration the CLAPV team had with regard to the quality of writing XMGCA presented. The gap in organizational capacity, adding to the difference in professional background, introduced extra challenges to the Project in terms of coordination and communication.

The choice of CLAPV is reasonable given both the nature of the Project and CLAPV's reputation and experience. I asked Prof. Wang what his original incentive to join the Project was given the fact that he and CLAPV already had a full plate. He told me that he thought the Project would produce a practical manual for NGOs to use law and legal means to protect environmental rights. My sense is that for a mature NGO/research institute like CLAPV, which no longer enters into cooperation for the sake of funding only, the staff chooses projects that fit their own preferences. When they discovered that the Project was not exactly what they thought (or assumed) to be originally, their enthusiasm did not sustain. Prof. Wang mentioned to me that he wished DIHR could have been more firm on the original design of "rights-based advocacy". For him, "rights-based advocacy" was not only possible, but is already experimented with by CLAPV. To him the Project focus sidetracked middle way through the implementation. DIHR staff, however, have expressed very different early impressions than that of Prof. Wang. They believed CLAPV was content with the role of legal consultants and the overall arrangement of the partnership cooperation.

VI. Assessment of the Manual for Environmental Advocacy in China

The overall structure of the Manual is clear and precise, and cases illustrative and highly relevant. Also, it is obvious that the authors have paid attention to the issue of user-friendliness and used few abstract concepts or unfamiliar terms. As explained in Part III, during the process of developing a “generic model” of advocacy for environmental NGOs in China, all parties gradually decided to move from “rights-based” to “legal-based” advocacy. It was also agreed that such a “legal-based” approach should not be narrowly understood as litigation, or only using legal means. XMGCA, CLAPV and peer NGOs who participated in the national NGO seminars discussed at length how “advocacy” could take shape in China, and they found that many of the activities they conducted before could qualify as a kind of advocacy.¹⁷ And, instead of one generic model, they found several methods to advocate new ideas, solutions, and policy measures for the purpose of environmental protection. DIHR Senior Advisor Francesco Castellani commented in my interview that China was not like any of the countries he had worked before. So, it did not make sense to him to transplant something that worked in other transitional (or democratic) countries directly to China. It was a major accomplishment to find the right path of advocacy for China’s own environmental movement, and the local partners made it. They realized that “one model” was just not enough. He commented that it was the efforts of local NGOs and environmentalists that made the Manual reflect what was needed and feasible in China such as the change from a “generic model” to a variety of methods/models for environmental advocacy.

The Manual (the final draft in Chinese) consists of six parts:¹⁸

- Chapter 1 introduces the development of environmental advocacy in China (exemplified by the Xiamen PX case), and how environmental NGOs view their role in the large picture of public advocacy.
- Chapter 2 highlights the importance of preparation, and specifies six kinds of preparatory work for environmental advocacy, i.e., analysis of NGOs’ own strengths and weaknesses, deliberation of the situation (e.g., environmental accident, chemical plant), narrowing down the target of advocacy, stakeholder analysis, risk assessment, and legal studies.

¹⁷ Ma Tiannan (XMGCA) explained to me in the interview that she at the beginning thought that “advocacy” was a new kind of activity an environmental NGO could do, but gradually realized that many of the things XMGCA had done before should be understood as “advocacy”. She believes NGOs should conduct advocacy more consciously in China.

¹⁸ XMGCA organized a team of contributors who wrote most of the first five chapters, and CLAPV prepared Chapter 6 with their own experiences and cases. Even though the Project emphasizes that litigation should not be the only or main meaning of “advocacy”, Chapter 6, especially the non-litigation cases, is of great value to the NGO community.

- Chapter 3 presents four methods of environmental advocacy in details with relevant cases. The four methods are public education, research and field work, policy recommendations and direct actions. The first two kinds are already commonly applied by Chinese environmental NGOs. Some have begun to conduct policy recommendation activities in recent years. The last category of “direct actions” includes protesting, litigation, direct assistance, demonstration and community-based conservation, which many environmental NGOs aspire to do, yet often lack of the necessary capacity to do.
- Chapter 4 discusses the importance of “strategy” for environmental advocacy and what are the key issues in strategizing, e.g., how to locate the entry point, mobilize the public/community, seek alliances/collaborators, and balance the level of confrontation and collaboration with the authorities.
- Chapter 5 goes into further details about one key issue involved in strategizing environmental advocacy: cooperation and interaction with various social sectors so to maximize a network of alliances.
- Chapter 6 focuses on legal means to protect environmental rights such as litigation (criminal, civil and administrative), legal assistance to pollution victims, and active participation in public hearings of environmental impact assessment processes.

