

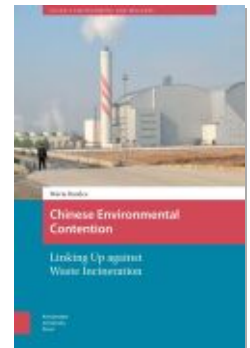


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4. Making the Most of External Linkages: The Rural Case of Panguanying Village

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4 Making the Most of External Linkages

The Rural Case of Panguanying Village

The rural case of Hebei Province's Panguanying village shows the potential for horizontal and vertical linkages to foster Chinese environmental contention in contexts where diffusion effects can fully unfold.⁷⁷

With a Little Help from their Friends: The Case of Panguanying Village

Panguanying village has a total population of about 1800 residents, most of them farmers, and is located in Liushouying town (留守营镇, *Liushouying zhen*) of Funing county (阜宁县, *Funing xian*) in the Qinhuangdao city area (秦皇岛市, *Qinhuangdao shi*) of China's north-eastern Hebei Province. The village lies about 30 kilometres to south-west of Qinhuangdao city and around 15 kilometres inland from the Nandaihe and Beidaihe tourist areas at the shore of the Bohai (渤海, *Bohai*) Sea. It is set amid large stretches of farmland. The region is an important agricultural production base for north-eastern China. It produces grains (mainly corn), vegetables (such as cabbage and radish), and meat products (mainly pork). These agricultural products are largely sold in the major cities in the area, such as Qinhuangdao, Tianjin, and Beijing. Since the 1970s, various industrial plants and industry have settled in the region, including several paper mills, a fibre plant, a chemical fertilizer plant, an ore dressing plant, a pellet plant, and a large-scale slaughterhouse. These industries had already significantly contributed to the pollution of the local environment and the nearby Yang River (洋河, *Yanghe*), and Panguanying villagers reported that cancer rates in the village had been high for years.

First Awareness and the Onset of Action: Fighting for their Land

Around noon on 16 April 2009, a Panguanying villager doing farm work in his field noticed the village head and other local cadres measuring out and encircling collective village farmland that was tenured by several families

77 An abbreviated version of the Panguanying case is also presented in Bondes and Johnson (2017).

from Panguanying and a neighbouring village. Inquiring about the reason for their activities, the farmer learned about the local government's plans to build a waste incinerator on this stretch of farmland, a few hundred metres away from Panguanying village (see Figure 4.1).⁷⁸ Startled, the villager went to see one of the farmers that was directly affected by this land appropriation to ask whether the family's land had been sold, only to find him similarly surprised. Back at the field, the two villagers were informed that a total of about 70 *mu* of village land had been requisitioned by the government to build the waste facility and that the affected families were to be compensated with 34,300 RMB per *mu* (interviews PGY1 4-11-12, 27-7-13; cp. D_PGY5 to D_PGY7).⁷⁹

This news infuriated the affected farmer, surnamed Pan like many residents of Panguanying village, who started a heated debate with the local village head and refused to accept the sale of the collective land without prior consultation with the villagers. The village head, however, claimed that the local government was acting upon higher orders from the province, city, county, and town governments and that nothing could be done about it (interview PGY1 4-11-12). In the evening, a small crowd of villagers that had been summoned by the angered farmers confronted the village head about selling collective land without the prior knowledge of the village residents. Again, the village head referred to higher orders, cautioned the farmer Pan not to make trouble, and told the villagers to report to the responsible higher-level authorities if they wanted to voice their concerns (*ibid.*; interviews PGY2 4-11-12, 5-11-12).

Starting the following day, the villagers began to investigate the project details and the rightfulness of the land requisitioning. They visited and sent letters and petitions to higher-level authorities from the town- to the provincial-level governments via the official communication channels provided by the Chinese petitioning system and its 'letters and visits

78 According to official documents, the distance of the MSWI from Panguanying village is 750 metres (D_PGY1, D_PGY2, D_PGY32). Panguanying villagers as well as members of the environmental organization Green Beagle and professor Zhao Zhangyuan, who did an onsite investigation of the situation, argue that this number is embellished and that the actual distance amounts to only 516 meters (interview NGO NU2 29-10-12; D_PGY3, D_PGY4). This controversy, which extends to deviations in numbers regarding the MSWI's distance from other sites, including the Nandaihe tourist area, as well, is a central item in the later dispute, because it concerns the regulations for the siting of incineration projects.

79 *Mu* is the conventional unit for land area in China, translating to about 1/15 hectares or 667 square meters. The requisitioned 70 *mu* of land translate to about 4.7 hectares, 3.3 hectares of which belong to Panguanying village and the remaining 1.4 hectares to the neighboring village Xiaoying (D_PGY21, D_PGY32).

Figure 4.1 Construction site of Panguanying incinerator, July 2013

bureaus' (信访局, *xinfangju*) (D_PGY6, D_PGY8, D_PGY9). Soon the farmer Pan had gathered a small group of villagers that were determined to lead the village in what they saw as a just fight for their rights. Among them was a knowledgeable elderly farmer from the same production team, also surnamed Pan but not a direct relative of the first farmer Pan, who soon became the second key figure in the villagers' struggle (interviews PGY1 27-7-13, PGY3 28-7-13). During this initial phase of events, the farmers were primarily angered by the local government's lack of communication with and 'cheating' of the villagers, what they believed to be an unlawful occupation of collective land, and concerns about the amount and proper distribution of compensation funds to the affected families; they did not initially pay much attention to the nature of the planned facility or the potential for related environmental or health risks. As the first farmer Pan recalled about this early phase: 'When we started we had no experience. They were taking away our land. We wanted to obstruct this from a land perspective, not let them build it. We have to eat from the land they wanted to claim. So we started to fight' (Interview PGY2 4-11-12).

Step by step, the core group of villagers surrounding the two Pans uncovered more details about the land requisitioning and the planned incinerator project, a Waste-to-Energy facility jointly planned in a build-operate-transfer mode

by the Qinhuangdao city government and the private company Zhejiang Weiming Environmental Protection Co., Ltd. (浙江伟明环保股份有限公司, *Zhejiang weiming huanbao gufen youxian gongsi*, further referred to as Zhejiang Weiming).⁸⁰ In the course of their inquiries they found several flaws in the project's approval and decision-making processes. This particularly upset the villagers because of their prior experience with corruption by the local government and party cadres, including some misappropriation of village finances and earlier misconduct regarding the village's collective land (interviews PGY1 27-7-13, PGY2 5-11-12, 27-7-13, PGY3 28-7-13). Among other issues, the local, town, and county governments had apparently changed the original category of the slated construction land from 'basic farmland' (基本农田, *jiben nongtian*) to 'garden land' (园地, *yuandi*) to circumvent the national farmland protection policies – a change that the villagers regarded as absurd, since no (fruit) trees had ever been planted on the land which was mainly used by small groups of villagers (农民小组, *nongmin xiaozu*) to cultivate grains and vegetables for the regional agricultural market. In the villagers' understanding, this changing of category rendered the land requisitioning illegal.⁸¹ Moreover, according to the villagers' research, the project had not been listed in the Qinhuangdao City General Plan (秦皇岛市城市总体规划, *Qinhuangdao shi chengshi zongti guihua*), Land Use Plan (土地利用总体规划, *tudi liyong zongti guihua*), or Environmental Sanitary Plan (环境卫生专业规划, *huanjing weisheng zhuanke guihua*) prior to the project's approval and beginning of construction, as required by state laws (D_PGY12 to D_PGY14).

These findings gave the villagers the grounds to demand the halting of the construction and the return of the land to its original state from the responsible authorities (D_PGY15). By mid-May 2009, however, various government departments from the local to the city level confirmed the lawfulness of and gave their consent to the incinerator project, thus leading to the project's approval by the Hebei Province Environmental Protection Bureau and subsequently the start of construction (D_PGY10, D_PGY16 to D_PGY19).⁸² The continued petitioning by the villagers, drawing on whatever legal knowledge they could gather in the village, remained unanswered until

80 The plant was slated to handle a daily amount of about 650 tons of waste from across Qinhuangdao municipality. The total investment in the facility was about 220 million RMB (about 31.5 million euros) (D_PGY1, D_PGY10, D_PGY11, D_PGY32).

81 While the documents appear to support the villagers' view, it is hard to discern whether the land requisitioning was indeed illegal. The villagers' perception of its illegitimacy was, however, one of the main reasons for their actions at this stage.

82 A large number of the government documents cited in this case study were provided to the villagers by the court during one of their lawsuits.

September that year, when the Funing county government finally replied to the mounting public pressure by ordering a temporary construction halt based on the procedural flaws pointed out by the villagers, but in turn asking the farmers to refrain from any further petitioning (interview PGY1 27-7-13; D_PGY_21).

From Land to Pollution: The CCTV Broadcast and Learning from Beijing's Liulitun Campaign

In May 2010, after eight months of halted construction, the workers resumed construction on the plant (interview PGY2 28-7-13; D_PGY22; cp. *Phoenix Weekly* 2011; Shang 2013). This brought new momentum to the villagers' actions. Over the previous months, the spreading news about the planned incinerator had started to raise other concerns for the villagers. Apart from a local teacher who had heard about environmental harms associated with waste incineration, the former head of a local paper mill's environmental department – who had discarded incineration as a waste disposal strategy for the factory years earlier due to the related risks – started warning the villagers about the project's potential harm for the environment and human health (interviews PGY1 27-7-13, PGY2 5-11-12, PGY3 28-7-13; cp. Mao 2013; Shang 2013). With the help of an article about the dangers of dioxin in the *Farmers Daily* (农民日报, *Nongmin ribao*), he illustrated the risks related to the planned MSWI to the villagers:

They [the villagers] didn't know about this issue then, so they couldn't do anything. No one understood this, how would the *laobaixing* understand this issue of environmental protection? [...] Originally, how would they know about dioxin, how would they know this can cause cancer? [...] I told them, because I understand this issue. And once they also saw this newspaper, they knew. It really helped our village. [...] Now everyone understands, the awareness on this issue has risen tremendously. It's an issue that concerns our vital interests, our future generations. (Interview PGY3 28-7-13)

Warnings about environmental pollution and health hazards, particularly cancer risks, found ample resonance with the villagers due to prior environmental and health problems in the village. Various industrial plants and local industry in the area, including the paper mill, a fertilizer plant, and a large-scale slaughterhouse, had already contributed significant pollution to the local environment and the nearby Yang River (洋河, *Yanghe*). Cancer

rates in the village had been high for years; several family members of the core group of villagers had died of cancer (interviews PGY1 27-7-13, PGY2 5-11-12; D_PGY4; cp. Gao 2012; Mao 2012; Shang 2013).

