

AUTHORITARIAN POLITICS AND ENVIRONMENTAL ACTIVISM
IN RUSSIA AND CHINA

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AUTHORITARIAN POLITICS AND ENVIRONMENTAL ACTIVISM
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Why do state-society relations under authoritarianism vary so widely from repression to cooperation to neglect? Why are some groups within civil society able to enter into cooperative relationships with state actors, while others are repressed or ignored? Using the example of environmental activism in Russia and China, I gain leverage on these questions by examining four tactics that activists use to interact with the state – leveraging international influence, engaging in mass mobilization, seeking justice through the legal system, and participating in formal and informal relationships with policymakers. Despite China’s more closed authoritarian system, I find that Chinese environmental groups have greater access to policymakers and are more able to contribute to governance. While in Russia, environmental groups are mostly excluded from governance and often specifically repressed. I argue that this can be explained by considering each state’s different approach to the dilemma of information and control and how that is shaped by differences in political structure, the regime’s basis of power, and major historical traumas. Evidence is drawn from over 13 months of fieldwork and more than 140 interviews with relevant actors in Russia and China.

BIOGRAPHICAL SKETCH

Elizabeth Nicole Plantan was born and raised in Indianapolis, Indiana. She holds a B.A. in Government and Russian & East European Studies from Wesleyan University in Middletown, Connecticut. Her graduate training includes an M.A. in Russian & East European Studies from Indiana University in Bloomington, Indiana and an M.A. and Ph.D. in Government from Cornell University in Ithaca, New York. Beginning in August 2018, she will be a China Public Policy Postdoctoral Fellow at Harvard Kennedy School's Ash Center for Democratic Governance and Innovation in Cambridge, Massachusetts.

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CHAPTER 1

INTRODUCTION

Introduction

From 1989 to 1991 a remarkable series of events led to the stunning collapse of communism across Central and Eastern Europe. In the Soviet Union, the late 1980s policies of *glasnost* and *perestroika* gave Soviet citizens a taste of political reform. As revolutions cascaded across the region, Soviet republics joined in the wave to declare their independence. By the end of 1991, the Soviet Union officially ceased to exist and Russia emerged as a newly independent state. However, although the inspirational events of 1989 reached beyond the region, similar pro-democratic movements in other parts of the world did not necessarily result in the desired change. In China, the pro-democracy protests in Tiananmen Square and elsewhere across the country were met with harsh repression. Instead of opening up politically, the Chinese Communist Party and its leaders re-asserted control over society.

As a result of these events, in the early 1990s the expectations for Russia and China could not have been more different. Russia looked to be on a democratic path, where citizens would be increasingly included in governance. Meanwhile, the Chinese leadership's violent affirmation of control in 1989 indicated greater restrictions on society. Scholarly evaluations of state-society relations in the two countries during this period reflected these expectations. Post-communist civil society in Russia was criticized for its "weakness" (Howard 2003), since societal actors were expected to help consolidate the fledgling democracy but were seen as underdeveloped due to their Soviet background (Fish 1995). In China, scholars emphasized the corporatist nature

of state-society arrangements (Unger and Chan 1995; Frolic 1997), with the state in control over an acquiescent, co-opted society.

Fast forward to present day. Instead of becoming a consolidated democracy, Russia backslid into a hybrid electoral authoritarian regime. The relative freedom that civil society groups experienced in the 1990s began to disappear as the state became increasingly authoritarian. In China, however, the space for civil society has gradually expanded. Paradoxically, civil society actors in China have been afforded more space for contributing to governance, while civil society actors in post-Soviet Russia have slowly watched their opportunities contract. Chinese societal groups can enter into consultative relationships with government actors, contributing to governance and influencing policy (Teets 2013, 2014). Meanwhile, Russian government leaders tend to ignore or exclude societal groups (Greene 2014), denying them meaningful mechanisms for input in governance, despite democratic-looking institutions for civil society participation.

What accounts for this difference? Why would China increasingly lean on civil society groups as partners in governance despite the regime's reaction to the potential threat of the pro-democratic movement in 1989? Why would Russian leaders exclude most civil society groups despite the existence of nominally democratic institutions that would facilitate public participation?

The answers to these questions lie in understanding each regime's approach to the dilemmas of authoritarian governance, which hinge on the dual problems of information and control. On the one hand, an authoritarian leader needs information from society about the level of regime support and feedback on the implementation of

the regime's policies. On the other hand, the leader is wary of allowing this information to flow freely, lest it spread discontent that could destabilize the regime. Thus, authoritarian leaders have to balance between fulfilling their informational needs and maintaining control over society. This dilemma is common to all authoritarian regimes and much of the literature has focused on the different ways in which authoritarian leaders solve this problem.¹ However, not only do different regimes approach the dilemma in their own ways, they could also have their own philosophies as to the importance of the problem at all. This could include placing different values on either information or control. It could also mean that instead of addressing the dilemma, the regime could decide simply to ignore these tensions, focusing on other ways to buttress the regime.

I argue that Russian and Chinese leaders have taken different approaches to the dilemmas of authoritarian governance and society's role within that approach. China has become hyper-focused on solving both problems of information and problems of control. After Tiananmen, China's leaders have developed ways to solve the dilemma both by allowing for societal input in governance *and* by increasing repression of more contentious behavior (Fu and Distelhorst 2018). This has made China an oft-cited model for the "state-of-the-art" of authoritarian governance in the literature on authoritarian information (see, for example, Lorentzen 2013; Manion 2015; Wallace 2016) and authoritarian resilience (Nathan 2003). By contrast, leaders in post-Soviet Russia have by-and-large ignored their informational dilemmas and society's role in

¹ For a review of the literature on how authoritarian institutions can help solve these problems, see Pepinsky 2014. For a review of the literature specifically on authoritarian approaches to information, see Wallace 2015.

solving them. Instead, the Russian regime favors other strategies of regime survival over sophisticated information-gathering mechanisms or resource-intensive tools of control. As I will explain in more detail in Chapter 2, these contrasting approaches stem from differences in the structure of these regimes, their bases of political and economic power, and major historical traumas that have shaped subsequent state-society arrangements.

Comparisons of two countries like Russia and China can tell us a lot about the choices that authoritarian leaders make about governance and how those choices affect their relationships with their societies. In many respects, the regimes are similar. They share a past experience of communism and – although they took different approaches to political and economic reform in the late 1980s and early 1990s – the two have converged over the last decade as leaders of contemporary authoritarian governance. But they differ in their specific approaches to governance, including their philosophies of societal management, the contours of which can only be seen clearly when viewed in comparison with the other.

Environmental issues provide a window into these differences. Overall, environmental activists in China are more often treated as beneficial partners helping to solve the regime’s information problems, while Russian environmental activists are treated as confrontational or destabilizing forces contributing to the problem of control. For example, the recent “foreign agent” law in Russia has caused many environmental groups to close,² making them the second most-affected sector under

² Schreck, Carl. 2017. “HRW Calls Russian ‘Foreign Agent’ Law ‘Devastating’ For Environmental Groups.” RFERL. 21 November. <https://www.rferl.org/a/russia-hrw-says-foreign-agent-law-devastating-environmental-groups/28868194.html>

the law after human rights organizations (see Plantan 2018). Russian environmental activists also often engage in mass mobilization to express their grievances, but those who protest are regularly harassed, arrested, and beaten (often by hired thugs).³ In addition, although environmental activists in Russia often take their claims to court, they are more likely to lose than win⁴ and state actors can also use the law and courts to prosecute environmentalists on wildly trumped-up charges alleging anything from software piracy to graffiti.⁵ While there are a few cases where environmental groups can collaborate with government bureaucrats, such as by creating national parks or protected areas,⁶ more often, even institutionalized channels to policymakers like the Presidential Council for Civil Society and Human Rights are ineffective.⁷ If not being excluded or ignored by the state, Russian environmentalists are often seen as threatening regime stability and exacerbating the problem of control.

By contrast, in China, environmental groups are able to enter into consultative relationships with policymakers (Teets 2013, 2014) to help solve the regime's

³ On harassment, see: Vidal, John. 2014. "Exiled environmental activist speaks of 'impossibility' of protest in Russia." *The Guardian*. 28 April.

<https://www.theguardian.com/environment/2014/apr/28/russia-environmental-protest-suren-gazaryan>; On arrest, see: Kramer, Andrew E. 2014. "Russian Environmentalist, and a Critic of Olympics, Gets 3-Year Prison Sentence." *The New York Times*. 12 February.

<https://www.nytimes.com/2014/02/13/world/europe/russian-environmentalist-gets-3-year-sentence.html>; For an example of beatings resulting in death, see: BBC News. 2013. "Russian Khimki forest journalist Mikhail Beketov dies." 9 April. <http://www.bbc.com/news/world-europe-22078842>; On hired thugs, see: Litvinova, Daria. 2015. "Moscow Residents Assaulted for Protesting Against Construction in Park." *The Moscow Times*. 8 September. <https://themoscowtimes.com/articles/moscow-residents-assaulted-for-protesting-against-construction-in-park-49420>

⁴ Author interview with a lawyer-turned-environmental-activist in Moscow (Interview 81-RF070216). The respondent admitted that they lose the majority of their cases.

⁵ On software piracy, see: Levy, Clifford J. 2010. "Russia Uses Microsoft to Suppress Dissent." *The New York Times*. 11 September. <http://www.nytimes.com/2010/09/12/world/europe/12raids.html>. On graffiti, see: Kramer (2014).

⁶ WWF Russia. 2012. "Land of the Leopard National Park is established." 10 April. <http://www.wwf.ru/resources/news/article/eng/9425>

⁷ Author interview with a representative of a TENGO in Moscow (Interview 44-RF113015). The respondent lamented that the council provides a channel to the Russian president that is only sometimes effective.

information problems. For example, through these informal channels, environmentalists have been able to appeal to government decision-makers to require both state-owned and private factories to publicly release real-time pollution data.⁸ Furthermore, Chinese environmental NGOs have been encouraged in recent years to take public interest litigation to court, an expansion in legal standing that Russian environmental organizations still lack. More importantly, they can actually win these cases.⁹ Of course, Chinese environmentalists could still be “invited to tea” by government officials when their actions are deemed to cross the line.¹⁰ However, as myriad studies of Chinese civil society have shown, the space for activism around environmental issues remains relatively open (Hildebrandt and Turner 2009; Ho 2001; Ho and Edmonds 2008; Yang and Calhoun 2007).

These different opportunities and constraints have led environmental groups to make different choices about their subsequent interaction with state actors. In China, environmental groups can take advantage of opportunities within the system (through the legal system or through informal relationships with policymakers) to reach their goals, creating further incentives to temper their involvement in more destabilizing activities like mass mobilization in order to maintain their privileged position.

Meanwhile, state hostility to environmental groups in Russia has forced them to turn

⁸ Denyer, Simon. 2014. “In China’s war on bad air, government decision to release data gives fresh hope.” *The Washington Post*. 2 February. https://www.washingtonpost.com/world/in-chinas-war-on-bad-air-government-decision-to-release-data-gives-fresh-hope/2014/02/02/5e50c872-8745-11e3-a5bd-844629433ba3_story.html?utm_term=.d1c42e7a4c75

⁹ Chun, Zhang. 2015. “NGOs Win China’s First Public Interest Environmental Lawsuit.” *The Diplomat*. 14 November. <http://thediplomat.com/2015/11/ngos-win-chinas-first-public-interest-environmental-lawsuit/>

¹⁰ This experience was often cited by environmentalists in first-person interviews with the author conducted between January 2016 and January 2017 in China. For more information on the practice of being “invited to tea,” see: Wu, Yuwen. 2013. “Tea? Reining in dissent the Chinese way.” 17 January. *BBC News*. <http://www.bbc.com/news/world-asia-china-21027416>

to more confrontational tactics such as mass mobilization, since within-system channels (legal or institutional) are either unavailable to them or ineffective as a means to achieve their goals. Furthermore, Russian environmentalists who remember the post-Chernobyl environmental movement at the end of the Soviet Union had seen first hand that mass tactics could work.

To re-state the earlier research questions with the example of environmental groups: What accounts for these differences between how environmental activists interact with the state in Russia compared to China? Why have environmental activists become available partners in governance in China, while they are excluded from the political system or become targets of repression in Russia?

To explain these differences, I begin by considering how the regime chooses to balance between the dual pressures of information and control and how societal groups fit within this strategy. Both regimes have a full range of options for how to structure their interaction with societal groups – including (but not limited to) repression, responsiveness, or neglect. However, their estimation of how to solve this dilemma, how much importance to place on information or control, and which groups within civil society pose control risks or informational benefits differs. Three main factors – the regime’s political structure, the foundation of the regime’s power, and historical legacies – determine the regime’s approach. The ways in which environmental issues intersect with these factors explains why the Chinese regime chooses to include environmental civil society input in governance, while Russian leaders do not.

In Russia, the structure of hybrid authoritarianism lessens the overall need for obtaining information from societal actors through informal consultative relationships, since elections and democratic-looking institutions can provide some information on societal grievances and the regime's level of support. However, even though elections and democratic-looking input institutions exist, Russian leaders do not always choose to address the information about societal grievances that they receive through these channels. Instead, I find that the Russian regime has more often chosen to ignore environmental activists, even when those actors could be providing both information and solutions to improve governance. This is because the basis of regime support from the population is not necessarily derived from its performance through specific policies, but from the ability of the current regime to provide overall stability compared to the 1990s (Matovski 2018). In addition, the political and economic foundations of the regime are threatened by environmental demands. The Russian national economy not only relies heavily on natural resource extraction, but the current political system also relies on a kleptocratic network of loyal elites whose interests heavily overlap with these industries. Furthermore, environmental issues were a key driver of mass mobilization in the late 1980s that contributed to the Soviet collapse (Dawson 1996), reminding leaders of environmentalism's potential for spiraling into anti-regime demands. Finally, environmental groups have themselves reinforced these arrangements with the state, since they often rely on more confrontational tactics (such as mass protest) when institutionalized channels to policymakers are blocked.

In more closed authoritarian China, without the information from elections or democratic-looking input institutions, there are greater incentives for the state to

engage in informal relationships with civil society actors to provide for its informational needs. Although not all civil society groups can engage in these consultative relationships, environmental groups can. This is because the regime has come to rely on measurable performance indicators to support its legitimate claim to rule. In the 1990s, the focus was largely on economic development, but as the population has grown richer, performance goals have evolved to include things like the quality of the environment. Furthermore, the regime is less threatened by environmental mobilization, both since it was not a driving force behind Tiananmen (even if some individual environmentalists participated in these events) and because environmental groups have developed to respect limits on more confrontational tactics like mass mobilization in the post-Tiananmen era. In this context, Chinese environmental groups have positioned themselves well to provide feedback on the regime's policies in ways that the regime deems acceptable.

To provide evidence for the argument, this dissertation explores the interaction between environmental activists and state actors in Russia and China through the use of specific tactics. This includes international involvement (Chapter 3), engaging in mass mobilization campaigns (Chapter 4), seeking justice through the legal system (Chapter 5), and working directly with policymakers through informal or formal relationships (Chapter 6). These tactics are arranged from external, confrontational tactics (international support and mass mobilization) to more within-system, cooperative ones (legal and formal or informal institutions). Through an examination of these common tactics, each empirical chapter illustrates how activists and authoritarian leaders engage with one another. This allows for a rigorous comparison

of state-society relations in two different authoritarian regimes, isolating by issue area (environmental protection) and chosen tactic (from more confrontational to more cooperative).

By comparing Russia and China, putting the state-society interaction at the forefront, and explaining the resulting variation (while holding issue area constant), this dissertation expands upon and contributes to literature on comparative authoritarianism, civil society, and environmental politics. First, the comparison itself is valuable. Comprehensive comparative studies of Russia and China are rare, but have the potential to contribute greatly to our understanding of the varieties of authoritarian governance. Understanding how Russia or China approach their civil societies in general – and environmental issues in particular – is of critical importance to global engagement with these regimes on these and other issues. Second, by focusing on the case of environmental groups, the dissertation provides an explanation for why certain groups within the same policy area would be treated differently in these regimes. This guards against assumptions that environmental groups would necessarily be treated similarly in other types of authoritarian regimes and provides a roadmap for the factors that might influence regime engagement with societal actors in other areas. Finally, by remaining agnostic to regime stability or collapse, the study puts the focus on more routine interaction between state and societal actors in these regimes thus adding to our understanding of everyday politics under authoritarianism.

Authoritarians & Their Societies

Much of the literature on authoritarianism hinges on a central dilemma of governance between obtaining information and maintaining control. This stems in part

from the concept of the “dictator’s dilemma” (Wintrobe 1998), wherein as a dictator becomes more repressive, it becomes more difficult to obtain information about the true level of regime support because citizens and elites engage in “preference falsification” out of fear of looking disloyal (Havel 1985; Kuran 1991, 1995). On the one hand, an authoritarian leader needs honest information about regime support and societal grievances. On the other, if that regime-disparaging information were to spread freely, it could increase citizens’ common knowledge of each other’s discontent (Kuran 1991; Chwe 1999) and fuel regime-toppling “information cascades” (Lohmann 1994) that could even diffuse across borders, as in the electoral mobilizations that toppled dictators during the Color Revolutions (Tucker 2007; Beissinger 2007; Bunce and Wolchik 2011).

The informational side of the dilemma has inspired many studies to focus on the regime’s information-gathering tools, such as public opinion polling (Nalepa and Pop-Eleches 2013), formal citizen complaints (Dimitrov 2014a, 2014b, 2015), partially free media (Egorov, Guriev, and Sonin 2009), and even limited public protest (Lorentzen 2013). But, given the other half of the dilemma, these information-gathering techniques can backfire if information about regime missteps spreads freely and increases public or elite discontent. To control for the spread of public discontent, authoritarians might turn to repression, relying on coercive capacity and state power (Slater and Fenner 2011; Bellin 2004) to quiet protests. To control for elite defection, the regime can co-opt elites and opponents through institutions,¹¹ such as legislatures

¹¹ This literature on authoritarian institutions emphasizes the ways in which institutions contribute to regime stability, but authoritarian institutions can also have unintended consequences that could facilitate collapse. See, for example, Bunce 1999.

(Gandhi 2008; Gandhi and Przeworski 2006), parties (Brownlee 2007; Magaloni 2006, 2008), and elections (Blaydes 2011; Gandhi and Lust-Okar 2009), that can credibly and publicly signal the leader's commitment to share power (Boix and Svolik 2013; Svolik 2012).

As this brief review of the literature illustrates, a focus on the dilemma of information and control often leads to scholars of authoritarianism to emphasize the successful and clever ways in which the regime solves these problems, thus enhancing regime stability and avoiding regime collapse. However, as a review of the literature rightly critiques, “authoritarian regimes do many things besides grow/stagnate and survive/collapse...and if we are to explain variation in these factors across regimes and over time, close attention to other variables will be necessary” (Pepinsky 2014, 650-651). This focus on either regime stability or collapse – which often reduces regime behavior to repression or co-optation – has left a wide gap in our understanding of the everyday politics under authoritarianism, including a lack of knowledge about the various state-society relations and the policies that govern them in modern authoritarian regimes.¹² The literature also tends to assume that all authoritarian leaders have an interest in cleverly solving both informational and control problems, when they also have the option of ignoring one or both of them.

Furthermore, studies of authoritarianism that focus on solving informational dilemmas often reduce society's interaction with the regime to the threat of a regime-toppling mass movement. However, societal actors, just like elites, have their own

¹² For a broader critique of reducing authoritarian states and societies to over-simplified binaries, see Yurchak (2005) on the much more complicated everyday realities of life in the Soviet Union and its legacy.

goals that are often not captured in these state-centric evaluations of collapse or stability. Studies of social movements and civil society help to fill in some of these gaps by moving the focus from the state to society. Studies of social movements focus on the ways in which societal actors solve the problem of collective action (Olson 1965) through shared grievances (Gurr 1970; Davies 1962; Smelser 1963), resource mobilization (McCarthy and Zald 1973; 1977), issue framing (Goffman 1974; Snow et al. 1986; Snow and Benford 1988), or taking advantage of changes in political opportunity structures (Piven and Cloward 1977; Tilly 1978, 2008; McAdam 1982; McAdam et al. 1996). Scholars have also considered the role of transnational advocacy networks (Keck and Sikkink 1998), cycles of contention (Tarrow 1994; Tilly 1995), scale shift (McAdam and Tarrow 2005), and movement diffusion (Givan, Roberts, and Soule 2010). But these studies' primary focus is on the movements and their myriad opportunities, without much consideration for how the state (particularly an authoritarian one) may view opportunities or threats related to its engagement with societal actors.¹³

In addition, much of the literature on civil society is built on the Western experience of democratization, which defines civil society as autonomous from and oppositional to the state (Habermas 1989; Cohen and Arato 1992; Gellner 1994) and correlates a robust civil society with better, more democratic outcomes (de Tocqueville [1835] 1994; Putnam 1993).¹⁴ Assuming that societal actors challenge the

¹³ Tarrow (2011) mentions this critique, that scholars of contentious politics should be more attuned to opportunities and threats on both sides. However, they are more listed than incorporated, and the state's response (to "oppose or appease" (Tarrow 2011, 189) the movement through mobilization, repression, or facilitation) is still quite limited.

¹⁴ For an alternative view, see Berman 1997.

regime and pursue liberal goals blinds from the ways in which civil society could actually support and strengthen non-democratic states, giving authoritarians an incentive to work with (certain) members of society. Societal actors may also be inclined to work with state actors, even in authoritarian contexts, since having some access to policymakers is preferable to none.

The literature on civil society and social movements in Russia and China illustrate some of these problems. Given the expectations for democratization in the 1990s, scholars of Russian civil society have generally lamented the “weakness” of civil society in the post-communist world (Howard 2003), driven by a distrust of the public sphere inherited from its communist legacy (Rose 1996; Jowitt 1992; Mishler and Rose 1997). This has left scholars of post-Soviet Russia disappointed about “perennially weak” conventional civil society (Beissinger 2017, 351) that fails to live up to Western expectations. Rejecting the idea of a civil society that is oppositional to and autonomous from the state, many China scholars argued that state-led or corporatist models are a better fit for state-society relations in China (Unger and Chan 1995; Frolic 1997). In both cases, these critiques often place unfair expectations or restrictions on civil society in these contexts, are hyper-focused on the development of formal or professionalized organizations, and over-estimate state control. These binary expectations for civil society actors to either usher in democracy or blindly follow and support the regime’s goals obscure the idea that both sides – state and society – have a theory of how best to obtain what they want from the other and that both can have room to maneuver.

Recent studies have provided an important update to this literature, finding a more complex relationship between civil society and the state in these contexts since the 1990s. More recent studies of Russia have acknowledged that civil society is contingent upon its interaction with the state, which has shifted towards authoritarianism. Greene (2014) argues that post-Soviet Russian elite politics have developed in such a way that society is excluded, making it much more difficult for civil society to be effective unless certain conditions are met. This understanding of the state structuring the rules of the game is helpful since it deflects blame away from civil society, although it over-estimates state control as “virtually unassailable” (Greene 2014, 221), the state only has three options in response (co-opt, control, or concede), and the study does not fully consider the unintended consequences to the regime from excluding civil society and not being responsive to societal demands. Studies of Chinese civil society since the 1990s have documented the increasing pluralization of Chinese politics (Mertha 2008, 2009), where (relatively) autonomous societal actors (Lu 2007) can become more involved in regime governance, complicating the classic corporatist model. This has expanded to include the concept of “consultative authoritarianism” (Teets 2014) or “authoritarian deliberation” (He and Warren 2011) in which “self-limiting” organizations (Hildebrandt 2013) form collaborative and cooperative relationships with state actors to solve (certain) social problems. These studies provide important amendments to the literature by considering other arrangements for state-society relations under authoritarianism.

But these studies still have shortcomings. First, they tend to pick a side on the stability versus collapse debate and assume that their model could transfer easily to

other types of regimes (and all types of groups), which can prevent a discussion of the array of state-society relationships under authoritarianism. For example, both Teets (2014) and Hildebrandt (2013) argue that consultative relationships with “self-limiting”¹⁵ organizations in China are ultimately a source of authoritarian resilience. This over-estimates the state’s control over these relationships and again misses the opportunities and threats that both might face by collaborating or participating in co-dependent relationships. There are also problems of generalizability from many of these single-case or single-country studies, both with respect to cross-national and subnational variation and differences by issue area. For example, some organizations (from human rights lawyers to the Falun Gong) would never be able to enter into these collaborative relationships in China, while some other social groups (like patriotic youth organizations or those providing social services) in Russia could be more included in policymaking. Koesel (2014) deals with variation the best, noting which religious groups (“insider” versus “transnational”) are more or less likely to be able to enter into collaborative relationships with local state actors, but her categorization is fairly specific to religious institutions. The literature so far lacks a systematic understanding of which societal actors are more likely to have certain relationships with state actors, while accounting for differences in issue area, timing, geography, and how these relationships might change over time.

This dissertation seeks to address these shortcomings in the literature in several ways. First, I problematize the focus on the dilemma between obtaining information and maintaining control. Not all regimes place the same emphasis on solving this

¹⁵ See Staniszkis 1984 on the concept of a “self-limiting” revolution during the rise of the Solidarity movement in Poland.

problem nor do they necessarily have the same interpretations of society's role in solving or exacerbating it. Some could be more interested in obtaining information and improving governance (often by including society), while others are more interested in maintaining control (more often repressing societal actors). Still others could ignore the dilemma entirely (to the exclusion of societal actors), relying instead on other ways to sustain their rule. Second, this study provides a corrective to state-centric and "society-as-a-challenger" evaluations, since it recognizes that the regime does not always perfectly navigate these problems and that society does not only seek anti-regime collective action. It does this by focusing on the routine interactions between state and societal actors in the empirical chapters that are organized around particular tactics that societal actors can use to achieve their (non-regime-toppling) goals. Third, by comparing Russia and China, the dissertation provides leverage on the similarities and differences between these two important regimes to understand why and when conclusions about one might apply to the other or to other authoritarian regimes. Many of the insights gleaned from this study are only possible by looking at these regimes and their societies in close comparison, which requires a level of familiarity with both contexts that is rarely found in the current literature. Finally, the study focuses on a single area of civil society (environmental groups) common to both regimes in order to identify why different regimes treat groups from the same issue area differently, and why, domestically, within-issue or subnational variation also occurs. This close comparison not only of Russia and China, but also of environmental groups, ultimately adds to our understanding of authoritarian politics, the dual pressures of

information and control, and the different theories of societal management under authoritarianism.

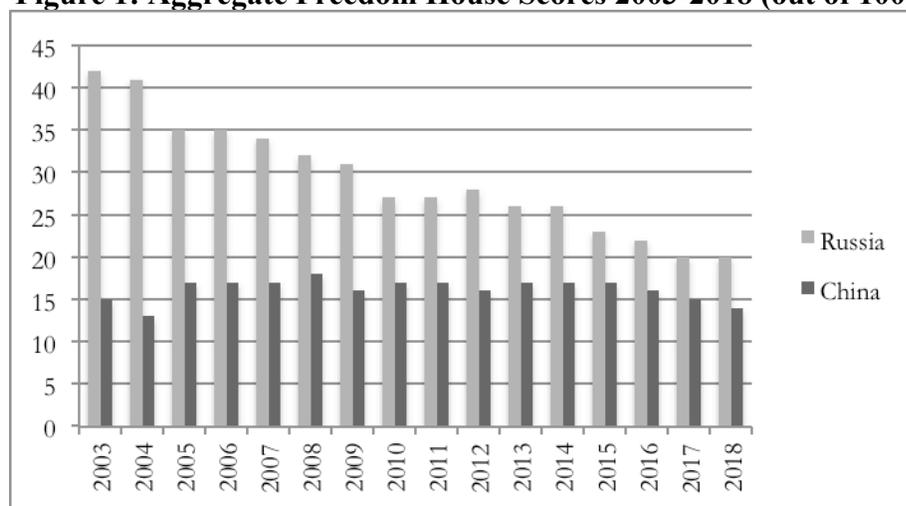
Case selection

Why compare Russia and China?

Russia and China are two of the most important modern authoritarian regimes in the world, and they feature a combination of similarities and differences that make for rigorous comparison. They share a legacy of state socialism, the experience of rapid industrialization, and subsequent economic reforms – a comparison that has been well-covered in the literature (Pei 1994; Sachs and Woo 1994; Solnick 1996; Popov 2000; Bernstein 2013). Over time, despite Russia’s dual political and economic transition in the 1990s, objective measures of political freedom in both countries have converged, making the two countries even more suited for comparison as contemporary authoritarian regimes. For example, in 2003 there was a 27-point difference in aggregate Freedom House scores between the two countries with Russia ranked more democratic as “partly free,” but by 2018 the margin narrowed to only 6 points with both ranked as “not free” (see *Figure 1*). Taking advantage of this convergence, recent studies have compared their levels of corruption (Sun 1999), approach to civil society (Richter and Hatch 2013), informal networks (Ledeneva 2008a), regional economic and political characteristics (Rochlitz et al. 2015; Remington 2016) and even parallel strategies of “diffusion-proofing” (Koesel and Bunce 2013). The two regimes share many similarities as non-democratic peers, and

their strategies for how to deal with the problems of dictatorial governance have become a potential alternative model to liberal democracy for aspiring authoritarians.¹⁶

Figure 1: Aggregate Freedom House Scores 2003-2018 (out of 100)



Source: Freedom House. 2018. "Freedom in the World 2018."

But differences between the two countries make the comparison even more valuable. First, they differ in how they have approached transition – while China remained politically closed as it opened up economically to the world, Russia experienced a dual transition before backsliding into a hybrid form of authoritarianism that includes national-level competitive elections. Elections are a critical difference between the two regimes, particularly with respect to the threat of electoral mobilization and regime change (Beissinger 2007; Tucker 2007; Bunce and Wolchik 2011; Trejo 2014) that elites might perceive in Russia, but also the opportunities to gather or transmit real information about regime dissatisfaction from the (manipulated) election results (Schedler 2002; Malesky and Schuler 2011; Simpser

¹⁶ For a discussion of “the China model,” see Bell (2016) and Ambrosio (2012). For a dissenting opinion on Russia as a model, see McFaul and Stoner-Weiss (2008). For a comparison of both Russia and China as resurgent authoritarians, see Lo and Shevtsova (2012).

