



NIMBYism in China: Issues and prospects of public participation in facility siting



Hongyan Gu*

Shanghai Academy of Social Sciences, 7F, 1610 Zhongshan Road West, Shanghai 200235, China

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ABSTRACT

Not-in-my-backyard (NIMBY) protests have been on the rise in urban China over the past few years. Previous studies have focused on campaign strategies and outcomes, yet less attention has been paid to how the Chinese government at different levels has responded to NIMBY protests. This paper focuses on the controversies over three paraxylene (PX) chemical plant projects, which were considered as growth engines by local governments but as health and environmental threats by local residents. It adopts the analytical framework of divided state power to explain why local governments chose to make concessions to the public's demands to relocate or cancel these PX projects. The study finds that the mandate to maintain social stability incentivized local governments to address NIMBY concerns in an ad hoc manner, which tended to create more problems than solutions. The central government has introduced several institutional measures to formalize public participation in land use planning and to hold local governments more responsible for environmental decisions. The analysis of multi-level government responses to NIMBY protests provides a new insight into the power structure that enables or constrains public participation in facility siting in China.

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Introduction

The past few years have seen the rise in the number of environmental protests in China, notably in the urban areas. Residents in the cities of Xiamen, Shanghai, Beijing and many others took to the street to protest against the siting of paraxylene (PX) chemical plants, maglev train systems, waste incinerators and the like near their neighborhoods (Gilboay and Read, 2008; Johnson, 2013a). This phenomenon is often referred to as a Chinese variant of “not in my backyard” or NIMBYism, a term which was purportedly coined in the early 1980s to describe negative social response to locally unwanted land uses (Schively, 2007). A host of factors have given rise to NIMBY protests in China, including fast-paced urbanization, infrastructure investment boom and the rapid growth of middle-class homeowners. The scale and frequency of NIMBY protests also indicate that the legal provisions for public participation in facility siting are not well formulated or implemented in China. As a result, more and more homeowners seek to have their voices heard through non-legal channels, which include “lodging complaints with state authorities, appealing to the media, and non-institutionalized action such as protests and demonstrations” (Cai,

2005, p. 781). According to official statistics, the number of environmental protests has been growing by 29% per year since 1996, and less than 1% of environmental disputes are resolved through legal channels (Feng and Wang, 2012). This has partly contributed to the dramatic increase in the costs of maintaining social stability (in Chinese *weiwen*), which has put a strain on the financial resources of both central and local governments in China (Chen, 2013).

The Chinese government has become concerned not only with the impact of NIMBY protests on social stability, but also with their impact on economic development. This is particularly evident in the case of the petrochemical industry, which has been hit by a series of high-profile protests against the siting of PX chemical plants. PX is a petrochemical used in the manufacture of purified terephthalic acid (PTA), a raw material for producing polyester fibers and plastic bottles. Over the past few years, the increased demand from downstream sectors has driven up the price of PX, making it a highly profitable product (Shen, 2013). However, due to limited production capacity, China has to import a significant amount of PX from South Korea, Japan and elsewhere in the world, and its self-sufficiency rate dropped from 93% in 2001 to 53% in 2012 (Shen, 2013). In order to close the gap, the Chinese government aimed to increase the production capacity of PX from 2.23 million tons in 2005 to 8.5 million tons in 2010 and 12 million tons in 2015, as stated in the 11th and 12th Five-Year development plans for the petrochemical industry (NDRC, 2006, 2011). This has sparked

* Tel.: +86 21 6486 0193; fax: +86 21 6486 0193.
E-mail address: gu@sass.org.cn

an investment boom in PX projects, particularly in the coastal cities which are home to major industrial complexes and oil refineries. At the same time, however, these PX projects have encountered strong resistance from local residents, who have openly expressed their concerns over the environmental and health risks of PX production.

Although the controversy over PX projects has been going on for a few years, the literature on NIMBYism in China has not given adequate attention to issues related to this type of facility. Previous studies have examined anti-incinerator campaigns, which have achieved success in a few cases when protesters were able to obtain support from government officials, scientists and the media, and go beyond NIMBYism to reframe the issues in a more rational and constructive manner (Johnson, 2013a,b; Lang and Xu, 2013). By contrast, the correlation between campaign strategies and outcomes is weaker in the protests against PX projects as they are often ended by local governments' pledge to relocate or cancel the projects no matter what campaign strategies were adopted. Given the economic importance of the PX sector in China, why would the local governments be willing to make concessions to the public's demands? What institutional measures has the central government taken to address NIMBY issues?