The farmers' concerns reached new heights when they came across a China Central Television program broadcast in the context of the 2009 International Dioxin Symposium in Beijing in August that year, which had already played a major role in the contentious struggle in Asuwei (cp. Chapter Three). By that time, the growing number of local campaigns and urban protests against waste incinerator projects, and the increasingly outspoken opposition of environmental organizations and experts, had triggered a public and media debate about incineration in China. This debate now also reached Panguanying village. The half-hour long special feature on the pros and cons of incineration featured a number of national and international experts, among them the retired Beijing professor Zhao Zhangyuan. Apart from explicitly linking incineration to dioxin and cancer, the program also reported the case of the large-scale campaign against a planned MSWI project in Beijing's Liulitun neighbourhood, which the residents had successfully obstructed (cp. Chapter Three).

Deeply concerned after happening to see this broadcast on television, the first farmer Pan asked a younger, more tech-savvy relative to find the program and download it online (interview PGY1 4-11-12). Around the same time, the local teacher with prior knowledge about the harms of incineration also conducted an online search and found a plethora of materials about the Beijing Liulitun anti-incineration campaign (interviews PGY1 27-7-13, PGY2 5-11-12), most importantly the 40-page 'opinion booklet' compiled by the Liulitun residents to advocate their claims. The booklet contained the comprehensive results of their lay expertise regarding incineration harms, the residents' concerns regarding the planned project, and a detailed description of the course of events and applied modes of action during the campaign (D_PGY24).

After construction in Panguanying restarted, these findings led to a new wave of activities. Convinced that the source of such pollution had to be averted in their village and encouraged by the Liulitun campaign, the village leaders soon realized that not only were these materials invaluable resources for filling in their knowledge about both incineration harms and possible modes of action, but that they were also precious resources for mobilizing broader support among the village residents. The core group of villagers had by this time manifested around a solid kernel of three farmers. Another villager also surnamed Pan – and again no direct relative of the other two Pans – had been solicited to join the group by the elderly farmer Pan due to his

Figure 4.2 Villager signatures collected by the Panguanying farmers, November 2012

good reputation among the villagers.⁸³ Although not directly affected by the land requisitioning, this third Pan was deeply concerned by the CCTV report and decided to take a lead role in the fight against pollution in Panguanying (interviews PGY1 4-11-12, PGY2 4-11-12, PGY3 28-7-13; Shang 2013).

As a casual worker at the local railroads office at the time, he found some villagers to help him make dozens of paper copies of the Liulitun booklet at the railroads office (interview PGY2 5-11-12). The Pans also copied the CCTV broadcast to compact discs. Equipped with these materials, they started paying door-to-door visits to the Panguanying village residents in June 2010 and also successively reached out to the neighbouring villages within a 5-kilometre radius. Driving around the area in a minibus, they convinced not only the villagers but also many of the surrounding village committees of the threat of the pending pollution (interviews PGY1 4-11-12, 27-7-13, PGY2 5-11-12; Shang 2013). This strategy proved successful: the farmers collected a total of about 1500 villager signatures and the stamps and statements of 37 village committees in the area, all opposing the slated incinerator (D_PGY22) (see Figure 4.2).

83 While this third Pan was quite well respected among the community and managed to gain the villagers' active trust and support during later phases of the struggle, it is hard to pin down the exact source of his reputation.

As one of the Pans recalls about this phase of activities and the pivotal role played by the CCTV broadcast and Liulitun materials:

Liulitun had a major influence on us. The Liulitun incinerator inspired us. [...] They reported about it on TV. Once I had seen that, oh dear, they absolutely mustn't build that waste plant here! [...] We copied the Liulitun materials and also copied the CCTV program on compact discs and distributed it to everyone in all the villages around. [...] If I hadn't had these things, the villagers wouldn't have believed me. They weren't clear on whether there would be pollution or not. They don't understand these kinds of things, right? But once they saw these things, ah, that waste plant really causes pollution, it was over, they didn't want to let them build it, they unanimously opposed it. (Interview PGY1 27-7-13)

Of course, the local, town, and city governments did not stand idly by as the villagers started to mobilize a collective opposition against the construction project they were determined to complete. Soon, cadres from the local and town governments started warning off the surrounding village committees, thus impeding the collection of further village stamps (interview PGY2 28-7-13; Gao 2012; *Phoenix Weekly* 2011; Shang 2013). To counter the spreading concerns about the safety of the incinerator, members of the town and city governments also visited the villages to promote the benefits of incineration, promising there would be no pollution and asking the villagers to 'sacrifice their small family to protect the large family' (舍小家保大家, *she xiao jia bao da jia*) (interview PGY1 27-7-13; *Phoenix Weekly* 2011; Shang 2013). However, the materials distributed by the Pans provided the villagers with critical information and an alternative cognitive framework that allowed them to critically assess the government's claims.

During this phase, the downloaded materials also proved to have another benefit. As one of the Pans remembers, cadres from the town government also started to exert personal pressure on the farmers, threatening to charge them with trouble-making and the illegal distribution of leaflets. In meetings with government officials, the Pans could, however, rebut these charges by arguing that distributing a program officially broadcast by the state-owned China Central Television could hardly be regarded as illegal and that they could also not be charged with the illegal distribution of leaflets, since they had not themselves written a single word (interview PGY2 27-7-13; Shang 2013). While the Pans report having been repeatedly visited during this time by local cadres – and at one point local mafia (黑社会, *hei shehui*) members – who tried to both threaten and persuade them to

stop their activities, including issuing threats about having them arrested, it is noticeable that they were able to go about their campaigning activities relatively unimpeded. They were not actively stopped from completing their activities, and claimed in interviews that they were genuinely not worried by the pressure at this point, since they felt that they were doing nothing illegal and could not be touched (interviews PGY1 5-11-12, 27-7-13, PGY2 27-7-13).

Apart from the signature collection, the villagers also deliberately started imitating the Liulitun residents' strategies (interviews PGY1 4-11-12, 27-7-13, PGY2 27-7-13, 28-7-13). To give more weight to their claims, the farmers found a local university student to write their own version of an 'opinion booklet', which closely followed the Liulitun blueprint (D_PGY22). The villagers' claims now started to shift away from land and local corruption issues to centre more on environmental and health hazards. Mirroring the Liulitun booklet in both structure and content, the arguments in the villagers' booklet included the charge that the siting decision was unlawful not only due to the procedural flaws previously revealed by the villagers, but also on the grounds that it neglected major environmental and health threats for the approximately 30,000 residents living within a five-kilometre radius and for the close-by Nandaihe and Beidaihe tourist areas. The booklet also raised the problem of food safety that would arise from siting the incinerator in the midst of a large stretch of cultivated farmland (*ibid.*). Moreover, the social injustice of exposing the disadvantaged rural population to harms emanating from the incineration of city waste, which was mainly produced by urban residents, was explicitly criticized in the document:

The government is encouraging the construction of a new socialist countryside and environmental protection. The *laobaixing* want to drink clean and unpolluted water, breathe fresh air and eat organic foods. These are probably also the goals the urban residents are pursuing, but they must not forget that at the same time of living a clean life themselves, this must not violate the rights and interests of peasants as 'disadvantaged group' (弱势群体农民的利益, *ruoshi qunti nongmin de liyi*).⁸⁴ We also want to exist, we also want a protected environment, we also want to live with

84 The notion of a 'disadvantaged group' was introduced in 2002 by former Premier Zhu Rongji (朱镕基), who admitted that Chinese society had produced a sizeable group of socially disadvantaged people, including peasants, whose rights and interests should be protected (Holbig 2002; Lin 2010; Yang 2003).

dignity. [...] Society talks about being harmonious, not about constructing such projects at the cost of other people's harmony. (D_PGY22)

Moreover, the booklet also reflected the broader concerns and frames employed by incineration-opponents both in China and beyond. Based on the encompassing assertion of the general harms of incineration and the health threats posed by the 'unavoidable emission of dioxin', particularly within the Chinese regulatory and waste-specific context, the opinion booklet questioned incineration as a suitable waste treatment strategy, not only for China, but also on a global level, citing national and international scientific studies and invoking the experiences and anti-incineration movements of other countries (*ibid.*).⁸⁵

In the document, the villagers portrayed themselves as but one in a growing number of affected local communities standing up for their legitimate rights (*ibid.*). As in the Asuwei case (cp. Chapter Three), the notion of *weiquan* – which was also at the core of the Liulutun residents' self-perception – became a central identity frame used by the farmers (interviews PGY1 27-7-13, PGY2 5-11-12, PGY3 28-7-13). Both in the Panguanying villagers' claims and their self-perception as part of a broader *weiquan* community, a process of frame alignment with the Liulutun residents, other contentious communities, and the domestic and international 'no burn' community had taken place. As one of the farmers now presented their cause: 'First of all, it's about public interests and rights protection (公益维权, *gongyi weiquan*), right? I have my personal rights: the right to health, the right to know. These rights have been given to the people by the Party and the people's government. But the local government has deprived us of these rights' (Interview PGY1 27-7-13).