2013; Little 2017). In addition to differences in approaches to political and/or economic transition, they contrast in how each regime handled mass mobilization at the end of the 1980s. Briefly, this difference hinges on the experiences during *glasnost* at the end of the Soviet Union, where mass mobilization (including a post-Chernobyl environmental movement, see Dawson 1996) hastened collapse and ushered in a period of chaos during the 1990s, compared to the decision to use swift and harsh repression to quell the Tiananmen Square democratization protests in 1989, followed by a period of stability and enormous economic growth (Lagerkvist 2014). Both regimes have also shifted away from a reliance on communist ideology, creating pressures for finding a different foundation for the legitimacy of their rule and how to justify their behavior to society. As I will argue in Chapter 2, these divergent characteristics in regime type and historical legacy, combined with differences in the regime's source of legitimacy or stability, have shaped the threats, constraints, and opportunities for social and state actors in their engagement with one another. These arguments will be developed more in the next chapter.

Why compare environmental groups?

Environmental issues have been selected as the focal point for this comparison between Russia and China for the analytical leverage that they provide. First, the two countries have a similar base level of environmental degradation. Russia and China both experienced rapid industrialization and a “catch up” period with the West that created devastating environmental problems through the large-scale exploitation of natural resources (Josephson 2010; Ziegler 1985; Shapiro 2001). Although concern for the environment briefly resurfaced in the 1980s under Gorbachev and Deng,

throughout the 1990s, the natural environment was generally overlooked in favor of economic development (Smil 1993; Economy 2005; Henry 2009). As a result, chronic environmental problems persist.

How Russian and Chinese leaders deal with these environmental problems and interact with environmental civil society, however, can be quite different. Choosing environmental groups for the comparison allows the study to keep issue area constant in order to gain variation in how these similar groups interact with each respective regime. Compared to some other civil society issues, the direction of the regime's response to environmental groups is less obvious. Environmental groups are neither as regime-destabilizing as human rights groups nor as state-supporting as groups working on social services provision like education or healthcare. Instead, environmental activism can occupy a space between these two extreme poles on the continuum of state-society relations. For example, environmental groups could be seen as patriotic and state-supporting (protecting that country's natural environment) or as more oppositional and contentious (if that advocacy conflicts with state imperatives for economic development). This makes environmental groups an ideal case for looking at variation in the state's relationship to civil society beyond "either/or" decisions between repression or responsiveness.

Furthermore, environmental civil society has an important historical status in both countries. Environmental groups in Russia and China are considered to be the some of the oldest and most influential organizations, heavily aided by international funding in the post-Soviet and post-Reform periods (Henry 2010; Crotty et al. 2014; Ho 2001; Schwartz 2004; Hildebrandt 2013). In China, scholars consider

environmental organizations to be a “crucial” case for Chinese civil society because environmental issues are one of the *least* politically sensitive, the groups are older and have had more international support, and they typically have better central government relations (Hildebrandt 2013). In the late-Soviet and early post-Soviet period, Russian environmental groups looked similarly well-positioned for many of the same reasons, especially for the level of mobilization during the post-Chernobyl environmental movement (Dawson 1996), but that hope quickly faded in the early 2000s as government policies increasingly targeted environmental groups (Henry 2010). As mentioned earlier, this has led to an overall national situation in China, where despite its more closed political structure, environmental groups are more likely to be seen as partners who can help the regime address key problems of governance. Meanwhile, Russian environmental groups are more likely to be seen as a threat and a potential contributor to anti-regime mobilization. For these reasons, environmental issues give particular leverage on why the regime might treat certain groups within civil society differently.

Finally, it is important to disaggregate civil society and the state into a series of corresponding actors. It is easier to identify specific actors when focusing on one particular issue area. For this study, this includes relevant actors within the state’s environmental bureaucracy, domestic environmental groups, and branches of transnational environmental organizations. For all of these reasons, I have selected environmental issues for the comparison.

Methods & Materials

To examine environmental state-society relations in Russia and China, this dissertation draws its evidence from extensive field research, including semi-structured interviews, participant observation, and a collection of printed material (mostly NGO's own publications). This data was collected during more than 13 months of fieldwork in Russia and China from 2015 to 2017,¹⁷ which culminated in over 140 interviews with NGO leaders, grassroots activists, journalists, researchers, and domestic and international government officials. All interviews were semi-structured and conducted by the author in the target language according to the interviewee's preference (Russian or Mandarin, or in a handful of cases, English). These interviews have been anonymized to protect the individual respondents and their organizations.¹⁸ In addition, the author also collected data for an original dataset on the implementation of two key laws governing civil society in Russia and China that is the basis for analysis in Chapter 3. The full dataset will be available on the author's website for replication and future studies.

Because the study is focused on understanding how the regime approaches the role of societal actors in solving the dilemmas of authoritarian governance, how this can differ across regime, between groups within the same regime, and over time, I take an inductive approach to analyzing this data. In contrast with deductive approaches in the literature, this allows me to see the different patterns in behavior that emerge

¹⁷ The fieldwork trips were as follows: September 2015 to December 2015 in Russia; January 2016 to May 2016 in China; June 2016 to September 2016 in Russia (with a brief trip to China from Russia for 2 weeks in August 2016 for follow up and additional site visits) and finally, a month-long return trip to China in January 2017.

¹⁸ Some individuals interviewed gave the author permission to use their names or the names of their organizations. However, since this is such a small community, all respondents are anonymized to deter identification of other interviewees (who explicitly asked for anonymity) through a process of elimination.

comprising each regime's different approach to managing society. Furthermore, the study takes the form of a primarily qualitative paired comparison (Tarrow 2010), a variant on the comparative method (Lijphart 1971; Collier 1993) in general and controlled comparisons in particular (Dunning 2012; Gisselquist 2014; Slater and Ziblatt 2013). By looking at a pair of countries at the national level and also adding in subnational comparison in each empirical chapter where appropriate (Snyder 2001), this study helps to guard against some of the problems famously outlined by Lijphart (1971) by increasing "n," working with "comparable" cases, and focusing on key variables. Throughout the chapters, shorter descriptive case studies will be presented for unpacking the variation in state-society relations under authoritarianism (George and Bennett 2005; Gerring 2007). However, although I occasionally bring up specific cases and single social movements as illustrative cases in these chapters, I am explicitly guarding against a problem in the social movement literature of examining a single movement that Tarrow (2011) identified. As he argues, these types of studies "will not tell us much about the relations among challengers, authorities, and third parties" (Tarrow 2011, 56). Therefore, while I reference specific cases and use them as examples, these cases are intended to be illustrative of broader trends within civil society, which is supported by interview material with respondents both involved and not involved in these cases. To deter identification of respondents, most of the interview material is intentionally separate from the case study descriptions in a broader discussion section in each empirical chapter. In addition, the dissertation is specifically structured by tactic (mass mobilization, legal routes to justice, and (in)formal institutions) to put the focus more explicitly on the interaction between

societal and state actors through this tactic, rather than on one particular case study at any given time.

Plan of the Dissertation

This chapter has provided an introduction to the study, including a review of the relevant literature on authoritarian civil society, particularly with respect to the authoritarian dilemma and the dual problems of information and control. The current literature tends to focus on how the regime makes dichotomous decisions with respect to managing society based on scholar's theories of which decisions would promote regime stability or those that would presage regime collapse. There are limits to these deductive approaches, however, which has caused much of the literature to miss variation in state-society relationships across different regimes. This study instead uses an inductive approach, focusing on environmental civil society groups in two different authoritarian regimes, to document wide variation in how authoritarians approach the common dilemma of information and control, which in turn leads to different patterns in state-society relationships.

The next chapter (Chapter 2) develops the argument. I argue that Russia and China have developed similar mixed approaches to civil society management that include a range of responses along a continuum from repression to responsiveness, but differ in their decisions of how to apply this expanded "toolkit" to certain groups. Specifically, I find that environmental civil society groups are treated differently between the two countries: Chinese leaders encourage and cooperate with environmental groups, while Russian leaders tend to exclude and repress them. I argue that this reflects different perceptions of whether environmental groups threaten or

support regime stability which are shaped by regime type, sources of regime power, and past experience with mass movements. Authoritarian leaders will make decisions about how to treat groups within civil society based on these three factors, and civil society actors react in turn to the state's response. In this model, state and societal actors are playing a game to balance the risks and benefits of their interaction with one another based on threats perceived, opportunities available, and constraints imposed.

This argument is supported by evidence in the empirical chapters that follow. First, Chapter 3 provides national-level evidence to illustrate the argument that Russia and China have developed different approaches to the common problem of information and control, including differences in their treatment of specific civil society groups. The chapter compares and contrasts the selective implementation of two similar national-level laws governing international influence to civil society. In terms of the dilemmas of authoritarian governance, international support of civil society groups could help with development goals or public service provision, but it could also foster the growth of groups that could eventually challenge the state in a Color Revolution or Arab Spring-style movement. Russian and Chinese leaders share a concern about the link between foreign funders and civil society groups seen as driving regime change in these waves of revolution, which has led to the development of laws intended to limit foreign influence to civil society within their borders. However, although both regimes have drawn similar conclusions about the dangers of foreign influence to civil society, the implementation of these laws reveal different strategies of how to deal with this threat and interpretations of which types of groups are the most likely sources of these dangers. The implementation of the repressive

Russian “foreign agent” law – a public “blacklist” of groups seen as having nefarious ties to international funders – has primarily targeted rights and environmental groups. Meanwhile, the Overseas NGO Law in China – a public “whitelist” of those international groups most welcomed by the authorities – selectively encourages international funders working with domestic groups in certain areas, including trade, education, health, disaster relief, poverty alleviation, and the environment. The Russian law emphasizes control over certain societal actors seen as threatening the regime, while the Chinese law encourages collaboration with select organizations in specific issue areas that could aid regime governance.

After Chapter 3, each of the subsequent empirical chapters focuses on a particular tactic that environmental civil society actors use to achieve their goals in interaction with the state. These are arranged from the most confrontational, outside-system tactics (mass mobilization) to more cooperative, within-system tactics (from legal routes to justice to (in)formal relationships with policymakers). The tactics examined in these chapters are microcosms of the authoritarian dilemma between information and control. While there are some incentives for the state to allow civil society actors to engage in these tactics to provide information on societal grievances and/or improve policies, there are also counter-incentives since these mechanisms could also trigger the problem of authoritarian control. For societal actors, the regime has set the parameters of acceptable engagement, encouraging or discouraging the use of each tactic. As each chapter will show, this has led to differences in how state and societal actors, particularly environmental ones, engage in these tactics between the two countries.

Chapter 4 examines how state actors and environmental activists engage through the use of mass mobilization tactics. Mass mobilization, like the other tactics, could provide information about societal grievances to state actors, but it is also potentially regime de-stabilizing if the movements were to grow out of control. Despite the fact that environmental protest has recently increased in both countries, I find a divergence in how organized environmental civil society groups in Russia and China relate to this tactic over time. In China, environmental activists – particularly at domestic or international ENGOs – have reduced their formal involvement in mass campaigns and have limited visible horizontal linkages between environmental groups, contributing to a lack of coordinated, cross-regional protest of the type seen during the events of Tiananmen. In Russia, environmentalists – whether grassroots activists or formal NGOs – are increasingly turning to mass mobilization and coordinated mass protest across Russia’s cities and regions as the most effective tactic to elicit policy change. These different approaches to environmental mass mobilization have been shaped by the different historical legacies of mass mobilization in either country, which also shaped state perceptions of the threat posed by environmental activism.

In Chapter 5, I examine how environmental activists and the state interact through the legal system. As with the other tactics, legal routes to justice generate an authoritarian dilemma over courts in which independent courts could be both beneficial and threatening to the regime. On the one hand, autonomous courts and some semblance of the rule of law could legitimize the regime. On the other, a truly independent legal system could be destabilizing. Activists in Russia and China can

take advantage of this duality to find opportunities to use the law or courts to reach their goals. I find that although both regimes face the same dilemma over courts, the ability of environmental groups to take advantage of this duality differs. Chinese environmental activists have been given more “green light” signals from the state for using environmental litigation and tend to see legal mechanisms as an increasingly effective way to reach their goals. Meanwhile, Russian environmentalists face greater barriers to litigation and are often pessimistic about their effectiveness in the face of greater uncertainty about outcomes.

In the final empirical chapter (Chapter 6), I examine the ability of environmental groups to engage in formal and informal relationships with policymakers. Institutionalized mechanisms for civil society participation in governance, whether formal or informal, are the most cooperative of the tactics examined in this study. Still, allowing civil society actors to get a taste for participation in policymaking could undermine the regime if it creates greater expectations for inclusion in the future. Thus, the regime has incentives to carefully control how activists engage with policymakers through these mechanisms, which could limit their effectiveness as a tool for certain groups within civil society. With respect to environmental groups, I find that although Russia has more formalized, democratic-looking institutions for civil society participation, their dismantling of the environmental bureaucracy since the 2000s has made these channels less accessible and less effective for environmental civil society. In China, although channels from civil society actors to policymakers tend to be informal and ad hoc, environmental

activists generally perceive them as effective, especially since they have been strengthened by the increased status of the environmental bureaucracy over time.

Each of these empirical chapters reinforces the claim that environmental groups are treated differently between Russia and China. Furthermore, just as the regime manages environmental groups differently, so do those groups, responding to the regime's behavior, conduct themselves differently. In the concluding chapter (Chapter 7), I review these findings and consider broader themes and lessons learned from comparing these groups in Russia and China. In Russia, although there is generally more space for activism and less control over civil society, environmental activists are less able to pursue their goals through these more cooperative mechanisms, turning instead to the most confrontational tactic: mass mobilization. This reinforces the Russian leaders' perception of environmental groups as threatening, especially considering the role of the environmental movement in past regime-destabilizing mass mobilization and the fact that environmental issues can encroach on the regime's sources of political and economic power. Meanwhile, despite the "lower ceiling" for activism in China, environmental groups are able to more effectively pursue their goals through legal challenges or informal relationships with policymakers. This stems from the fact that Chinese leaders are more likely to see environmental groups as partners in governance, which creates further incentives for these groups to temper their tactics (such as limiting their involvement in mass mobilization) to maintain access to these privileged channels. These findings highlight the importance of comparing these two major authoritarian regimes side-by-side to understand where

their approaches overlap and where they diverge, instead of assuming that findings from a study of one regime will necessarily apply to the other.

CHAPTER 2
EXPLAINING VARIATION IN STATE-SOCIETY RELATIONS
UNDER AUTHORITARIANISM

Introduction

The introductory chapter includes brief examples illustrating variation in how environmental groups are treated in Russia and China. Sometimes these groups are able to achieve their goals, work with state actors, and are even encouraged by the regime (the China model). At other times, environmentalists are ignored or specifically targeted and repressed (the Russia model). This reflects a broader puzzle about state-society relations in these and other authoritarian regimes. Why do authoritarian leaders sometimes repress, co-opt, ignore or exclude civil society groups, yet at other times encourage, partner with, or consult these actors? As I briefly explained in the previous chapter, the answer to this question hinges on a central dilemma of authoritarian governance: the dual problem of information and control.¹⁹ While dictators need reliable information about regime support and societal grievances to improve the regime's policies, leaders are also concerned about this negative information spreading societal discontent that could swell beyond the regime's control. This dilemma has set up much of the literature on authoritarianism as a dichotomous option between decisions that contribute to regime stability (cleverly solving informational problems) and those that contribute to regime collapse

¹⁹ There are various ways to define the central dilemmas of authoritarian governance. Wintrobe (1998) famously coined the "dictator's dilemma," which focuses on the authoritarian's information problems and hints at the problem of control. Svolik (2012) argues that the two problems are the problem of authoritarian control (over society) and the problem of authoritarian power-sharing (among elites). I focus here on information and control to model the regime's dilemma with respect to managing society, rather than focusing on how it also manages elites.

(overestimating the ability to control society). But between these two extremes of stability or collapse, a range of options for behavior exists.

The array of available options generates variation in the configuration of state-society relations across different authoritarian regimes. Although the problem of information and control is common to all authoritarian regimes, each regime can make different choices about how to address the dilemma, including how much importance to afford information or control. Different authoritarian regimes can have different strategies of how best to manage society to maximize information and other benefits, while minimizing the risk of losing control. Some regimes could rely more on societal actors to provide information and solutions to improve governance, while others may ignore informational pressures from the dilemma and exclude them. Those different strategies, in turn, affect societal actors' available options for navigating the opportunities created or constraints imposed by the regime. For example, Russia and China have taken a different overall approach to managing society while considering how to balance between the costs and benefits of gathering information versus maintaining control. China has developed a more "deliberative" (He and Warren 2011) form of authoritarian governance where policymakers increasingly enter into consultative relationships with certain civil society actors to improve governance (Teets 2013, 2014). By contrast, Russian leaders exclude most societal actors from policymaking (Greene 2014; Petrov et al. 2014) and regard them as combative forces, even though formal institutionalized mechanisms for civil society participation in governance exist (see Chapter 6). Thus, Russian leaders have chosen to ignore information problems and societal actors' potential beneficial role in solving them.

In addition to illustrating this overall difference in approach to this dilemma and civil society's role in it *across* regimes, the example of environmental groups in Russia and China also highlights a difference in approach to specific sectors of civil society *within* each regime. As I briefly explained in the previous chapter, Chinese authorities tend to privilege environmental groups within their consultative model of governance, while Russian authorities are more likely to exclude or repress these actors compared to those in other sectors. Furthermore, although environmental advocacy groups in Russia and China often share similar goals for policy change, their approaches to engaging with their respective regimes often differ.

The goal of this chapter is to explain: 1) the different overall approaches that regimes take to the dilemma of information and control; 2) why certain groups within civil society are included (or not) in governance; and 3) how societal actors navigate the resulting opportunities created and constraints imposed by the regime's social management strategy. I argue that the regime's approach is driven by its theory of how to address the dilemmas of information and control and what risks and benefits societal actors generate within that approach. However, each regime can have a different understanding of how important it is to solve these problems and whether civil society actors pose risks or benefits to that strategy. In particular, what does the regime find "threatening" about civil society in general, or certain groups within civil society more specifically? As I will explain in this chapter, these understandings are shaped by three main factors: regime type, the regime's basis of political and economic power, and historical legacies of mass mobilization that have shaped subsequent state-society interaction.

Using the cases of Russia and China as examples, I explain each of these factors in turn and use them to generate expectations about the nature of state-society relationships in general in these regimes. Next, I apply these factors to the case of environmental activism specifically to explain and set up expectations for divergent state-society configurations between Russia and China with respect to groups working in this area. Throughout the chapter, I also consider how the choices that authoritarian leaders make about their approach affect societal actors. Although the state structures the available opportunities, societal actors are able to make strategic choices about how they will in turn interact with the state. In addition, the choices that societal actors make about how to engage with the state shape the state's subsequent reaction. Although only briefly covered here, these choices that societal actors make in interaction with the state are the focus of the empirical chapters that follow.

Varied interaction between authoritarian states and their societies

Although the dual problem of information and control is common to all authoritarian regimes, not all regimes have the same theory of how important it is to solve this dilemma or manage the opportunities and risks from society through strategies of inclusion or exclusion. Different authoritarian contexts can influence the approach taken, depending not only on the state structure (regime type), but also its claims to rule and past traumatic experiences. Societal actors also adapt to the political structure (opportunities and constraints) and learn lessons from past traumas. Societal groups develop expectations of what demands are appropriate (or possible) and expectations of how the regime will respond. Ultimately, each side – state or society – operates with a theory of “best practices” to get what they want. However, that does

not mean that either side is necessarily correct in their estimations of the other. They both have incomplete information about the other's intentions, but are engaged in a bargaining game while trying to identify patterns in the other's behavior. While societal actors want to take advantage of opportunities and avoid constraints, regime actors want to take advantage of benefits that could aid regime stability but avoid risks that could undermine the regime.

A mix of strategies emerges which helps both sets of actors cope with the incomplete information about the other's intentions. For the regime, it is not necessarily clear whether strategies of appeasement or punishment are the best way to go, so they hedge their bets by mixing a little of everything, from repression and co-optation to partnership and responsiveness to disengagement and neglect. Accordingly, societal groups make decisions about how to conduct themselves in response to the regime's behavior. Often, the "threat" to the regime from society is defined as its ability to drive regime-destabilizing collective action (Acemoglu and Robinson 2001; Boix 2003; King, Pan, and Roberts 2013), but organized civil society groups are not necessarily interested in a revolt against the regime or engaging in mass protest in the streets. They have other interests and pursue those interests in the ways that they deem most effective, taking advantage of opportunities created by the regime while avoiding the constraints. Thus, societal actors have many choices about their own behavior, including how confrontational or oppositional a stance to take, which tactics to employ, how much to work with state actors (to the extent that they're able), or whether to limit their claims and actions.

Factors influencing approach to state-society relations

In this way, both sets of actors develop their own theory or logic of how to apply a mixed “toolkit” of responses and tactics in interaction with the other. This logic is affected by three main variables: regime type, the regime’s basis of power or legitimacy, and traumatic historical legacies that shape subsequent expectations and behavior. Each variable is elaborated in turn, applied the examples of Russia and China in general, before using them to explain divergences with respect to environmental civil society in both regimes.

1) Regime type

In the literature on authoritarianism, regime type is often a key explanatory variable. Typologies of different forms of authoritarianism have been used to explain regime durability or collapse (Geddes 1999; Hadenius and Teorell 2007), regime decisions to initiate international conflict (Weeks 2012), differences in the quality of government (Charron and Lapuente 2011), and even the presence or absence of terrorism (Wilson and Piazza 2013). Despite the plethora studies focusing on regime type as an explanatory variable, there is little scholarship on how regime type affects state-society relations, and, more specifically, how regime type influences the state’s decisions with respect to the dual problem of information and control. As Wallace (2015) notes in his review of the literature on authoritarian information, we know little about how authoritarians’ chosen information-gathering strategies affect their societies. Taking this one step further, we also know little about how the state’s approach to the information problem is affected by regime type.

The dual problem of authoritarian information and control is a concept that is intended to be common to all forms of authoritarianism. However, as with other

aspects of authoritarian governance and decision-making, different types of regimes might approach this problem differently. Specifically, I argue that the form of authoritarianism affects the informational needs of the regime. Taking Russia and China as examples helps to illustrate this idea.

When comparing Russia and China, the key difference in regime type comes down to national-level elections. Russia has been described as a “competitive authoritarian” (Levitsky and Way 2002, 2010) or “electoral authoritarian” (Schedler 2002, 2006) regime, where formal democratic institutions like elections and multi-party competition exist, but are systematically undermined or manipulated in the authoritarian incumbent’s favor. China, on the other hand, despite holding some local-level elections (Shi 1999; O’Brien and Li 2000; Levy 2003), is a closed, single-party authoritarian regime. How might this difference in authoritarian regime type affect state-society relations? At first glance, the logic might follow that Russia, as a more competitive regime with greater tolerance for pluralization, would have a more conducive atmosphere for civil society actors, where China, as a more closed system with greater restrictions on society, would be less conducive. Instead, I suggest that the presence or absence of (semi-) competitive elections creates different needs for information and, therefore, different incentives for engaging with society. This difference in informational needs guides Chinese authorities into more consultative relationships with civil society, while state-society relationships in Russia remain more antagonistic.

Scholars of authoritarianism have detailed the ways in which authoritarian institutions, such as parties (Brownlee 2007; Magaloni 2006, 2008), elections (Blaydes

2011; Gandhi and Lust-Okar 2009), and legislatures (Gandhi 2008; Gandhi and Przeworski 2006), can contribute to regime stability.²⁰ One way in which elections are seen as useful to authoritarians is by providing information, not only about citizen grievances (Miller 2015), but also about bases of support and opposition strongholds (Magaloni 2006; Brownlee 2007; Malesky and Schuler 2011) and about the loyalty or performance of subnational party officials (Blaydes 2011; Malesky and Schuler 2011). In competitive authoritarian Russia, elections provide a formal democratic-looking mechanism for channeling societal grievances and providing information to the regime, even if they are heavily manipulated (Schedler 2002). However, holding elections (particularly fraudulent ones) can also provide a focal point for mass mobilization that could threaten the stability of the regime, as the Color Revolutions have demonstrated (Beissinger 2007; Tucker 2007) and also provide information to the regime's opponents or other elites about regime strength or weakness (Pop-Eleches and Robertson 2015). Thus, authoritarian elections might provide information, but also simultaneously invoke the problem of control. Therefore, authoritarian leaders in Russia have fewer reasons to work with civil society groups to gather information on citizen demands and how to address them, and more incentives to repress civil society groups that may contribute to mass mobilization, especially around the electoral calendar.

However, since authoritarian elections must look at least somewhat credible to be of use, authoritarians will focus on repression of opposition elites before and during

²⁰ For a review of this “institutional turn” in the literature on authoritarianism, see Pepinsky 2014. For an account of how authoritarian institutions can have unintended consequences and instead contribute to regime collapse, see Bunce 1999.

elections, and then broader repression of citizens after (Bhasin and Gandhi 2013). The 2011-2012 Russian election cycle illustrates this. While some repressive measures were used against protestors in the 2011-2012 wave of electoral protests, the bulk of repression focused on detaining or arresting top opposition figures or preventing them from running.²¹ After the elections, however, came broader restrictions for civil society as a whole, including the law on “foreign agents” and laws increasing fines for protesting which were passed during the summer of 2012.²² But elections can also come with policy concessions in response to broader citizen grievances (Miller 2015), which also happened after the 2011-2012 election cycle (Golosov 2012). In any case, so much attention to societal demands happens around the electoral calendar in response to elections and electoral cycle mobilization (Trejo 2014) that there may be reduced incentives (or capacity) for authoritarian leaders to work with civil society groups at other times, even though institutionalized mechanisms for public participation in governance nominally exist.

In more closed authoritarian China, where there are no national elections that could channel societal demands or convey data about bases of support or opposition, Chinese leaders face a different information problem. To combat this problem, non-competitive or non-electoral authoritarian regimes can use other information-gathering mechanisms, including fielding formal citizen complaints (Dimitrov 2014a, 2014b,

²¹ See, for example: RFE/FL. 2011. “Opposition Leader, Activists Arrested During Election Protest.” 4 December.

https://www.rferl.org/a/russia_duma_elections_opposition_leader_udaltsov_arrested/24411114.html

²² On the passage of the law on “foreign agents” see: Ostroukh, Andrey. 2012. “Russia’s Putin signs NGO ‘foreign agents’ law.” Reuters. 21 July. <https://www.reuters.com/article/us-russia-putin-ngos/russias-putin-signs-ngo-foreign-agents-law-idUSBRE86K05M20120721> On the increased protest fines, see: Herszenhorn, David M. 2012. “New Russian Law Assesses Heavy Fines on Protestors.” The New York Times. 8 June. <http://www.nytimes.com/2012/06/09/world/europe/putin-signs-law-with-harsh-fines-for-protesters-in-russia.html>

2015; Wang and Peng 2015), collecting (and manipulating) local and regional statistics (Wallace 2016), and allowing some small-scale local protests (Lorentzen 2013). Besides passively gathering information through these channels, there is evidence that Chinese leaders will sometimes be responsive to citizen complaints to improve aspects of governance (Meng et al. 2017; Chen et al. 2016). This suggests that these channels for feedback are not a one-way path from citizen to ruler, but a more interactive means for addressing societal problems. While the literature on information under authoritarianism has not fully addressed its impact on society (see Wallace 2015), if the lack of elections shapes the regime's use of information-gathering mechanisms, then it is not a stretch to consider that this information-poor environment might shape how the state engages with (certain) civil society groups. For example, some civil society activity could help the regime solve its information problems. As Lorentzen (2013) notes, "Permitting protests of limited scale and scope can enable a regime to identify and deal with discontented communities before they turn into more extreme counter-regime activities or revolt" (129). However, although protests might help identify these communities, they do not necessarily offer the regime solutions to these problems. But organized civil society groups can. Accordingly, China has developed a more deliberative form of governance (He and Warren 2011) to address broader societal problems in consultation with select, self-limiting civil society groups (Teets 2014; Hildebrandt 2013). Therefore, despite the fact that China is a more closed system, it often works more directly with (certain)

civil society groups, while the more competitive authoritarian Russia tends to exclude them.²³

However, although China does not have national-level elections as a focal point for mobilization, there are still political cycles during which state-society relations would be more sensitive. For example, during the annual meetings of China's parliament known as the "two sessions" (两会), the regime regularly increases control of online and print media, including blocking access to VPNs²⁴ ("virtual private networks," programs that allow for Internet users to get around the "Great Firewall") and instructing journalists covering the meetings which topics were permitted versus off limits.²⁵ Leadership transitions are also particularly sensitive, which includes the National Congresses and other events related to the issue of leadership succession. For example, the CCP recently announced that it was considering abolishing the two-term limit for the president and vice-president by amending the Chinese constitution during the upcoming "two sessions".²⁶ Increased censorship followed the announcement, including blocking terms on *Weibo* (the Chinese version of Twitter) as varied as "personality cult" (个人崇拜) and "to proclaim oneself emperor" (称帝) to a more seemingly innocuous "disagree" (不同意).²⁷ In addition to broad censorship of social

²³ For a different argument on why Russia would exclude societal groups, see Greene 2014.

²⁴ See, for example: Asian Correspondent. 2016. "VPN services in China down due to parliamentary session in Beijing." 7 March. <https://asiancorrespondent.com/2016/03/vpn-services-in-china-down-due-to-parliamentary-session-in-beijing/#JhY7Awg3bbGEodey>.97

²⁵ See, for example: Tatlow, Didi Kirsten. 2016. "What Chinese Media Mustn't Cover at the '2 Sessions.'" *The New York Times*. 9 March. <https://www.nytimes.com/2016/03/10/world/asia/china-news-censorship-two-sessions.html>

²⁶ Griffiths, James and Tim Schwartz. 2018. "China to drop presidential term limits, clearing way for Xi Jinping to stay on." CNN. 25 February. <https://www.cnn.com/2018/02/25/asia/china-communist-party-xi-jinping-intl/index.html>

²⁷ Rudolph, Josh. 2018. "Sensitive Words: Xi to Ascend His Throne (Updated)". *China Digital Times*. 26 February. <https://chinadigitaltimes.net/2018/02/sensitive-words-emperor-xi-jinping-ascend-throne/>

media platforms, some Chinese lawyers in Hunan province were specifically warned not to negatively comment on the amendments online or face losing their license.²⁸ As these examples show, even without elections, China has its own politically sensitive calendar dates where it may be more concerned about threats from civil society.

