

philanthropy Stephen Barnes, who has taught law at China's Harbin Institute of Technology, says that for many of China's citizens, "that's just the reality they have to live with." Even so, Barnes is optimistic that people like Wang can educate the people as well as the state on the dangers of unchecked pollution. Wang, he says, "is pioneering one of the leading institutions training future generations of environmental lawyers." CLAPV has its volunteer lawyers and has sought out the international networks available, like E-LAW and the National Resources Defense Council, to stir cross-cultural exchange. "He has the numbers," Barnes says, "and he's got the benefits of being immersed in the government, academia and NGO



PHOTO BY TODD COOPER

environments, and he uses each of them to get the word out."

Getting the word out used to be difficult for people like Wang, but recently even the Chinese government has warmed up to the cause. In 1997, China enacted criminal penalties for environmental polluters, giving teeth to the much-beleaguered State Environmental Protection Agency (SEPA). But those teeth have been more like dentures, sometimes willing to bite but more likely to lie dormant in a water glass. For example, last month the state cracked down on local governments and large energy providers in China. It was seen as a bold move, though SEPA's vice-minister Pan Yue later warned, "some projects could still be running without approval ... ignoring SEPA's warning." And Ken Lieberthal, an expert on China at the University of Michigan, explains: "Much of the environmental energy generated at the national level dissipates as it diffuses through the multi-layered state structure, producing outcomes that have little concrete effect."

That's where CLAPV comes in: as the go-between.

Unlike its relations with Chinese lawyers who take on governmental corruption (and sometimes end up imprisoned for their stand), the Chinese government has no reason to hinder the goals of CLAPV, since the state openly acknowledges it has struggled to put an end to illegal industrial practices. Zhang insists that the government won't shut down the hotline because it "wants to solve this problem, too."

The major obstacle, she says, lies with the local government officials, who are supposed to enforce pollution regulations, but whose salaries are fed by the taxes received from local industrial polluters. Making the entire process more of a headache are the judges themselves. Finding little incentive for enforcement, local judges often side with the polluters. Zhang noted that the "higher courts are better, more independent," and thus will give a more favorable ruling. But getting to the higher court depends on the local courts' rulings, and plaintiffs have only one chance at appeal.

Putting it more bluntly, a SEPA official said, "In some areas, corrupted officials protect local polluting industries to gain personal profits. Without clean officials, there will be no clean water." Barnes calls it a "urban and rural gap," where the "the very enterprises that might do the most damage to the environment, represent - in the short term - the most prosperity."

But when both the government and the local industries won't listen, the people are increasingly taking matters into their own hands. According to the *China Daily*, more than 50,000 protests were documented in 2005 alone, with 50.6 percent related to water pollution and 40 percent to air pollution. In June 2006, SEPA officials acknowledged that environmental pollution has become "a main factor affecting China's national security and social stability." Fearing mass protests and public discord, Zhang says the state judiciary has - at least for the near future - prohibited class action lawsuits. This prohibition, however, runs contrary to the state's own lofty goals.

SEPA recently released its "Guideline for Strengthening Environmental Education and Enhancing Public Awareness on Environmental Protection during 2006-2010." One of the guideline's edicts is to "set up and improve mechanism of public participation into environmental protection. The volunteers and NGOs are encouraged to organize and take part in environmental protection activities in various forms." With the class action muzzle in place, the best tools CLAPV has are civil suits and increasing international pressure for China to take responsibility for its citizens' health.

AN OLYMPIC-SIZE PROBLEM

The last time the Summer Olympics were held in a developing nation was Mexico City in 1968. That city's air pollution had not yet reached its choking toxicity of today, but the high elevation did make some runners short on breath. The jumpers, of course, had a field day. The same can't be said of Beijing, which sits in a plain and collects thick sea air or desert dust depending on what direction the wind blows, trapping air particulates in carbon-rich smog.

