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Title

Toward a new environmental governance model in China: assessing the role of ENGOs in the law-making process.

Abstract

As the human, economic and political costs of China’s environmental crisis have reached disastrous levels and concerns over pollution hazards have become one of the main drivers of protests, the Chinese leadership has attempted to build a new alliance with environmental NGOs (ENGOs), which more than ever appear as key partners of some state agencies in the process of pollution control. While NGOs’ advocacy activities have long been considered as sensitive and the Chinese government has recently taken new measures to curb them, ENGOs have on the contrary enjoyed more leeway to convey their views to authorities and influence the policy making process, in line with the leadership’s efforts to promote public participation to help it solve the environmental challenge. This presentation will investigate how ENGOs’ informal advocacy tends to evolve into more formal and meaningful participation in the law-making process and the concomitant emergence of ENGOs as new experts. Based on semi-structured interviews with ENGOs staff, scholars and officials as well as the analysis of legal texts and proposals made by ENGOs, this paper will examine ENGOs’ role in the amendment of the Environmental Protection Law (2015) and the drafting of subsequent regulations, specifically those institutionalizing public interest litigations in the field of environmental protection. While the policy-making process in China has often been described as a search for compromise, this case-study will rather highlight the political role of ENGOs’ participation in arbitrating between conflicting views and interests among state actors. I will further argue that not only ENGOs’ expertise but also their role in balancing political forces is beneficial for the design of more precise laws and regulations better attuned to practical needs and thus more likely to be implemented.
Keyword

environmental NGOs, environmental governance, law-making process, advocacy