2) *The regime's foundations of support and legitimacy*

A second factor that contributes to differences in overall approach to state-society relations under authoritarianism is the regime's basis of support or legitimacy. After the fall of the Soviet Union and China's reform and opening, it became more difficult for each regime to continue to rely on ideology as a basis for rule. Instead, they have forged different pacts with society to maintain their legitimate status as rulers. Each regime's claim to rule matters for shaping its relationship to society because it helps to define what the regime finds most "threatening" to its durability. If civil society actors are seen as undermining the state's claim to rule, then they are more likely to be targets of repression than partners in governance. Put differently, this helps the regime to identify which groups are reliable partners to solve the problem of information or to improve governance, and which groups are culprits contributing to societal unrest core to the problem of control. Importantly, this does not mean that these groups actually *are* contributing in the ways that the regime identifies, just that the regime *perceives* them as playing these roles, and thus treats them accordingly.

In electoral authoritarian Russia, leaders are given authority from (semi-) competitive elections. However, although elections confer some degree of legitimacy

²⁸ Dou, Eva and Te-Ping Chen. 2018. "China Stifles Critics of Plan to Extend Xi Jinping's Reign." *The Wall Street Journal*. 28 February. <https://www.wsj.com/articles/china-stifles-critics-of-plan-to-extend-xi-jinpings-reign-1519838066>

to the regime, they don't account for all of it, since elections are manipulated and most of society understands this. What are the other sources of regime power beyond this nominal legal-electoral legitimacy? Often, support for the regime or longevity of the ruler is tied to its economic performance (Geddes 1999; Huntington 1968), but economic performance cannot explain regime support in the Russian case. There are two crucial time periods that this explanation cannot account for: 1) when public support for Putin fell in 2010 as the economy was recovering from the global recession and 2) when public support for Putin soared in 2014 after the annexation of Crimea, despite worsening economic circumstances (Matovski 2018, 349). Instead of economic performance, public support of the Russian regime is driven by a desire for stability after the chaos of the 1990s (Matovski 2018). According to this explanation, Russia's leaders even can get away with failures in governance and incompetence, as long as it is not as bad as those disastrous years. This desire for stability, using the yardstick of the 1990s, helps to explain why citizens generally put up with poor performance on specific policies, since the regime's "performance" is its ability to maintain order. As long as the regime maintains some level of stability above 1990s level, then leaders can get away with poor performance and even some noticeable electoral manipulation.

Citizen support of the current Russian regime is based on its ability to avoid the chaos of the 1990s, but how specifically does the regime ensure this stability? Scholars of the post-Soviet Russia have described the current regime as relying on a system of informal networks and personal relationships (*sistema*) as its basis of political power (Ledeneva 2013). Those involved in this informal system of personal

relationships serve the regime, but also serve themselves by exploiting Russia's resources for personal enrichment in a classic kleptocratic arrangement (Dawisha 2014). In this system, regime insiders are incentivized to remain loyal to the regime because although they can siphon off as much as they want, they would be exposed for corruption if they ever defected from the regime. Furthermore, elites in this kleptocratic model are sustained by the major sources of national wealth. In Russia's case, the economy is driven by natural resource rents, with 68% of Russia's total export revenues coming from oil and gas exports and 50% of Russia's federal budget revenue coming from mineral extraction taxes and export customs duties on oil and gas in 2013 (EIA 2014). Thus, any societal actors that are perceived as encroaching on these bases of political and economic power would likely evoke a negative response from the regime.

In the Chinese case, issues of legitimacy have created particular problems for the CCP. The original sources of legitimacy for the CCP were societal support for the revolution of 1949 and the ideological basis in Marxism-Leninism-Mao Zedong Thought (Zhu 2011). After reform and opening, the regime faced a crisis of legitimacy that culminated in the events of 1989 (Ding 1994). Despite this, the CCP has maintained its hold on power. In the absence of legal-electoral legitimacy or ideological claims to rule, the CCP has turned to a third option based on specific measurable indicators of its performance.²⁹ This idea of "performance legitimacy" was initially defined as being tied to the regime's economic and/or moral performance

²⁹ It should be noted that the CCP may be returning to a focus on ideological legitimacy under the leadership of Xi Jinping; however, an emphasis on these measures of performance in the cadre evaluation system has not changed.

(Zhao 2009). However, the concept has been broadened to include not only economic growth, but also a range of other more political measures, such as social stability (*weiwen*), national unity, and “good governance” (Zhu 2011). Furthermore, additional sources of legitimacy include input institutions for public participation in governance that allow citizens “to believe that they have some influence on policy decisions and personnel choices at the local level” (Nathan 2003, 14). In contrast with the post-Soviet Russian regime, the leaders in post-Reform China are quite concerned with their performance on specific policies. This creates a window of opportunity for societal actors that can represent themselves as aiding one of the particular performance measures that the regime considers crucial to the foundations of their rule. Conversely, it creates constraints for any group seen as undermining the regime’s performance in these areas, which includes both political and economic goals.

3) *Historical legacies of major societal trauma*

A final factor to explain how threats are perceived (and how civil society management has developed) is the historical legacy of major societal trauma in each country. In Russia, this relates to the mass movement that facilitated the collapse of the Soviet Union and ushered in a period of instability and chaos in the 1990s. In China, it centers around the state’s reaction to protests in Tiananmen Square and elsewhere in 1989. These particular traumatic experiences taught the regime and society extreme lessons and have shaped the resulting configuration of state-society relations.

In the former Soviet Union, popular mobilization – specifically nationalist mobilization – has been credited with aiding its collapse (Suny 1993; Beissinger 2002;

Bunce 2003). While these events were heralded by the international community, the period that followed the collapse of the Soviet Union was a confusing and chaotic time for citizens of Russia. At the same time that there were new political freedoms and economic opportunities, there were also economic hardships and unpredictable political swings that induced concerns for basic survival. In addition to the political and economic transition from communism, this “wild decade” included major events such as the 1993 Constitutional Crisis, the First Chechen War, and the 1998 financial crisis that resulted in Russia devaluing the ruble and defaulting on its debt.

Although the 1990s contained many contradictory elements, the popular memory of the period has been politicized by the regime to shore up support for its policies. For example, when in the mid-2000s another wave of mass mobilization removed dictators during the so-called “Color Revolutions” (McFaul 2005; Hale 2006; Bunce and Wolchik 2006, 2011; Lane 2009; Beissinger 2007, 2009), Russian leaders were quick to draw parallels between these revolutions and the resulting chaos of the 1990s. During both of these waves of mass mobilization, civil society actors played a key role (Beissinger 2002; Bunce and Wolchik 2011), a lesson that the authorities internalized. Russian state actors have often directly blamed foreign-backed NGOs for “fomenting revolution”³⁰ that would not only be bad for the current regime, but also bad for citizens by re-creating the traumatic experience of the 1990s. As mentioned in the discussion above, the regime derives its popular support from the stability that it offers as an alternative to the disorder of this period in time (Matovski 2018). The traumatic and unpredictable 1990s has not only shaped the basis of support for the

³⁰ See, for example: Putin, Vladimir. 2004. “Annual Address to the Federal Assembly of the Russian Federation.” Transcript. 26 May. <http://en.kremlin.ru/events/president/transcripts/22494>

regime, but it has also shaped the regime's relationship with civil society groups. Although civil society groups have learned that mass protest can be an effective tool to challenge the regime and usher in a period of democratic freedom, the broader public may be wary of supporting these groups if they are perceived as contributing to another traumatic period of disorder. Furthermore, since the regime has a clear idea of the dangers of mass mobilization for regime survival, it has often taken advantage of these dynamics to pit the fears of the general public against civil society groups that threaten its interests.

The collapse of the Soviet Union and transitional period in the 1990s also set expectations for civil society activists, particularly those who had been active during the mass mobilization of the late 1980s. These actors may be more likely to have positive recollections of this period as a time of relative freedom, rather than focusing on its traumatic qualities. Furthermore, Russia's incomplete transition to democracy meant that these actors, who had high hopes for democracy during the transition in the 1990s, have slowly watched the space for civil society *contract* rather than *expand*. Because of this history – and the expectations for full democracy – some civil society groups embrace demands that include more democratic outcomes or even systemic change. In addition, because the mass mobilization during the late-Soviet period was *not* met with harsh repression, Russian groups learned that this tactic could be effective and are generally less risk averse than their Chinese counterparts. However, as Matovski (2018) points out, these dynamics drive a wedge between some “oppositional” civil society groups seeking democratic change and the majority of citizens who would like to avoid a repeat of 1990s-era traumas.

In China, the violent events of 1989 in Tiananmen Square and elsewhere are a turning point for the development of state-society relations in post-Reform China. The traumatic history of Tiananmen can be thought of as a master “control parable” (Stern and Hassid 2012) that has lessons for social activists and state actors alike. Civil society groups were given a strong warning of state violence that has led them to alter their behavior. Studies have argued that “...the repression of the 1989 movement compelled students and other dissident intellectuals to withdraw from dissent in order to survive” (Mason and Clements 2002, 175). While some have withdrawn entirely, others have learned a lesson about avoiding street protests or demands for systemic change (Lagerkvist 2014). Similarly, Repnikova (forthcoming) notes that critical journalists learned a lesson about limits from the events, encouraging them to find ways to align with the state and work for incremental change. This history reminds activists who remember the events of 1989 to find ways to work within the parameters set by the state, rather than push for systemic change in the streets, creating a more “self-limiting” civil society (Hildebrandt 2013). Meanwhile, the state might be more willing to work with these self-limiting groups to avoid a mass protest that might lead the regime to respond with similar force in the future.

Furthermore, the regime’s response to Tiananmen has also shaped activists’ expectations. Although there were many societal actors who wanted democratic change in the late 1980s, these hopes have been largely abandoned in favor of more limited demands. On the whole, this history has made Chinese groups more risk averse than Russian ones. However, the legacy of Tiananmen compared to the mass mobilization at the end of the Soviet Union highlights another important and

counterintuitive contrast. The harsh repression of Tiananmen marked a low point in state-society relations. From there, (certain) societal actors have watched the space for civil society gradually *expand*, rather than contract. This means that those societal actors that are able to take advantage of these expanded opportunities may be more willing to play by the rules to preserve them.

Applying the factors to environmental civil society

The three factors discussed above help to explain the difference in overall approach to civil society between different authoritarian regimes. They can also help to make sense of differences in the treatment of specific civil society groups. Here, I will briefly summarize how these factors explain divergent treatment of environmental groups in Russia and China and how these groups have adapted to the difference in state response, navigating between opportunities and constraints.

The tendency of the state to see environmental organizations as a threat in Russia stems from the legacy of the strong post-Chernobyl anti-nuclear movement of the late 1980s. Environmental issues served as a “Trojan horse” for more systemic grievances that have been linked to the mass mobilization aiding the collapse of the Soviet Union (Dawson 1996). This history of environmental movements as a source of state instability has made the state particularly wary of environmental groups.

Furthermore, environmental organizations could be seen as posing a threat to Russia’s natural resource-based economy and state interests therein. The Russian national economy not only depends heavily on extractive industries, but many of Putin’s inner circle are also the heads of major extractive companies, such as Norilsk Nickel (a nickel and palladium mining and smelting company, jointly owned by Vladimir

Potanin, Oleg Deripaska, and Roman Abramovich), Rusal (the world's second largest aluminum company, headed by Oleg Deripaska), and Rosneft (a state-owned oil company, headed by Igor Sechin).³¹ Threatening the interests of these companies threatens the interests of powerful elites at the national level, thus undermining the regime's basis of power.

By contrast, China has developed a form of deliberative authoritarianism that includes some limited public participation and environmental groups are often included in these arrangements. This consultative arrangement with self-limiting or self-censoring organizations reflects both a difference in style of governance between Russia and China and a difference in history. All civil society organizations are operating in the shadow of the pro-democracy movement that culminated in the Tiananmen massacre in 1989. This history informs the strategies of engagement for both sides – the government is wary of a similar democratizing movement, while civil society groups fear a bloody crackdown if they go too far. As Mertha (2008) notes, even anti-dam activists who had “cut their teeth” during the events of 1989 are “as leery of widespread protest as the authorities are” since they have “experienced firsthand the power of the state in quashing organized opposition to state policy” (154). However, in contrast to Russia, environmental groups were not specifically linked to the pro-democracy movement in 1989 and are not necessarily seen as a force

³¹ For a full analysis of Putin's inner circle and the resulting kleptocracy, see Dawisha 2014. For a quick summary of some of these key elites and their connection to these industries, see: Burrows, Emma. 2017. “Vladimir Putin's inner circle: Who's who, and how are they connected?” CNN. 28 March. <https://www.cnn.com/2017/03/28/europe/vladimir-putins-inner-circle/index.html>

for democratic or systemic change. Instead, students and workers were seen as the culprits behind the events of 1989.³²

Furthermore, the state's interest in maintaining its legitimacy through specific, measurable performance indicators – which increasingly includes environmental targets – gives environmental groups the opportunity to position themselves as a partner to the state in solving environmental problems. In addition, since the national economy is not tied to natural resource extraction – but rather cheap labor for manufacturing – the state can pursue its goals of cleaning up the environment without making huge sacrifices for economic development. Polluting factories can be retrofitted to reduce emissions and still contribute to economic growth. Environmental groups can participate in consultative relationships with state actors to address these problems and offer solutions that the regime finds acceptable for its goals of reducing pollution while maintaining economic growth and social stability. Furthermore, environmental groups engage in these mechanisms because they are an effective and lower risk way to achieve their goals than mass mobilization. If mass protests related to environmental grievances do break out,³³ formal environmental organizations often distance themselves from the protestors in order to protect the future existence of their organization and their relationship with the state (see Chapter 4). As long as

³² Although the Tiananmen Square protests are often remembered as a student-led movement, the protests also involved a collaboration with a coalition of labor organizations. This historical legacy of mass mobilization, combined with concerns about economic performance, are further reasons that labor activism would be particularly sensitive in China.

³³ Environmental demands are a common driver of street protest in China. See, for example: Jianqiang, Liu. 2013. "China's new 'middle class' environmental protests." *ChinaDialogue*. 1 February. <https://www.chinadialogue.net/article/show/single/en/5561-China-s-new-middle-class-environmental-protests>

environmental civil society groups can help the state improve performance and maintain social stability, they will remain in a privileged status in China.

Caveats & Conclusions

This chapter has established how regime type, the regime's basis of legitimacy, and the historical legacy of mass mobilization have shaped varying approaches to state-society relations under authoritarianism. Although the dual problem of information and control is common to all authoritarian regimes, not all regimes have to make the same choices about how to solve these problems, how important it is to solve them, or how much to consult with or include civil society. Furthermore, not all societal actors under authoritarianism make the same choices about how to engage with the regime or how to adapt their subsequent action to the changing mix of opportunities available and constraints imposed.

However, some caveats are in order. While these factors generally capture the over-arching trends across these regimes, there is, of course, the possibility of regional variation within these regimes with respect to how state actors treat civil society groups. Some local or regional officials will be more inclined to work with civil society actors than others. For example, although the environmental bureaucracy has been gutted over time in Russia, there are still some local or regional bureaucrats who are interested in carrying out their agency's original mandate – including through working with environmental civil society groups. Conversely, there are local and regional government officials in China that have no interest in entering into consultative relationships with environmental groups. These details will emerge from the empirical chapters.

Second, not all environmental groups are necessarily able to enter into consultative relationships with policymakers in China, nor are they all excluded and repressed in Russia. Furthermore, not all environmental groups operating in either country are necessarily engaged in advocacy or would want to participate in more confrontational tactics like mass mobilization. There are some environmental groups in both countries that are working on issues that are much less confrontational – such as promoting environmental education, organizing local trash cleanup campaigns, or planting trees. However, for the most part, the cases chosen in each of the empirical chapters represent advocacy campaigns aimed at affecting policy change.

The following empirical chapters, by focusing on a particular common tactic, not only isolate the activities of environmentalists to help hone the comparison, but also illustrate different aspects of the authoritarian dilemma between information and control. More importantly, these chapters put the focus on societal actors, which is something not usually included in the literature on information and control – other than societal actors being the object of state repression or co-optation or being the force for democratic change. In each chapter, I examine how societal actors vary their approach to certain tactics in light of the regime's response, including how to manage their international ties (Chapter 3), how much to engage in mass campaigns (Chapter 4), whether legal routes to justice are worth engaging in (Chapter 5), and how much to participate in institutionalized channels for policymaking (Chapter 6).

CHAPTER 3

ATTRACTING & BLOCKING INTERNATIONAL INFLUENCE

Introduction

International connections can help activists of all stripes reach their goals. Coalitions of transnational actors from NGOs to “epistemic communities” (Haas 1992) have been able to band together to change policy around the globe, from ending the Cold War (Evangelista 1999) to banning land mines (Price 1998) to creating a consensus for nuclear arms control (Adler 1992). Even from within restrictive political contexts, domestic activists can reach out to these transnational advocacy networks (TANs) to mobilize international support “from above” to pressure their host government or other powerful actors through the “boomerang” effect (Keck and Sikkink 1998). Social movements can also diffuse across borders, spreading best practices and models for activism that may make recipient civil society actors’ efforts more effective (Tarrow 2005; Givan, Roberts, and Soule 2010; della Porta and Tarrow 2011; Bunce and Wolchik 2011). Connections between international and domestic actors in authoritarian regimes – including strategies of linkage or leverage – can increase the likelihood of democratization (Levitsky and Way 2010), introduce norms for democratic change (Thomas 2001), or provide a model for challenging the regime (Bunce and Wolchik 2011). The international dimension of activism, including diffusion, direct democracy promotion, and transnational advocacy networks, often becomes a key factor in explaining the success of civil society campaigns in authoritarian contexts.

However, authoritarian leaders are not blind to these dynamics. After the examples of the Color Revolutions and the Arab Spring, many regimes have engaged in “authoritarian resistance” (Ambrosio 2007) to these trends, including “diffusion-proofing” (Koesel and Bunce 2013) their regimes against the potential destabilizing effects of international pressure and foreign ties to domestic civil society. This has led to a global trend of laws prohibiting or restricting foreign funding of or ties to civil society (Christensen and Weinstein 2013), including laws recently passed in both Russia and China. Instead of passively accepting international pressure, authoritarian regimes can block the “boomerang” and render linkage and leverage strategies ineffective, ultimately changing how international influence could be used as a successful tactic by activists within these contexts.

However, that does not mean that authoritarians are perfectly capable of blocking international diffusion, nor that they would want to eliminate all traces of foreign influence within their borders. As explained in the earlier two chapters, international influence to civil society illustrates the problem of authoritarian information and control. Even in response to the demonstrated threat of foreign influence through its role in the Color Revolutions and the Arab Spring, most authoritarian leaders have not completely blocked international support. Just as authoritarian leaders learned about the benefits of democratic-looking institutions,³⁴ some foreign support of civil society could have a regime-stabilizing effect, especially if it provides financial support to groups that are improving regime governance by providing public services, like education or disaster relief. How dictators manage

³⁴ See, for example, Gandhi and Przeworski 2006; Gandhi 2008; Brownlee 2007; Magaloni 2006, 2008; Gandhi and Lust-Okar 2009; Blaydes 2011; Boix and Svobik 2013; Svobik 2012.

international support to civil society can illustrate their mixed approach to solving the dilemmas of authoritarian governance, variation across regimes with respect to their approach, and variation within regimes between different types of civil society groups.

To illustrate the argument about varied approaches, this chapter examines two parallel sets of laws intended to shape civil society in two different authoritarian regimes: the 2012 “foreign agent” law in Russia and the 2017 Overseas NGO Law in China. These laws have similar stated aims – to control foreign influence on their domestic civil societies – but both regimes are also subtly using the implementation of these policies to differentiate among wanted and unwanted civil society groups, revealing the types of groups or areas of work that are most welcome or unwelcome in each regime. Using data on the implementation of the two laws, I find that although human rights organizations are likely targets of the laws in both countries, environmental organizations are the next likely target in Russia, while international partnership with and funding of environmental organizations are permitted or even encouraged in China. Despite both learning a lesson about needing to monitor and control foreign influence on civil society from the examples of the Color Revolutions and the Arab Spring, Russian and Chinese leaders have drawn different conclusions about which members of civil society made them the most vulnerable to this type of challenge and how to approach the issue of international funding in general.

The goals of this chapter are threefold. First, I trace how international support of civil society has developed in both Russia and China during three distinct time periods to show how the efficacy of this tactic for social activists has changed over time, with a particular focus on environmental activism. Second, to unpack both

Russian and Chinese leaders' most recent reaction to international support, I present and analyze data on the implementation of the 2012 "foreign agent" law in Russia and the 2017 Overseas NGO Law in China. This section provides national-level evidence supporting the dissertation's broader argument about differences in approaches to managing society across different types of regimes, and, in particular, the differences in how environmental groups are treated between the two regimes. Third, I use interview data³⁵ with environmental activists and their foreign funders to corroborate the data on implementation, to explore how environmental civil society groups perceive their relationship to the state, and how they are adapting their approach to international support. While Russian environmental activists have used international support to their advantage in the past, over time this tactic has become less effective or even a liability, prompting a shift in strategy. In China, even though all civil society groups are cautious of the new law, many high-profile international environmental groups have successfully registered and continue their work in China with policymakers and with domestic groups.

International support of civil society in Russia and China

This section reviews the growth and development of civil society groups in China and Russia with respect to the state's changing views of international support during three distinct time periods: the 1990s and early 2000s, the mid-2000s, and post-2011. Each of these time periods mark significant turning points in the regime's response to international influence on civil society, particularly in response to the

³⁵ When cited in the dissertation, interviews are coded with a respondent number, followed by the country where the interview was conducted (RF = Russian Federation; PRC = People's Republic of China) and the date when the interview was conducted (For example, October 15, 2015 would be "101515").

Color Revolutions and the Arab Spring in the latter two periods. In both countries, international ties to domestic civil society started out strong in the first period, began to create political flashpoints in the second, and have been specifically scrutinized by the state during the third.

First stage: Welcoming international support in the 1990s and early 2000s

In both Russia and China, the 1990s and early 2000s were marked by an influx of international support and aid to civil society. The increase in global civil society assistance programs from Western governments during these years was informed by beliefs about the relationship between a strong civil society and democratic outcomes (de Tocqueville [1835] 1994; Putnam 1993; Linz and Stepan 1996; Diamond 1994; Keane 1998) and the potential benefits of spreading democracy abroad (Mansfield and Snyder 1995; Russett 1994; Owen 1994). Furthermore, concerns about the former Soviet Union's stability in the wake of its collapse motivated coordinated multilateral assistance efforts led by the United States to this region, especially once the Clinton Administration took office in 1993 (Tarnoff 2002). According to some estimates, U.S. government democracy assistance to Russia totaled \$860 million between 1990 and 2002 (Sundstrom 2006, 12). Outside of government aid, private foundations, such as Soros, MacArthur, and Ford, began to support Russia's nonprofit sector, responding to "a real and obvious need for assistance" (Henderson 2002, 141). Meanwhile, amid the chaos of political and economic transition, the state regarded the sector with an air of "benign neglect" – that is, neither direct state intervention nor support (Sundstrom and Henry 2006a, 3; Henderson 2011, 18).

Professionalized, Western-style nongovernmental organizations proliferated during this period with the help of foreign funding, including environmental organizations. In fact, many of the early leaders of environmental organizations were motivated to create and officially register a formal organization in order to receive foreign funding (Henry 2010, 110). For example, one nuclear physicist-turned-activist decided to create a formal environmental organization during this period after seeing an ad in the paper for an international grant competition for environmental NGOs.³⁶ According to some estimates, by the end of the 1990s somewhere between 60% to 75% of funding to Russian environmental groups was received from foreign donors (Henry 2010, 58; Kouzmina and Yanitsky 1999, 180). Branches of transnational environmental nongovernmental organizations (TENGOs) also began to take root in Russia in the 1990s. According to one environmentalist at a branch office of a TENGO in Moscow, the atmosphere for their work was much easier when he first started out in the 1990s. Even government officials were more open to discussing environmental issues, especially land preservation. He attributed this to the environmental movement being in a strong position after the collapse of the Soviet Union, making it the best prepared to offer advice to policymakers.³⁷ Similarly, a representative at an international NGO said there was complete receptivity to their programs from various parts of the Russian government and from their immediate partners when they first started work in the mid-1990s.³⁸ For domestic ENGOs, international foundations, and branches of TENGOs, the 1990s were a period where

³⁶ Interview 13-RF101615

³⁷ Interview 03-RF092515

³⁸ Interview 144-US042017

international funding helped Russia's fledgling environmental civil society to develop and professionalize.

After the open-door policy was implemented in 1978, international organizations like the Ford Foundation, World Wide Fund for Nature (WWF), and the Rockefeller Foundation were among the first INGOs to establish a presence in China, but there were few opportunities for partnership with Chinese civil society organizations during the first decade after reform (Xie 2011). Two major events helped to spur the development of domestic Chinese NGOs and solidify their connections with transnational civil society in the early 1990s. In 1992, China participated in the UN Conference on Environment and Development in Rio, culminating in its "Agenda 21" goals for sustainable development, which included a role for both international assistance and domestic NGOs (Xie 2011, 211). Second, many studies point to the NGO Forum of the Fourth World Conference on Women held in Beijing in 1995 as a catalyst for the development of Chinese NGOs and their connections to the international realm (Deng 2010, 184; Chen 2010; Hildebrandt 2012, 847). After this, many new domestic NGOs were formed and many more international groups began to launch projects or establish offices in China as international aid to civil society blossomed (Yang 2005, 57). From 2002 to 2009, U.S. foundations contributed over \$442 million in grants to China (Spires 2012, 125). Many of these early international funders focused their efforts in the underdeveloped and impoverished southwestern regions of the country, where the local or provincial government was actively seeking assistance to solve these problems (Chen 2010, 507).

Although Chinese environmental NGOs developed alongside this atmosphere of transnational ties and networking (Turner and Wu 2001), initial Chinese regulations on civil society groups (which included the stipulation that groups find a government sponsor) posed higher barriers to entry when compared to Russia. Less democratic than some Russian environmental organizations' origins, in which someone reading an ad in the paper could register an organization to apply for foreign funding, the first ENGOs in China tended to be established by people who were well-resourced or well-connected to the government, like Liang Congjie of Friends of Nature or Liao Xiaoyi of Global Village Beijing (Ho 2001; Yang 2005). As in Russia, some ENGOs were formally established and registered for the express purpose of receiving a foreign grant (Tang and Zhan 2008, 435). Since then, INGOs and domestic ENGOs have developed a symbiotic relationship, with a significant portion of Chinese ENGO funding coming from foreign sources (Yang 2005, 57; Tang and Zhan 2008, 435). According to estimates by various Chinese ENGOs in the mid-2000s, foreign sources accounted for approximately 40% to 95% of their funding (Chen 2010, 510). But because regulations on registration created more barriers to entry for Chinese ENGOs, this may also have encouraged more informal, unregistered groups or registration in different forms (such as research institutes or commercial entities) (Schwartz 2004, 906). Some studies have also noted that larger, national ENGOs can "function as intermediary organizations to channel international funding to smaller, local groups" (Yang 2005, 58). Therefore, the development of Chinese ENGOs is a little more uneven from the beginning – with groups with higher-resourced leaders more able to first register with the stricter regulations and attract foreign funding.

This reliance on international funding, however, came with unintended consequences for groups in both countries. Although foreign funding increased Russian civil society's organizational capacity, it also led to the development of vertical patron-client relationships between donors and recipient NGOs (Henderson 2002), created hierarchies and competition between groups (Hemment 2004), and further separated Russian domestic NGOs from their domestic constituencies (Sundstrom 2006; Henry 2010). Similarly, foreign funding of Chinese organizations reflected donor-driven priorities for capacity-building, rather than bottom-up demands or initiatives (Spires 2012). Furthermore, funders' ideas about the democratizing role of civil society created a "distrust between nondemocratic states and associations," giving the Chinese government a reason to view the sector with suspicion (Teets 2014, 35). These unintended consequences of civil society assistance from abroad created vulnerabilities in the sector that the state could exploit as it changed its approach to international influence in the mid-2000s and beyond.

Second stage: Shifting attitudes after the Color Revolutions in the mid-2000s

The atmosphere of welcoming international assistance to civil society changed in the mid-2000s after the events of the Color Revolutions in Eastern Europe and Central Asia. In assessing these events, civil society and its external support were key for explaining regime collapse throughout the region (Beissinger 2007; Stewart 2009a, b; Saari 2009; Bunce and Wolchik 2011; Kudlenko 2015). Not blind to this influence, Russian and Chinese authorities began to consider the threat posed by foreign assistance programs to groups within their borders. In 2006, the Russian Duma passed amendments to the civil code and the 1990s-era laws "On Public Associations," "On

Non-Commercial Organizations,” and “On Closed Administrative Territorial Formations.” These amendments required NGOs to submit to annual audits, report foreign funding, and also allowed the authorities vague reasons under which they could deny registration, prohibit foreign NGOs from implementing programs or transferring funds to their branch offices, and ban certain foreign nationals and other “undesirable” persons from founding an NGO in Russia (Machleder 2006; Machelek 2012). The 2006 amendments to the laws governing NGOs significantly increased the bureaucratic burden for NGOs and, as some scholars argue, reduced overall NGO activity (Crotty et al. 2014). International groups working in Russia also noticed a change in the atmosphere around this time, citing an increase in threats, harassment, and legal interference.³⁹

But, at the same time, some international connections could still help Russian civil society activists reach their goals during this period. For example, one of the first major post-Soviet environmental mass movements took place in 2006 to protest a pipeline planned to go near Lake Baikal in Siberia. After a sustained protest campaign in Irkutsk and several other Russian cities (discussed in detail in Chapter 3), which included international support from various transnational environmental organizations (like Greenpeace and WWF) and pressure from the UNESCO World Heritage Committee, the activists won and the pipeline was re-routed (Plantan 2015). In addition to this unexpected win for the environmental movement, the government also created new opportunities for civil society engagement with the state around this time, such as the Public Chamber and the Presidential Council for Civil Society and Human

³⁹ Interview 144-US042017

Rights (Evans 2008; Richter 2009a, b; Henderson 2011; Richter and Hatch 2013). Although scholars are skeptical of the impact of these institutions, they still reflect some interest on the part of the regime in regularized channels for civil society participation in governance (see Chapter 6). The NGO law was also amended again in 2009 to decrease the audit frequency from annually to once every three years, remove language about denying registration based on threat to national interest, and simplify the registration process (Machelek 2012). Thus, although Russian leaders tightened restrictions on civil society and its international connections in response to the Color Revolutions, civil society actors could still harness some international resources to reach their goals (as in Keck and Sikkink's "boomerang" effect), and the state relaxed some of its strict policies while creating new state institutions to bring civil society closer underneath its umbrella.