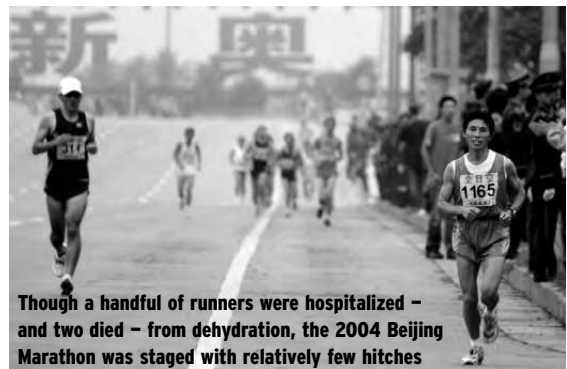
China set its target of cutting energy consumption by 20 percent per unit of GDP and major pollutants by 10 percent from 2005 to 2010. But it flunked its first test last year. Its sulfur dioxide emissions grew by 2.4 percent, according to SEPA figures.

Elizabeth Economy, author of *The River Runs Black: The Environmental Challenge to China's Future*, wrote in *The Washington Post*, "Beijing won its Olympics bid with the promise of the world's first 'green' games. Five years later, there is no talk of a green Olympics, only of how extensive a shut-down of industry and transportation will be needed in Beijing and surrounding provinces just to ensure that the athletes can breathe."

Zhang says that the government is trying its best but it "worries Beijing's air quality won't meet [the International Olympic Committee's] standards" for athletes. According to an article in the *Wall Street Journal*, even if Beijing "shuts down all its factories, bans all nonessential traffic and orders everyone to turn down air conditioning, Chinese and foreign scientists say there is no way to keep the winds from carrying pollution across the borders." This makes it clear how important it is to find national - and global - solutions to local problems.

In 2008, Beijing will be the bellwether for China's hope for a clean future. Barnes has been traveling to China for the past two years and says each time he arrives in Beijing, there are dramatic improvements, such as more options for recycling, more fuel-efficient vehicles on the road and natural gas powered buses. Barnes believes the Olympics are of incomparable magnitude. "In terms of national pride," he says, "it touches on every Chinese citizen. This represents the 'New China' ... they're going to extraordinary efforts."

If the IOC has enough clout to push Beijing to cut air pollution, surely it would behoove Eugene to increase its air quality in time for the Olympic Trials. Lisa Arkin, executive director of the Oregon



Though a handful of runners were hospitalized - and two died - from dehydration, the 2004 Beijing Marathon was staged with relatively few hitches

Toxics Alliance - the group instrumental in lobbying for a ban on field burning in the Willamette Valley - says she's been trying to contact the Olympic officials but so far hasn't heard back. "We want to alert them to the health impact of particulate matter [caused by field and slash burning]," Arkin says. "We hope they would be concerned enough to support these measures."

The 2008 Olympics may bring Beijing and Eugene closer, but 2007 brings more opportunities to learn from each other. New this year, E-LAW will add two Chinese lawyers to its established fellows program. The fellows will be working with E-LAW staff scientists and attorneys in addition to taking a ten-week English course at the UO's American English Institute. Barnes says that E-LAW has been trying to connect with China for years to make this happen and finally found the "real deal" with CLAPV. He says that the two fellows will stay for about 11 weeks and then return to China. "We want them back in their home countries, working on their [country's] issues," says Barnes. In addition



PHOTO BY XUAN RONG

Handkerchiefs and surgical masks help limit exposure to one of Beijing's "high alert" days, when nitrogen dioxide levels are at their peak

to the two fellows, a special guest is usually invited for a shorter period of two weeks to give community lectures and work on networking. This year, Wang is that guest.

Are Chinese citizens more aware of environmental law? Even 10 years ago there was no mention in the media of these issues. As recently as 1998, Wang was the *only* professor teaching environmental law. Now there are more than 10. With his position as a respected professor and practicing lawyer, Wang has had the opportunity to write new environmental legislation for the People's Congress; cases CLAPV have won are now used as precedents to argue new cases; the eco-ball is rolling. Barnes says, "I believe the progress of the rule of law combined with folks like Wang at CLAPV really offers hope to China."

EW



Desertification is driving agricultural workers to cities - like Shanghai - in droves

PHOTO BY PETER MORGAN