This paper aims to answer these questions by focusing on the way how the Chinese government at different levels has responded to PX protests. It adopts Cai's (2008) analytical framework of divided state power to explain the conditions under which concessions are made and the power structure that enables or constrains public participation in facility siting. Three PX projects are selected for analysis according to the scale of investment, local governments' support for the projects and institutional responses to NIMBY protests. These projects are located in China's eastern coastal cities of Xiamen, Dalian and Ningbo (Fig. 1), where the petrochemical industry is concentrated. The Xiamen case is often cited as the milestone in public participation in China and has been well documented elsewhere (Johnson, 2010; Huang and Yip, 2012; Li et al., 2012; Hung, 2013). But it remains underexplored why the local government chose to engage instead of repress the campaigners. Similarly, in the more recent cases of Dalian and Ningbo, local governments acted quickly to pacify the protests by promising to relocate or cancel the mega-projects. This paper seeks to understand the common motives of local governments in these seemingly isolated cases as well as the institutional responses by the Chinese government to tackle the NIMBY issues. Data on these three cases have been collected mainly through government documents and news articles. A combination of local and national sources is used to present a more nuanced picture of NIMBYism in China.

The rest of the paper begins with a review of the literature on Chinese contentious politics in general, and on divided state power and NIMBY protests in particular. It then uses the analytical framework of divided state power to examine three case studies of PX projects. This is followed by a discussion of the results and a conclusion.

Divided state power and NIMBY protests in China

Although the study of NIMBYism in China is still nascent, it belongs to a broader field of contentious politics in contemporary China, which has been established by the seminal works of O'Brien (1996, 2008), O'Brien and Li (2006), Perry and Selden (2000) and Cai (2008, 2010). A major focus of these studies is to understand why some contentious acts succeed while others fail, and how China's authoritarian regime is able to absorb popular protests. Several observations have been made in the literature. Firstly, rightful resistance that employs state's laws, policies and rhetoric is more likely to generate positive outcomes than the one that challenges

the legitimacy of the state (O'Brien, 1996; O'Brien and Li, 2006). Secondly, the ability of protesters to locate and exploit the divisions within the state, e.g. between the central and local governments, affects the outcome of collective action (O'Brien and Li, 2006; Cai, 2010). Thirdly, most of the popular protests are mobilized around a single issue and are isolated from each other in both ideological and organizational terms (Perry and Selden, 2000, p. 15). Finally, the central government has granted conditional autonomy to local governments to deal with popular resistance, which helps to enhance the resilience of the regime. This political arrangement is defined by Cai (2008, p. 411) as "divided state power".

According to Cai (2008, p. 415), divided state power prevents lower-level authorities from using excessive repression that damages the regime's legitimacy and unconditional concessions that may trigger more demands or actions. The central government has greater interest in protecting the regime's legitimacy than local governments, whose primary concern is with policy implementation and fulfillment of assigned responsibilities such as maintaining social stability (Cai, 2008, p. 417). Accordingly, different levels of government may have different perceptions of benefits and costs, which shape their choice of response to popular resistance (Cai, 2010, p. 5).

Although local governments are given the autonomy and power to choose the mode of response, they are most likely to use concessional measures in the face of intervention or possible intervention from the central government (Cai, 2008, p. 419). An intervention by the central government can not only enhance regime legitimacy but also deter local officials from abuse of power (Cai, 2008, p. 422). The divided power between the central and local governments has created space for public resistance in China, but at the same time precludes public resistance from becoming persistent, unified and subversive. This is considered by Cai (2008) as an essential factor that allows the Chinese political system to remain resilient despite numerous instances of collective resistance in recent years.

The framework of divided state power can provide fresh insight into the study of NIMBYism in China, which has thus far focused on the following issue areas. Firstly, the main goals of NIMBY protests are to influence or alter the siting decisions of proposed projects in a preventive manner, instead of claiming victimhood and seeking compensation for environmental damages caused by industrial polluters and ill-conceived projects, as it is frequently occurring in the rural areas of China (Jing, 2000; Tang, 2011). Secondly, participants in NIMBY protests are mainly urban middle-class homeowners who are relatively well off and have better access to social and political resources (Cai, 2005; Wasserstrom, 2009). Thirdly, these homeowners tend to engage in rules-based activism to pressurize the authorities to uphold the existing laws on public participation instead of challenging the regime itself (Johnson, 2010). Finally, NIMBY protests in China remain localized and less likely to expand into broader social movements like those in the Western countries (Johnson, 2013b). These findings echo with the general observations made in the literature on contentious politics in China. However, it remains insufficiently explored how the Chinese government at different levels has responded to NIMBY protests. The next section aims to fill this void in the literature by presenting three case studies of PX projects, which are located in Xiamen, Dalian and Ningbo respectively.

The case studies

In China, a number of laws and regulations including the 2003 Environmental Impact Assessment (EIA) Law and the 2006 Provisional Measures on Public Participation in EIA provide the legal basis for public participation in facility siting. In practice, however, they are not well implemented. The following case studies

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