In contrast to Russia, the Color Revolutions may have delayed Chinese decisions to reform their NGO laws. While Russia took proactive measures to limit civil society during this period with the 2006 amendments to the laws governing NGOs, Chinese officials delayed revisions to the unclear and insufficient 1998 regulations as factions⁴⁰ within the elite continued to disagree about the extent to which to liberalize the sector (Wilson 2009). Although the legal environment remained the same, there were some indications that the Chinese government grew increasingly worried about international influence after the Color Revolutions. For example, one study describes how one grassroots environmental organization was shut down in 2005 after an academic in Beijing reported their foreign funding and linked it

⁴⁰ For more detail on the dividing lines between the elite during the Hu-Wen era on how the degree of liberalization, see the discussion in Wilson 2009, pp. 384-386.

to Party-overthrowing ambitions (Spires 2012, 135). One interviewee also mentioned that he had noticed a more restrictive atmosphere in response to the Color Revolutions at his Beijing-based NGO with international connections.⁴¹ Social organizations in China also learned which sources of foreign funding would be most sensitive from the point of view of government officials. In 2005, a CCP-affiliated journal named the International Republican Institute, the National Endowment for Democracy, and Open Society Institute as instigators of Color Revolution-style opposition.⁴² Not surprisingly, during fieldwork interviews conducted in 2007 and 2008, Hildebrandt (2012) finds that LGBT activists were already keeping ties with certain international actors, including Open Society Institute and the National Endowment for Democracy, to a minimum to avoid conflict with government actors (855).

But, at the same time, international connections during this period could also be helpful for activists and encouraged by state actors. Mertha (2008) describes how, although UNESCO's main China office was reluctant to be vocal, anti-dam activists used the UNESCO World Heritage status "to embarrass Beijing" by telling the world "that China does not care about its rich cultural heritage" (34). Indeed, the anti-dam campaigns around the mid-2000s made significant use of international resources. Researchers have described the 2003-2004 Nu River campaign, with its mobilization of international media attention and support from INGOs like Conservation International and International Rivers, as an example of transnational advocacy networks operating in the Chinese context (Chen 2010, 514; Xie 2011, 218). As in

⁴¹ Interview 52-PRC021716

⁴² For more details, see: Yongding. 2005. "China's Color-Coded Crackdown." *Foreign Policy*. 19 November. <http://foreignpolicy.com/2005/11/19/chinas-color-coded-crackdown/>

Russia, Chinese activists were able to use some international pressure and resources to their advantage, although they were still wary of how they might be labeled for accepting international support. Furthermore, the 2008 Sichuan earthquake provided an example to the authorities of how international funders, local NGOs, volunteers, and government officials could cooperate to provide better disaster relief, perhaps informing the government's later policies on both domestic charitable giving and international assistance (Teets 2009; Shieh and Deng 2011). Although the Color Revolutions cautioned state actors about the risk of international connections to domestic civil society, the state's initial response was mixed and the lines between acceptable and unacceptable foreign ties were often blurred.

Third stage: Strong state reactions after 2011-2012

After the Arab Spring, any ambiguity about the Chinese or Russian government's assessment of international influence to civil society was erased. Both regimes implemented new laws to draw clearer lines about international influence to civil society both in response to the Arab Spring and as part of solidifying control after a leadership transition. After the 2011-2012 election protests subsided and Putin returned to the presidency, the Russian government passed several laws to curtail protest and mitigate the threat of international influence to civil society, including the 2012 law on "foreign agents" and the 2015 law on "undesirable" organizations. Even before the "undesirable" organizations law was passed, the Russian government unceremoniously kicked out USAID after accusing it of attempting to influence

politics through their grants.⁴³ After the law was passed, it prompted several major international foundations to exit the country before they could be listed, including the John D. and Catherine T. MacArthur Foundation and Charles Stewart Mott Foundation.⁴⁴ In the wake of the Arab Spring and 2011-2012 Russian election protests, the atmosphere has become more challenging for both international groups and Russian domestic civil society organizations receiving their funding.

While the Chinese leadership had been cautious about civil society and its foreign connections for many years (especially in the run up to the 2008 Olympics and the Tibet protests in the same year), civil society actors reported a marked difference in atmosphere in the 2010s. Several Chinese NGOs or INGOs operating in China noticed a shift in political mood that coincided with Xi Jinping's rise in late 2012 and early 2013, with the atmosphere becoming noticeably more restrictive in 2014 and 2015 in the wake of Xi's anti-corruption campaign.⁴⁵ One interviewee mentioned increased scrutiny over visas for foreign workers at domestic NGOs and more raids of foreign NGOs that reflected a never-before-seen level of coordination among government security forces.⁴⁶ These changes in philosophies of control during this time became clear from several high-profile incidents, including the detainment, forced confession, and expulsion of Swedish human rights activist Peter Dahlin in

⁴³ BBC News. 2012. "Russia expels USAID development agency." 19 September. <http://www.bbc.com/news/world-europe-19644897>

⁴⁴ Both foundations issued statements explaining their departure from Russia. For Charles Stewart Mott, see: <https://www.mott.org/news/articles/statement-on-foundations-grantmaking-in-russia/> For MacArthur, see: <https://www.macfound.org/press/press-releases/statement-macarthur-president-julia-stasch-foundations-russia-office/>

⁴⁵ Interview 52-PRC021716; Interview 55-PRC030316; Interview 59-PRC040716

⁴⁶ Interview 52-PRC021716

early 2016.⁴⁷ During this period, long-awaited laws updating regulations on domestic charitable organizations and international NGOs were finally passed – the 2016 Charity Law and the 2017 Overseas NGO Law – but the Overseas NGO Law had some concerning elements, including moving the jurisdiction over international organizations from the Ministry of Civil Affairs to the Ministry of Public Security. Over the last several years, there has been a noticeable increase in control over foreign connections to civil society, although still stopping short of barring all foreign assistance to the sector.

From welcoming international assistance in the 1990s to increased skepticism of its intentions after the Color Revolutions to the most recent restrictions, Russian and Chinese responses to foreign aid to civil society have changed dramatically over time. However, how are civil society organizations impacted by these new policies? Do the laws affect all groups or foreign funding sources equally? Finally, how have civil society groups reacted to the state’s response to international connections? The next section considers two of the new laws from this last period in tandem – the 2012 law on “foreign agents” in Russia and the 2017 Overseas NGO Law in China – to determine to show how the approaches between the two regimes differ, both across regimes and within regime between different groups.

Case Studies: Examining NGO laws in Russia and China

Recent legislation on the management of foreign influence to civil society provide a window into state strategies in both countries: the 2012 “foreign agent” law

⁴⁷ BBC News. 2016. “China releases Swedish rights activist Peter Dahlin.” 26 January. <http://www.bbc.com/news/world-asia-china-35406911>

in Russia and the 2017 Overseas NGO Law in China.⁴⁸ Although these measures are similarly motivated by a concern over a Western-supported Color Revolution-style movement and should ostensibly apply equally to all foreign influence inside their borders, there are patterns in the implementation of these policies that illuminate each regime's different approach to societal pressures and their different perceptions of which groups will help solve information problems versus cause problems of control. In terms of approaches, the Russian law on "foreign agents" functions as a public "blacklist" of those organizations that the state finds most threatening and provides evidence of the state's main targets of repression, while the Chinese law functions as a public "whitelist" of those foreign organizations and their areas of work that are considered most welcome by the state. This section examines each law in turn, analyzing data on their implementation with supplemental information on the laws' actual or perceived effects drawn from interviews with interested actors.

Case One: Managing "foreign agents" in Russia

In July 2012, the Russian government passed the so-called "foreign agent" law (Federal Law No. 121-FZ) requiring Russian NGOs that accept foreign funding and engage in ambiguously defined "political activity" to register as a "foreign agent" with the Russian Ministry of Justice or face heavy fines or closure. The law went into effect in November 2012, but was not widely implemented until February 2013, after Putin commented at a meeting with the Federal Security Service (FSB) that he expected the

⁴⁸ For comparative analysis of the timing, intent, and development of these laws, see Plantan 2017.

law to be enforced.⁴⁹ After this meeting, Ministry of Justice officials began auditing civil society organizations across the country to check for compliance with the law. According to a list compiled by the human rights organization Agora, 270 organizations in 57 regions had been searched by April 30 – less than three months after Putin’s comment about enforcement.⁵⁰

At first, organizations were supposed to register as “foreign agents” voluntarily, but when virtually no organization did this, the law was changed to allow the Ministry of Justice to add organizations to the list without their consent in June 2014. Besides the stigma of being labeled a “foreign agent,” the designation carries with it increased bureaucratic burden and steep fines for not having registered in the first place. Groups can be removed from this list if they have liquidated their legal status (shut down) or if they have proven to the Ministry of Justice to no longer be fulfilling the role of a “foreign agent.” This often involves returning foreign funding and/or disputing the claims of engaging in “political activity.” The Ministry of Justice maintains and regularly updates an online register of “foreign agents” on its website that is publicly accessible. This data provides a window into the types of organizations that the state finds most threatening or troublesome and provides rare insight into direct impacts of the state’s civil society management policies on organizations themselves (including information on group closure). In addition, the documentation on the Ministry of Justice registry includes the foreign sources of funding that were

⁴⁹ Meeting of the board of the Federal Security Service, [“Zasedaniye kollegi Federal’noj sluzhby bezopasnosti”], *President of Russia*, February 14, 2013, <http://www.president.kremlin.ru/transcripts/17516> (accessed February 24, 2017).

⁵⁰ Inter-regional Association of Human Rights Organizations Agora, 2013, http://openinform.ru/fs/j_photos/openinform_405.pdf.

used as the rationale for listing the organization as a “foreign agent,” which gives further insight into the specific countries or organizations providing funding that are considered the most threatening by state actors.

According to the Russian Ministry of Justice,⁵¹ there are currently 80 organizations on the register of organizations fulfilling the function of “foreign agents,” although 171 organizations have historically held this designation. This means that 91 of them have been removed from the register either because of they have liquidated their legal status (formally shut down) or because they have successfully contested their inclusion. Four organizations have voluntarily registered, while the Ministry of Justice has added the rest without their consent following the June 2014 amendment. Out of the 171 organizations that have historically been labeled a “foreign agent,” 33 organizations have successfully fought the label and have had the status “suspended” for “ceasing the functions of a foreign agent” and returned to normal operations. However, another 58 organizations (approximately one-third of all those listed as “foreign agents”) have shut down as a result of the law, either by their own decision or at the order of the Ministry of Justice. Organizational decisions to shut down may range from not being able to pay the fine for non-compliance with the law, not wanting to pay legal fees to fight the label in court, facing bankruptcy after returning foreign funding, or a combination of these and other reasons.

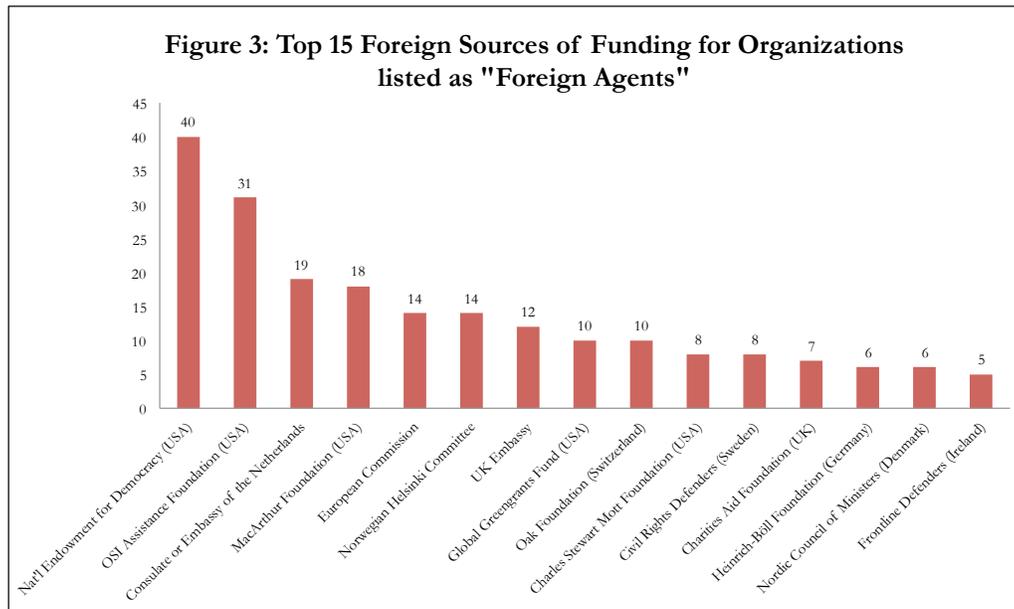
⁵¹ As of March 20, 2018, according to list on the Ministry of Justice website [in Russian]: <http://unro.minjust.ru/NKOForeignAgent.aspx>. There is an English language list maintained by Human Rights Watch: <https://www.hrw.org/russia-government-against-rights-groups-battle-chronicle>. I used both lists to create my database (HRW for a standard English translation of the organizations’ names, and the Ministry of Justice for all other details). I keep a daily archive of the entire list on the Ministry of Justice website to be able to identify when an organization is removed. I then confirm the status of the removed organization through an outside source (such as news media or through an online database of registered NGOs like rusprofile.ru).

Although the seemingly open-ended law should punish any group that takes foreign funding and engages in “political activity,” breaking down the list of “foreign agents” shows clear patterns of those who are most targeted by the Russian authorities. When added to the registry, the Ministry of Justice uploads full documentation of why that organization has been listed as a “foreign agent,” including a list of its foreign sources of funding. While this is not an exhaustive list of all foreign funding that the organization has received, it does give an indication of what the Ministry of Justice used as justification for the designation. *Figure 2* shows the foreign sources of funding by country of origin. Unsurprisingly, the majority of listed funding sources come from the United States, followed by other Western democracies (UK, Germany, Norway, Switzerland). The documentation also includes whether an organization was listed for funding received by another organization on the “foreign agent” list (“another foreign agent” in *Figure 3*).⁵² Many organizations have been affected by this snowball mechanism of identifying “foreign agents,” often because one central Russian NGO administers a foreign grant to several smaller regional organizations. Overall, this data suggests that grants from the United States put civil society organizations most at risk for being targeted by the “foreign agent” law.

⁵² The documentation for foreign sources of funding is often quite sloppy. For example, there are several organizations on the list because they received foreign funding from another organization on the list. However, in a couple of cases, an organization was listed as a “foreign agent” for having a grant from a Russian organization before that organization was listed itself as a “foreign agent” (Sotsium, for example, had funding from ESVERO, but was listed as a “foreign agent” before ESVERO was). This could be sloppy regional coordination between Ministry of Justice units (Saratov and Moscow, respectively), but it also suggests that the letter of the law doesn’t matter so much as giving the authorities an excuse or tool for repressing certain “troublesome” organizations.



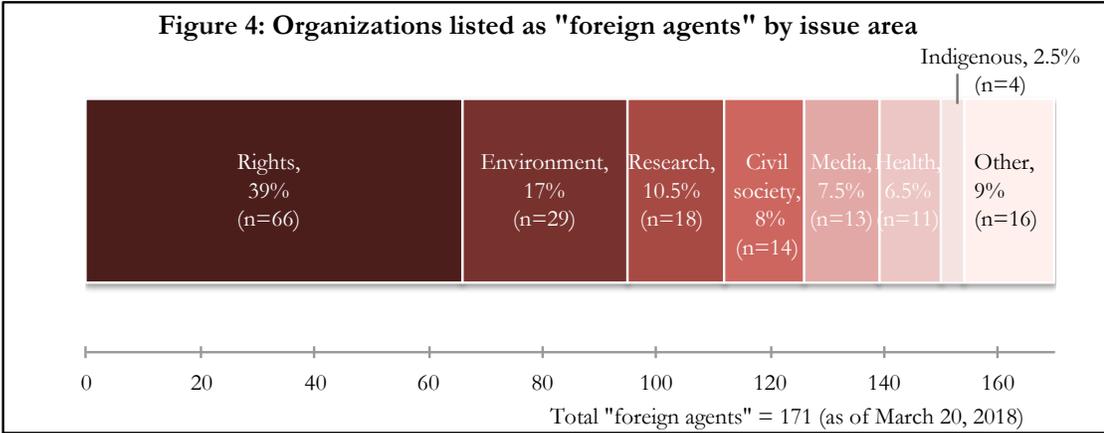
In addition to country of origin, specific granting organizations are also listed on the Ministry of Justice’s documentation, which can provide more information on which specific organizations the government finds most problematic. *Figure 3* provides information about the top 15 granting organizations listed on the “foreign agent” documentation.⁵³



⁵³ The number of foreign sources of funding listed for each organization varies from one to eighteen, with an average of 2.87 funding sources per organization.

The top two organizations are the National Endowment for Democracy and the Open Society Institute’s Assistance Foundation, founded by George Soros. These organizations were the first two officially listed as “undesirable” under the new law of the same name that was passed in 2015, although many of their grantees were listed as “foreign agents” even before the law on “undesirable” organizations was passed. This suggests that the two laws were part of a similar initiative to go after those foreign organizations (and their grantees) that the state saw as the main culprits of fomenting a Color Revolution-style movement in Russia.

In addition to confirming the motivation behind the law on “foreign agents,” data on its implementation can provide evidence of that state actors have used the law as an excuse to selectively repress certain “troublesome” domestic organizations. Breaking down the list of “foreign agents” by area of work shows which types of organizations have been most targeted. *Figure 4* shows the Russian domestic organizations on the “foreign agent” list categorized by primary issue area.



As seen in *Figure 4*, rights groups have been the most frequent targets of the “foreign agent” law (66 organizations, or about 39% of the total). This category of “rights” groups includes groups working on general human rights, LGBT rights,

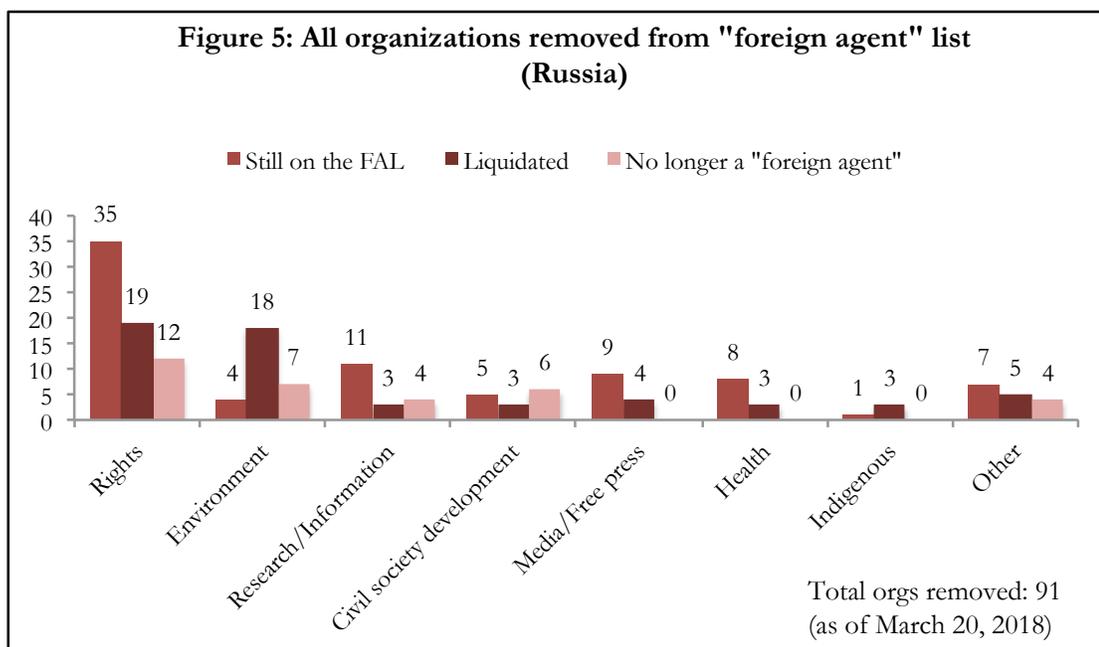
women’s rights, electoral rights, prisoner rights, and others. The second most targeted organization by issue area are those organizations working on environmental protection (29 organizations, 17% of the total). This includes some of the country’s oldest and strongest regional environmental NGOs, like Sakhalin Environment Watch (Yuzhno-Sakhalinsk)⁵⁴, Baikal Environmental Wave (Irkutsk), Green World (Sosnovy Bor), and Ecological Center “Dront” (Nizhny Novgorod). The next most numerous organizations are those focused on research or information (17 organizations, 10% of the total), those that encourage civil society development (14 organizations, 8% of the total) and those working on media and freedom of the press (13 organizations, about 8% of the total). After these three sets of groups, there are a number of health-related organizations⁵⁵ (11 organizations, 6.5% of the total) and a few indigenous organizations (4 organizations, 2.5% of the total). Finally, there are several organizations that fit into other smaller categories such as youth, culture, sports, and education that are collectively labeled as “other” (16 organizations, 9% of the total). This data suggests that rights organizations and environmental organizations are the most frequently targeted under the law on “foreign agents,” regardless of their specific sources of foreign funding.⁵⁶

⁵⁴ Sakhalin Environment Watch contested its status and was removed when the Ministry of Justice determined that it had “ceased foreign agent activity” in March 2017 after returning a foreign grant. It is one of the rare environmental groups that has been successful in contesting the label. The other three organizations listed here have formally closed.

⁵⁵ Upon further investigation, I found that the majority of these health-related organizations work on HIV prevention and most received funding from the Global Fund to Fight AIDs, Tuberculosis and Malaria.

⁵⁶ It is not simply the case that these organizations were targeted specifically because of the source of their foreign grants, since not all rights organizations have the same sources of funding, nor do all have the most “sensitive” sources of funding (from NED or OSI). However, 32 rights organizations have either NED or OSI funding or funding from both organizations, accounting for 48% of rights organizations listed. But only five environmental “foreign agents” (17% of those ENGOs listed) had NED funding and none had any funding from OSI.

In addition to being used as a selective tool to go after certain “troublesome” groups, the law on “foreign agents” has had an uneven impact on the groups that have been affected. After being added to the list, certain organizations were either more likely to have their status suspended (by “ceasing the activity of a foreign agent”) or to decide to shut down (file paperwork with the Ministry of Justice to liquidate their legal status) as a result of the law. *Figure 5* shows the breakdown of organizations removed from the list because of either outcome, as well as the number of organizations that remain on the “foreign agent” list. The total number of removals roughly matches the proportions of those who have been named “foreign agents” in each category. However, the ways in which these groups are removed from the list – either by successfully contesting “foreign agent” status or closing down – point to further differences in the impact of the law between groups.



Comparing the fate of rights groups and environmental groups illustrates this point. Of all 66 rights groups that have ever been labeled a “foreign agent,” the majority remain on the list (35 organizations or 53% of all rights groups listed), while about a third have shut down as a result of the law (19 organizations or 29% of all rights groups listed) and about a fifth have been able to be removed (12 organizations or 18% of rights groups listed). Meanwhile, of the 29 environmental organizations listed as “foreign agents,” 62% (18 organizations) have shut down because of the label, while a small number have been successfully removed (7 organizations or 24%) and an even smaller number continue to operate with the label (4 organizations or 14%). Remaining on the list requires the organizations to submit to more frequent audits, increases reporting requirements for the organizations, and requires them to label all materials as having been produced as a “foreign agent.” Often, these organizations were also fined for not registering voluntarily in the first place, so they must pay the fine or risk court-ordered liquidation. In other words, those groups that remain open and functioning with the “foreign agent” must have the resources to do so. Many of the rights groups listed are large, well-resourced national organizations (like Golos or Memorial) and are capable of taking on this extra burden. Environmental groups, on the other hand, tend to be smaller, regional organizations with fewer resources to pay fines or cope with increased paperwork. This helps to contextualize why the “foreign agent” law has caused so many environmental organizations to shut down, rather than continuing to operate with the label.

Russian NGO Reactions to the Law

To examine how civil society groups are coping in the aftermath of the “foreign agent” law, I now turn to qualitative data analysis of material gathered from interviews and participant observation of those familiar with or engaged in environmental activism in Russia. This section has three goals: 1) to corroborate and contextualize the national-level quantitative data presented above; 2) to provide information on the immediate, short-term consequences of the law for civil society; and, 3) to provide evidence for longer-term trends as a result of the law, including how civil society groups have changed their approach to international assistance (with respect to accepting foreign funding or other forms of foreign support) and how civil society’s re-orientation may have unintended consequences for the state.

First, material from interviews and participant observation corroborates the national-level data and provides evidence that organizations are aware of the uneven implementation of the law. For example, at the All-Russian Civic Forum held in Moscow in November 2015, the Russian branch of the World Wide Fund for Nature (WWF) and the human rights organization Agora organized a special seminar on protecting NGOs from new threats created by the law on “foreign agents.”⁵⁷ During the discussion, the organizers explained that they were compelled to organize the session together because it was clear from their own data that human rights and environmental NGOs were the two groups most targeted by the law. At the session,

⁵⁷ The author was in attendance at the seminar, which was videotaped, but not made available publicly online. However, the conference program and description of the seminar is available online (Session 25): <https://civil-forum.ru/forums/2015/programm/>. The Civic Forum has been portrayed in the scholarly literature as one mechanism through which the regime attempts to co-opt civil society (Hashim 2005); however, in my experience, independent civil society organizations and their leaders use the Forum as a real networking opportunity and share knowledge of best practices for reaching their goals despite the restrictive environment. The session on circumventing the law on “foreign agents” is one example.

NGO leaders debated responses to the law, pending legal cases, and what other options remained after liquidating their legal entity as a formal organization.

Interview material also confirms the perception that most of Russia's well-known environmental organizations have been targeted under the law. Several interviewees noted that getting added to the "foreign agent" list has become a mark of quality or a badge of honor, since most of the well-established regional environmental organizations have been named "foreign agents."⁵⁸ One added that it was hard to name an active environmental organization in Russia that *hadn't* been listed.⁵⁹ When asked why environmental organizations were specifically targeted, interviewees had several responses. One set of responses connects all environmental issues to politics, alleging that the connection between polluting industries and the government has made environmental issues more threatening.⁶⁰ Some interviewees also claimed that certain regions and cities are using the law to "even the score" and harass organizations that had clashed with authorities in the past.⁶¹ Others maintained that environmental protection – which is supposed to be excluded under the law,⁶² but clearly is not – was "patriotic" and should never be considered otherwise.⁶³ This led several environmentalists to assume that their organization would be spared under the law at the time of the interview – but months later these organizations were nevertheless listed as "foreign agents."⁶⁴ This points a disconnect between how some

⁵⁸ Interview 05-RF100915; Interview 19-RF102015; Interview 87-RF071916

⁵⁹ Interview 19-RF102015

⁶⁰ Interview 13-RF101615, Interview 14-RF101615, Interview 36-RF111815

⁶¹ Interview 19-RF102015; Interview 119-RF083116

⁶² The law exempts "the protection of flora and fauna" from the definition of "political activity," but this has not stopped the authorities from using the law to punish environmental groups.

⁶³ Interview 24-RF110415

⁶⁴ Interview 19-RF102015; Interview 45-RF113015; Interview 117-RF083016

environmental organizations see their own work (as patriotic) and how authorities interpret their activities (as politically threatening).

Second, interviews provide information on the immediate consequences of the law. Although many interviewees had gallows humor about being labeled “foreign agents,” others lamented the real and devastating effects that the law is having on smaller, regional environmental organizations. Interviewees cited increased bureaucratic and financial burdens from fighting the label, paying the fines, and/or losing vital foreign funding.⁶⁵ In addition to paying the fines for not voluntarily registering, organizations that fight the “foreign agent” label in court (for more information, see Chapter 5) have found that they are spending most of their organizational resources (time and money) preparing their legal cases, which distracts from the organization’s regular activities.⁶⁶ One organization that returned their foreign funding and successfully appealed the label pointed to the obvious problems caused by losing this financial support in the absence of other domestic sources of funding.⁶⁷ Even those organizations that had not been labeled “foreign agents” at the time of interview said that they were intentionally altering their activities, self-censoring, or backing away from direct ties to international groups.⁶⁸ In the short term, environmental organizations have been hard hit by the law on “foreign agents,” causing many of them to close, return or avoid foreign funding, or waste resources on fighting the label.

⁶⁵ Interview 05-RF100915; Interview 23-RF110315; Interview 51-RF120515; Interview 36-RF111815

⁶⁶ Interview 19-RF102015; Interview 23-RF110315; Interview 36-RF111815

⁶⁷ Interview 31-RF111115

⁶⁸ Interview 29-RF110615; Interview 48-RF120315; Interview 49-RF120315; Interview 99-RF080216

Third, interviews also shed light on longer-term reactions to the law and shifting attitudes toward foreign assistance among environmental groups, including trends that may have unintended consequences for the authorities. First, many fledgling environmentalists have learned that they should neither formally register nor accept foreign money for their activities.⁶⁹ Second, some professionalized environmental organizations that have been listed as “foreign agents” have chosen to liquidate the organization’s formal legal status, but continue to operate as an informal group.⁷⁰ Operating without a formal legal status means that the group would not be able to receive foreign funding. However, some interviewees argued that Russian domestic NGOs should not be relying on foreign funding in the first place, since it was seen as not trustworthy or driven by donor priorities that did not match the local situation.⁷¹ This led many to speculate that the law may have the unintended effect of bringing domestic civil society organizations closer to their local communities so that their activities better reflect local priorities and demands.⁷² This would correct one of the major vulnerabilities created by an over-reliance on foreign funding that the state has exploited through the “foreign agent” law. Rather than create formal, professionalized NGOs that follow donor-driven priorities at the risk of alienating their local community (Henderson 2002; Sundstrom 2006), activists may instead focus on informal grassroots movements that are more closely-connected to local constituents. These organizations will be harder for the regime to monitor and more difficult to alienate from their broader base of supporters using “anti-PR” tactics. Although the

⁶⁹ Interview 11-RF101515; Interview 21-RF103015; Interview 32-RF111215

⁷⁰ Interview 38-RF111915

⁷¹ Interview 96-RF073116; Interview 38-RF111915

⁷² Interview 16-RF101915; Interview 49-RF120315

laws are having intended effects for stigmatizing and shutting down organizations in certain areas that accept foreign funding, it may also have unintended effects that pose challenges to the regime's civil society management strategies in the future.