Taken together, the newly compiled materials were the basis for a new round of petitioning. By mid-June 2010, the villagers started to personally deliver the materials to the town, county, city, and provincial governments – in one instance, with a group of more than 60 people. However, the villagers again received no or negative responses and the waste incinerator kept taking shape at the doorstep of their village (interviews PGY1 27-7-13, PGY2 5-11-12; Gao 2012).

85 The booklet here adopts the central arguments raised by the Chinese 'no burn' community and various international experts that: (1) Chinese waste has a lower caloric value than waste in most other countries, thus rendering Chinese waste highly unsuited for incineration; and (2) the regulatory framework in China does not permit the effective control and monitoring of toxic emissions or the enforcement of environmental regulations that would permit the effective management of such emissions.

Changing Strategies: Seeking External Help and the Turn to Environmental Litigation

Frustrated by these developments, the village leaders concluded that they had reached the limits of their own capabilities and that it was time to seek external help. In the Liulitun materials, the name of a Beijing-based lawyer, Xia, was frequently cited as the residents' legal representative who had played a crucial role in the successful outcome of the Liulitun campaign. Following the Liulitun example, the farmers decided to turn to Xia for assistance, convinced that 'if anyone could help us, it was him' (interview PGY2 5-11-12). Assisted again by the tech-savvy younger relative, the three Pans found the lawyer's contact information online and went to Beijing to personally present him with their collected materials and ask for help (*ibid.*; interviews PGY1 4-11-12, 27-7-13).

While at first hesitant to get involved since he saw few entry points for legal action and slim chances of success, the lawyer eventually decided to take up the villagers' cause free of charge after seeing the farmers' major previous efforts, their commitment to the public good of the village beyond individual claims for compensation, and the strong support among the village community (interviews Xia 6-11-12, PGY1 27-7-13, PGY2 4-11-12). Seeking advice on the issue from a renowned Beijing-based law professor specialized in the assistance of pollution victims, Xia hoped to turn the case into a precedent for environmental litigation (interview Xia 6-11-12).

As advised by Xia, the farmers now turned to more high-level legal means and – officially entrusting the lawyer with the responsibility of being their legal representative – launched a request for administrative redress (行政复议, *xingzheng fuyi*) to the Ministry of Environmental Protection and two other province-level institutions in August 2010, attaching copies of their compiled materials and requesting that the project approval given by the Hebei EPB in May 2009 be revoked (D_PGY12 to D_PGY14, D_PGY27 to D_PGY29).⁸⁶ Their claims centred on the procedural flaws discovered earlier – including the unlawful change of the nature of the land to 'garden land' and the siting of the incinerator in a densely populated area amid cultivated farmland – as well as another major flaw pointed out by the Beijing law professor: the project had not been listed in the Qinhuangdao City General Plan (秦皇岛市城市总体规划, *Qinhuangdao shi chengshi*

86 The other institutions are the Hebei Province People's Government and the Hebei Province Department of Land and Resources (河北省国土资源厅, *Hebei sheng guotu ziyuan ting*) (D_PGY25, D_PGY26).

zongti guihua), Land Use Plan (土地利用总体规划, *tudi liyong zongti guihua*), and Environmental Sanitary Plan (环境卫生专业规划, *huanjing weisheng zhuan ye guihua*) prior to the project's approval and the beginning of construction, as required by state laws (*ibid.*; interviews Xia 6-11-12, 30-7-13; Xia 2011).

After initial difficulties, the MEP accepted the request for administrative redress in mid-September, requesting written statements from all involved institutions including the Hebei EPB and the construction unit Zhejiang Weiming, who disputed the charges raised by the villagers (D_PGY2, D_PGY30 to D_PGY32). On the scheduled day for the MEP's final decision in mid-December, the three Pans rented a bus at their own expense to bring about 50 villagers to Beijing (interviews PGY1 4-11-12, PGY2 4-11-12). Much to their dismay, however, the MEP decided to uphold the Hebei EPB's project approval, arguing that the villagers' claims were not sufficiently founded (*ibid.*; D_PGY10). Following this decision, the other two institutions also declined the farmers' requests for redress (D_PGY33 to D_PGY34).

Nonetheless, a new path of action had opened up to the villagers. During the procedures, the MEP had revealed the response statements of the engaged institutions to the farmers. In these statements, both the Hebei EPB and Zhejiang Weiming referred to an Environmental Impact Assessment (EIA) conducted in early 2009 by the Chinese Academy of Meteorological Sciences (中国气象科学研究院, *Zhongguo qixiang kexue yanjiuyuan*, in the following referred to as CAMS). This EIA, they claimed, included, as required by state laws: (1) the twofold public announcement of the project plans on the Panguanying village and Liushouying town committees' public notice boards in January and February/March 2009; (2) two inspection trips with villager representatives to the Wenzhou and Tianjin MSWIs in October 2008 and April 2009; (3) the soliciting of public opinions via the distribution of 100 questionnaires among the villagers, the vast majority of whom had allegedly agreed to the construction (D_PGY10, D_PGY31 to D_PGY32). This agitated the villagers since none of them had taken notice of the small paper bulletins, nor had the announcements been communicated to them by the village committee. Nor had any of them participated in the alleged opinion survey (interviews PGY1 4-11-12, 27-7-13, PGY 2 5-11-12).

The farmers' suspicion that there were serious flaws associated with the EIA was further strengthened by the assessments of other intermediaries from Beijing that were now starting to become involved in the case. Based on his appearance in the CCTV broadcast and his central role in the Liulitun campaign, the villagers were keen on obtaining the engagement of Beijing professor Zhao Zhangyuan. Upon the farmers' request and through the

mediation of the Beijing-based environmental organization Green Beagle,⁸⁷ Xia introduced the Pans to the professor during one of their Beijing visits. Hearing about the widespread opposition among the villagers, Zhao agreed to come to Panguanying in November 2010 to conduct his own investigation of the situation (interviews Zhao 8-11-12, Xia 6-11-12, PGY1 27-7-13, PGY2 4-11-12, 27-7-13).

Based on his inspection of the area and the project site, communication with the villagers, and a close examination of the farmers' compiled materials and the abridged EIA report – by law publicly accessible on the Hebei EPB website, but previously unknown to the farmers – Zhao concluded that not only was the location unsuited for the construction of an incinerator, but that the entire EIA was severely flawed. Enabled by his prior experience as an expert in other EIA procedures, he identified several striking mistakes in the EIA report and other government documents, which led him to the conclusion that the involved institutions, above all the EIA unit CAMS in collusion with the Liushouying town and Panguanying village governments, had practiced serious forgery in the EIA process (interviews Zhao 8-11-12, PGY1 27-7-13, PGY2 5-11-12, 27-7-13, NGO NU3 25-7-13; Gao 2012; *Phoenix Weekly* 2011).

His main points of criticism, which he outlined in an expert commentary provided as a supplement to the farmers' administrative redress with the MEP and which he also published in an extensive report about the case on his personal Sohu blog, encompassed the charges that: (1) the EIA unit used erroneous evaluation methods and purposely misrepresented the strained local environmental conditions and the extent of emissions to be expected from the plant, thus coming to a false conclusion about the project's feasibility; (2) the project approval was based on procedural flaws, including the land and plan issues pointed out before, as well as an incorrect measure of the sanitary protection belt zone required around the incinerator; (3) the report lacked the mandatory discussion of the necessity of an incinerator in this area and the general pros and cons of incineration, as well as a convincing description of how the emissions would be managed and controlled; (4) since none of the villagers knew about the public participation questionnaires and univocally opposed the project, this part of the EIA must be faked, as had

87 The main Green Beagle staff members engaged in the Panguanying case changed to Nature University after its establishment in 2011 to lead the new organization's 'School of Waste' (cp. Chapter Two). Since Nature University was not yet established throughout the early stages of the Panguanying struggle, the staff members are here referred to according to their initial affiliation throughout the case study.

previously been the case in other localities (interview Zhao 8-11-12; D_PGY4; Zhao 2012). Although it was conveyed to the MEP in a supplementary letter by the lawyer Xia a few days before the MEP's final decision in December (D_PGY13), Zhao's expert assessment did not change the MEP's decision to uphold the project approval.

During his visit to the village, professor Zhao also briefed the farmers on more general environmental issues and their health impacts; incineration and its harms, particularly the cancer risks emanating from dioxin; and local anti-incineration struggles in other localities, such as in Beijing Gaoantun, Beijing Asuwei, Guangzhou Panyu, and Guangzhou Likeng (interviews Zhao 8-11-12, PGY1 27-7-13, PGY2 5-11-12, 27-7-13). According to one of the farmers, it was through Zhao's explanations that they first realized not only the scope of problems related to the EIA, but also the extent of pollution in the area and its relation to the high cancer rates in the village (interview PGY1 27-7-13).

While not yet based on a personal inspection trip to Panguanying, similar information also reached the villagers from the members of Green Beagle, whom Xia had introduced the villagers to during one of their Beijing visits (interviews Xia 6-11-12, NGO NU2 18-10-11, 29-10-12, 26-3-14, NGO NU3 25-7-13, PGY1 4-11-12, 27-7-13, PGY2 5-11-12). The organization members' assistance to the villagers during this stage of engagement mainly consisted of two parts. First, organization staff provided the villagers with further information about incineration and its harms, about the experiences of other affected local communities, and about possible courses of action and their legal rights as stipulated in environmental laws and regulations, such as the 2002 Environmental Impact Assessment Law and the 2008 Regulations on Open Government Information, which entitle citizens to apply for the disclosure of (environmental) information.⁸⁸ In their communications with the villagers, the Green Beagle members strongly urged the farmers to pursue a legal course of action to ensure their personal safety and avoid violent clashes with state security forces, as had occurred in other localities such as Guangzhou Likeng (*ibid.*; interview NGO NU1 7-11-12).