The body of the Manual consists of Chapters 3, 4 and 5. Chapter 3 presents various kinds of advocacy and what kinds of impact each can achieve, and Chapters 4 and 5 send out one important and coherent message: a strategy is needed, and the most important thing is to find ways to interact with as many stakeholders as possible across fields of work and professional lines. Chapter 5 gives illustrative examples for readers of the Manual to learn how to interact with media, peer NGOs, governmental agencies, legal agencies, businesses, and rural/urban communities, and how to form issue-focused advocacy networks. **There is a clear logic linking these three chapters together and serving the purpose of a “manual” which takes the reader step by step to grasp how to do advocacy.**

The only weakness of the Manual, I find, is that it could have added a concluding chapter which explains and encourages using multiple methods together in one advocacy campaign. Environmental protection is a compound issue area and often needs coordinated social and policy responses. It is becoming acknowledged among experienced Chinese environmentalists that a successful advocacy campaign needs to conduct public education, media mobilization, policy recommendation, participation in official public hearings, and protesting all together. One method alone is insufficient for complex issues. Or, public education without research and field work,

protesting without policy recommendations, direct assistance to pollution victims without media mobilization, community-based conservation without public outreach all seem to limit the potential effects of environmental advocacy. **Combining multiple methods provided in the Manual is, in my opinion, the future of environmental advocacy in China.**

VII. Conclusions and Recommendations

This is an experimental project for DIHR to expand its working domain and partner networks to a new field in China. Such a step has the potential of promoting the principles of human rights beyond legal professionals and reaching more citizens in the country. Understandably, it brings out new challenges. When caught in between pursuing the original and theoretically ideal goals laid down by DIHR and the practically feasible goals proposed by the Chinese environmentalists (exemplified by the transition from “rights-based” to “legal-based” advocacy and a “generic model” to a “manual of various methods”), the entire Project team deliberated and moved towards the latter. It was tough choices, and I would agree that DIHR made the necessary compromise to push through the Project, balancing short-term change and sustainable impact. It also later became a prudent decision, considering the effect the social movements in the Middle East have had on China, in particular the Chinese government’s responses since spring 2011.

The Project produced a user-friendly Manual for the environmental NGOs with successful cases and practical guidance. More importantly, the Project enhanced the overall capacity of China’s grassroots environmental NGOs at three levels. First, direct and transformative support to local partners, particularly XMGCA. Second, peer education and specially designed training for environmental NGOs. Third, distribution and promotion of the Manual and the interactive website which is under construction. In the long-run, such efforts and accomplishments can serve as critical preparations for any further DIHR engagements on rights-based advocacy in China.

I have two main recommendations for DIHR’s consideration in future project planning:

1) Search for strategic partners/experts within the environmental activism community in China and form a consultative committee for long-term planning

DIHR should actively search for a few experienced environmental NGOs and specialists, preferably based in China on a long-term, to create a consultative committee. Not composed of project-based partners, but strategic partners who have first-hand experiences, understand what international cooperation projects can contribute to civil society development in China, and can offer up-to-date expert advice on environmental governance and politics in China.

The environmental field is relatively new to DIHR's project portfolio, and it is necessary for DIHR to be familiar with both the overall picture and the nuanced details so to formulate feasible and comprehensive project plans. Consultations with strategic partners who are working in the field will help DIHR to make practical decisions when facing dilemmas and to be less constrained by the opinions of local project partners involved in the actual project implementation. As Dr. Zhang Jingjing pointed out in her recent commentary "The Plight of Public Participation" for the *China Dialogue*, public participation in environmental governance may not necessarily benefit from the increasing number of laws and mechanisms developed by the government. Official procedures for public participation in environmental impact assessment have become so complex that they can slow down or even put off public enthusiasm.¹⁹ It is crucial that DIHR stay attuned with the changes in China's environmental politics so as to design and execute relevant projects in the Chinese context.

2) Strengthen the mentorship efforts in future projects when collaborating with grassroots and inexperienced NGO partners in China

During the current Project, DIHR paid great attention to capacity building of local partner organizations, especially XMGCA. For example, the financial training at the beginning of the Project, and hands-on assistance during the writing of the baseline study. But, because XMGCA was designated as the leading partner, it would have benefited the whole Project had more mentoring efforts been made to build up XMGCA's capacity in agenda setting, allocation of tasks and other skills related to team leadership. Facing a partner such as CLAPV whose staff were all equipped with professional skills, it became increasingly necessary for XMGCA to remain confident in presenting how the Project should move forward. XMGCA got years experience of working with NGOs and businesses, and with the right kind of mentorship, they could develop the necessary skills to work with research institutions and professional organizations. Also, had attention been paid to XMGCA's research and analysis capacity at an earlier stage, they could have done a better job writing the baseline study report and the Manual and in turn they might have found it easier to assume the leading role in the Project. In the future, it is likely that DIHR will once again work with Chinese organizations which are capable enough to take up specific tasks yet lacking leadership skills. The lessons learned from this Project are valuable and should help DIHR design suitable training and mentorship efforts for future partners.