Finally, although environmental groups have learned a lesson about direct foreign funding, there are still ways in which international influence could continue to be useful for activists. While they have noticed a decrease in interest for their grants, interviewees from international organizations operating in Russia argue that domestic organizations continue to rely on them for access to national-level authorities, help in attracting attention from national or international media, providing capacity-building through trainings and seminars, and assisting them in obtaining support from international institutions that could pressure government actors or business interests within Russia.⁷³ Therefore, although environmental activists may avoid foreign funding, they will not completely eschew foreign connections and may still find certain aspects of international influence useful besides direct funding.

Case Two: Overseas NGO management in China

As in Russia, the Chinese government has started to focus on foreign connections and financial support to civil society, shaping which international groups are able to operate in the country and which domestic civil society groups they are able to fund. In April 2016, Chinese leaders increased regulations of non-Mainland organizations through the Law on the Management of Overseas Non-Governmental Organizations' Activities within Mainland China (referred to here as the "Overseas NGO Law" for simplicity). Although it differs in many important ways from a harsher

⁷³ Interview 86-RF071516; Interview 87-RF071916

earlier draft, the approved law has caused international concern and uncertainty about the future of international NGOs in China. One of the major concerns is the transfer of foreign NGO management from the Ministry of Civil Affairs to the Ministry of Public Security, which has been widely interpreted as a signal of the state's underlying suspicion of foreign NGO activity.⁷⁴ The law also requires foreign NGOs and their partners to re-register with the Ministry of Public Security and a new professional supervisory unit (PSU) from an approved list and report to these authorities on their annual activities ahead of time. Furthermore, the law includes language about taking action against organizations that undermine national security or national unity.⁷⁵ However, there are potential benefits from the law, which provides necessary legal status and a clear "code of conduct" for overseas organizations in China that were previously operating in a legal gray area. Furthermore, the new Charity Law, passed a month earlier than the Overseas NGO Law, has been largely interpreted as a positive step for domestic charitable giving. While the atmosphere for foreign foundations in China has become more restricted under the Overseas NGO law, domestic sources of funding are being encouraged under the 2016 Charity Law.

Because the Overseas NGO Law went into effect on January 1, 2017, the long-term effects of the law are still unknown. However, over the course of 2017, many

⁷⁴ See, for example, Gan, Nectar. 2016. "China's controversial new law on foreign NGOs to include greater police oversight, stricter financial scrutiny." *South China Morning Post*. 26 April. <http://www.scmp.com/news/china/policies-politics/article/1938490/chinas-controversial-new-law-foreign-ngos-include>

⁷⁵ See, for example: Phillips, Tom. 2016. "China passes law imposing security controls on foreign NGOs." *The Guardian*. 28 April. <https://www.theguardian.com/world/2016/apr/28/china-passes-law-imposing-security-controls-on-foreign-ngos>; Wong, Edward. 2016. "Clampdown in China Restricts 7,000 Foreign Organizations." *The New York Times*. 28 April. <http://www.nytimes.com/2016/04/29/world/asia/china-foreign-ngo-law.html>

international organizations have slowly been able to find a new professional supervisory unit (PSU) and register representative offices with the Ministry of Public Security. As of March 2, 2018, there are 337 representative offices for 282 different overseas organizations that have been registered in China since the new law came into effect.⁷⁶ As of the same date, there have also been 572 temporary activities registered.⁷⁷ As a recent report from the China-Europe Association for Civil Rights argues, there are two reasons that INGOs may work with temporary permits for their activities: 1) they do not anticipate these activities to be long-term or 2) they are still in the process of applying for registration under the new law and are using the temporary permits as a stopgap measure.⁷⁸ Considering that estimates of how many foreign NGOs operate in China range from 1,000 to 7,000 (Shieh and Knutson 2012)⁷⁹, it is clear that not all overseas NGOs have been able to successfully re-register under the law. Therefore, analysis of which organizations were first registered under the new law may shed light on which organizations or areas of work are considered most welcome by the Chinese authorities.

⁷⁶ Data drawn from official Ministry of Public Security data that has been compiled and categorized by ChinaFile's China NGO Project as of March 2, 2018: <http://www.chinafile.com/ngo/analysis/registered-foreign-ngo-representative-offices>

⁷⁷ Data on temporary activities is also drawn from the official Ministry of Public Security data and available on China File's NGO Project at: <http://www.chinafile.com/ngo/latest/temporary-activities-filterable-table>

⁷⁸ China-Europe Association for Civil Rights. "Policy Analysis on China's Civil Society Organizations." 2017 Annual Report. Available at: <http://www.chinafile.com/ngo/analysis/policy-analysis-chinas-civil-society-organizations#fnr18>

⁷⁹ See also, Wu, DD. 2017. "More Than 7,000 Foreign NGOs in China: Only 91 Registered So Far." *The Diplomat*. 2 June. <http://thediplomat.com/2017/06/more-than-7000-foreign-ngos-in-china-only-91-registered-so-far/>

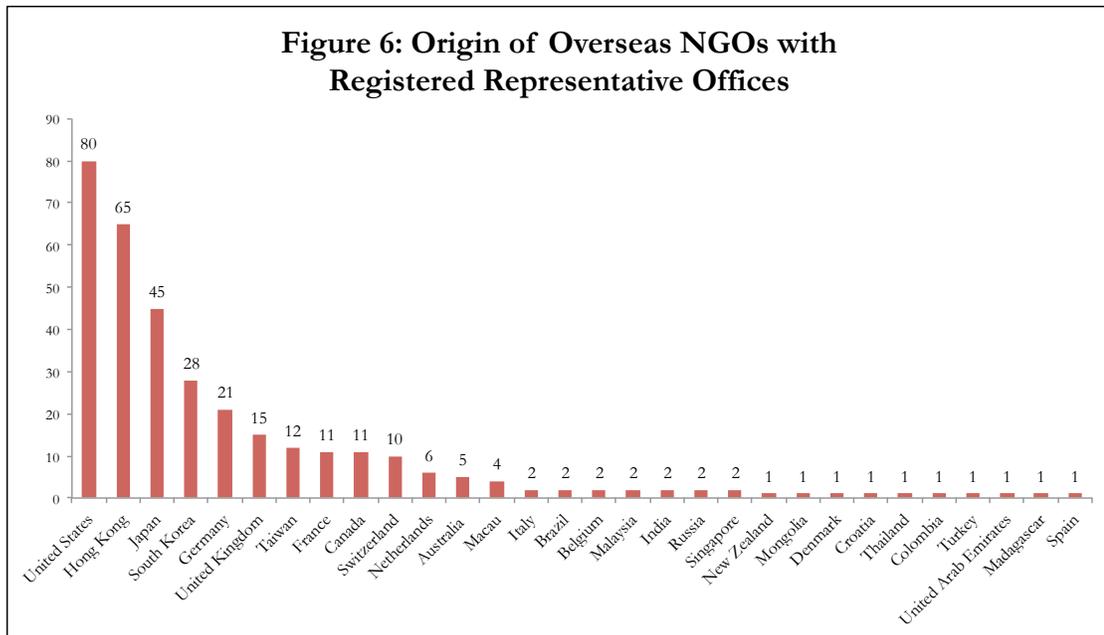
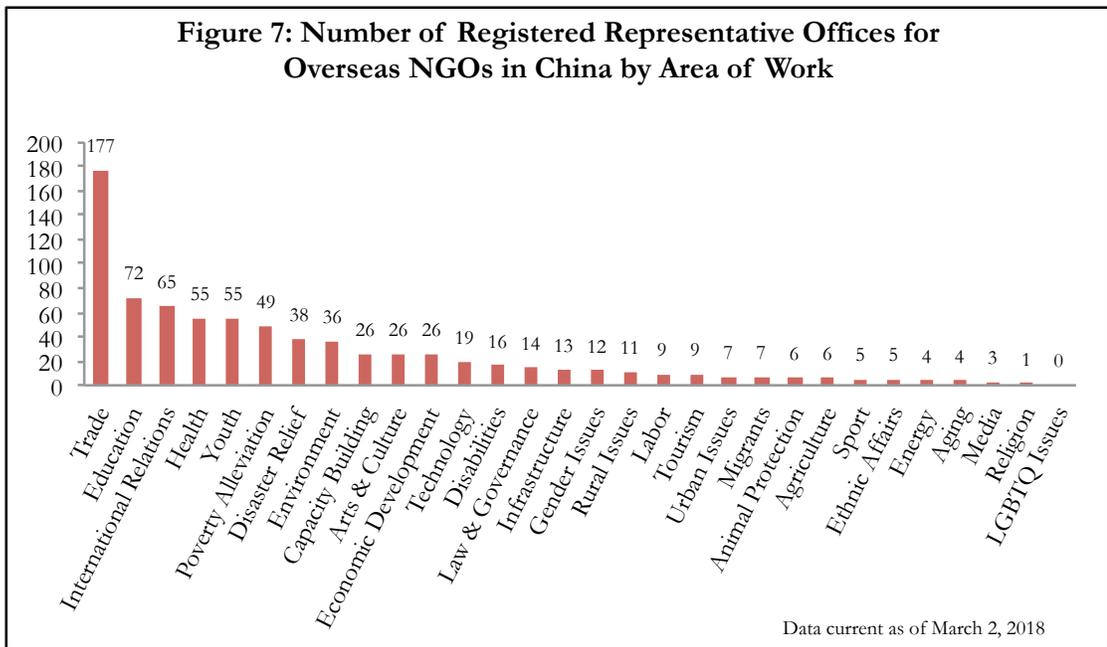


Figure 6 shows the country or region of origin for NGOs that have registered representative offices with the Ministry of Public Security under the new law. Organizations from the United States, Japan, South Korea, Germany, and the United Kingdom have been able to register in the highest numbers since the law went into effect. In addition, because the law applies to all organizations outside mainland China, there are a significant number of NGOs from Hong Kong and Taiwan that have also registered. This gives a general idea of the origins of NGOs that have successfully registered under the new law, but – like the Russian law – may just be a reflection of the volume of foreign assistance flowing into China from these countries or territories. The data is more informative when looking at each organization’s area of work (as in *Figure 7*).



Note: Each foreign NGO representative office may be engaged in multiple fields of work, so the totals here are higher than the total number of representative offices.

Figure 7 shows all registered representative offices for foreign NGOs that work in one or more of the categorized areas of work.⁸⁰ This data, in contrast to data on the register of “foreign agents” in Russia, gives insight into the areas of work where international assistance and collaboration are most desired, encouraged, or tolerated in China. Organizations working on issues of trade are high on the government’s approved list, and many of the first organizations registered were international trade associations such as the US-China Business Council, the Canada China Business Council, and the Russian Federation Chamber of Commerce and Industry. Many of these bilateral business councils are also registered to work in the area of “international relations,” which is also high among areas of work.

Organizations working in public service provision are next welcomed, including those

⁸⁰ Data drawn from official Ministry of Public Security data that has been compiled and categorized by ChinaFile’s China NGO Project as of March 2, 2018: <http://www.chinafile.com/ngo/registered-foreign-ngo-offices-map-full-screen>

working in education, health, and youth issues. Some of the first registered foreign NGOs working in these areas include the Bill and Melinda Gates Foundation, Half the Sky Foundation, and Save the Children. Interestingly, organizations working on environmental issues have been registered in similar numbers to groups working on disaster relief and poverty alleviation, suggesting that they are considered equally as welcome as these groups working on largely humanitarian efforts. The international environmental organizations that have been registered include Conservation International, the World Wide Fund for Nature (WWF), Pacific Environment, the Natural Resources Defense Council (NRDC), and the Nature Conservancy (TNC). Finally, while foreign organizations working on “rights” issues are not completely barred, they are less numerous, with only 12 registered representative offices for foreign NGOs working on gender issues (which could include women’s rights initiatives), 14 working on law and governance (which could include groups working on legal rights and rule of law), 9 working on labor issues, and 7 on migrants. The final group, which includes media, religion, and LGBTQ issues, suggests that these are the least welcome areas of work for foreign NGOs in China.

Chinese NGO Reactions to the Law

Interviews with environmental civil society groups, international organizations, and other civil society practitioners in China also help to contextualize and corroborate the data above. First, although interviewees were often uncertain about the specific impacts to their organizations, they were clear about the motivations underlying the law. Before the law went into effect, an atmosphere of uncertainty about how the law would affect civil society prevailed. Some echoed media interpretations that the law

would provide clearer legal boundaries,⁸¹ but most were unsure whether the law would negatively or positively affect their organization.⁸² While interviewees held mixed opinions about the potential impacts of the new law, they agreed that the strongest signal was the decision to transfer the management of international NGOs from the Ministry of Civil Affairs to the Ministry of Public Security.⁸³ This signaled the state's continued suspicion of international organizations as engaging in activity that could undermine state stability.⁸⁴ Another interviewee mentioned that it was yet unclear if the law was in the spirit of more transparent management (*guanli*) of civil society groups, or if the law was intended as an instrument of a less benign wish for control (*kongzhi*) over civil society.⁸⁵ These reactions all reflect the fact that the Overseas NGO Law could bring a mix of consequences for international groups – some positive and some negative – reflecting broader variation in the Chinese leadership's response to the dual pressures posed by these groups.

Second, with respect to specific short-term consequences of the law, many interviewees agreed that the political atmosphere has become less welcoming for *certain* NGOs, depending on the NGO's sector of work. Several interviewees mentioned that the atmosphere is better for service-providing NGOs, such as those working on healthcare, or on poverty and disaster alleviation, bearing out patterns seen in the early registration data.⁸⁶ Meanwhile, the atmosphere is particularly difficult for human rights organizations, as illustrated by several recent cases of government

⁸¹ Interview 52-PRC021716; Interview 110-PRC081816

⁸² Interview 69-PRC050616; Interview 78-PRC052416; Interview 107-PRC081616; Interview 116-PRC082316

⁸³ Interview 107-PRC081616

⁸⁴ Interview 110-PRC081816; Interview 116-PRC082316

⁸⁵ Interview 140-PRC012317

⁸⁶ Interview 107-PRC081616; Interview 130-PRC011817

pressure on human rights groups and lawyers.⁸⁷ While human rights was overwhelmingly mentioned as a potential targeted group, several interviewees maintained that environmental issues are a “softer” topic, or one that is still associated with relatively more openness.⁸⁸ Some environmental organizations are not worried about the new law at all, citing their strong relationship with particular government agencies or their privileged registration status.⁸⁹ In general, domestic Chinese environmental groups are optimistic about their ability to operate in China, citing new developments like allowing environmental NGOs to file public interest lawsuits⁹⁰ or windows of opportunity for working with government and business actors to lessen the environmental impact of Chinese investment abroad.⁹¹ This, combined with the fact that many high-profile international environmental organizations have been able to register under the new law, suggests that environmental organizations have a privileged status in China.

Third, in terms of long-run consequences, although the Overseas NGO Law does not seem to be aimed at reducing international collaboration on environmental issues, it may be creating incentives for organizations to reduce their international ties anyway. For example, one interviewee complained that their organization’s foreign partnerships and funding have attracted additional government scrutiny over the last several years, indicating that foreign ties might be considered a liability.⁹² Another representative of a domestic ENGO mentioned that they are reducing the funding that

⁸⁷ Interview 107-PRC081616; Interview 114-PRC082216

⁸⁸ Interview 57-PRC031716; Interview 141-PRC012417

⁸⁹ Interview 129-PRC011717; Interview 106-PRC081616

⁹⁰ Interview 107-PRC081616

⁹¹ Interview 110-PRC081616

⁹² Interview 56-PRC031016

they take from foreign sources in light of the new law.⁹³ Furthermore, several interviewees at foreign organizations, embassies, or consulates mentioned that their grants and activities have become less attractive over time, as more money for civil society activities from domestic charities or government agencies becomes available.⁹⁴ As one interviewee at an international organization noted, foreign grants often increase the likelihood that a domestic organization will be “taken out to tea” by the authorities. Therefore, if an NGO can avoid the trouble (*mafan*) and find alternate domestic sources of funding, that is what it is likely to do.⁹⁵

As in Russia, some interviewees expressed support for the idea that Chinese NGOs would re-orient to domestic funding. One researcher mentioned that the law might encourage more domestic charitable giving and keep priorities and projects focused at the local level.⁹⁶ However, the idea that Chinese NGOs will seek out domestic funding sources over international ones was not seen as a completely positive trend. The same interviewee also mentioned that it could be problematic if domestic charities are not interested in funding the same types of groups that foreign funders were, such as those focused on human rights.⁹⁷ Another interviewee (from a more confrontational domestic ENGO) worried that if domestic charitable giving completely replaced foreign funding, the government could easily instruct the domestic charity to cut off funds to certain groups.⁹⁸ Furthermore, for international environmental NGOs operating in China, the law will likely encourage them to work

⁹³ Interview 127-PRC011617

⁹⁴ Interview 62-PRC041316; Interview 110-PRC081816; Interview 130-PRC011817; Interview 141-PRC012417

⁹⁵ Interview 140-PRC012317

⁹⁶ Interview 128-PRC011617

⁹⁷ Ibid.

⁹⁸ Interview 114-PRC082216

more closely with the government or government-affiliated organizations rather than independent domestic groups.⁹⁹ Therefore, although some environmental groups will continue to work with registered international organizations, the Overseas NGO Law may be creating overall incentives for international organizations and domestic organizations to go their separate ways.

Conclusion

As this chapter has shown, authoritarian regimes employ a mix of strategies to differentiate between wanted and unwanted ties between international actors and domestic civil society groups. Although international support of domestic civil society went relatively unchecked in the 1990s and early 2000s, the state's changing attitude toward international influence after the Color Revolutions and the Arab Spring has brought these connections under increased scrutiny. However, although Russian and Chinese leaders both learned a lesson about the potential threat of foreign support of civil society from these events, they drew different conclusions about how to approach the problems posed by international influence *and* which types of civil society groups made them most vulnerable to this challenge. Instead of blocking all international assistance within their borders, both regimes have created selective policies to help differentiate among welcome and unwelcome connections between international groups and domestic civil society. In Russia, the 2012 law on “foreign agents” has not only punished groups for taking funding from particularly “sensitive” foreign organizations like the National Endowment for Democracy or the Open Society Institute, but it has also overwhelmingly used the law as a selective tool to repress

⁹⁹ Interview 139-PRC012317; See also Noakes and Teets 2018.

rights groups and environmental organizations. In China, the 2017 Overseas NGO Law has selectively encouraged international groups working in the areas of trade, health, and education first and foremost, followed by those organizations working in disaster relief, poverty alleviation, and the environment. These findings provide further evidence of how environmental groups, in particular, are treated differently by Russian and Chinese state actors. While Russian leaders see environmental groups as threatening to undermine national security with their foreign connections, environmental protection is one area where Chinese leaders most encourage international assistance and collaboration.

The observation that the two regimes treat environmental organizations differently also illustrates that although Russia and China are both concerned about international support of a Color Revolution-style movement within civil society, the two regimes diverge in their estimation of which groups are most at risk for this type of challenge. Environmental organizations in Russia are seen as threats, while environmental issues in China continue to be an area where the government encourages international support and assistance. Russian fears of electoral mobilization combined with the history of environmental mobilization at the end of the Soviet Union (Dawson 1996) have made the regime regard environmental groups as a likely participant in a future regime-toppling movement. In China, environmental groups have not been connected to past pro-democracy movements, like the 1989 protests at Tiananmen Square and elsewhere, and are also not seen as undermining state sources of legitimacy. Instead, the government views environmental organizations and their international partners as providing a service to the state in

fixing problems of social instability associated with broad-based environmental grievances. This helps to explain why many international groups working in environmental areas have been able to register under the new regulations and why environmentalists in interviews express confidence that they will not become targets of state control or repression.

The two laws also illustrate how differences in the state's response to environmental groups in turn affects their behavior. In Russia, environmental groups in particular have learned a lesson about taking direct foreign funding. While international connections may still be helpful for attracting media attention, accessing national policymakers, or harnessing international pressure, many environmental civil society organizations in Russia are returning foreign grants and/or choosing not to apply for them in the future. In addition, some environmental groups on the "foreign agent" list have learned that formal registration may make the group more vulnerable to state repression. Therefore, many groups are deciding to operate informally, even if it means no longer being able to apply for funding. This means that the law on "foreign agents" may be encouraging more unregistered, informal mass movements or citizen's initiatives that will be more difficult for the state to control or monitor. Without the scapegoat of foreign funding, it will also be harder for the state to drive a wedge between civil society groups and their local bases of support. By encouraging grassroots, informal groups with no foreign ties, the "foreign agent" law may unwittingly be laying the groundwork for future citizen-supported mass movements.

In China, many environmental groups will continue to work with those international organizations that have been able to successfully re-register under the

new law. However, as the interview material indicates, domestic civil society groups may also be receiving warnings about working with certain international groups, which could reduce the demand for international collaboration and partnership, even if some of these “blacklisted” international groups are eventually registered. Because China’s domestic charities and other sources of funding are more developed than in Russia, Chinese civil society groups may increasingly turn to domestic sources of funding instead of dealing with the trouble that can come with associating with international organizations. This could ultimately give government actors more control over which civil society groups are funded, and which are not. Furthermore, although many international organizations will re-register successfully and stay in China, the law creates incentives for those international groups to moderate their behavior to keep their status. This could also mean that international groups might self-censor their grant-making activities or focus more on partnerships with policymakers or government officials over citizen activists (see, for example, Noakes and Teets 2018).

Finally, the laws illustrate general differences in approach to the dual problem of information and control across two different authoritarian regimes. The Russian “foreign agent” law is reactive, punishing those organizations that state actors have deemed as crossing a line and threatening the regime. It reinforces the idea that the state and societal actor are engaged in a more antagonistic and confrontational relationship, particularly rights and environmental ones. Conversely, the Chinese Overseas NGO Law is a pre-emptive law that focuses on filtering out those international organizations that it does not want operating inside its borders before it can become a problem. It focuses on rewarding and highlighting those groups that are

playing by the rules by making sure that they are among the first to be re-registered to legally continue operating in China. This also supports a more cooperative and collaborative attitude with respect to state and societal actors. However, both of these approaches – whether pre-emptive or reactive, antagonistic or cooperative, rewarding or punishing – are being used to select among civil society to encourage those groups that can help solve information problems or improve governance (in the Chinese case) or thwart those groups that are seen as exacerbating the problem of control (in the Russian case). The fact that environmental groups are treated differently between the two regimes suggests that the state has different ideas of how these groups factor into solving the problem of authoritarian governance. The chapters that follow will unpack the reasons why environmental groups are treated differently between the two countries and how environmental groups have decided to respond to differences in the state's treatment of them.

CHAPTER 4

MASS MOBILIZATION:

FROM UNEXPECTED VICTORIES TO UNINTENDED CONSEQUENCES

Introduction

One of the more visible tactics that activists can use reach their goals is mass mobilization, whether that involve mobilizing public opinion or taking to the streets. Despite its confrontational nature, mass mobilization can still illustrate the dual pressures of information and control that are common to authoritarian regimes. Studies of mass mobilization or mass protest – like most studies of state-society relations under authoritarianism – tend to emphasize either the regime’s impending collapse (exacerbating the problem of control), or its savvy in using protests to contribute to regime stability (solving the problem of information). On the former, studies of the Soviet collapse, Color Revolutions, or Arab Spring would point to the ability of protest under authoritarianism to usher in regime change (Dawson 1996; Beissinger 2002; Tucker 2007; Beissinger 2007; Bunce and Wolchik 2011; Bellin 2012; Lynch 2014). On the latter, some studies of authoritarianism have emphasized state control and repression of potential collective action (Nathan 2003; Heydemann and Leenders 2011; Hess 2016; King, Pan, and Roberts 2013) or how allowing some limited public protest could contribute to regime stability or the regime’s other domestic or foreign policy goals (Lorentzen 2013; Weiss 2013, 2014).

Studies of street protest and other forms of mass mobilization have also garnered increased attention from scholars of both Russia and China. In China, the uptick in the occurrence of “mass incidents” since the 1990s has driven some scholars

to focus on analyzing social protest (O'Brien 2008; Mertha 2008; Cai 2010; Chen 2011). In Russia, the 2011-2012 electoral cycle of protests also spurred a range of scholarship (Koesel and Bunce 2012; Greene 2014; Lankina 2015; Lankina and Skovoroda 2017; Gabowitsch 2017), although citizens had been mobilizing on other issues well before this wave of protests against electoral fraud (Greene 2013; Robertson 2013; see also Robertson 2009, 2011). Often, these studies focus on quantifying contention by counting protests, strikes, or online discontent in both countries for analysis of the content of protest claims, its regional spread, the volume of events, or the government's reaction (Robertson 2013; Lankina 2015; Tanner 2004; Chan et al. 2014; Li 2017; Elfstrom 2017; King, Pan, and Roberts 2013). While these studies are valuable for understanding the macro-landscape of contention under authoritarianism, and in Russia and China in particular, it can be harder to know from these macro-level numbers how exactly civil society actors (from grassroots activists to professionalized NGOs, domestic or international) themselves relate to the tactic of mass mobilization.

In Russia and China, in addition to an uptick in mass mobilization over the last several years, both countries have seen an increase in environmental demands. There have been several major mass mobilization events related to the environment in Russia in the last decade, including a campaign to mobilize volunteers to fight forest fires in 2010 (Yanitsky 2012), a mass movement to protect a forest in the outskirts of Moscow (Evans 2012), and more recent protests against landfills and trash incinerators (Meduza 2018). In China, environmental protests are also increasing (Kennedy 2012), and there have been several high-profile mass campaigns on environmental issues,

such as against PX (paraxylene) plants in Xiamen and Dalian (Hung 2013; Gunter 2015), a copper-refinery plant in Shifang (Branigan 2012), or a wastewater disposal project in Qidong (Lu and Chan 2016). Environmental issues have also caused important mass campaigns on Chinese social media, from public calls for the disclosure of air pollution data in 2012 (Plantan and Cairns 2018) to the viral dissemination and swift censorship of journalist Chai Jing's documentary on the health effects of air pollution in 2015 (Cui 2017).

Although environmental issues in Russia and China both have demonstrated the potential to mobilize the masses, as I argued in Chapters 1 and 2, there remains a stark difference in how the state treats organized environmental civil society groups. In Russia, environmental groups are often targets of state repressive tactics, while environmental groups in China are more welcomed by the regime (see, for example, Chapter 3). What accounts for this difference in state response to environmental groups between Russia and China? Why, if environmental demands have such a huge collective action potential, are environmental activists and civil society groups not similarly repressed by Chinese leaders? How does the state respond to both environmentally-motivated mass mobilization and the activists seen as behind these events? In light of the state's response, how have activists altered their approach to choosing mass mobilization as a tactic over time?

To unpack the answers to these questions, I focus on micro-level case studies of some of the most famous "pivotal" or "turning point" cases of environmental mass mobilization in the post-Soviet and post-Tiananmen eras. In the mid-2000s, two of the biggest environmental movements in either country – a campaign to protect Lake

Baikal from an oil pipeline in Russia and a campaign opposing dams along the Nu River in China – look considerably similar, although there are some subtle differences in the scale of mobilization. However, after the mid-2000s, how Russian and Chinese activists approach mass mobilization and coordinated action became much more distinct. Over time, Russian environmental activists have increasingly turned to mass mobilization and coordinated mass protest across Russia’s cities and regions as the most effective tactic. At the same time, Chinese environmental activists – particularly at domestic or international ENGOs – have reduced their formal involvement in such campaigns. Chinese ENGOs have also limited visible horizontal linkages between environmental groups at the international, national, and local levels, which contributes to a lack of coordinated, cross-regional protest of the type seen during the events of Tiananmen. These different approaches to environmental mass mobilization have been shaped by the different historical legacies of mass mobilization in either country, which also shaped state perceptions of the threat posed by environmental activism. This helps to explain why environmental groups are seen as threatening to state stability in Russia, but environmental groups in China are not.

To illustrate how these differences have solidified over time, I compare the mid-2000s cases to two later movements (in the 2010s) to show how environmentalists’ attitudes toward mass tactics and coordinated action have evolved and changed in both countries. This is followed by a discussion of how mass mobilization tactics have continued to evolve and change in the period after the second set of case studies using material from interviews with environmental activists in both countries.

Mass mobilization in Russia and China from the 1990s to present

Although the political atmosphere in Russia and China has converged in the authoritarian direction, mass protests in both countries are pervasive, including protest motivated by environmental grievances. What factors have shaped mass protest in these countries over time? How does environmental protest fit into broader national protest trends? What is the state's response to mass mobilization in general and to environmental mobilization specifically? This section addresses these questions by reviewing the context for mass mobilization from the late-Soviet and Tiananmen periods to present day, with a particular focus on protest motivated by environmental demands.

Mass mobilization in Russia from the late-Soviet period to Putin 3.0

During the late-Soviet perestroika era, the post-Chernobyl environmental movement provided a platform for the broader mass mobilization that contributed to the Soviet collapse (Dawson 1996). As many authors write, the environmental movement was in the best position at the end of the Soviet Union, and should have been the most likely to succeed in the post-Soviet period (Henry 2002; Crotty 2009; Henry 2010). However, during the post-communist transition in the 1990s, the environmental movement lost the momentum that had been building during the late-Soviet period as environmental grievances were eclipsed by other pressing concerns, including high inflation and unemployment and increased crime and corruption (Manning 1998; Yanitsky 1999). Indeed, from 1997 to 2000 the majority of protest demands were related to unpaid obligations like wages and benefits (72%), while concerns related to environment or development issues accounted for only 1% of

protests (Robertson 2013, 20). However, from 2007 to 2011, environmental or development issues comprise the largest single category of protest demands (28%), followed by changes in policy (22%) and civil rights issues (16%) (Ibid.). Therefore, although the environmental movement had a “spectacular rise and fall” (Manning 1998, 114) from the late 1980s to the 1990s, environmental grievances as a cause of mass mobilization had regained some ground by the late 2000s.