Second, the Green Beagle staff assisted the farmers with disseminating their cause to the public and drawing media attention to the case, both to exert pressure on the government institutions and to increase the villagers

88 The compilation of documents provided to the villagers by Green Beagle staff encompass articles and blog posts on incineration and its harms by different experts including Zhao Zhangyuan and Green Beagle staff member Mao Da; media articles and blog posts about other cases including Beijing Gaoantun, Beijing Asuwei, Guangzhou Likeng, Guangzhou Panyu, Nanjing Jiangbei, and Shenzhen Longgang; and relevant environmental laws and regulations (D_PGY36).

protection by focusing outside attention on them. During a visit of one of the Pans to Beijing, the organization asked the farmers to present their case at one of their regular public lectures and also invited media representatives to participate (ibid.). In early 2011, one of the journalists present at this lecture, a journalist from the Hong Kong-based *Phoenix Weekly*, was one of the first media representatives to visit Panguanying and report about the events in the village (interview NGO NU2 1-7-15; *Phoenix Weekly* 2011). When they became concerned about their personal safety during later events, the farmers relied on their relations with the media established during this meeting and via other mediation by Green Beagle to ask for protective media attention (interviews PGY1 4-11-12 27-7-13, PGY2 4-11-12). Beyond organizing the lecture in Beijing, Green Beagle staff also disseminated the villagers' claims through the organization website and via their personal blogs and microblog accounts (interviews NGO NU1 7-11-12, NGO NU2 8-5-13, 1-7-15, NGO NU3 25-7-13). Still, media attention to the case remained limited during this phase.

A Temporary Victory: The Flawed EIA Report and the Villagers' First Success in Court

The new information and the intermediaries' support and advice encouraged the villagers to step up their legal actions. After the MEP decision to uphold the Hebei EPB's project approval, the three Pans decided to launch an administrative lawsuit in the Shijiazhuang City Qiaoxi district People's Court (秦皇岛市桥西区人民法院, *Shijiazhuang shi Qiaoxi qu renmin fayuan*) at the beginning of January 2011, again keeping the lawyer Xia as their legal representative (D_PGY37, D_PGY38). Following the advice of Xia and the Beijing-based law professor, the three farmers centred their allegations on the newly discovered EIA flaws pointed out by professor Zhao (D_PGY41, D_PGY42).⁸⁹ As Xia recalls about this strategic decision:

The farmers cared most about the land. They love it dearly and were very distressed. [...] So they wanted to continue with the land issue. The land issue was basically a muddled war, they [the responsible government departments] had all cheated. [...] In China this is very common, no one

89 From a legal angle, three entry points had emerged: (1) the EIA fraud; (2) the land issue, focusing on the unlawful rededication of farmland; and (3) the reversed plan issue, i.e., the project's approval without prior listing in the relevant city plans (interviews PGY1 4-11-12, Xia 6-11-12, 30-7-13; Xia 2011).

investigates this, and the *laobaixing* also have no way of investigating. So land, I usually don't get into that. So I gave the villagers the advice: If you continue with land then don't get your hopes up. Do it from an environmental side. That has chances of winning. (Interview Xia 6-11-12)

Due to an unexpected development, this strategy proved successful. During the evidence collection procedures for the lawsuit, an exchange of documents between the MEP, the Hebei EPB, the villagers, and the court took place. To the great surprise of Xia and the villagers, the Hebei EPB released not only an encompassing collection of internal government documents related to the project, but also the full EIA report in early February 2011 (interviews PGY1 4-11-12, PGY2 5-11-12, 27-7-13, Xia 6-11-12, 30-7-13; Gao 2012; *Phoenix Weekly* 2011; Shang 2013).⁹⁰ This included the 100 public participation questionnaires allegedly distributed among the villagers to solicit their opinions on the project, as well as the protocol of a villager representative meeting convened by the village committee in March 2009, where the villager representatives had allegedly given their signatures in consent to the construction of the incinerator (D_PGY43, D_PGY44).

These documents provided the three Pans with the basis for collecting conclusive evidence of forgery practiced during the EIA's public participation process. As their first step, the farmers visited the about 30 villager representatives and party members that had allegedly signed to signal their agreement with the plan at the 2009 meeting. While the signatures proved to be real, the participants in the meeting testified that they had unanimously opposed the project. Their signatures were given as confirmation that they had received a participation fee of 10 RMB, and later attached to a false meeting protocol by the village head to claim that the participants had given consent (D_PGY45).

In the second step, the farmers also paid door-to-door visits to all of the villagers from Panguanying and surrounding villages whose names and signatures appeared on the questionnaires. All of the visited villagers testified in a written statement on the original forms that they had 'never seen this questionnaire, do not know who signed it, and do not agree with the construction of the incinerator' (D_PGY46 to D_PGY47). Moreover, the

90 In interviews, both Xia and Green Beagle staff repeatedly highlighted that such a release of a full EIA report is very rare in China and was not expected. For all of them, it was the first time they were able to see a full EIA report. They regard this release as a sign that the Hebei EPB was likely unaware of the flaws in the EIA report (interviews Xia 6-11-12, 30-7-13, NGO NU2 8-5-13, 26-3-14, NGO NU3 25-7-13; Mao 2012, 2013).

Pans discovered that the survey contained several other mistakes: various alleged respondents had left the area many years before; one was a convicted criminal on the run; others had died several years ago; and some names were altogether fictional. The questionnaires that did name actual inhabitants of the villages contained mistakes such as the wrong gender, date of birth, or level of education of the respondent (D_PGY46; Gao 2012; Shang 2013).

At the beginning of March 2011, the Pans presented this newly collected evidence to the village and town governments to confront them with their misconduct, as well as to the Hebei EPB, the MEP, and the Shijiazhuang court as evidence for the ongoing lawsuit. After the release of the documents the farmers had also notified Green Beagle staff, who now helped them write a lengthy letter to the MEP. The letter outlined in detail not only the mistakes in the EIA public participation measures, but all charges raised by the villagers including the procedural flaws, their environmental and health concerns, and all points of criticism regarding the EIA report as raised by professor Zhao. The letter invoked the expertise of both the professor and the Green Beagle organization as certification for the villagers' claims and concluded that, should the MEP not investigate this kind of forgery, it would be a 'betrayal of law-based governance' (对依法治国的背叛, *dui yifa zhiguo de beipan*) and a 'destruction of the environmental law' (对环境法治的摧残, *dui huanjing fazhi de cuican*) (D_PGY3). The farmers also contacted the *Phoenix Weekly* journalist, who now came to Panguanying and wrote a first lengthy article about the case (*Phoenix Weekly* 2011).

Upon receiving this new set of evidence, the Hebei EPB and Zhejiang Weiming ordered an immediate construction halt to the project (D_PGY48, D_PGY49; Mao 2013). According to Xia, who was in communication with both parties at the time, both the Hebei EPB and Zhejiang Weiming were caught by surprise and angered by these disclosures, since they had been assured by the EIA unit CAMS and the lower-level governments that all procedures had been conducted according to the requirements (interviews Xia 6-11-12, 30-7-13). In mid-May, the court notified the three Pans that a hearing would take place on 30 May (D_PGY50).

During this phase, and particularly in the days leading up to the hearing, cadres from the village, town, county, and city governments again tried to ensure the completion of the project by both pressuring and attempting to bribe the farmers into dropping their lawsuit. Cadres from the local and county governments visited the farmers' relatives and urged them to convince the Pans to back out. They also offered to relocate the village should the villagers agree to the construction. A high-ranking city government official offered the Pans monetary and other benefits such as jobs and free

health treatment for some of their relatives, and paid a visit to the lawyer Xia to convince him to withdraw the lawsuit. After these attempts were unsuccessful, the cadres directly threatened the farmers (interviews PGY1 4-11-12, 27-7-13, PGY2 5-11-12, PGY3 28-7-13, Xia 30-7-13; Shang 2013). However, with the backing of their families and the larger villager community and the support of the intermediaries, the villagers persisted in their litigation.

Three days before the court hearing, on 27 May, the Hebei EPB revoked their official approval of the project EIA by their own initiative after it had become clear that the court would rule in favour of the villagers based on the conclusive evidence of the EIA flaws. The EPB ordered a project halt until a new EIA process could be conducted, and in the meantime suspended all EIA applications for Qinhuangdao city construction projects (interview Xia 30-7-13; D_PGY42; Mao 2013).⁹¹ Having achieved the aims of their litigation, the Pans withdrew their lawsuit in early June (interviews PGY1 4-11-12, PGY2 4-11-12; D_PGY42).

Among the engaged intermediaries and environmental lawyers, this outcome was regarded as a major victory, not only for the people of Panguanying, but also as a precedent for successful national-level environmental litigation by an affected community, which they hoped would have wider-reaching impacts (interview Xia 30-7-13; Chen 2012; Gao 2012; Mao 2013; *Phoenix Weekly* 2011; Xia 2011; Zhao 2012). In a lengthy post on his personal Sohu blog, Zhao Zhangyuan called the Panguanying case a 'new model of environmental protection based on public participation in Chinese modern history' (中国近代史上公众参与环保的新典型, *Zhongguo jindaishi shang gongzhong canyu huanbao de xin dianxing*):

They won! That this 'disadvantaged group' organized such a fierce campaign for justice is definitely a sign of progress for Chinese society! The Qinhuangdao incinerator case signifies the shift from urban residents participating in Chinese environmental protection to the rural masses (农村民众, *nongcun minzhong*). With the spread of environmental pollution [...], rights protection activities by the masses (民众维权活动, *minzhong weiquan huodong*) are flaring up all over the country and the rights protection level is continuously rising. [...]. At the same time it [the Panguanying case] also shows the successful work of lawyers, NGO

⁹¹ According to the assessment of the lawyer Xia, this move was facilitated by an unrelated change of personnel in the EPB's leadership. Since the new leadership was not personally responsible for the earlier decision to approve the project, there was less internal pressure to uphold the decision (interview Xia 30-7-13).

organizations (NGO 组织, *NGO zuzhi*) and numerous experts and scholars fighting for justice. This is an epitome (缩影, *suoying*) of the frequent resistance against incinerator projects in China in recent years. (Zhao 2012)

Particularly for the staff of Green Beagle and the lawyer Xia, who hoped to persuade other affected communities to resort to legal means rather than disruptive and potentially violent actions, the successful lawsuit in Panguanying provided a valuable example (interviews Xia 6-11-12, 30-7-13, NGO NU₁ 7-11-12, NGO NU₂ 29-10-12, 26-3-14, NGO NU₃ 25-7-13).