¹⁹ <http://www.chinadialogue.net/article/show/single/ch/4414-The-plight-of-the-public-1->, last accessed on 21 July 2011.

Appendix I. Curriculum Vitae (WU Fengshi, July 2011)

PERSONAL DATA

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PROFESSIONAL EXPERIENCE

Assistant Professor, Dept. Government and Public Administration, Chinese University of Hong Kong, since August 2005

Visiting Scholar, Harvard-Yenching Institute, September 2008 – July 2009

LIST OF PUBLICATIONS

Referred Publications

Wu, Fengshi. 2011. "Transnational Advocacy and the State: AIDS Prevention in China", *Journal of Contemporary China*, Vol. 20, No. 71: 621-637.

Wu, Fengshi. 2009. "Environmental Politics in China: An Issue Area in Review", *Journal of Chinese Political Science*, Vol. 14 No. 4: 383-406. Special volume on the status of political studies on China.

Conca, Ken, Fengshi Wu, and Ciqi Mei. 2006. "Global Regime Formation or Complex Institution Building? The Principled Content of International River Agreements." *International Studies Quarterly*. Vol. 50 Issue 2: 263-285.

Wu, Fengshi. 2005. "International Non-Governmental Actors in HIV/AIDS Prevention in China", *Cell Research*, 15: 919-922. Invited by the editor as the only political scientist contributor of the Special Volume on HIV/AIDS Epidemic in China.

Wu, Fengshi. 2004. "Environmental GONGO Autonomy: Unintended Consequences of State Strategies in China". *Journal of the Good Society*, Vol. 12, No. 1.

Wu, Fengshi. 2002. "Old Brothers or New Partners?: GONGOs in Transnational Environmental Advocacy in China." *China Environment Series*, Issue 5. Washington, D.C.: Woodrow Wilson International Center for Scholars.

Non-referred Publications

Wu, Fengshi. 2011. "Women and the Emerging Civil Society in China", written and presented in English at the Workshop "Women and Education-Asian, European and Other Perspectives", Hanoi, Vietnam, 3-4 June 2011. Translated into Vietnamese and published by the Institute for European Studies, Vietnam National Academy of Social Science.

Wu, Fengshi. 2008. "Institutionalizing Public Participation in AIDS Governance in China", *China Environmental Series*, Issue 9. Washington, D.C.: Woodrow Wilson International Center for Scholars.

Wu, Fengshi. 2007. "Environmental Security and Peace Advocacy: New Perspectives on International Relations between China and Central Asia". English version in Conference Proceedings of the First Asia-Euro International Academic Forum on "The New Silk Road and A Harmonious World". Xi'an, 4-6 Nov. 2007. Translated into Chinese and published by Xi'an Jiaotong University Press.

Book Chapters

Economy, Elizabeth C., Jennifer L. Turner, and Fengshi Wu. 2008. "China's Growing Ecological Footprint: Global Threat or Opportunity for Collaboration?" Chapter in book, *Strategies for Meeting 21st Century Security Threats: Perspectives from the United States, Russia and China*, eds. Paul J. Bolt, Sharyl Cross and Su Changhe. Palgrave: 70-88.

Yoon, Esook and Fengshi Wu. 2008. "States and Environmental NGOs" Chapter in book, *The Environmental Dimension of Asian Security: Conflict and Cooperation over Energy, Resources, And Pollution*, eds Miranda Schreurs, eds. In-Taek Hyun and Miranda Schreurs. U.S. Institute for Peace Press: 207-232.

RESEARCH GRANTS

U.S. Social Science Research Council Grants for Collaborative Research on Environment and Health in China. Principle Investigator. "Community Knowledge of Human-Nature Relations and Health: Comparative Evidence from Guangxi and Guangdong". October 2010-September 2011.

HK GRF Grant 453509. Principle Investigator. "Ideational Dimensions of Civil Society: An Empirical Research of the Political Reflection and Collective Identity of Social Entrepreneurs in China". September 2009—August 2012.

PROFESSIONAL DEVELOPMENT

Participation in inter-departmental/institutional research projects

CUHK Chinese Studies Research Grant to establish Research Center of Civil Society in Greater China. Co-Investigator in projects "collective actions" and "NGO case bank". Since Feb. 2008.