Another major difference in the pattern of protests between the late 1990s and the late 2000s eras is their geographic spread. Protests in the 1990s were more regionalized, but by the end of the 2000s, the majority of protests were concentrated in the capital cities (Robertson 2013, 18-19). Since Robertson’s data ends in 2011, it does not include the swell of protests around the 2011-2012 elections. These protests were remarkable for their scale, duration, and spread across the country. Although many observers have focused on Moscow and the massive protests involving ‘non-systemic’ opposition politicians and activists (Gel’man 2013; Greene 2014; White 2015), others have pointed out the regional spread of these and other protests (Lankina 2015) and the fact that they were not just a middle-class or elite ‘oppositional’ movement (Gabowitsch 2017). Furthermore, in the assessment of this cycle and the other protest movements that may have presaged it, scholars have highlighted the contribution of recent grassroots environmental protests that were focused on specific, local grievances.¹⁰⁰ Although protests had become more concentrated in the capital cities of Moscow and St. Petersburg by the 2011-2012 electoral cycle, protests were still occurring across Russia’s regions and not all of these protests were necessarily

¹⁰⁰ Greene (2014) discusses the movement to protect Khimki Forest on pages 162-164. Gabowitsch (2017) discusses several environmental movements, including Khimki, on pages 132-134.

calling for systemic change, but instead focused on specific grievances, including environmental issues.

The atmosphere for mass mobilization in Russia shifted after Putin returned to the presidency in 2012 and the leadership embarked on a set of policies to “diffusion proof” the regime from similar protest waves in the future (Koesel and Bunce 2013). This included new laws to deter mass mobilization, including increasing the fines for unsanctioned protesting (Bryanski 2012) and imposing criminal charges for sharing or supporting “extremist” posts on social media (Yudina 2016). Despite this, media reports have documented increasing civic activism and coordinated protests throughout Russia, including grassroots movements against urban reconstruction and development (Kolesnikov and Volkov 2017), truck drivers protesting increased tolls (RFERL 2017), the massive, country-wide anti-corruption protests in 2017 (Roth and Filipov 2017), and recent protests against trash incinerators in the Moscow region (Meduza 2018). Even though the regime increased the costs following the 2011-2012 wave of electoral protests, mass mobilization has continued to be a “tactic of choice” for many Russian activists, including environmentalists.

Mass mobilization in China from Tiananmen to the Xi era

Although often associated only with Tiananmen Square in Beijing, the broader 1989 democracy movement included protests in 30 provinces and 132 cities across China (Tong 1998, 317). This movement was not the first episode of broad contention during this era – other events included the mass mobilization in 1976 after the death of Zhou Enlai, the 1978 Democracy Wall movement, and the 1986 student movement for democratic reform. However, the violent military response to the 1989 protests was

“unprecedented” (Mason and Clements 2002, 165). Because of this harsh repression, many scholars have pointed to the legacy of Tiananmen to explain why no similar coordinated, nationwide protest movement has emerged in China since (Mason and Clements 2002; Chan et al. 2014).

However, despite the violent repression in 1989, there has been an increase in social protest in China since the 1990s. According to the Ministry of Public Security’s own data, there was a 268% increase in “mass incidents” (*quntixing shijian*) from 1993 to 1999, from 8,700 incidents in 1993 to 32,000 in 1999 (Tanner 2004, 138). Although official statistics on “mass incidents” have become scarce after the MPS stopped publishing the data, recent scholarly estimates place the number of mass incidents in 2010 at around 180,000.¹⁰¹ But in contrast to the movement in 1989, these protests are more fragmented, isolated, and focus on local-level grievances. While the student and labor movements joined in a coordinated mass movement in 1989, there are now no signs of mobilization that transcend class or regional lines (Lee and Friedman 2009). Those that do protest have “self-consciously restrained their actions” (Tanner 2004, 140) with a “tacit understanding” to not directly attack the central government (Liu 2015, 2153). Instead, citizens engage in “rightful resistance” – using the language of the authorities to defend their claims and leverage center-local divisions to reach their goals (O’Brien 1996; O’Brien and Li 2006). Activists have also learned that exploiting these divisions between different levels of government can make concessions possible (Mertha 2008; Cai 2010; Chen 2012). Furthermore, as

¹⁰¹ This estimate is from Sun Liping, a professor at Tsinghua University in Beijing, and is commonly cited in the media. See, for example: Orlik, Tom. 2011. “Unrest Grows as Economy Booms.” *The Wall Street Journal*. September 26.
<https://www.wsj.com/articles/SB10001424053111903703604576587070600504108>

studies of the labor movement have shown, organized civil society groups can encourage this type of “atomized action” to mobilize individual claims rather than collective ones (Fu 2017).

As the style of protest has changed, so too has the police response. Immediately after Tiananmen, Chinese police relied on swift force to quell demonstrations, but this strategy shifted over time to one of “containment and management” (Tanner 2004, 147). Some authors have argued that Chinese leaders can even benefit from allowing these limited forms of public protest (Lorentzen 2013), which can help the state “discern mass discontent, monitor local governance, [and] correct misguided policies” (Liu 2015, 2163). However, decisions to engage in repression or responsiveness are not mutually exclusive. Increased protest can paradoxically cause local Chinese officials to engage more in both repression *and* responsiveness (Elfstrom forthcoming), a trend that has also been found at the national level with an increase in institutionalized channels for civil society participation in governance alongside nationwide efforts to repress civil society (Fu and Distelhorst 2018). However, different groups can experience different levels of either repression or responsiveness at different times.

Unlike in the former Soviet Union, environmental demands were not driving the wave of mass mobilization across China in 1989. Instead, the state has focused on decreasing worker and student activism – the two groups seen as the main organizers of the Tiananmen Square protests (Mason and Clements 2002). However, environmental grievances have become a primary driver of the increasing trend in limited, local protest since the 1990s. According to various estimates, environmental

demands are considered either the top reason for “mass incidents” (Zhou and Sanderson 2013) or at least among the top three (Headley and Tanigawa-Lau 2016). Yang Chaofei, vice-chairman of the Chinese Society for Environmental Sciences, estimated that environmental protests have grown an average of 29 percent annually from 1996 to 2011 (Kennedy 2012). Another report finds that half the mass incidents attracting 10,000 or more participants between 2000 and 2013 were triggered by environmental grievances (Li and Tian 2014). Despite the high level of mass mobilization around environmental issues, these protests are less likely to attract police presence than other forms of protest that advance more radical political demands (Li 2017, 16). Furthermore, as several recent examples of environmental mass mobilization in China have shown, these protests often achieve their desired concessions from the authorities (Lang and Xu 2013; Yang 2016).

Summary: Comparing histories of mass mobilization in Russia and China

While both Russia and China have seen a recent increase in protest related to environmental demands, divergent histories of the environmental movement have contributed to a difference in the characteristics of these protests. In the late Soviet period, post-Chernobyl environmental grievances served as a vehicle for the broader, systemic protests that contributed to the collapse of the Soviet Union (Dawson 1996). Although the environmental movement experienced a decline during Russia’s dual transition in the 1990s, environmental grievances as a source of protest resurfaced in the mid-2000s and contributed to the swell in protests aimed at more systemic demands around the 2011-2012 electoral cycle of protest. Furthermore despite increasing costs for collective action when Putin returned to the presidency in 2012,

mass mobilization continues to rise and is a preferred tactic among environmental activists. This history of environmental mobilization has both emboldened activists to continue using the tactic and motivated the state to be concerned about environmental grievances fostering broader, systemic demands. In China, however, the violent example of Tiananmen warned all organized civil society groups from being associated with coordinated, mass protest. Although protest, including environmental, has increased since the 1990s, it is much more fragmented, grassroots, and localized. In contrast to Russia, environmental demands were not directly associated with the mass mobilization in 1989, making them less of a threat to regime stability in the state's eyes. Furthermore, as the case studies will illustrate, organized environmental civil society groups have increasingly backed away from being associated with local, fragmented environmental protest to maintain their privileged status with the state.

Adapting to the State: Unexpected Victories and Unintended Consequences

Although the history of late-1980s mass mobilization looms large in both countries, the trends noted in the previous section did not happen overnight and instead took shape over time. This section examines two sets of case studies – the first set from the mid-2000s and the second set from the post-2011 period – to compare and contrast environmentalists' approaches to mass mobilization between the two countries. How do environmentalists approach mass mobilization? How have those approaches changed over time? In addition to differences in the historical legacy of mass mobilization and the perception of systemic-level threat posed from environmental groups in both regimes, how environmental activists engage with the tactic of mass mobilization differs.

These cases discussed here are widely considered to be “pivotal” or “turning point” cases for the environmental movement in either country by academics and environmental activists alike. Although these are standout cases, they illustrate broader trends in environmental civil society during these two time periods. Furthermore, these cases were often mentioned in interviews with activists either as inspiration for or as a warning against using mass mobilization for environmental campaigns that followed. By examining these cases side-by-side, we can see changes in how formal ENGOs (both foreign and domestic) have approached mass mobilization through an iterative process of interaction with the state. Although the involvement of formal ENGOs is quite similar in the mid-2000s cases, by the 2010s their approach diverges. While Russian environmental activists – whether grassroots, domestic, and international ENGOs – continue to emphasize mass mobilization as a go-to tactic and support each other through horizontal ties, environmental groups based in China are increasingly wary of being directly associated with mass unrest and minimize horizontal connections.

Case 1 (Russia): Re-routing the Eastern Siberia-Pacific Ocean (ESPO) Oil Pipeline

In December 2004, the Russian government approved Transneft’s plans to build the Eastern Siberia-Pacific Ocean (ESPO) oil pipeline stretching almost 4200km from western and central Siberia to the Sea of Japan in the Far East (RIA Novosti 2009). Earlier plans for a similar pipeline, initiated by Yukos, were shelved after CEO Mikhail Khodorkovsky’s high-profile arrest in October 2003.¹⁰² Transneft’s planned route would pass within 800 meters of Lake Baikal’s northern shore, leading some

¹⁰² Interview 36-RF111815

experts to argue that it would take only 40 minutes for an oil spill from the pipeline to reach Baikal and cover a third of its surface (Skal'skii 2006). This attracted fierce opposition to the project from environmentalists concerned about the likelihood of a catastrophic oil spill that would quickly reach Lake Baikal, the world's oldest and deepest freshwater lake.

Baikal Environmental Wave (BaikalWave), an environmental NGO headquartered in Irkutsk, became the leader of the local movement against the pipeline. The group had been fighting the pipeline since the initial Yukos plans, but the movement against the most recent iteration of the project came to a peak in 2006. In January 2006, Rostekhnadzor (the Russian Federal Service for Ecological, Technological, and Atomic Supervision) conducted an environmental impact assessment (EIA) of the proposed pipeline route, but 43 of the 52 scientists negatively assessed the project. Under reported pressure from Transneft, Rostekhnadzor revised the EIA with 34 additional experts, and this new group produced a positive assessment (Vedomosti 2006). With this new scientific and environmental approval, the project was to move forward as planned.

When the institutionalized mechanism for stopping the project for its environmental impact failed, the task of protecting Lake Baikal from the pipeline fell to civil society groups. A broad coalition of actors, including Baikal Environmental Wave (BEW), Greenpeace, WWF, and other domestic ENGOs in across several regions of Russia, joined forces to defend Baikal from the pipeline.¹⁰³ Some of these groups were informally coordinated through the “Baikal Movement” (*baikal'skoe*

¹⁰³ Interview 3-RF092515; Interview 36-RF111815; Interview 82-RF070516; Interview 122-RF090316

dvizheniye), headed by Baikal Environmental Wave, along with several other local organizations, political parties, and individual citizens.¹⁰⁴ Throughout the spring, these actors collected approximately 100,000 petition signatures against the planned pipeline route (Mistiaen 2008). The coalition also organized coordinated mass protests in 13 cities across Russia, including Moscow, Irkutsk, Ulan-Ude, St. Petersburg, Nizhniy Novgorod, and Yekaterinburg (Petrankova and Koptev 2006). Several additional protests were held in Irkutsk, including a protest in late April that attracted an estimated 5,000 to 7,000 people (Kommersant 2006a).

In addition to the mass mobilization within Russia, the group also reached out to the UNESCO World Heritage Committee (Baikal was granted World Heritage site status in 1996) to put pressure on the Russian government. In March 2006, the head of the World Heritage Committee sent a letter expressing concern about the project to President Vladimir Putin (UNESCO 2006). Furthermore, the activists also had some local political support for their cause. The Irkutsk regional governor, Alexander Tishanin, and the chairman of the Irkutsk regional legislative assembly, Victor Kruglov, agreed that the pipeline would help the region economically, but disagreed with the proposed route because of its threat to Lake Baikal (Regnum 2006).

On April 26, 2006, at a televised meeting on the social and economic development of the Siberian Federal District in Tomsk,¹⁰⁵ Vladimir Putin personally intervened to tell the head of Transneft that the pipeline must be re-routed away from Baikal's northern shore (Lenta.ru 2006). One month after this public excoriation,

¹⁰⁴ For a list of the organizational committee members and regional affiliates of the Baikal Movement, see: <http://baikal.babr.ru/?ev=org>

¹⁰⁵ For a full transcript and video of the meeting, see: <http://kremlin.ru/events/president/transcripts/23569>

Transneft announced that the pipeline would be routed 400km north of Baikal, well out of its watershed and the region's zone of seismic activity (Kommersant 2006b). The environmentalists had won. Marina Rikhvanova, the leader of BaikalWave, was internationally honored for her efforts and awarded the prestigious Goldman Prize (considered the Nobel Prize for environmentalists) in 2008.¹⁰⁶

Case 2 (China): Halting Dams along the Nu River

In spring 2003, the Yunnan provincial government and the Huadian Corporation (one of the five largest state-owned power generation enterprises in China) signed a letter of intent for a hydropower development project along the Nu River that would include two reservoirs and 13 dams (Mertha 2008, 117). The Nu River (*Nujiang*) – China's last free-flowing – stretches from its origins in the Qinghai Mountains on the Tibetan Plateau and runs through the Three Parallel Rivers UNESCO World Heritage site in southwestern China before crossing into Myanmar and Thailand, where it is known as the Salween. After Huadian and the Yunnan provincial government submitted the project to the NDRC (National Development and Reform Commission), it was quickly approved (Mertha 2008, 121). However, there was opposition from within SEPA (the State Environmental Protection Administration),¹⁰⁷ which was enough to delay any higher-level approval while

¹⁰⁶ For more information, see: <https://www.goldmanprize.org/recipient/marina-rikhvanova/>

¹⁰⁷ SEPA was replaced by the Ministry of Environmental Protection (MEP) in 2008, but in 2018 the MEP was superseded by the new (and even more powerful) Ministry of Ecology and Environment. For more information on the most recent change, see: Stanway, David. 2018. "China shake-up gives climate change responsibility to environment ministry." Reuters. 13 March. <https://www.reuters.com/article/us-china-parliament-environment/china-shake-up-gives-climate-change-responsibility-to-environment-ministry-idUSKCN1GP0QJ>

waiting for the results of the project's environmental impact assessment (Mertha 2008, 122).¹⁰⁸

As the project sought approval at the national level, a coalition of NGOs in Beijing and Yunnan began to take shape in opposition to the proposed dams. This included Beijing-based ENGOs Green Earth Volunteers (GEV), Friends of Nature (FON), Green Island, the Institute for Public and Environmental Affairs (IPE), Global Village Beijing (GVB), Beijing-based river expert He Daming, and Kunming-based ENGO Green Watershed (GW) (Mertha 2008; Han 2013, 322). The two individuals most fiercely involved in opposing the project were undoubtedly Wang Yongchen (the leader of GEV in Beijing) and Yu Xiaogang (the leader of GW in Kunming). From Beijing, Wang Yongchen mobilized journalists, experts, and environmentalists to oppose the plans, which included organizing a petition with signatures from 62 individuals opposing the project that was circulated in the media in October 2003 (Mertha 2008, 119). Meanwhile, Yu Xiaogang continued his efforts at the local level, mobilizing villagers affected by hydropower projects along the parallel Lancang (Mekong) River and exposing residents along the Nu River to the impact of the dams on the neighboring river. This included a demonstration of 3,000 villagers affected by the Manwan Dam along the Lancang River that lasted for three days in August 2003 (Mertha 2008, 112).

¹⁰⁸ The history of the Nu River project and NGO opposition from 2003 to 2006 is covered extensively in Mertha 2008, pp.110-149. Many other China scholars have also used the Nu River case in their writings about Chinese environmental politics, including Chen 2010, Xie 2011, and Han 2013. For the most part, this case study re-telling uses these sources as background, but also updates the case to present day using Chinese and international media sources.

The coalition of Beijing and Yunnan-based NGOs also had the support of international groups like International Rivers, Conservation International, The Nature Conservancy, and Oxfam (Chen 2010; Xie 2011; Han 2013). Conservation International and Oxfam even directly financed some of the Chinese ENGOs involved in the Nu River campaign (Han 2013, 324-325). The coalition also mobilized global anti-dam groups. At an anti-dam conference in Thailand in November 2003, attended by several of the NGOs in the coalition against the Nu River project, NGOs from over 60 countries signed a petition that was sent to UNESCO (Yan 2005). These efforts of domestic and international civil society actors culminated in Premier Wen Jiabao suspending the project in early 2004 – a landmark achievement for the Chinese environmental movement (Yardley 2004). For his role in mobilizing villagers and stopping the Nu River dam project, Yu Xiaogang was awarded a Goldman Prize in 2006.¹⁰⁹

However, the saga of the Nu River Project was not yet over. Opponents and proponents of the dams continued their respective efforts, assuming that the plans might be revisited in the future. In May 2004, Yu Xiaogang led a group of 14 community leaders from the Nu region to visit the Manwan dam site to see the impacts from the hydropower project (Tang 2004). Later that summer, UNESCO officially expressed its concern about the proposed dams at its 28th session in Suzhou, China (UNESCO 2004, Decision 28 COM 15B.9). Meanwhile, dam proponents continued attempts to gain approval for the project at the national level and assure skeptics of its minimal environmental impact (Mertha 2008, 133). In 2005, opponents of the dams

¹⁰⁹ For more information, see: <https://www.goldmanprize.org/recipient/yu-xiaogang/>

issued a petition, endorsed by 93 organizations and 459 individuals, calling for the project's environmental impact assessment (EIA) to be made public (International Rivers 2005). In January 2006, it was revealed that the dam plans had been modified and would now only include four dams instead of the original 13 (Yardley 2006). The battle between dam proponents and opponents continued, and in 2008 reports confirmed that Huadian was making final preparations to begin building the first of the dams at Liuku (Shi 2008). But in 2009, Wen Jiabao intervened again to halt preparatory work on the Liuku hydropower station, citing an incomplete understanding of the project's environmental impact (Shi 2009).

The project was effectively suspended until early 2013, when the leadership transition created a political opportunity for dam proponents. Shortly before the official transition between Wen Jiabao and Li Keqiang as premier, a proposal for five dams along the Nu River was included in the 12th Five Year Plan for Energy Development released by the State Council (Li 2013). Then, in 2014, Premier Li Keqiang announced that China would begin construction on more dams that year to catch up to its hydropower targets – including the possibility of beginning construction on the first of the dams along the Nu River by 2015 (Reuters 2014). Right after Li Keqiang's announcement, a coalition of 19 Chinese NGOs released an English-language summary of a December 2013 report urging the government to reconsider its reliance on hydropower (International Rivers 2014). Construction on the first Nu River dam did not begin by 2015, however, and in January 2016 the Yunnan provincial government officially declared that they were stopping the dam construction in favor of a proposal for a national park (Hu 2016). Environmentalists

waited to see if the Yunnan provincial government's decision would be confirmed at the national level. They got their answer in December 2016, when there was no mention of dams along the Nu River in the National Energy Administration's 13th Five Year Plan for hydropower development (Phillips 2016).

Discussion of Cases 1 & 2

The campaign to protect Lake Baikal from the ESPO pipeline and the Nu River anti-dam campaign provide a window into the similarities and differences between how environmental movements operate in Russia and China, particularly in the mid-2000s. Both cases involved a coalition of actors, including local ENGOs, national ENGOs in the capital cities, and even international NGOs with branch offices in the host countries. In both, a large infrastructure project was proposed at a UNESCO World Heritage site in regions with a strong history of environmental activism.¹¹⁰ The coalitions used the UNESCO status in their appeals to higher government officials, although, given the timing of Wen Jiabao's 2004 decision to suspend the dam proposal, the pressure from UNESCO seems less important in the Nu River case. The two campaigns were also able to elicit an unprecedented response from top-level authorities – President Putin in the Baikal case and Premier Wen Jiabao (twice) in the Nu River case. The activists also had other actors within government on their side, including the Irkutsk regional governor for the Baikal movement and actors within SEPA for the Nu River movement. Finally, in both cases, key leaders of these

¹¹⁰ Campaigns to protect Lake Baikal have featured heavily in the history of the environmental movement in Russia, including in the 1960s and late 1980s (Weiner 1999). In Yunnan, the region's biodiversity and relative poverty attracted international groups working on the environment and development in the 1990s, and for years the region was a hub for environmental civil society groups, both foreign and domestic (Hildebrandt 2013; Teets 2014).

movements won international recognition for their efforts. As mentioned previously, Marina Rikhvanova of BaikalWave and Yu Xiaogang of Green Watershed won the prestigious Goldman Prize in 2008 and 2006, respectively.

Despite all of these similarities, the movements also have some key differences, especially in how they approached the issue of mass mobilization. First, while in both cases the groups made use of petitions, the scale and collection of petition signatures starkly differs. In the Baikal case, approximately 100,000 petition signatures were gathered at local rallies in Irkutsk, protests held in other Russian cities, and online. In the Chinese case, the collection of petition signatures was limited and targeted, involving mostly NGOs or other experts, activists, and journalists. Second, there is a clear difference in the NGO coalitions' use of mass protest. The Baikal coalition and its supporters organized coordinated protests in 13 cities across Russia. In fact, members of the Baikal coalition specifically mentioned the importance and effectiveness of this mass mobilization in interviews.¹¹¹ This kind of coordinated, cross-regional mass protest is absent in the Chinese case. However, Yu Xiaogang did have a hand in mobilizing villagers affected by the Manwan Dam to demonstrate publicly in August 2003 and “privately” (held as a meeting at a restaurant under a tent) on the anniversary in 2004 (Mertha 2008, 112).

Furthermore, the use of mass mobilization in these cases has had some harsh consequences for the local organizations involved. In the Russian case, Baikal Environmental Wave has repeatedly faced pressure for its efforts to protect Baikal at the local level. The group has actively continued its work, including two other notable

¹¹¹ Interview 3-RF092515; Interview 36-RF111815; Interview 38-RF111915; Interview 82-RF070516; Interview 122-RF090316

mass campaigns against a uranium enrichment plant in nearby Angarsk and the Baikalsk Pulp and Paper Mill (at the time owned by Oleg Deripaska, oligarch and Putin's long-time friend) operating on Baikal's southern shore.¹¹² During the latter campaign, the group had its offices raided and computers confiscated under the guise of searching for pirated software (Levy 2010). In 2015, the group was labeled a "foreign agent," and, upon fighting the decision in court, the organization and each of its three co-leaders were fined for not registering voluntarily (Ivanushkin 2016). Faced with heavy fines and the constraints of operating under the label of "foreign agent," the organization decided to formally close in early 2016 (Irkutsk Online 2016). Another regional ENGO that had organized parallel local protests against the pipeline also faced increased pressure from the authorities immediately after the victory in 2006; however, this group has managed to recover its reputation and now reports improved relationships with local government officials.¹¹³ At the time of writing, the group has also not been affected by the "foreign agent" law, although they have foreign funding.

Although mass demonstrations were not a central feature of the broader anti-dam campaign along the Nu River, Yu Xiaogang's personal efforts at mobilizing villagers did not go unnoticed.

The authorities have repeatedly tried to shut down Green Watershed and other groups have been warned away from working with them (Mertha 2008, 114-115). In 2006, Yu Xiaogang was initially blocked from traveling abroad to claim his Goldman Prize, although he was eventually allowed to go (Chen 2010, 522). One reason that Yu

¹¹² For a more detailed description of these cases, see Trammell 2010.

¹¹³ Interview 122-RF090316

Xiaogang continues to take risks – including becoming involved in the 2013 anti-PX protests in Kunming (Steinhardt and Wu 2015) – is because his revolutionary background protects him to some extent from the authorities (Mertha 2008, 144). However, although Yu Xiaogang’s Green Watershed remains active, the organization has garnered a reputation for being a “troublemaker” among other NGOs (both foreign and domestic) working in the region. According to an interviewee, some international environmental NGOs are afraid to work with Green Watershed, calling it an “untouchable” NGO. Furthermore, this same interviewee mentioned that many other NGOs have criticized Green Watershed for destroying the “honeymoon period” of NGOs in Yunnan.¹¹⁴ Echoing this, a representative from an international environmental NGO based in Kunming blamed Yu Xiaogang directly for the changing atmosphere for NGOs and INGOs in Yunnan.¹¹⁵ Another interviewee at an international environmental NGO in Beijing – one that had previously been involved in the mid-2000s Nu River campaign – said that the Lancang (Mekong) dam issues are now too sensitive for them to work on.¹¹⁶ Although Green Watershed continues its activism under the leadership of Yu Xiaogang, it has not been without consequences for the organization, its ability to work with domestic or international partners, or the broader atmosphere for NGO work in Yunnan.

¹¹⁴ Interview 114-PRC082216

¹¹⁵ Mentioned in Interview 116-PRC082316. Note: Although Yunnan was initially a hub for international and domestic NGOs working in development and environmental issues, this atmosphere has changed. Hildebrandt (2013) argues that the 1990s through the mid-2000s were the “golden years” for NGOs in the province, after which things tightened. Furthermore, Yunnan was the pilot province for new NGO regulations in 2010 that helped to inform the national Overseas NGO Management Law passed in 2016 (Hsu and Teets 2016).

¹¹⁶ Interview 110-PRC081816

From these two cases in the mid-2000s, there is a clear difference between how Chinese and Russian environmental activists approach the tactic of mass mobilization. For those that do engage in mass mobilization – even if those tactics helped them reach their goals in the campaigns – there can still be consequences for the local NGO leaders, their organizations, or the broader atmosphere for NGOs working in that region. These consequences could then inform future movements and their interest in using mass mobilization as a tactic. In general, although both sets of activists learned that mass mobilization can work – Russian activists have continued to rely on organized mass protest, while Chinese activists have learned that loose networks or indirect ties to these sorts of movements may be safer. The second set of cases illustrates these dynamics.

Case 3 (Russia): The Movement to Protect Khimki Forest

One day in April 2007, while taking a walk with her daughter through her favorite section of Khimki Forest, Khimki-resident Yevgeniya Chirikova noticed a portion of trees marked for removal.¹¹⁷ As Chirikova later discovered, a new super highway linking Moscow and St. Petersburg had been routed directly through the middle of Khimki Forest. The marked trees that she had seen were to be removed for the construction of the highway. Although most Khimki residents were unaware of

¹¹⁷ Interview with Yevgeniya Chirikova, September 18, 2015 (via Skype while the author was in Moscow). Unless otherwise noted, information from Chirikova about the movement is from this initial interview. Chirikova now lives in Tallinn, Estonia after leaving Russia for fear of reprisals. Although the first interview with Chirikova was conducted via Skype, the author also visited Chirikova in person in Tallinn on October 22, 2015. After this, several follow-up interviews were conducted via Skype. Because Chirikova no longer lives in Russia and her fame precedes her, she is identified here. However, all other interview respondents remain anonymous. Although some interviewees agreed to be identified, since this is such a small community, all respondents besides Chirikova are anonymized to deter identification of other interviewees (who explicitly asked for anonymity) through a process of elimination.

that the highway had been routed through Khimki Forest until 2007, the plans for the route had been officially approved the year prior. The Russian Ministry of Transport had discussed the highway project between Moscow and St. Petersburg for several years, and in 2006, plans started to move forward for construction (RBK 2005). On April 28, 2006, then-Governor of Moscow Oblast Boris Gromov issued a decree (No. 358/16) approving the project's intended route through the Moscow region, including through Khimki Forest.¹¹⁸ Chirikova learned as much as she could about this situation through Internet resources and then wrote a letter about her concerns to local officials.

After her letter went unanswered, Chirikova and her husband Mikhail Matveev¹¹⁹ started talking about their concerns with their neighbors and other Khimki residents. During the summer of 2007, they printed flyers with information about the problem and started posting them everywhere; these flyers included Chirikova's phone number so that others who were concerned could get in touch. When people started to contact her, a grassroots movement in the local community began to take shape. Several people who later became the most active members of the movement to protect Khimki Forest became involved at this early stage.¹²⁰ At first, this started with local meetings to explain the problem and discuss ways to move forward. The activists also

¹¹⁸ Postanovleniye Pravitel'stva Moskovskoj oblasti. "O merakh po stroitel'stvy skorostnoj avtomobil'noj magistrali 'Moskva – Sankt-Peterburg' i razvitiyu svazannykh s nej territorij Moskovskoj oblasti, No. 358/16." [Decree of the Government of Moscow Region. "On measures to build the "Moscow – St. Petersburg" high-speed highway and the development of associated territories of the Moscow region, No. 358/16."] April 4, 2006.

¹¹⁹ Khimki activists and Chirikova herself were quick to point out that Matveev did much of the coordinating and organizing for the movement behind the scenes, while Chirikova became the public face and speaker for the movement.

¹²⁰ Interview 4-RF100715; Interview 6-RF100915

founded their own website, *ecmo.ru*, to host information about the movement and gather petition signatures against the highway project.¹²¹

With no previous experience as an activist, Chirikova began to reach out to others within the environmental community for much needed expertise and advice. At first, she reached out to national Russian media outlets to cover the story, but when they ignored her, she started looking for local reporters.¹²² Chirikova reached out to Mikhail Beketov, who in 2006 founded *Khimkinskaya Pravda*, an independent, self-produced newspaper that often exposed local corruption. Beketov first wrote about the highway plans and Chirikova's involvement in the movement against it in July 2007 in a full page article (Beketov 2007). From then on, with Beketov's support, Chirikova had a local media source through which she could spread more information about the nascent movement and its activities.