By this time, the Pans had already spent a significant amount of money and time on the campaign. While they felt that the money was well spent, they had nonetheless significantly strained their financial resources. One of the Pans, who had held an outside job at the time of the struggle's onset, reported that he had instead started cultivating land at home to be more flexible with his time. Another Pan, who produced corn, radish, and cabbage to export to Korea and Japan on a contract, had to leave some of his land lying fallow due to the large demands of the activities. His family reportedly sold three pigs around the time of the lawsuit to cover some of the expenses. The villagers repeatedly offered to contribute money to the campaign, but according to the Pans, they declined taking the offered support (against their wives' wills) out of fear of losing face should the lawsuit not be successful. While Green Beagle offered some financial support for the Pans' trips to Beijing during the later phases of the struggle, including covering their train tickets and lodging, the frequent trips to the capital posed significant inconveniences for the villagers, who said they took the slowest trains, stayed in shabby rooms, and only ate one warm meal per day – and even then mostly at the invitation of their Beijing allies – to reduce costs (interviews PGY₁ 27-7-13, PGY₂ 27-7-13; D_PG Y40; Shang 2013). While the Pans were proud that they had managed these expenses largely on their own, they hoped they could now return to their normal lives.

New Battlefronts: Stepping up NGO Engagement and Shifting to the National Level

It was only shortly after their court win that new problems mounted on various fronts, problems that attracted wider engagement from environmental organizations, since they were related to the broader activities of the Chinese 'no burn' community. On the website of the Clean Development Mechanism (CDM), coordinated by the United Nations Framework Convention on Climate Change (UNFCCC), Green Beagle staff discovered that Zhejiang

Weiming and its partner in the United Kingdom, Eco-Frontier Carbon Partners Limited, had applied for the Panguanying project to be granted CDM status in mid-June (D_PGY11). Worried that this would facilitate a renewed EIA process for the project and as part of Green Beagle's broader campaign against the classification of incinerators as a 'clean' energy source, the organization mobilized other organizations active in the China Waste Information Network (cp. Chapter Two).

At the end of July and again in December 2011, eight Chinese environmental organizations under the lead of Friends of Nature and Wuhu Ecology Center, including Green Beagle, submitted a critical comment on the project to UNFCCC – the organizations' standard procedure for opposing Chinese incinerator projects applying for CDM status. The submission was supported by the transnational organizations Global Alliance of Incinerator Alternatives and CDM Watch. The comment pointed out the flaws in the Panguanying EIA process, questioned the general adequacy of incinerators to receive CDM status, and called on the UNFCCC not to support a project that was in open violation of the Chinese Environmental Impact Assessment Law (D_PGY51, D_PGY52; GAIA n.d.).

Also in June 2011 and as part of a broader campaign targeting violations of the EIA law, five of the above organizations including Green Beagle and Friends of Nature, together with professor Zhao, petitioned the MEP through an open letter to withdraw the grade-A qualification of CAMS as an EIA unit based on the fraud practiced in Panguanying and another locality (FON 2011a; Mao 2013; L. Liu 2013b). In mid-May, the abridged EIA report for a planned incinerator in Beijing's Dagong village, also conducted by CAMS as the appointed EIA unit, had been published on the website of the Haidian district EPB. Based on a visit to Dagong village and an examination of the report, members of Green Beagle and Friends of Nature as well as professor Zhao, all of whom were engaged in the case early on, concluded that this EIA contained flaws similar to those in the Panguanying report (cp. Chapter Five). Armed with these parallels, the organizations decided to target CAMS in a joint fashion and turn both cases into the basis for a broader campaign against EIA-related fraud, since they had also come across similar problems in other localities (interviews NGO NU₁ 7-11-12, NGO NU₃ 25-7-13, NGO FON₁ 19-10-12). In July, the organizations submitted a detailed 'list of incidents of violations against regulations by Chinese incinerators' (中国垃圾焚烧厂违规事件列表, *Zhongguo laji fenshao chang weigui shijian liebiao*) to the MEP, which included Dagong, Panguanying, and several other incinerator projects (D_DGC₁). As part of this campaign, professor Zhao and the environmental organizations reached out to the media to

attract public attention to the issue (D_DGC2). A wave of reporting about the organizations' charges against CAMS followed in a number of Chinese media outlets.⁹² While this campaign did not produce major responses from the MEP or other institutions at the time, it gained new momentum in late 2012.

A third line of activities, this time directly targeting the construction unit Zhejiang Weiming, started in early September 2011. At that time, the MEP announced on its website that it had accepted Zhejiang Weiming's application for an environmental examination of the company so it could enter the stock market through an initial public offering (IPO) (D_PGY53; Gao 2012; Mao 2013).⁹³ Afraid that a stock market entry by Zhejiang Weiming would result in renewed construction, the villagers and environmental organizations petitioned the MEP to reject the company's application, pointing out that it had been engaged in a case of 'severe illegal conduct related to the environment' (严重环境违法行为, *yanzhong huanjing weifa xingwei*) (interviews PGY2 5-11-12, NGO NU3 25-7-13, Xia 30-7-13; D_PGY48, D_PGY49; *Caijing* 2012; Mao 2013; Gao 2012). With the help of Green Beagle staff, the Pans sent a lengthy letter to the MEP Pollution Prevention Division on 14 September 2011, explicating in detail the prior events in the village and their successful lawsuit (D_PGY48). Two days later, the same five environmental organizations sent a similar letter to the MEP to certify the villagers' claims and increase pressure on the Ministry (interview NGO NU3 25-7-13; D_PGY49; Mao 2013). However, the MEP still announced in mid-December that the company had passed the environmental examination, arguing that it was not Zhejiang Weiming that had conducted the flawed EIA and breached environmental laws (D_PGY49).

In February 2012, it was gradually revealed that Zhejiang Weiming was indeed planning to restart the construction of the incinerator, as anticipated by both villagers and intermediaries (interviews PGY1 4-11-12, PGY2 4-11-12; Gao 2012). In May and June 2012, high-ranking Zhejiang Weiming personnel contacted Green Beagle staff and the lawyer Xia to discuss the company's

92 Articles about the issue were, among others, published in the *National Business Daily* (每日经济新闻, *Meiri jingji xinwen*) (Z. Li 2011; *National Business Daily* 2011), *Legal Daily* (法制日报, *Fazhi ribao*) (Qie 2011a, 2011b, 2011c), *The Beijing News* (新京报, *Xin jing bao*) (Guo 2011; Jin 2011b), *China Business News* (第一财经日报, *Diyi jingji ribao*) (Zhang 2011a, 2011b), and the *Southern Metropolis Daily* (南方都市报, *Nanfang dushi bao*) (X. Yang 2011), which was alert to the issue because of the incineration cases in Guangzhou.

93 Before launching an IPO and entering the stock market, companies have to be evaluated by the MEP, which has to certify that the respective company abides with the environmental laws and regulations in order to reduce the risks of investors.

further plans for the incinerator. The company invited organization staff, the lawyer Xia, and professor Zhao to visit one of their incinerators near Shanghai (interviews Xia 6-11-12, NGO NU1 7-11-12, NGO NU2 25-7-13; Mao 2012). For the environmental organization, this was a sign that their efforts to support the villagers and their broader campaigns against incineration and lacking EIA implementation were being taken seriously. Organization staff and the lawyer Xia used the opportunity to certify the villagers' claims and concerns and appeal to the company to engage in direct communication with the villagers (*ibid.*). The company subsequently sent personnel to Panguanying to directly consult with the Pans and explore the chances that the villagers would agree to a renewed construction of the project under the condition of lawful procedures (interview PGY2 5-11-12). By that time very familiar with their rights, the farmers insisted that a new EIA process, particularly a new round of public participation measures, would have to be conducted and that the villagers would under no circumstances agree to the construction (interviews PGY1 4-11-12, PGY2 5-11-12; *cp.* Mao 2012, Shang 2013).

Nevertheless anxious that the project would be implemented against their will, the Pans launched another request administrative redress and, after its failure, two successive lawsuits against the MEP's decision to ratify Zhejiang Weiming's market entry – again supported by lawyer Xia, the Beijing-based law professor, and this time the China Lawyers Association (中华律师协会, *Zhonghua lüshi xiehui*) as well. Green Beagle staff assisted the villagers with attracting media attention to the developments (e.g., Y. Li 2012; Z. Li 2012). While reaching the Beijing Municipality Higher People's Court (北京市高级人民法院, *Beijing shi gaoji renmin fayuan*) in the appeal – another precedent, according to the lawyer Xia – the case remained unsuccessful and was conclusively dismissed by the Beijing Higher Court in September 2012 (interviews PGY1 4-11-12, PGY2 5-11-12, Xia 6-11-12; D_PGY49, D_PGY57, D_PGY59 to D_PGY61).

Back to Local: Running for Village Elections and Mounting Pressure

Faced with these setbacks and in light of the looming plans to resume the incinerator project, the farmers turned to another course of action which they hoped would finally succeed in obstructing the project. According to the villagers' logic, one way to thoroughly halt the project and return the land to its original state for farming was to officially assume the position of village head. This authority could then be used to obstruct any renewed construction, which had to be approved by the village committee (interviews PGY1 4-11-12, 27-7-13, PGY2 5-11-12, 27-7-13, PGY3 28-7-13; Chen 2012; Mao 2012, 2013; Shang 2013).