Acknowledgement

Expert review for the document "The G8, Russia's Presidency, and HIV/AIDS in Eurasia", for the June 2006 conference on "HIV/AIDS In Eurasia and the Role of the G8," convened by the Russian State Duma Interfactional Deputies' Working Group on HIV/AIDS, the United Kingdom All-Party Parliamentary Group on AIDS, and Transatlantic Partners Against AIDS (TPAA), in the lead-up to the July G8 Summit in St. Petersburg, Russia.

Appendix II. Terms of Reference for the Review Assignment

1. BACKGROUND

This external review concerns the DIHR project: 'Protection of Environmental Rights in China' which runs from July 2009 through June 2011. The review will focus on assessing project objectives, outputs and activities against the established qualitative and quantitative indicators in accordance with the Project Document, DIHR file no. 621304, Ministry of Foreign Affairs file no. 104.A.1.b.MRD.2.Kina.15.

2. IMMEDIATE OBJECTIVE

The immediate objective is to review project progress, achievements, impact and sustainability as well as project design and implementation process with a view to ensuring that lessons are learned and reflected upon.

3. SCOPE OF WORK

This review should include, but not necessarily limit itself to, reviewing:

- the overall relevance of the project and its objectives in the Chinese context
- the overall progress in the implementation of project activities compared to plans. If any, what are the deviations and reasons for those
- the progress, achievements and impact of the project measured against the established qualitative and quantitative indicators
- any non-planned achievements or outputs, positive as well as negative
- developments in project assumptions and risks
- to which degree the project has contributed to strengthening partners' institutional capacities
- the DIHR project specific cooperation modalities including project management and monitoring
- the working relations between DIHR and partner institutions and the latter's commitment to and participation in the project
- commitment of DIHR and the relevance and quality of the input provided during project implementation
- the quality and utility of the manual to rights-based environmental advocacy, and if lacking in one or the other, why?

4. OUTPUTS

A Review Report based on written project outputs and interviews with relevant Chinese partners (as a minimum the two Chinese partner organisations: Xiamen Green Cross Association (XMGCAA) and the Center for Legal Assistance to Pollution Victims (CLAPV)) and DIHR staff assigned to the project containing the main findings and conclusions addressing the issues identified in the Terms of Reference (to be forwarded to DIHR for comments before final submission also to DIHR).

5. RESOURCE PERSONS

Bjarne Andreasen, Project Manager, DIHR, bja@humanrights.dk
Tiziana Tota, Human Rights Officer, DIHR, tto@humanrights.dk
Francesco Castellani, Senior Advisor, DIHR, fca@humanrights.dk
Hatla Thelle Ph.D., Senior Researcher, DIHR, hth@humanrights.dk
Maja Weiss, Student Assistant, DIHR, mwe@humanrights.dk

6. TIME FRAME

This review will take place during spring 2011. The Review Report will be forwarded to DIHR for comments by June 6, 2011 and the final Review Report will be submitted to DIHR no later than June 30, 2011.

7. DOCUMENTATION

Essential documents: Project Document, Project Logframe, budget approved by the Ministry of Foreign Affairs, Implementation Plans 2009-2011 and Partner's Terms of Reference 2009-2011, DIHR biannual Narrative Progress Reports and annual Status Reports to the Ministry of Foreign Affairs, Partner's Narrative Progress Reports, minutes from Partner Workshops have all been provided together with essential written partner outputs and DIHR input: Baseline Study, DIHR comments to Baseline Study, Draft Manual to Rights-Based Environmental Advocacy and DIHR comments to draft Manual to Rights-Based Environmental Advocacy.

8. CONFIDENTIALITY

The Consultant will for all purposes and at all time maintain the details of this Assignment as confidential. Further the Consultant undertake to maintain as confidential all information, sensitive material or any other matter, not intended for dissemination that may come into his or her possession in connection with the Assignment. Information developed by the Consultant in connection with the Assignment will be deemed developed on behalf of DIHR and will be proprietary to DIHR (observe paragraph 9 of the Consultancy Agreement).

9. REMUNERATION

The Consultant will receive a maximum remuneration of DKK49,920 for the Consultancy assignment as outlined on the preceding pages estimated at 16 full working days, based on a Danida seniority based hourly rate of DKK390. In addition, all travel expenses (economy class only), accommodation and per diem of the Consultant will be reimbursed by DIHR.

Daily per diem rates are DKK455 for the assignment related stay in P.R. China. According to Danida regulations, lunch and dinner not paid by the Consultant will mean a reduction of the daily per diem of 30% pr. meal. Breakfast not paid by the consultant will mean a 15% reduction of the daily per diem. The exact amount of the per diem will be calculated upon termination of the assignment.

The remuneration and coverage of expenses will be paid to the consultant after termination of the consultancy assignment and upon presentation of an invoice on the service(s) delivered and of vouchers documenting the various expenses. Payment will take place in the form of a transfer into the bank account of the Consultant as specified in the Consultancy Agreement.