In addition to finding a local media ally, Chirikova and her growing network of activists also reached out to the local branch offices of transnational environmental organizations, including Greenpeace and the World Wide Fund for Nature (WWF). Although neither organization was formally affiliated with the movement, their representatives based in Moscow often offered support through advice, networking, and facilitating the spread of information on a national scale.¹²³ During an early consultation with one of these groups, Khimki activists were specifically advised that their best course of action would be to organize large-scale protests to attract more

¹²¹ Interview 4-RF100715

¹²² Interview with Yevgeniya Chirikova on May 11, 2016 (via Skype). This follow-up interview was primarily about Beketov's role in the movement.

¹²³ Interview 3-RF092515

attention to their cause.¹²⁴ The Khimki activists followed this advice, holding periodic rallies and pickets, sometimes in Khimki and sometimes in front of the Ministry of Transport in Moscow, to develop local support from 2007 onward. One activist estimates that there was a core group of 50 to 60 activists at this time, with another 300 to 400 people who regularly would show up to protest.¹²⁵ By the summer of 2008, the activists also began to camp out in Khimki Forest to monitor any potential construction, mirroring tactics of other nearby movements.¹²⁶

Although the movement was slowly gaining strength through these methods, the real turning point came out of a tragedy in 2008. Beketov, the local journalist, had been receiving threats for his outspoken criticism of the local Khimki administration. In November 2008, Beketov was attacked and so badly beaten that it put him in a coma (Chelishcheva 2008). After this attack, Russian national media outlets started paying more attention to the Khimki movement and increasing their coverage.¹²⁷ By the end of 2009, Chirikova was well-known and the movement was becoming more political.¹²⁸ Chirikova ran for mayor of Khimki against incumbent Strel'chenko in the 2009 local elections. Although Chirikova assumed she would lose (and did), the election campaign gathered more attention to the activists' cause.¹²⁹

By the summer of 2010, the movement had attracted national and international attention.

¹²⁴ Interview 4-RF100715; Interview 6-RF100915

¹²⁵ Interview 4-RF100715

¹²⁶ Ibid.

¹²⁷ As a quick example, RIA Novosti published 5 articles about Khimki before Beketov's attack. The rest of the articles about Khimki (62) were published after the beating. For more information, see: https://ria.ru/trend/forest_Himki_14112008/

¹²⁸ Interview 6-RF100915

¹²⁹ Interview 4-RF071016, follow-up

That summer, logging of trees for the construction on the highway began amid record forest fires around Moscow. Activists in the summer protest camp came into conflict with construction workers and the camp itself was attacked by a large group of masked men in July (RFERL 2010). The optics were bad and public attention to environmental issues was aided by the visible smoke throughout the city. At the end of the summer on August 22, several thousand people attended a rally in Moscow's Pushkin Square where rock musician Yuriy Shevchuk performed to benefit Khimki Forest (RIA Novosti 2010). The benefit for Khimki happened a few days before a U2 concert in Moscow, where U2 frontman Bono invited Shevchuk to sing with him onstage. Shevchuk reportedly sent Bono an open letter about the Khimki Forest movement, and Bono mentioned the issue in several interviews while in Russia. The next day, United Russia issued an appeal to then-President Dmitry Medvedev, who subsequently announced that plans for the highway were to be suspended while the authorities considered alternatives.¹³⁰ This was largely hailed as a victory for the activists, who were able to reach the highest level of government through their involvement and halt the planned highway.

However, in December 2010 Medvedev announced that the highway route would continue as planned (Schwartz 2010). Although the activists won some concessions, including compensation and a reduction in secondary development along the route, the decision to resume the highway dealt a blow to the movement. After that announcement, it was difficult for Khimki activists to regain the level of momentum

¹³⁰ For a recounting of the whole Bono affair, see: Ioffe, Julia. 2010. "Bono vs. Putin." *Foreign Policy*. 27 August. <http://foreignpolicy.com/2010/08/27/bono-vs-putin/>

that they had the summer before.¹³¹ But when clearing of trees began in April 2011, the protest camps in Khimki Forest resumed. In June 2011, Chirikova held an “anti-Seliger” (an alternative to a pro-Kremlin forum at Lake Seliger) in the protest camp that high-profile members of the Russian opposition attended, including Alexei Navalny, Boris Nemtsov, and Sergei Udaltsov (Ioffe 2011). These connections with the opposition movement continued, and Chirikova became a key figure in the post-election protest movement from the December 2011 protests through May 2012. In August 2012, Khimki mayor Strel’chenko resigned and Chirikova again announced her mayoral bid (The Moscow Times 2012). Although she lost to Strel’chenko’s anointed successor amid allegations of fraud, she came in second place with 17% of the vote (Reuters 2012). From there, however, the movement waned. In early 2013, Beketov died from the injuries he had sustained in the attack five years earlier (Lazarev 2013). Construction of the highway continued and the new route to Sheremetyevo airport through Khimki Forest opened at the end of 2014 (M24.ru 2014).

Case 4 (China): Online Mobilization and the PM2.5 Data Disclosure Controversy

Air pollution is one of the most visible and pervasive environmental problems in China. In 2008, the U.S. Embassy in Beijing began recording and reporting hourly air quality data that included PM2.5 – particulate matter measuring less than 2.5 micrometers in diameter – making it more fine-grained than the official Chinese government data.¹³² These readings typically include a value from 0 to 500 known as

¹³¹ Interview 6-RF100915

¹³² Since 2008, the monitoring spread to other U.S. consulates across China. For historical air quality data, see: <http://www.stateair.net/>

the air quality index (AQI), which is a composite measure of ozone, particulate pollution (including PM10 and PM2.5), carbon monoxide, sulfur dioxide, and nitrogen dioxide in the air.¹³³ Since the system is based on the EPA's maximum score of 500, when the air quality in Beijing surpassed that threshold in November 2010, the Embassy's Twitter feed accidentally labeled it "crazy bad" because the programmer never thought it would go beyond the scale (Larson 2010). The release of this information – even without the "crazy bad" snafu – has been a sore point with Chinese authorities. According to a leaked cable, the Chinese government asked the U.S. Embassy to stop reporting the data in 2009 because it was causing "confusion" and undesirable "social consequences" among the Chinese public (U.S. Department of State 2009), but the United States continued to release its information on Twitter. These air quality reports – and accompanying commentary – also spread on Sina *Weibo* (the Chinese version of Twitter) creating more public awareness of China's air pollution problems.

The discrepancy between U.S. Embassy Beijing's air quality data (which included the smaller PM2.5) and the government's (which only included the larger PM10) became a focal point for public discussion on *Weibo* in late 2011. Although Twitter has been blocked in China since 2009, netizens in China can either circumvent the "Great Firewall" using a VPN (virtual private network) or access the U.S. Embassy Beijing's data through a different application on their mobile phone or computer and then easily post that information to *Weibo*. Pan Shiyi, Chinese real estate magnate and influential *Weibo* user (a group sometimes referred to as "Big V")

¹³³ For more information on the EPA's national air quality standards and AQI monitoring efforts, see: <https://airnow.gov/index.cfm?action=aqibasics.aqi>

for the “v” next to their name confirming a verified account), began posting about the difference between the official data and the data released from the U.S. Embassy in Beijing. In November 2011, he posted an online poll on his *Weibo* account asking his followers if they thought the government should include PM2.5 in its official monitoring data – over 90% agreed (Page 2011; Kay et al. 2015).

Not long after Pan Shiyi’s online poll, the government announced that it would revise national air quality standards to include PM2.5, but that the deadline for the mandatory release of that data would be 2016 (Shi 2011). Many environmentalists – including Ma Jun, the director of a domestic ENGO in Beijing that works on pollution data disclosure – expressed their disappointment with the four-year wait for information in the media (Wong 2011). Anger over the delay continued, especially since an anonymous government source confirmed that Beijing and Shanghai already had the data on PM2.5, but decided that the “time was not ripe” (*shiji bu chengshu*) to release it to the public (Li 2011). Responding to public pressure, the Beijing municipal government announced that it would start releasing PM2.5 data in January 2012; however, once released, these measurements were suspiciously lower than the U.S. Embassy readings, which cast doubt over whether official air quality measurements could be trusted (Spegele 2012). The State Council officially adopted the new national air quality standards that included PM2.5 in March 2012 (Kay et al. 2015), but other “bad air” days that spring continued to stoke online debate while the public waited for the government to rollout its PM2.5 monitoring and data disclosure.

The controversy over the U.S. Embassy’s continued release of PM2.5 data came to a peak in June 2012. On World Environment Day (June 5), Wu Xiaoqing, the

Vice Minister of Environmental Protection, demanded that the U.S. Embassy stop releasing its air pollution data. He argued that it was unfair to judge China's air pollution using Western standards, since China was at a different level of development. He also accused the "foreign embassies" releasing the data (the U.S. was not mentioned by name, but it was implied) of violating the Vienna Convention (Blanchard 2012). The volume of posts related to air pollution surged on *Weibo* right after Wu Xiaoqing's comments. However, despite the tide of (overwhelmingly negative) posts, the rate of censorship was relaxed to accommodate the surge in commentary (Plantan and Cairns 2018).¹³⁴

On June 13, another government official made an ill-advised statement on the situation. Cui Tiankai, the Deputy Minister of Foreign Affairs, said that instead of pinning their hopes on foreign embassies, Chinese citizens should depend on their own efforts (*zhongguo ren ziji de nuli*) to improve the air (Nanfang Ribao 2012). This caused another volume burst in *Weibo* posts. In addition to comments directly critical of Cui's statement, a post by Pan Shiyi was also widely re-tweeted that day – a post that was perhaps intended to agree with the latter part of Cui's statement about personal responsibility, but that was often accompanied by other users' negative commentary about the Chinese government's inaction.¹³⁵ However, censorship was again relaxed despite the surge in negative commentary. This suggests that the government censors were willing to cede to public anger on *Weibo* to signal their

¹³⁴ Plantan and Cairns (2018) analyzes all air pollution-related tweets for 2012 on Weibo and provides more detailed information on these two key dates (June 5 and June 13) where the discussion about air pollution peaked for the year. That paper focuses on analyzing why the government relaxed censorship, but the larger project uses the data for other arguments, including an analysis of the main "influencers" of this online debate, including Pan Shiyi, Ma Jun, and Greenpeace.

¹³⁵ From data analyzed and collected for Plantan and Cairns 2018.

acknowledgement of public concerns and show their responsiveness to public opinion (Plantan and Cairns 2018).

After the events of June 2012, the government made serious efforts to increase transparency by disclosing more data on air pollution. In October 2012, the Beijing municipal government set up 15 additional official air monitoring stations to release PM2.5 data, raising the total to 35 monitoring stations in Beijing and its suburbs (Watt 2012). By the start of 2013, the Chinese government had set up approximately 500 PM2.5 monitoring stations in over 70 cities across China (Roberts 2015). In early 2014, Premier Li Keqiang declared a nationwide “war on pollution” that would prioritize reducing PM2.5 and PM10 levels (Reuters 2014). Many have credited the speed and timing of the government’s decision to the rising tide of public opinion on social media (Stout 2013; Roberts 2015), and, in particular, the role that Pan Shiyi played in mobilizing public opinion.¹³⁶

Discussion of Cases 3 & 4

The movement to protect Khimki Forest and the online movement for PM2.5 data disclosure again provide an opportunity to compare environmental activism in Russia and China and activists’ differing approaches to mass mobilization tactics. In terms of similarities, these cases represent movements focusing on environmental problems in the capital cities that became the most influential movements in either country at the time.¹³⁷ They involved the help of national celebrities that are not normally associated with the environmental movement (musician Yuriy Shevchuk in the Khimki case and businessman Pan Shiyi in the PM2.5 case). Both were also

¹³⁶ Interview 56-PRC031016

¹³⁷ Interview 3-RF092515; Interview 60-PRC040816

largely grassroots or informal mass movements, but could be attributed to a clear and visible leader (Yevgeniya Chirikova spearheading real-world mobilization in the Russian case, and Pan Shiyi mobilizing public opinion online). Although there are some similarities between these movements, their differences illustrate the broader argument about Russian and Chinese environmentalists' differing approaches to mass mobilization.

First, there is the obvious difference that Khimki activists used real-world mass protest tactics, while the movement for PM2.5 data disclosure was based on the Internet. Although the Internet in China is heavily censored by the government and is far from the “liberation technology” (Diamond 2012) that some have hoped for, it has opened up a space for a new class of “netizens” to engage in online debate that can have real-world consequences (Xiao 2011). Furthermore, *Weibo*, where the online mass mobilization was taking place, was at its height of popularity as a social media platform from 2011 to 2013.¹³⁸ Even though there were not protests in the streets, the online movement for PM2.5 data disclosure is widely credited as the first time that a social media campaign caused a change in national-level public policy in China (Stout 2013).¹³⁹ An interviewee at a TENGO in Beijing also pointed out that this online campaign helped the MEP, which had already set the stage for disclosing PM2.5, but

¹³⁸ Mentioned in Interview 67-PRC042116. Note: Weibo has since lost its place as the most popular social media platform in China, displaced by WeChat (*Weixin*) in 2013 for a combination of reasons. For more information, see: Schiavenza, Matt. 2013. “WeChat – Not Weibo – Is the Chinese Social Network to Watch.” *The Atlantic*. 30 July. <https://www.theatlantic.com/china/archive/2013/07/wechat-not-weibo-is-the-chinese-social-network-to-watch/278212/>

¹³⁹ Interview 56-PRC031016

lacked the momentum to push for national policy change without the public pressure on *Weibo*.¹⁴⁰

By contrast, activists in the Khimki case were specifically advised that mass protests in the streets would be the most effective tactic. When local Khimki activists consulted a branch of a TENGO in Moscow, the representative told them explicitly that their best course of action would be to organize mass protests, especially when compared to other options like filing a lawsuit.¹⁴¹ One of the Khimki activists credited Medvedev's decision to temporarily suspend the project to the massive protest-concert in August 2010, saying that "[the TENGO] was right – all you need is a lot of people and then everything will come to a halt."¹⁴² In addition to providing advice about mass tactics, other TENGOs and ENGOs in Moscow also visibly and directly supported the movement through a multi-actor coalition. This coalition, "For the Forests of Moscow Region" (*Za Lesa Podmoskov'ya*), included the grassroots Khimki activists, Greenpeace Russia, WWF Russia, and Moscow-based Russian domestic ENGOs Biodiversity Conservation Center, the Social Ecological Union (SEU), and the Russian Bird Conservation Union.¹⁴³

The formal involvement of TENGOs and domestic ENGOs in a coalition in the Khimki case points to a second crucial difference in the approach to mass mobilization between the two cases. Although professional ENGOs were involved in the Khimki campaign, both foreign and domestic ENGOs in China were reluctant to be directly

¹⁴⁰ Interview 59-PRC040716

¹⁴¹ Interview 4-RF100715; Interview 6-RF100915

¹⁴² Interview 4-RF071016, follow-up

¹⁴³ For more information on the coalition, see:

<http://www.greenpeace.org/russia/ru/campaigns/forests/valuable-natural-objects/Khimki-forest/coalition/>

associated with the mass mobilization on *Weibo*. As another study of this case has pointed out, the key users on *Weibo* were overwhelmingly “government sources, companies, or famous individuals” (Kay et al. 2015, 356) – not environmental NGOs or environmental activists. For example, although Chinese environmentalist Ma Jun was often interviewed in the international press about the PM2.5 issue, his presence on *Weibo* during this period was rather muted, and – as others have pointed out – he posted from his individual account instead of from his organization’s account (Fedorenko and Sun 2016, 2090).

Interviews with international and domestic environmental organizations based in Beijing re-iterate this distance between the mass mobilization online and traditional civil society actors. One interviewee at a domestic ENGO in Beijing mentioned that although they were watching the online debate and Pan Shiyi’s *Weibo* account in particular, they were careful not to be seen as leading the public debate online.¹⁴⁴ Instead of getting directly involved in the online mass mobilization, this group focused on using the growing awareness to promote their research on PM2.5 and make clear that 1) the disclosure PM2.5 was necessary, and 2) that the Chinese government – not the U.S. Embassy – should be the ones disclosing it.¹⁴⁵ Similarly, a TENGO in Beijing adapted their climate change campaign from a more general campaign to one that focused on coal burning (a major contributor of PM2.5 emissions) in order to take advantage of public awareness on PM2.5 to push for a national policy change on coal consumption.¹⁴⁶ This group also decided not work directly with either Ma Jun or Pan

¹⁴⁴ Interview 56-PRC031016

¹⁴⁵ Ibid.

¹⁴⁶ Interview 67-PRC042116

Shiyi. The interviewee mentioned that Ma Jun was successfully working on his own for data disclosure, and would not necessarily want to be associated with the TENGU or risk being seen as being “disruptive.” As for Pan Shiyi, he was already under too much government pressure, leading the TENGU to assume that a direct collaboration with him would be “uncomfortable” for them both (Ibid.). In the PM2.5 case, professionalized NGOs kept a careful distance from the online mass mobilization driven by celebrity *Weibo* users – even though they took advantage of the increased public awareness to advance their own causes.

As in the earlier cases in the mid-2000s, the leaders of the mass mobilization in the Khimki case and the PM2.5 campaign have faced serious consequences for their activism. Yevgeniya Chirikova, the leader of the movement to protect Khimki Forest, fled Russia in 2015, citing threats that the authorities would take her children away from her (RFERL 2015). Although she now lives in Estonia, Chirikova continues her activism from abroad, running the website *Activatica.org* – which features stories of grassroots mass mobilization from all over Russia – and continuing to advocate for environmental causes throughout the European Union.¹⁴⁷ In 2013, Pan Shiyi was part of a broader crackdown on *Weibo*’s so-called “Big V,” or verified accounts with massive followings. In September, he gave a timid interview on CCTV (likely under pressure from the authorities) discussing and agreeing with new regulations on the dissemination of false information online (China Digital Times 2013). Under the new regulations, an internet user could face up to three years in jail if they post false information that is viewed more than 5,000 times or re-posted more than 500 times –

¹⁴⁷ Based on several regular follow-up conversations between the author and Chirikova about her continued activism.

which sent a strong message to *Weibo*'s key influencers (AFP 2013). A combination of these new regulations and changing technology preferences have essentially ended *Weibo*'s time as a forum for lively public debate, with those conversations moving now to WeChat (*Weixin*), which has become the “preferred medium for provocative online discussion” (The Economist 2014).

The Last Five Years: The Fate of Mass Mobilization from 2013-2018

The use of mass mobilization tactics and the involvement of formal ENGOs in these latter cases illustrates broader trends in civil society development in both countries over the last five years. In the PM2.5 campaign, while professional environmental activists followed the discussion on social media closely, they were careful to distance themselves both from the mass mobilization and from each other. Instead, they used the momentum created by public awareness on PM2.5 to push through policy change for their own organizational agendas. This strict “division of labor” between actors is evident in other environmental campaigns across China. One interviewee described an example model for “loose consensus-based cooperation” between groups on a coal campaign, where an international NGO like NRDC (Natural Resources Defense Council) would head up research, a domestic ENGO like Ma Jun’s IPE would work on relevant data disclosure, a TANGO like Greenpeace East Asia would do investigative research in the field and raise the public profile of the issue, and, if needed, a domestic ENGO like Friends of Nature would work on related environmental litigation.¹⁴⁸ In this model, each organization works to its strengths to contribute to a common goal, but without directly collaborating.

¹⁴⁸ Interview 59-PRC040716

For local issues, this model can be modified to help a local ENGO with an environmental problem, but without endangering either the local ENGO or the TENGU for its collaboration. In a case of heavy metal pollution in Yunnan province, a TENGU based in Beijing helped local ENGOs gather evidence of pollution and raise awareness of the issue, then handed that evidence to a domestic ENGO based in Beijing to file an environmental lawsuit; however, on the surface, there was no formal association between the groups.¹⁴⁹ Sometimes, a TENGU representative recognized, it is safer to do “unbranded work” with domestic NGOs to protect both parties from “attracting trouble” (Interview 59-PRC040716). One local ENGO that is more confrontational said that they had loosely coordinated with a TENGU in Beijing in the past, but they do not formally discuss the connection or use the Internet to contact one another because they know that they are being monitored (Interview 114-PRC082216). Another interviewee agreed that there is lots of “under the table” cooperation between NGOs, instead of broadcasting a formal connection publicly.¹⁵⁰

In addition to reducing visible horizontal collaboration between local, national, and international NGOs, groups are also careful to minimize their association with mass protest. When asked about the recent anti-PX protests across China, one interviewee mentioned that most NGOs are careful not to be directly associated with the anti-PX protests because mobilizing citizens to protest is a “political red line.”¹⁵¹ Another interviewee said, “If you want to survive [as an NGO] in China, you can’t

¹⁴⁹ Interview 60-PRC040816

¹⁵⁰ Interview 67-PRC042116

¹⁵¹ Interview 59-PRC040716

touch those types of things.”¹⁵² Furthermore, employees at one TENGO in Beijing were explicitly told not to participate in protests once they were hired, lest it reflect back on the organization.¹⁵³ An interviewee at a domestic ENGO said they specifically do not engage in “campaigning for public pressure” (i.e. mass mobilization) and instead focus on providing solutions to government and business through a more collaborative approach.¹⁵⁴ Sometimes local domestic ENGOs, like Yu Xiaogang’s Green Watershed, are still involved in local mass campaigns like the anti-PX protests in Kunming (Steinhardt and Wu 2015), but – as stated before – they do this at their own risk.

Compared to environmental groups operating in China, who work to minimize horizontal collaboration and direct involvement in mass protest, Russian environmental groups, especially after the Khimki movement, provide a stark contrast. Although the Khimki movement failed to stop the highway construction through the forest, it has had a lasting legacy for other local activist movements around Moscow. Several of the activists involved in the Khimki movement continue their activism and help other activists by sharing their experiences.¹⁵⁵ Many activists based in Moscow have consulted directly with former Khimki activists, including those involved in recent movements to protect Moscow parks from illegal infill construction.¹⁵⁶ Even though the highway through Khimki forest was eventually built, the mass nature of the movement was able to elicit a response from the top authorities – a message that has

¹⁵² Interview 116-PRC082316

¹⁵³ Interview 69-PRC050616

¹⁵⁴ Interview 57-PRC031716

¹⁵⁵ Interview 4-RF100715; Interview 7-RF101115

¹⁵⁶ Interview 84-RF0711316; Interview 85-RF071416

permeated through the rest of civil society. Even outside Moscow, grassroots groups keep Khimki's example in mind when justifying the decision to rely on mass protests as their primary tactic.¹⁵⁷

While many of these Khimki-inspired activists are informal grassroots groups – and some have made the decision to stay informal on purpose after witnessing the effects of the “foreign agent” law¹⁵⁸ – there are still many formal ENGOs and TENGOS operating in Russia that emphasize the continued importance of mass mobilization. In interviews with formal domestic ENGOs, many named mass mobilization as the most effective tactic available to environmental activists in Russia, including ENGOs operating in Moscow, Siberia, Central, and Southern Russia.¹⁵⁹ However, many activists – whether involved in formal NGOs or not – recognize that organizing protests has become more difficult since the 2011-2012 electoral cycle protests.¹⁶⁰ One group is no longer participating in or organizing protests after receiving a warning under the “foreign agent” law.¹⁶¹ Another group, that has successfully fought the “foreign agent” label, has decided not to organize protests on their own, but still gives support to grassroots protest groups.¹⁶² As mass protests have become more sensitive, some groups are backing away (especially those dealing with the “foreign agent” label), although many still advocate that this is the most effective tactic.

¹⁵⁷ Interview 32-RF111215; Interview 104-RF081016

¹⁵⁸ Interview 85-RF071416

¹⁵⁹ Interview 21-RF103015; Interview 22-RF110315; Interview 38-RF111915; Interview 40-RF112215; Interview 41-RF112515; Interview 82-RF070516

¹⁶⁰ Interview 3-RF092515; Interview 4-RF100715; Interview 28-RF110615

¹⁶¹ Interview 48-RF120315

¹⁶² Interview 22-RF110315

There has been a proliferation of environmental mass movements throughout Russia over the last several years, including movements against urban infill construction in Moscow's parks (Ivanov 2016) and mass protests against landfills and trash incinerators (RFERL 2018; Meduza 2018). However, while there has been a trend toward more grassroots or informal mass movements,¹⁶³ that does not mean that formal ENGOs or TENGOS have backed away from collaborating with them. There are plenty of recent examples of cross-regional collaboration between ENGOs, TENGOS, and grassroots groups. For example, Greenpeace Russia helped to unite Moscow's disparate park movements under one umbrella during the summer of 2016, including organizing coordinated actions across the groups and collecting more than 15,000 online signatures for a petition on the issue to Moscow's mayor (Greenpeace Russia 2016). Collaboration between formal ENGOs and TENGOS continues as well. In 2017, Greenpeace Russia, the movement "Separate Collection" (*razdel'nyj sbor*), and EKA formed a coalition against trash incineration and to promote recycling (Greenpeace Russia 2017). These initiatives support and directly link formal ENGOs and TENGOS to the most active environmental protest movements happening across Russia. Although there is some convergence between Russia and China in that mass protest is driven more by informal, grassroots groups, formal NGOs (whether foreign or domestic) in Russia are less afraid of being associated with or directly supporting these movements.

Conclusion

¹⁶³ Interview 21-RF103015; Interview 22-RF110315

Although Russia and China both have high levels of protest – including protests driven by environmental grievances – the ways in which civil society actors relate to mass mobilization as a tactic differs. In Russia, grassroots groups, formal ENGOs, and TENGOs are more likely to view mass mobilization as a “go-to” tactic and support each other in their mass campaigns. In China, international and domestic ENGOs generally avoid directly collaborating or getting directly involved in mobilizing people for mass protest – whether online or in the streets. Over time, these distinctions have become even more clear. In the mid-2000s cases, for example, the cross-regional NGO coordination in the movements in both countries was relatively similar. But by the 2010s, Chinese domestic ENGOs and TENGOs were careful to draw an explicit “division of labor” between their activities to avoid overt horizontal connections between groups. Meanwhile, Russian grassroots groups – who are mostly driving environmental protest in Russia today – continue to partner directly with domestic ENGOs and TENGOs.

The previous chapter (Chapter 3) established that, at the national level, policies designed to shape international connections to civil society in Russia and China have led to a disparity in the state’s treatment of environmental groups. The state’s divergent treatment of environmental groups has also affect societal actors, leading to differences in how environmental groups in Russia and China approach the tactic of mass mobilization. These approaches, as argued in Chapter 2, are shaped by the historical and political context in which they are embedded. First, the historical legacy of mass mobilization in either country have created different associations for the state with regard to environmental protest. The environmental movement was a Trojan

horse for other more systemic-level grievances at the end of the Soviet Union (Dawson 1996). By contrast, environmental grievances were not a driver of the mass mobilization across China in 1989. Second, environmental demands in Russia can undermine the regime's base of legitimacy – even if a local movement is focused on NIMBY-type grievances, those grievances could affect the stability underlying Putin's *sistema* if they are aimed at a polluting industry or project tied to local or national political elites (for example, Oleg Deripaska's ownership of the Baikalsk Pulp and Paper Mill or Arkady Rotenberg's ties to the Khimki forest highway). In China, environmental demands can be separated from systemic grievances, especially since local grievances can expose local-level corruption and help the central government address the problem. As long as NIMBY-style protest does not link up across regions and environmental NGOs separate themselves from the mass protests and each other, environmental groups will continue to occupy a privileged position among civil society groups in China.

In addition to these two main explanations, choices that environmental activists make about the tactic of mass mobilization further illustrate the differences in state-society relationships between environmental groups and the authorities in Russia and China. Because of the state's attitude toward environmental groups, Chinese environmental groups have been given opportunities that other civil society groups within China might not necessarily have. They are encouraged to collaborate with government officials through informal channels that has the ability to affect national policy change (see Chapter 6). They have also been encouraged by recent legislation to allow NGOs to take public interest litigation to court (see Chapter 5). With these

less confrontational options, mass mobilization – although effective – is not a ‘tactic of choice’ for formal environmental organizations in China. Environmental NGOs and TENGOS understandably do not wish to risk losing their privilege among civil society groups by engaging directly in mass mobilization. This supports previous findings that environmental NGOs in China are more likely to engage in “boundary spanning contention” (O’Brien 2003), avoiding outright confrontation, while still engaging in advocacy (Yang 2005) as policy entrepreneurs (Mertha 2008). In sum, the events of Tiananmen have created clearer political “red lines” for environmental activists in China, leading them to be more risk averse and less confrontational with the state.

Meanwhile, because environmental groups are eyed with suspicion for the systemic threat that they may pose to the current regime in Russia, these kinds of opportunities are more closed to them. While there are some groups that have made legal gains in Russia, it remains an area where environmentalists more often fail than succeed (see Chapter 5). In addition, although there are some institutionalized mechanisms for civil society groups to engage with government officials, environmentalists are often frustrated with their ineffectiveness (see Chapter 6). This structure – along with examples of successful past mass movements – has reinforced the idea that mass mobilization tactics are the only option. Thus, in contrast to China, the history of successful mass mobilization in the late-Soviet period has made environmental activists less risk averse and more confrontational.

Of course, a caveat is in order. Not all environmental groups operating in either country are necessarily engaged in advocacy or would want to engage in mass mobilization. There are some environmental groups in both countries that are working

on issues that are much less confrontational – such as promoting environmental education, organizing local trash cleanup campaigns, or planting trees. However, all the cases presented here represent advocacy campaigns aimed at affecting policy change. From re-routing a pipeline or a highway, to stopping dams to changing national policy on air quality standards, the four movements discussed here are efforts that align with mass mobilization tactics. Finding a difference between Chinese and Russian campaigns aimed at changing local or national policies, then, is significant.

The next two chapters will take a closer look at two alternative tactics to mass mobilization (law and courts in Chapter 5 and formal and informal institutional mechanisms in Chapter 6) that are more available to Chinese environmental groups than Russian ones.