By the end of 2011, the village head Qiao, a fierce project proponent and central figure in the related fraud, had been forced to resign from office by the infuriated community, leaving the position open, with interim authority transferred to the village's party branch secretary. The periodic village election in Panguanying was scheduled for February 2012 and the Pans decided that one of them should sign up to run in the election campaign. Since the elderly Pan had suffered a stroke in 2011 that had left him bedridden, attributed by the villagers to the major pressure he experienced during the EIA lawsuit, it was the well-reputed former railroad-worker Pan who signed up as the nominee for the position of village head (*ibid.*; Liu 2012a, 2012b, 2012c).⁹⁴ According to the candidate Pan, the local governments up to the county level were anxious about his nomination because of his broad-based support among the villagers, but did not dare to prohibit it (interviews PGY2 5-11-12, 27-7-13). Instead, the scheduled election was repeatedly delayed during the following months until public pressure from the villagers and growing outside attention eventually forced the responsible government departments to fix the election date for 29 November 2012 (interviews PGY1 4-11-12, PGY2 5-11-12, 27-7-13; Chen 2012; Mao 2012, 2013; Shang 2013). In the months and weeks leading up to the election, not only the Pans but also the broader villager community were exposed to growing pressure from the former village head and his collaborators at the village and town levels. According to the villagers, many of them were pressured by local and town cadres to vote for one of the other candidates put up by the former village committee, which severely intimidated some of the villagers (interviews PGY1 5-11-12, PGY2 5-11-12, PGY3 28-7-13; Chen 2012; Shang 2013).⁹⁵ Pressure against the Pans peaked when local bullies, apparently hired by the former village head and his supporters, threw rocks at the house of one of the Pans and physically threatened some of his family members in the days before the election (interviews PGY1 27-7-13, PGY2 27-7-13).⁹⁶

In the eyes of the villagers, the intensifying struggle in the village was no longer only about the incinerator but instead centred on broader local political entanglements. According to their assessment, the village

94 While he, like the other Pans, was not a party member, laws and regulations also permit independent candidates (Alpermann 2010a, 2013).

95 This was reported by several villagers during the author's field visit to Panguanying at the beginning of November 2012, three weeks before the scheduled election.

96 After this incident, Pan installed a safety camera directed at the front gate of his house so that he would have videotaped evidence of any further physical attacks. The camera was still in use at the time of the author's second field visit in July 2013.

committee under the leadership of the former village head Qiao, as well as government cadres up to the county level, were afraid that the mandatory examination of the village finances after the inauguration of a new (independent) village head would bring to light severe financial misconduct involving various levels of the government (interviews PGY1 4-11-12, 27-7-13, PGY2 5-11-12, 27-7-13, 28-7-13, PGY3 28-7-13). During the summer and fall of 2012, the villagers became increasingly outspoken in demanding their right to vote (选举权, *xuanju quan*), including displaying banners in front of the Funing county government building (interviews PGY1 4-11-12, PGY2 5-11-12, 27-7-13; Chen 2012, Mao 2012, 2013; Shang 2013). In interviews, the core villager group reported that the election issues further politicized their thinking and increased their distrust in the party-state. While their anger was mainly directed at the local government, they also criticized the broader political system for creating an environment where corruption could not be efficiently ferreted out and where the effective implementation of the country's environmental laws was virtually impossible (interviews PGY1 4-11-12, PGY2 5-11-12, 27-7-13, PGY3 28-7-13).

During this phase, Green Beagle staff played an important protective role for the Pans. Against the backdrop of the mounting pressure, and anxious about Zhejiang Weiming's pending plans to resume the project, the organization decided to launch another dissemination campaign to raise outside attention to the events in the village, both to exert pressure on the local government departments and to increase the safety of the Pans:

They [Zhejiang Weiming] wanted to resume construction, they hadn't given up hope. [...] So against this background we thought the situation was quite critical. [...] So at that time we thought that we as public environmental organization definitely had to get involved, help them, intervene; otherwise these two people [the Pans] could experience a major threat (威胁, *weixie*). So we further publicized this issue, made the outside world pay more attention, in order to make things a bit safer for the two. (Interview NGO NU3 25-7-13)

In September 2012, Green Beagle staff paid their first personal visit to Panguanying to gain a better understanding of the local situation and demonstrate to the local government that the situation was being closely followed from the outside. At the same time, organization staff started to solicit public attention to the issue and called on the media to report on the upcoming election. Their main efforts focused on distributing background

information on the case and the evidence collected by the villagers regarding the EIA fraud through their personal relationships with media representatives, their networks in the environmentalist and ‘no burn’ communities, and social media – including the social media accounts of both the organization and its staff members (interviews NGO NU₁ 7-11-12, NGO NU₂ 29-10-12, NGO NU₃ 25-7-13; Mao 2012).

According to organization staff, a window of opportunity in the broader political environment helped their media campaign take off (interviews NGO NU₁ 7-11-12, NGO NU₃ 25-7-13). Around that same time, the MEP was conducting a national examination of several hundred EIA units in an attempt to strengthen the effective implementation of the EIA law, leading the Ministry to urge the media to report on EIA-related malpractice at the local level. In this context, the case of Panguanying was a welcome story picked up by numerous news media outlets, including the Chinese-language party-led newspapers *People’s Daily* (L. Yang 2013) and *China Youth Daily* (中国青年报, *Zhongguo qingnian bao*) (*China Youth Daily* 2013) and the widely-read commercial financial magazine *Caixin Magazine* (Cui 2013a, 2013b). The organization’s efforts also initiated a steady stream of external visitors – including journalists, other intermediaries, and researchers – to Panguanying in the second half of 2012 and early 2013. The organization also used these favourable circumstances to again petition the MEP regarding the EIA unit CAMS in January 2013 via an open letter jointly signed by eleven environmental organizations and an online signature collection conducted through the Nature University website (interview NGO NU₂ 26-3-14; L. Liu 2013b). While the MEP claimed to have lowered CAMS’ EIA qualification to grade-B at the end of 2012 in the context of their national examination, CAMS was still listed as grade-A on the MEP website in 2014 (interview NGO NU₂ 26-3-14; Liu 2013b).

During the election, Green Beagle staff took on the role of election observers. Faced with mounting pressure, the candidate Pan made a phone call to Green Beagle staff in the days before the election to ask for assistance and external attention (interviews PGY₁ 27-7-13, PGY₂ 27-7-13, NGO NU₂ 26-3-14; Chen 2012). One day before the election an organization member arrived in Panguanying, bringing with her a journalist from the party-led *People’s Daily*-affiliated newspaper *Global Times*. On election day the procedures started as scheduled in the morning at the local elementary school. The former village head Qiao and cadres from the town and county governments held a speech asking the several hundred assembled villagers to trust the government’s capacities to guarantee a fair election. Several dozen public security forces from the Funing county and Liushouying town police stations were also present to maintain order (ibid.; Liu 2012a, 2012b, 2013a).

However, the villagers' concerns proved to be well-founded. About half-way through the election, when it became clear that Pan would receive the majority of votes, three armed men burst into the polling station and destroyed the ballots and voting boxes. According to the villagers, the thugs were hired by the former village head Qiao and his collaborators from the town government (interviews PGY1 27-7-13, PGY2 27-7-13, PGY3 28-7-13, NGO NU3 25-7-13; Chen 2012; Liu 2012a, 2012b, 2013a). The villagers and external observers reported that the security forces did not intervene and let the disrupters escape unchallenged. Infuriated by their passivity, several hundred villagers blocked the school's main gate, refusing to let the security forces depart, and demanded an explanation from the head of the Liushouying town police station, who promised to investigate the issue. After several hours, Pan asked the villagers to relent at the urging of the lawyer Xia, who had told the Pans in a phone call to ensure that none of the villagers violated any laws, so as to ensure their safety. Due to public pressure, a new election date was set for one month later, on 29 December 2012 (ibid.).

To pressure the responsible government departments and increase the safety of the villagers through public attention, Green Beagle staff reported on these events throughout the day via their social media accounts, including the microblogging platform Sina Weibo. These posts were shared by the other engaged intermediaries such as the lawyer Xia and professor Zhao, as well as the broader 'no burn' community. On the day after the first election, one of the organization members wrote a lengthy report about the event and its background on her personal Sina blog, including photographs and documentary evidence (Chen 2012). The *Global Times* journalist who was present also reported on the issue in the newspaper's English-language edition (Liu 2012a, 2012b).

On 29 December, the second election took place as scheduled, in the presence of three Green Beagle staff members and the *Global Times* journalist. This election was also interrupted, and no new village head elected. This time more than 100 partially armed town and county public security forces were ordered to the location. The election proceeded without disturbances, with some of the villagers holding up banners reading 'please return the right to vote to the villagers of Panguanying' (Liu 2012c, 2013a). At the time of the vote counting, however, there was a scuffle between villagers, public security forces, and the town government cadres who were responsible for conducting the election. To count the votes, government-installed election staff had withdrawn into one of the classrooms and drawn the curtains, prohibiting any villagers from entering to observe the procedure – a clear breach of the laws and regulations, which require a public vote count

(Alpermann 2010a, 2013). Since the villagers suspected forgery, some of them, including the candidate Pan, forced their way into the classroom by breaking the window and discovered that the election staff had hidden numerous ballot slips in their clothes to distort the results (ibid.; interviews PGY1 27-7-13, PGY2 27-7-13, PGY3 28-7-13, NGO NU3 25-7-13; Mao 2013). In the afternoon and again on the following day, several dozen villagers went to the Funing county government to demand that the election personnel be held responsible for the forgery and that a new election date be set (ibid.). As during the first election, Green Beagle staff disseminated information about the situation throughout the day and the *Global Times* journalist also reported on the events (Liu 2012c).

Coming to an Impasse: Quieting Down and Setting an Example

In the days after the election, the villagers collected what they regarded as conclusive evidence of the sabotage and forgery during the elections. These materials, sent to the Funing county government on 3 January 2013, encompassed videos, photographs, and written testimony, including an eye-witness report by Green Beagle staff (interview PGY1 27-7-13; L. Liu 2013a). Five days later, on 8 January, three villagers including one of the Pans were summoned to the Funing county public security bureau to discuss potential charges against them for ‘disrupting public order’ (ibid.). Pan, who claimed that he had deliberately stood apart from the scuffle to avoid violating any laws, immediately contacted the Green Beagle staff who had returned to Beijing (interview PGY1 27-7-13). Since the EIA lawsuit, Green Beagle had become the villagers’ major communication channel with the outside world. The Pans themselves had very limited Internet access and had gained only a little proficiency in using social media despite the organization’s recommendations (interviews PGY1 27-7-13, NGO NU1 7-11-12, NGO NU2 26-3-14). Organization members again disseminated the news via their networks and social media channels. The *Global Times* journalist who had reported about the elections earlier also wrote another article about the developments (L. Liu 2013a). During the hearing at the public security bureau, the farmer Pan referred to Green Beagle staff and the *Global Times* journalist as eye-witnesses. According to Pan, it was their protective role – together with several dozen villagers who surrounded the public security bureau to testify that Pan had not been involved in the scuffle – that prompted the head of the bureau to drop the charges (interview PGY1 27-7-13).

In mid-January, the Pans submitted a petition regarding the election problems to the Funing county and Liushouying town governments (interviews

PGY1 27-7-13, PGY2 27-7-13; D_PGY62). The town government replied in mid-March, stating that it had conducted the election procedures according to state law. In the notice the government claimed that the villagers had violently disrupted the election, attacked the election personnel, destroyed the ballots, and impeded the vote counting. According to the letter, the election was thus considered invalid by the county government. Since no new village head had been elected, the notice further announced that a county government cadre would be transferred to Panguanying to take the position of first village secretary and that two town cadres would be dispatched to the village to establish a working group to be stationed in the village and preserve order. Moreover, the county and town governments would find an opportune time to hold another election (D_PGY63; Shang 2013).

The struggle in Panguanying had come to an impasse. After the instalment of the interim village government, local political life virtually came to a halt and the village community, which was now under strict surveillance, did not take any further actions (interviews PGY1 27-7-13, PGY2 27-7-13, PGY2 28-7-13, PGY3 28-7-13). In the summer of 2013, renewed plans for the continued construction of the incinerator by the town government briefly surfaced and the Pans were placed under intensified observation. However, in a meeting with town cadres, the candidate Pan again insisted that the villagers would continue to oppose the construction and would seek the assistance of their own experts, namely Zhao Zhangyuan, should new EIA procedures be conducted.

Since several government departments and the construction unit Zhejiang Weiming were no longer supporting the project, the plans were finally set aside (interviews PGY1 27-7-13, PGY2 27-7-13, PGY2 28-7-13, PGY3 28-7-13, NGO NU3 25-7-13, NGO NU2 26-3-14, Xia 30-7-13). In mid-August 2013, the Liushouying town government informed the villagers that they were considering dismantling the construction site and that a date for doing so would be decided. By 2015, however, no official timeline for dismantling the construction site had been announced, and action related to the incinerator had quieted down on all sides. A new election date had not been announced (interview NGO NU2 1-7-15).

While the incinerator issue had not been comprehensively resolved and the farmers had not obtained their ultimate goal of returning the project site to its original state for farming, they nonetheless felt victorious for having obstructed the completion of the incinerator (interviews PGY1 27-7-13, PGY2 27-7-13, PGY3 28-7-13). The widespread media and public attention to the case, the frequent visits of journalists and researchers to the formerly rather isolated village, and the great value attached to the case by the engaged intermediaries and other environmental lawyers had

boosted the Pans' self-esteem. While their claims as presented in 2012 centred mainly on the villagers' rightful struggle for their rights and a sense of belonging to a broader '*weiquan*' community (interviews PGY1 4-11-12, PGY2 5-11-12; D_PG22), in 2013 their self-perception had broadened beyond their individual struggle. In their narratives they started to portray themselves as fighting for social justice and environmental protection and their case as an exemplary example of local environmental contention, which they hoped would have a national impact and encourage other communities to stand up for their rights and the environment (PGY1 27-7-13, PGY2 27-8-13, 28-7-13).

This perception was strengthened by the Pans' participation in a 'symposium on NIMBY movement cases' (邻避运动案例研讨会, *linbi yundong anli yantaohui*) organized by Nature University in May 2013 (Nature University n.d.). The symposium brought together the members of several contentious communities, journalists, lawyers, environmental activists, and scholars working on the issue to discuss the fact that 'China has already completely entered an age of NIMBY campaigns' (中国已经全面进入邻避运动时代, *Zhongguo yijing quanmian jinru linbi yundong shidai*) (Mao 2013). At this symposium, Green Beagle staff, the lawyer Xia, and the Pans presented the case of Panguanying as a central topic on the agenda (ibid.; China Solid Waste Net 2013; Fu 2014). Panguanying had turned into a nationally known 'model case' for local environmental contention. To manifest the exemplary character of their campaign, in 2013 the farmer Pan expressed plans to erect a monument for all the external helpers – experts, lawyers, media, and organization staff – that had assisted their struggle and as a symbol that 'three uneducated farmers can also achieve such things' (interview PGY1 27-7-13).

Analysis: The Role of Horizontal and Vertical Linkages for the Panguanying Villagers

The case of Panguanying shows that both horizontal and vertical linkages played a significant role in the villagers' contention against the planned incinerator. While strongly intertwined in their impacts, in the following sections they are discussed separately for reasons of clarity.

The Role of Horizontal Ties

While the villagers' ties with other contentious communities remained limited and were mainly restricted to nonrelational ones, these linkages still played a pivotal role in the development of the villagers' resistance. This case

demonstrates that horizontal diffusion processes between different localities do indeed impact local environmental contention in China and contribute to the geographic spread of local resistance, even in the countryside where diffusion channels are more limited than in urban settings.

In particular, linkages with the Beijing Liulitun campaign played an important role in the Panguanying case. As summarized by one of the village leaders: 'We drew a lesson from them [Liulitun], we learned from them. We used their strong points to mend our shortcomings. Because they understand everything. So we also drew a lesson from their methods to do this. [...] If it hadn't been for the Liulitun plant issue, we really wouldn't have known how to find this [information], from where to start' (Interview PGY1 4-11-12). Here, the mass media and the Internet proved to be the main channels of diffusion during the initial stages of the contention. While the majority of villagers in Panguanying had no access to or ability to engage with the Internet, the technological knowledge of individual community members such as the local teacher and tech-savvy younger villagers sufficed for using the Internet as a valuable information source. These nonrelational linkages were later complemented with ties mediated by the supra-local intermediaries in the case, who served as important channels for the transmission of information about anti-incineration struggles in other geographic localities.

The impact of the Liulitun campaign on the Panguanying villagers' struggle was primarily based on the information transmitted via the CCTV broadcast and the online materials found and distributed by individual community members, most importantly the comprehensive Liulitun 'opinion booklet'. The information contained in these materials regarding both the details of the Liulitun campaign and about waste incineration and its hazards played a crucial role for the villagers' awareness process. They contributed to the shifting of claims and framing from a focus on land and local corruption issues to concerns about environmental pollution and health hazards. The information certified the village leaders' initially diffuse concerns regarding environmental and health risks, which found ample resonance in the prior environmental pollution issues and high cancer rates in the village. Both the CCTV broadcast and the opinion booklet provided alternative interpretive frames and cognitive cues questioning waste incineration as a panacea for China's waste problem. This permitted a critical assessment of government assertions, such as the repeated promises that no pollution would emanate from the plant. The materials thus provided the initial cognitive cues and justification for the villagers' environment-related claims and contentious actions.

The materials also fostered an alignment of the Panguanying villagers' interpretive frames and claims with those employed by the Liulitun residents and the broader 'no burn' community – as demonstrated in the Panguanying villagers' own opinion booklet, which was modelled on the Liulitun blueprint. The CCTV program and Liulitun materials further contributed to a shift of the villagers' contentious identity from centring on fighting for the legal rights to their land and transparent information (cp. the notion of 'rightful resistance' as introduced by O'Brien and Li (2006)) to being part of a broader Chinese '*weiqian*'-community and the Chinese 'no burn' community.

With regards to the mobilization and organization of action, both the CCTV program and the Liulitun materials were indispensable resources for the village leaders in mobilizing the support of the villagers and the surrounding village committees. By certifying the village leaders' interpretations and assertions vis-a-vis the larger villager community, the materials enabled large-scale signature collection as an important petitioning resource. They also had a protective function, shielding the farmers from local government pressure and charges of trouble-making and the illegal distribution of leaflets. Moreover, the technical and issue-specific information on waste incineration provided in the Liulitun materials served as a first source of knowledge and expertise that was critical for the villagers' environment-focused action, thus filling in essential resource-gaps.

The Panguanying villagers directly emulated various aspects of the Liulitun activities. The choice to write their own opinion booklet to promote their claims and advocate for them vis-a-vis the responsible government institutions and construction company was directly based on the Liulitun blueprint. The villagers' turn to environmental litigation and the engagement of the lawyer Xia was also based on the information about his successful engagement in the Liulitun campaign. One of the village leaders later regarded this as the most important decision of the whole struggle (interview PGY2 28-7-13). The (nonrelational) ties with the Liulitun campaign thus greatly facilitated the Panguanying villagers' access to justice. The success of the Liulitun residents further strengthened the villagers' belief in their own chances of success, particularly through legal action, thus changing the farmers' perceptions of threat and opportunity. In a similar vein, the Liulitun materials also encouraged the village leaders to establish contact with Zhao Zhangyuan. His field visit had important implications for the further course of their actions. While the villagers knew of his role as an anti-incineration expert via the CCTV broadcast, his engagement in the Liulitun campaign fostered their choice to actively engage him in their struggle.

The horizontal linkages formed by the Panguanying villagers with other contentious communities mostly remained limited to nonrelational ties. Despite the important role played by the Liulitun campaign, the village leaders showed no interest in establishing closer relational ties with Liulitun residents. In their eyes, they had already learned everything relevant from the online materials and the advice provided by the intermediaries, thus rendering any further personal exchange unnecessary (interviews PGY1 4-11-12, PGY2 5-11-12, 27-7-13). While collaborative action with Liulitun residents was unlikely since the Liulitun campaign had already come to an end, no active exchange, collective claims, or collaborative action emerged with simultaneous ongoing struggles, such as in Dagong where the villagers faced similar issues of EIA fraud practiced by CAMS. While joint claims regarding CAMS' EIA fraud in both Panguanying and Dagong later emerged, they were only produced by the environmental organizations to foster their broader EIA campaign and did not lead to direct relational ties between the two communities.

The lack of relational ties was not caused by a lack of opportunity, at least in the case of the Beijing struggles. During the village leaders' frequent visits to the capital, Green Beagle took on a brokerage role by introducing the farmers to members of the other contentious communities – in particular members of the urban anti-incineration campaigns in Beijing's Liulitun, Asuwei, and Gaoantun neighbourhoods. These initial relational ties were not followed up or intensified by the Panguanying villagers and did not play a significant role in their contentious actions. In the case of the urban Beijing homeowner campaigns, where large-scale street protests were at the core of activities, the lack of relational ties and collaborative action can partly be attributed to the different opportunity structures and diverging path of action employed by the Panguanying villagers, who relied mainly on legal means and dismissed large-scale 'strolls' due to a perceived lack of the required people 'mass' and because the related risks were regarded as too high (interviews PGY1 4-11-12, 27-7-13, PGY2 28-7-13). Moreover, the village leaders regarded the Gaoantun and Dagong cases in particular as negative examples of unsuccessful local contention, pointing to the perceived lack of persistence and unity among their residents. This discouraged any interest in a more active exchange (interviews PGY1 5-11-12, PGY2 28-7-13; D_PG Y22).

The Role of Vertical Ties

Closely interrelated with the villagers' ties to other contentious communities, linkages with members of the Chinese 'no burn' community played a pivotal role in the development of environmental contention in Panguanying. The

case demonstrates that collaborations between the ‘two facets’ of Chinese environmental activism can generate powerful effects in environmental contention in China.

The main intermediaries actively engaged in the Panguanying struggle were the Beijing-based environmental professor Zhao Zhangyuan, the Beijing-based lawyer Xia, a second law professor who specialized in assisting pollution victims, and members of the Beijing environmental organization Green Beagle, all of whom established direct relational ties with the village leaders and made visits to the site. The important role of these supra-local actors was repeatedly highlighted by the village leaders. As summarized by one leader: ‘All the ones that donated themselves to the issue, the experts,⁹⁷ the professors, the lawyers, the media: Their help was immense. That waste plant, if it hadn’t been for these people, we absolutely couldn’t have done this, we wouldn’t have known what to do. [...] Really, it was only with their help that we could do this. They gave us so much help I can’t even name it’ (Interview PGY1 27-7-13).

The first intermediary to impact the Panguanying villagers’ struggle was Zhao Zhangyuan. Like the Liulitun campaign, he played an important role in the initial stages of the villagers’ awareness process via nonrelational channels. In the CCTV broadcast and Liulitun materials, he provided critical information and interpretive frames about incineration and its risks. His status as a renowned professor and incineration expert helped to certify this information both in the eyes of the village leaders and the broader villager community. This fostered the farmers’ cognitive justification for taking contentious action centring on environmental concerns. Zhao also played an important role in the external certification of the villagers’ struggle. Based on his field visit, he wrote an extensive report about the happenings in Panguanying on his personal blog, thus disseminating and certifying the villagers’ cause. He was also cited as an expert in the majority of the Chinese media articles published about the case, thus lending credibility to the villagers’ claims and actions. Moreover, Zhao proved to be a valuable resource in the villagers’ negotiations with the government: in unofficial meetings with local and town cadres, the farmers ‘threatened’ to engage professor Zhao as an official expert should the government decide to restart the construction process (interviews PGY1 27-7-13, PGY2 27-7-13). Zhao also provided the villagers with important resources that enabled the mobilization of contention. During his visit in early winter 2010, he

97 Members of environmental organizations, including Green Beagle, were generally referred to as ‘experts’ by the villagers.

offered issue-specific and technical information needed for environmental-related action. Based on his own investigation of the local environmental situation and his critical reading of the abridged EIA report, he pointed out various flaws in the EIA procedures that became the basis for the villagers' environmental litigation, hence facilitating their access to justice.

No less important, albeit more focused on legal assistance, was the role played by the lawyer Xia. He was contacted by the villagers due to his successful role in the Liulitun campaign. Based on his experiences with the Liulitun case, he advised the villagers to shift the focus of their legal action from land to environmental litigation based on the EIA flaws. This significantly impacted the villagers' course of action and contributed to their success. Apart from providing legal advice, legal representation, and assistance in the collection of evidence, Xia also took on an important brokerage role by personally introducing the village leaders to both professor Zhao and members of Green Beagle. Moreover, like Zhao Zhangyuan he published articles and held lectures on the case, thus disseminating and certifying the villagers' cause for the public and the media. During later phases of the struggle, Xia also represented the villagers in their communication with the construction unit Zhejiang Weiming.

The third major supra-local party was Green Beagle, introduced to the villagers by the lawyer Xia during one of their Beijing visits. Organization staff played a multifaceted role during the struggle despite entering at a later stage. In the initial phase of their engagement, the organization mainly focused on disseminating information about the villagers' struggle via their online networks, at issue-related meetings in Beijing, and by reaching out to the media and urging them to report about the case. The organization brokered ties between the villagers and media representatives that proved helpful throughout the struggle: whenever the villagers came under pressure, such as during the local elections, these contacts could be activated to ask for media attention to pressure the government and provide protection to the village leaders. The steady stream of visitors initiated by Green Beagle staff in 2012, including other intermediaries and researchers, also played an important protective function for the village leaders and helped to publicize their cause.

Green Beagle's focus on the dissemination of information and media outreach was complemented with further functions during the later stages of events. During their first field visit to Panguanying in September 2012, members of the organization played a similar role as Zhao Zhangyuan in providing issue-specific knowledge, collecting evidence related to EIA flaws, and advising the villagers about how to mobilize and organize their

actions. At the time of village elections, they took on the role of election observers and played a protective function for the village leaders. During the farmers' visits to Beijing, organization staff provided them with both financial and practical support and invited the villagers to issue-specific meetings. Apart from offering a public forum to advocate for their claims, these meetings also had a brokerage function by bringing the campaigners together with members of other contentious communities – albeit not followed up on by the villagers, as outlined above – and providing access to other members of the Chinese 'no burn' community. Green Beagle also advocated for the villagers' claims in petitions and (open) letters to the MEP and other national-level institutions. Like the lawyer Xia, the organization further took on a representative function in the villagers' communication with Zhejiang Weiming.

A number of other national and international environmental organizations were also loosely engaged in this case – namely the Beijing-based environmental organization Friends of Nature, the Anhui-based organization Wuhu Ecology Center, and the transnational organizations GAIA and CDM Watch. All of these organizations are part of the 'China Waste Information Network' established in 2009 and coordinated by Wuhu Ecology Center and GAIA, and their engagement remained restricted to participating in advocacy activities without establishing direct relational ties with the villagers.

Notes on Scale Shift

The case of Panguanying shows that the horizontal and vertical ties that have emerged in the field of anti-incineration contention play a closely interrelated role in the spread and development of local contention. As also demonstrated by the Asuwei case, the linkages between different contentious communities remain severely limited and have little potential for fostering collective claims or collaborative action beyond individual localities. Other than in Asuwei, this is not primarily due to the restrictive political framework, but instead due to a lack of interest on the part of the villagers. While they did to some extent align their interpretive frames and claims with the broader 'no burn' community and developed a contentious identity as part of this larger social group and the Chinese '*weiquan*' community, this identity was mainly used to further their localized claims and did not produce broader collective claims or actions. Based on these findings, the chances of scaling up local contention by building on horizontal alliances among different communities seem to be rather slim.

More promising for fostering Chinese environmental contention at higher political levels are the vertical linkages established between the Panguanying villagers and members of the national 'no burn' community. These ties helped increase pressure on the responsible government institutions all the way up to the national level and contributed to a broader public and media awareness of the problems associated with waste incineration and broader regulatory failures. The Panguanying struggle, which reflected broader environmental and regulatory problems that were typical in the siting of large-scale construction projects – including local corruption, flaws in the EIA process, and lacking transparency and communication – significantly furthered the intermediaries' cause. The supra-local actors' engagement in the local campaign fed into their broader work advocating for a greater awareness of the risks of incineration, a more critical assessment of the government's waste strategy, better implementation of environmental laws and regulations at the local level, the promotion of environmental litigation, and greater transparency and communication between local governments and their constituencies. Moreover, the case offered the intermediaries a publicly presentable example of the growing environmental and '*weiqian*' awareness in China and a successful case of a rural community standing up for their rights and demanding public participation in environmental policy – a case, which could also be presented to other affected communities in order to raise their beliefs in the chances of success of contentious action (such as in Dagong, see Chapter Five).

While the Panguanying case thus points to the limitations of scaling up local contention based on collaborative efforts or alliances among different affected communities, it shows that the vertical linkages between the diverse actors in the environmental sphere from the local up to the (trans-)national level can strengthen a national-level issue network that tackles not only the risks related to waste incineration but also broader environmental issues under the conditions of a restrictive political setting.