CHAPTER 5

SEEKING LEGAL JUSTICE THROUGH THE COURT SYSTEM

Introduction

The idea of justice through the legal system under authoritarianism may first bring to mind some of the most politicized, high-profile court cases. In Russia, this might include politically-motivated judgments against former oligarch Mikhail Khodorkovsky,¹⁶⁴ opposition politician Alexei Navalny,¹⁶⁵ or the radical feminist group Pussy Riot.¹⁶⁶ In China, cases that have attracted particular attention include the anti-corruption trials of Bo Xilai¹⁶⁷ and Zhou Yongkang,¹⁶⁸ and the trials of human rights activist Liu Xiaobo¹⁶⁹ or Sichuan earthquake activist Tan Zuoren.¹⁷⁰ While these high-profile cases might cause some observers to dismiss the judicial systems in these two authoritarian regimes as primarily driven by political motives, the reality of lower-profile, more mundane cases tell a different story. As in the previous chapter on mass mobilization, seeking justice through the courts provides another window into how authoritarian regimes take a mixed approach the problem of authoritarian control and information and how these approaches vary across regimes and between groups.

¹⁶⁴ Finn, Peter. 2005. "Russian Tycoon Gets Nine Years." *The Washington Post*. 1 June.

<http://www.washingtonpost.com/wp-dyn/content/article/2005/05/31/AR2005053100738.html>

¹⁶⁵ Roth, Andrew. 2014. "Court Orders House Arrest, and No Internet, for Fierce Critic of Putin." *The New York Times*. 1 March. <https://www.nytimes.com/2014/03/01/world/europe/aleksei-navalny.html>

¹⁶⁶ Lipman, Masha. 2012. "The Absurd and Outrageous Trial of Pussy Riot." *The New Yorker*. 7

August. <https://www.newyorker.com/news/news-desk/the-absurd-and-outrageous-trial-of-pussy-riot>

¹⁶⁷ Clarke, Donald. 2013. "The Bo Xilai Trial and China's 'Rule of Law': Same Old, Same Old." *The Atlantic*. 21 August 2013. <https://www.theatlantic.com/china/archive/2013/08/the-bo-xilai-trial-and-chinas-rule-of-law-same-old-same-old/278868/>

¹⁶⁸ Gracie, Carrie. 2015. "Power politics exposed by fall of China's security boss." *BBC News*. 11 June. <http://www.bbc.com/news/world-asia-china-33098442>

¹⁶⁹ Watts, Jonathan. 2009. "Chinese human rights activist Liu Xiaobo sentenced to 11 years in jail." *The Guardian*. 25 December. <https://www.theguardian.com/world/2009/dec/25/china-jails-liu-xiaobo>

¹⁷⁰ Branigan, Tania. 2010. "China jails investigator into Sichuan earthquake schools." *The Guardian*. 9 February. <https://www.theguardian.com/world/2010/feb/09/china-earthquake-schools-activist-jailed>

Despite the existence of these high-profile politically-motivated court cases, the majority of court cases in Russia and China reflect routine, everyday justice (Stern 2013; Hendley 2017). This observation – that politicized justice can co-exist with fairly-judged mundane court cases – highlights another microcosm of the authoritarian dilemma where courts could be both beneficial and threatening to the regime. As Rachel Stern writes, “...on the one hand, autonomous courts burnish and legitimize authoritarian rule. But on the other hand, a truly independent judiciary carries the threat of subversion” (2013, 98). On the first point, authoritarian leaders could use the law and courts as an instrument of control, as in the concept of “rule by law” (Ginsburg and Moustafa 2008), to co-opt and constrain opposition (Rajah 2012; Moustafa 2007). Authoritarian elites can also exert influence on judges to pressure for certain case outcomes through formal and informal means, often referred to as “telephone justice” (Ledeneva 2008b; Popova 2012). But there are also other ways in which a functioning legal system could be beneficial for authoritarian rulers. For example, courts could provide information on the performance of lower-level officials within the state bureaucracy, helping to solve center-periphery problems of governance (Shapiro 1981; Peerenboom 2002). In addition, having a semblance of legal order could help attract outside investment by signaling the enforcement of contracts or the security of property rights (Moustafa 2007; Solomon 2010; Rajah 2012). Thus, elements of “rule by law” often coexist with aspects of “rule of law” creating a dualistic legal system where different expectations about judicial processes and outcomes “depend on the circumstances of the dispute” (Hendley 2017, 235).

This duality in the legal systems of authoritarian regimes like Russia and China may create opportunities for activists to challenge the state through the courts (Moustafa 2014). The literature on legal mobilization focuses on how citizens can use the law and court system to advance their claims (Zemans 1983; Epp 1998, 2009; McCann 2004). Scholars have introduced the concept of legal opportunity to explain when civil society actors are more likely to pursue their claims through the courts versus other mechanisms (Hilson 2002; Andersen 2005). But even when the legal opportunity structure is constrained, activists may still opt for litigation in pursuit of their goals (Vanhala 2012). Thus, activists in authoritarian regimes can also employ legal mobilization, despite the fact that their legal opportunities may be limited or constrained. For environmental activists in particular, most environmental litigation is somewhere in between the highest-profile politicized court cases and the most mundane cases like traffic accidents or home property damage (see, for example, Hendley 2017). This creates a space for legal action where environmentalists might sometimes win, but also sometimes encounter “telephone justice” (Ledeneva 2008b; Popova 2012), corruption, or power differentials that block their road to justice.

This chapter investigates how environmental civil society actors in Russia and China engage with the tactic of seeking justice through the legal system. To what extent can environmental activists use environmental litigation to reach their goals? How effective is this tactic compared to others? How do these actors, including environmental lawyers, domestic environmental organizations, and branches of transnational environmental organizations, view the utility of legal routes to justice? This chapter addresses these questions through three main sections. First, I provide a

brief background on the legal system in post-Soviet Russia and post-reform China, with a particular focus on the differences in the structure of environmental law and the atmosphere for environmental litigation between the two countries. The second section delves into case studies of specific domestic NGOs operating in Russia and China that focus on legal strategies to show how organized environmental civil society actors approach the law and courts as a tactic for reaching their goals. Third, I use interview material with these actors to analyze how Russian and Chinese activists themselves evaluate their chances in court and the effectiveness of environmental litigation.

Although Russia and China have quite similar organizations that focus on training environmental lawyers and increasing the volume of environmental litigation in their respective countries, I find that they view the effectiveness of this tactic differently. Chinese environmental activists, who have been given more “green light” signals from the state for using environmental litigation, tend to see legal mechanisms as an increasingly effective way to reach their goals. Meanwhile, although Russian environmentalists still often file claims, they face greater barriers to litigation and are often pessimistic about their effectiveness in the face of uncertainty about outcomes. This provides yet another example of how the atmosphere for environmental activism differs between Russia and China. Although both regimes face the same dilemma over courts, Chinese leaders have increasingly green-lighted environmental activism through the courts, while Russian leaders remain wary of environmental legal mobilization.

Background

In this section, I briefly review judicial reform and legal development in post-Soviet Russia and post-Reform China, with a particular focus on environmental law and the prospects for environmental litigation. What opportunities exist for environmental activists to lodge legal challenges? How have these opportunities changed over time? Do environmental activists have increased or decreased opportunities for engaging in environmental litigation?

Judicial reform, legal development, and environmental law in post-Soviet Russia

Efforts at judicial reform in Russia since 1989 are evidence of “recognition by political leaders of the value of well-functioning courts” (Solomon 2010, 353), particularly in terms of making Russia attractive for outside investment (Solomon 2002). Reforms initiated under Yeltsin helped to empower the courts and to establish conditions for judicial independence, but there were still problems with financial security and procedural reform that “held back progress in making courts fair, efficient, and accessible” (Solomon 2008, 66). This improved in the 2000s under Putin, such that by the mid-2000s, “all of the standard formal elements of judicial independence” were in place, but “informal practices still facilitate[d] the occasional intervention of powerful persons in cases that matter to them” (Solomon 2008, 68). This is consistent with Kathryn Hendley’s (2017) understanding of “everyday justice” in Russia, where the majority of Russian citizens taking routine cases to court are unaffected by politicized justice or external influence from powerful actors.

Furthermore, Russian public opinion on the court system reflects this mixed reality. In a recent survey of institutional trust among Russian citizens, 43% of respondents found the courts to be “somewhat trustworthy,” compared to 26% who

thought that they were “completely trustworthy” and 19% who thought that they were “not at all trustworthy” (Levada Center 2017).¹⁷¹ As Hendley finds, “Russians’ confidence in law and legal institutions is situational” (55). Citizens’ decisions on whether or not to engage in legal mobilization “depends on the stakes as well as their sense of victory” (Hendley 2017, 56). However, like people in most countries, Russians tend to use the courts only when the dispute cannot be settled in other ways. Judicial reforms initiated in the 1990s have created a court system that mostly works for routine cases, although, “as a case edges away from the ordinary to the extraordinary, the risk of telephone law increases” (Hendley 2017, 224). This tendency to veer from the rule of law in certain cases is reflected in global assessments, where Russia was recently ranked 89th out of 113 countries for adherence to the rule of law (World Justice Project 2018).

In addition to working toward judicial reform in the early post-Soviet years, Russian lawmakers also endeavored to strengthen laws for environmental protection. In fact, one of the first laws passed by the newly independent Russian Federation was the 1991 Federal Law on the Protection of the Natural Environment (Bond and Sagers 1992). Citizens’ environmental rights were also enshrined in the Russian Constitution of 1993.¹⁷² Following this, several laws were passed in the 1990s to strengthen environmental protection, including the 1995 laws “On specially protected natural

¹⁷¹ Hendley (2017) points out that there is a problem with survey questions that ask only about confidence in “the courts” writ large instead of differentiating between the many types of courts in Russia. She focuses mostly on Justice of the Peace (*mirovoj*) courts to show that asking about different types of courts might elicit different responses.

¹⁷² Chapter 2, Article 42 reads: “Everyone shall have the right to favorable environment, reliable information about its state and for a restitution of damage inflicted on his health and property by ecological transgressions.” Full text (in English and Russian) available at constitution.ru.

territories” (33-FZ) and “On environmental review” (174-FZ),¹⁷³ the 1999 law “On air protection” (96-FZ), and updates to the environmental protection law (7-FZ) in 2002. In the mid-2000s, additional environmental protection legislation included the passage of the Water Code and Forest Code in 2006 (Henry and Douhovnikoff 2008, 440). These laws provided a strong legal foundation for environmental protection in Russia; however, critics have identified “large gaps” between “laws on the books and state agencies’ capacity and interest in carrying them out” (Newell and Henry 2017, 4). Even the most generous assessments of Russian environmental regulations conclude that the “the role of the courts in enforcement is still insufficient” (Kochtcheeva 2009, 185).

Besides weak enforcement of these otherwise strong laws, there are also barriers to engaging in environmental litigation in Russia. The first obstacle to environmental litigation is the legal issue of standing, which determines who has the ability to take a case to court. The earlier version of the environmental protection law in 1991 allowed family members, the prosecutor, an authorized state body, or an NGO to file on behalf of an injured party, but this was removed in a reform of the environmental protection law in 2002 (Barrett Ristroph and Fedyaev 2006, 227). Now, potential plaintiffs have to follow Article 3 of the Code on Civil Procedure, in which only interested parties or the state prosecutor (*prokuror*) can file a claim, while NGOs must get authority from an injured party in order to file a claim on that specific person’s behalf (Ibid.). Some argue that there is an “urgent need” to reform the Civil Procedure Code to allow ENGOs the right to represent “the environmental interests of

¹⁷³ This law establishes the necessity of environmental *expertiza*, roughly the equivalent of an environmental impact assessment (EIA).

unspecified persons,” which would allow for NGOs to take public interest litigation cases to court (Anisimov and Ryzhenkov 2013, 457).

A second obstacle is that Russian courts lack *stare decisis*, which means that judges have no duty to adhere to prior case law in making their decisions (Barrett Ristroph and Fedyaev 2006, 226). This may increase the volatility of judgments on environmental cases, since the court’s response is less predictable when not grounded in prior case law and could differ from a past decision on a similar case. Furthermore, in Russia the burden of proof lies with the plaintiff. A plaintiff has to prove direct causation between the activities of the defendant and the damage caused (Barrett Ristroph and Fedyaev 2006, 235). In pollution cases, for example, this means that the plaintiff has to establish that the pollution exists, that they have been harmed, and that the two are linked. This third element is often the most difficult, and could become expensive if the plaintiff has to pay for an outside expert’s assessment linking the pollution to harm caused. Finally, as in many other countries, Russia has a “loser pays” rule that would increase the costs for someone bringing an environmental claim if they were to lose the case (Barrett Ristroph and Fedyaev 2006, 249).

Given these constraints in the legal opportunity structure, some Russian activists have begun to look outside of Russia in their search for justice. This has included an increase in Russians filing claims with the European Court of Human Rights (ECtHR), spurring some to call the ECtHR the “most popular court among Russians” (Trochev 2009, 147). In 2017, cases from Russia accounted for 13.8% of applications to the ECtHR, second only to Romania (17.6%) (European Court of Human Rights 2018). Several scholars have focused on how Russian NGOs –

particularly human rights organizations – are increasingly taking strategic litigation to the Court (Sperling 2009; Van der Vet 2012; Sundstrom 2014). Although the focus has mostly been on human rights NGOs, environmental NGOs can and do take these cases as well. For example, in 2010 Greenpeace Russia supported local activists by filing a claim with the ECtHR over violations concerning public hearings on a construction project through the Utrish nature reserve (Greenpeace Russia 2010). Greenpeace Russia is also currently suing the company building the Nord Stream 2 pipeline, and if they do not succeed with their court case in Russia, the activists have stated that they will file a claim with the European court.¹⁷⁴ However, even if groups win their cases at the ECtHR, there are still issues with domestic implementation and enforcement (Sundstrom 2012), which have only been exacerbated by a 2015 decision that allows Russia to dismiss ECtHR judgments if they contradict the constitution and rumors in early 2018 that Russia may withdraw from the European Convention on Human Rights entirely.¹⁷⁵ Therefore, despite some judicial reforms and strong environmental laws on the books, a lack of enforcement and high barriers to litigation remain obstacles for Russian environmentalists seeking justice through the legal system.

Judicial reform, legal development, and environmental law in post-Reform China

¹⁷⁴ Agency for Social Information. 2018. “Grinpis Rossii nameren podat’ v ESPCh isk o zaprete stroitel’stva ‘Severnogo potoka – 2’ cherez Kurgal’skij zakaznik.” [“Greenpeace Russia is prepared to file a lawsuit with the ECtHR to prevent the construction of Nord Stream-2 through the Kurgalsky reserve.”] 29 March. <https://www.asi.org.ru/news/2018/03/29/espch-severnyj-potok-2/>

¹⁷⁵ On the decision to overrule ECtHR judgments, see: BBC News. 2015. “Russia passes law to overrule European human rights court.” 4 December. <http://www.bbc.com/news/world-europe-35007059>. On the possibility that Russia may withdraw from the ECHR, see: Griffin, Andrew. 2018. “Russia could withdraw from European Convention on Human Rights, state news agency RIA reports.” *The Independent*. 1 March. <https://www.independent.co.uk/news/world/europe/russia-echr-human-rights-european-convention-putin-kremlin-eu-a8234086.html>

After the tumult of the Mao era, China's decimated legal system began to slowly recover alongside the rise of Deng Xiaoping in 1978. That year, the CCP Central Committee called for bolstering the legal system, which was subsequently followed by the re-establishment of the Ministry of Justice and the People's Procuratorate and the restoration of the legal profession as law schools re-opened (Stern 2013, 21).¹⁷⁶ In the 1990s, as Jiang Zemin embraced the concept of "governing the country according to law" (*yifa zhiguo*),¹⁷⁷ several key laws were passed that furthered China's legal development (Liebman 2007; Chen 2012). This included the 1995 Lawyers Law, which privatized the legal profession and 1996 amendments to the Criminal Procedure Law, which expanded the rights of the accused (Fu and Cullen 2008, 123). In 1999, the Supreme People's Court issued its first five-year plan to reform China's courts and additional measures were undertaken to increase the competence and professionalism of judges, including raising standards for educational attainment and requiring national bar passage (Liebman 2007, 624-625). There were also nationwide efforts to raise legal awareness from 1985 onward which helped to put the "idea of rights protection in the popular consciousness" (Stern 2013, 23).

Although China's legal system strengthened during the reform era, some problems persist. For example, external influence in court decisions remains a concern. Those that are more susceptible to external influence include not only political cases, but also those "involving the financial interests of the party-state, powerful individuals or high profile companies, as well as cases involving a large

¹⁷⁶ For more detailed information, see: Baum 1986; Peerenboom 2002; Chen 2008.

¹⁷⁷ The term "*yifa zhiguo*" can be variously translated as "rule by law," "rule of law," or "governing/ruling the country according to law," which all carry different connotations in English. I chose the latter as a middle ground between "rule of law" and "rule by law."

number of plaintiffs and those receiving media coverage” (Liebman 2007, 626).

However, although intervention by Party officials and other powerful actors continues, this tends not to impact more routine cases. As in Russia, “in the handling of normal cases, judges at some courts do try to come up with fair and legally justifiable results” (Solomon 2010, 358). Even in these cases, however, there continue to be problems with the enforcement of court decisions (Liebman 2007). Finally, despite high levels of self-reported trust in the court system by CCP and non-CCP members alike (see Landry 2009), global rankings of China’s adherence to the rule of law still place it near the bottom of the list. Although ahead of Russia, China was ranked 75th out of 113 countries in a recent global report on the rule of law (World Justice Project 2018). Over the past several decades, China has made strides in reforming its legal system, but there are still persistent problems.

In the post-Reform era, as China rapidly developed, its environmental situation readily deteriorated. At first, goals for economic development were placed ahead of concerns about environmental damage with the principle of “pollute first, control later” (*xian wuran, hou zhili*), but this gradually changed as the central leadership placed more emphasis on environmental protection. The development of environmental law follows the restoration of law that came with the rise of Deng Xiaoping. This began with the trial enactment of the Environmental Protection Law in 1979, the first major environmental law passed in the post-Mao era (Stern 2013, 37).¹⁷⁸ Many more specific laws and regulations were passed after this, including the 1982 Marine Environmental Protection Law, 1984 Law on the Prevention and Control

¹⁷⁸ The law was fully introduced in 1989, see Zheng et al 2013, p. 1029.

of Water Pollution, 1984 Forestry Law, and 1987 Law on the Prevention and Control of Atmospheric Pollution (Wang 2007). These early laws have been criticized for being “weak and ineffective” (Stern 2013, 38) because of low fines for violations and a general lack of enforcement. However, in the 2000s, environmental protections improved alongside signals from the Chinese leadership that it should be on par with economic development.¹⁷⁹ During this same period, many environmental laws were revised and more were enacted, including the 2002 Environmental Impact Assessment Law and the 2002 Law on the Promotion of Clean Production (Wang 2007).

Over the years, these environmental laws have included several aspects that facilitate citizens’ ability to engage in environmental litigation. Pollution victim compensation cases are the most prevalent, which have their basis in the 1986 General Principles of Civil Law (Article 41) and the 1989 Environmental Protection Law (Article 124) (Wang 2007, 207). These cases are further aided by other changes in regulations, including a more generous statute of limitations, allowing pollution victims to file a lawsuit within three years from the time that they become aware of the pollution damage (Wang 2007, 209). In addition, a regulation passed in 2001 reversed the burden of proof in environmental cases, so that the defendant has to prove that they did *not* cause the harm to the plaintiff.¹⁸⁰ However, although this should make it much easier for plaintiffs to win their cases, in reality judges often do not follow this

¹⁷⁹ For example, at the 2007 Party Congress, Hu Jintao introduced the term “ecological civilization” (*shengtai wenming*) (Stern 2014, 56).

¹⁸⁰ Article 4, Section 3 of the Supreme People’s Court Various Regulations Regarding Evidence for Civil Suits, see Wang 2007, 209. Zhou, Xin and Henry Sanderson. 2013. “Chinese Anger over Pollution Becomes Main Cause of Social Unrest,” *Bloomberg*. 7 March. <http://www.bloomberg.com/news/articles/2013-03-06/pollution-passes-land-grievances-as-main-spark-of-ch>

rule and require plaintiffs to produce sufficient evidence for causation (Xu and Wang 2006). Furthermore, like in Russia, the Chinese legal system lacks *stare decisis* or “binding precedent” (Stern 2013, 145); however, some scholars have documented a trend in “soft precedent” where judges look horizontally to other court decisions for guidance on similar cases (Liebman and Wu 2007). In the 2010s, the Supreme People’s Court has issued regulations on “guiding cases”, including The Provisions of the Supreme People’s Court Concerning Work on Case Guidance in 2010 and clarifying regulations in 2015, which represent further steps toward precedent (Harvard Law Review 2016). Although individual courts still have considerable latitude in their decision-making, there may be some groundbreaking case decisions that are more likely to be replicated under this system of case guidance.

In addition to rules that generally encourage pollution victim cases, there have been other changes to make environmental litigation more accessible. For example, many specialized environmental courts have been created at the local level from 2007 onward (Stern 2014). These courts also helped to slowly expand the understanding of who has the legal standing to file environmental public interest litigation. The Guiyang, Kunming, and Wuxi environmental courts introduced trial regulations to allow the EPB, procuratorate (prosecutor’s office), social organizations (*youguan shehui tuanti*), and citizens to sue in the public interest. In 2009, the first two such cases were filed by government-affiliated All-China Environment Federation (Stern 2014, 64). These local experiments in expanding standing rules were soon reflected in national law. First, the 2012 Civil Procedure Law allowed lawful authorities (*falü guiding de jiguan*) and relevant organizations (*youguan zuzhi*) to file environmental

public interest lawsuits, but it remained unclear how to interpret who counted as a “relevant organization” (Stern 2013, 219). This issue was clarified in revisions to the Environmental Protection Law, which went into effect in 2015. In these revisions, Article 58 stipulates that Chinese social organizations must meet two requirements to file a public interest lawsuit: 1) it must be registered with the civil affairs departments at or above the municipal level, and 2) it must have been registered as an environmental protection organization for five or more consecutive years (Sun and Tuholske 2017). Regulations were also amended to allow the procuratorate to file these cases (Ibid.). From January 2015 to November 2016, over 100 such lawsuits have been filed by both Chinese ENGOs and public prosecutors (de Boer and Whitehead 2016). There are still problems associated with environmental litigation, including prohibitively high up-front costs for case acceptance and damage assessment (Zhuang 2017), but overall these changes reflect greater legal opportunities for addressing environmental protection through the law in China.

Summary: Comparing judicial reform, legal development, and environmental law in Russia and China

This background section has established important similarities and differences between Russia and China with respect to judicial reform, legal development, and environmental law. Overall, while both countries have a dualistic legal system where some elements of “rule of law” coexist with “rule by law,” recent developments in China have made it easier for citizens to take environmental grievances to court, including reversing the burden of proof and broadening standing rules to allow NGOs to take environmental public interest litigation. This suggests that the central leadership

has made environmental litigation a more attractive strategy both for citizens and environmental civil society organizations. Meanwhile, in Russia, although environmental rights are enshrined in the constitution and the country has a suite of stringent environmental laws, there remain problems with enforcement and high barriers to environmental litigation.

Case studies of NGOs working on environmental law and litigation

The brief background provides context for the case studies that follow. In both Russia and China, there are environmental NGOs specifically working on issues related to environmental law and litigation. This section profiles two domestic environmental organizations in each country to illustrate how civil society organizations approach legal routes to environmental justice in each context. These organizations were chosen for analysis because they are among the leading domestic organizations combining legal and environmental activism in each country. In addition, they are well-matched in terms of their goals and tactics, each working on similar aspects of environmental litigation and environmental legal development.

Russian Case 1: Environmental Rights Center Bellona (St. Petersburg)

The Bellona Foundation, founded in 1986, is a Norwegian organization with offices in three countries: Norway, Belgium, and Russia. The Russian branch of Bellona has historically had two offices, one in Murmansk (founded in 1994) and one in St. Petersburg (founded in 1998). Although the Russian branches are affiliated with the Bellona Foundation in Norway, they are registered as two separate Russian domestic organizations and operate fairly independently. The focus of the Murmansk organization has historically been nuclear safety and industrial pollution, while the St.

Petersburg organization was founded as a center for the protection of environmental rights, with a focus on legal aid for environmental activists.¹⁸¹ The early saga of Bellona in Russia is legendary among those in the Russian environmental movement. In 1996, Alexander Nikitin, the current chairman of Bellona St. Petersburg, was arrested and charged with espionage. Nikitin, a former naval captain of the Soviet Northern Fleet, was working on a report on the potential of radioactive contamination from the Northern Fleet's decommissioned nuclear submarines.¹⁸² The case quickly attracted international media attention and Nikitin was awarded the prestigious Goldman Environmental Prize in 1997.¹⁸³ Then, after several years filled with court battles, Nikitin was acquitted of all charges in 1999 and the acquittal was upheld by the Russian Supreme Court in 2000.¹⁸⁴

This high-profile court case set the tone for the foundation of Bellona St. Petersburg as an environmental rights center in 1998. Since Nikitin's case, the organization has developed not only to provide legal aid to environmental activists, but also to protect the constitutional right of Russian citizens to a favorable environment and access to reliable information about the environment. As a result, the organization has three main project areas: legal, informational, and expertise-based. In the first area, the organization provides free legal assistance to citizens and other environmental activists or organizations who are seeking to protect their

¹⁸¹ For more information on the history of Bellona's international offices, see <http://bellona.org/about-bellona>.

¹⁸² Wesolowsky, Tony. 1996. "The Nikitin Espionage Case Drags On." RFE/RL. 9 July. <https://www.rferl.org/a/1080997.html>

¹⁸³ For more information, see: <https://www.goldmanprize.org/recipient/alexander-nikitin/>

¹⁸⁴ Lambroschini, Sophie. 2000. "Russia: Supreme Court Acquits Activist Nikitin." RFE/RL. 13 September. <https://www.rferl.org/a/1094756.html>

environmental rights. This includes consultation with environmental lawyers¹⁸⁵ and easily accessible “how-to” pamphlets with procedural and legal information, like how to properly file complaints with government organs.¹⁸⁶ The informational side of the organization publishes articles related to environmental rights on their website and through the self-published journal “Ecology and Law.” Finally, the part of the organization focused on developing expertise produces independent reports and expert opinions on various environmental issues.¹⁸⁷

In addition to providing legal consultation to citizens and environmental activists, the legal side of the organization has programs for attracting and training environmental lawyers. The annual program “Eco-Jurist,” which began in 2009, is a competition designed to attract young people to the study of environmental law and to improve the quality of training in the field of environmental law. In addition to the annual competition, which attracted more than 2400 submissions from students in 69 different federal subjects¹⁸⁸ in 2016, the organization also holds specialized seminars for law students on environmental law that are held in different cities across Russia each year.¹⁸⁹ Besides these training programs, the organization also advocates for changes to law to assist with environmental legal development. For example, Bellona

¹⁸⁵ For more information [in Russian], see: <http://bellona.ru/pravo/>

¹⁸⁶ See, for example: Alekseev, Artem and Nikolai Rybakov. 2015. “Kak pravil’no napisat’ obrashcheniye v organ vlasti.” [“How to correctly write an appeal to the authorities: A manual for citizens.”] Bellona. http://network.bellona.org/content/uploads/sites/4/2015/07/fil_Kak_pravilno_napisat_obraschenie_s1.pdf

¹⁸⁷ For more information on the structure of the organization [in Russian], see: http://bellona.ru/bellona_peterburg/

¹⁸⁸ As of March 2014, the Russian federation constitutionally consists of 85 federal subjects (this includes Sevastopol and the Republic of Crimea). Federal subjects include republics, krais, oblasts, cities of federal importance (Moscow, St. Petersburg, and Sevastopol), and autonomous oblasts and okrugs.

¹⁸⁹ For more information [in Russian], see: <http://bellona.ru/ecojur/>

St. Petersburg has been outspoken in its support of changing Russian law to allow NGOs to take environmental public interest litigation.¹⁹⁰

Although the organization has been able to continue its activities in each of these three areas over the years, it has not been free from government pressure. For example, Bellona St. Petersburg – after several years of avoiding the label – was listed as a “foreign agent” by the Russian Ministry of Justice in 2017. However, the organization decided to re-organize, liquidate the legal entity that had been listed as a “foreign agent,” and re-register as a new organization to continue its work.¹⁹¹

Russian Case 2: Planet of Hopes (Ozyorsk)

Although not as well-known as the Chernobyl or Fukushima disasters, the third largest nuclear disaster in the world happened at the Mayak plutonium plant in the closed city of Ozyorsk (near Chelyabinsk) in 1957. In September of that year, a storage tank of radioactive waste at Mayak exploded, releasing 2 million curies of radiation beyond the plant’s confines (Brown 2010, 139). As with the Chernobyl disaster, “liquidators” were sent to clean up the aftermath, but the entire incident was kept secret until the 1990s. Although laws were passed in the 1990s to provide compensation to the “liquidators” of these Soviet-era environmental catastrophes (including Mayak), it does not apply to “unofficial” workers who may have been forced to participate in the clean up effort, but whose labor was unrecorded, including

¹⁹⁰ See, for example: Popravko, Nina. 2010. “Pravo NKO na obrashcheniye v sud.” [“The right of an NGO to appeal to court.”] Bellona.ru. 23 November. <http://bellona.ru/2010/11/23/pravo-nko-na-obrashhenie-v-sud/> ; Popravko, Nina. 2013. “Konstitutsionnyj sud ne usmotrel narushenij prav NKO.” [“The Constitutional Court did not find violation of the rights of NGOs.”] Bellona.ru. 13 June. <http://bellona.ru/2013/06/13/konstitutsionnyj-sud-ne-usmotrel-naru/>

¹⁹¹ Nilsen, Thomas. 2017. “Eco-group Bellona continues to work in Russia despite being declared foreign agents.” *The Barents Observer*. 17 January. <https://thebarentsobserver.com/en/ecology/2017/01/eco-group-bellona-continues-work-russia-despite-being-declared-foreign-agents>

many children and pregnant women. Nadezhda Kutepova, a native of the closed city whose father worked at the plutonium plant and whose mother was an oncologist, only learned about the incident and its aftermath in the 1990s after attending a lecture (Brown 2010, 138). This information spurred Kutepova, trained in sociology and law, into action. In 1999, she founded Planet of Hopes (*Planeta Nadezhd*) in order to help the victims of this disaster understand their rights and seek compensation.

Over the years, Kutepova and her organization have represented the victims of the Mayak disaster in Russian courts, suing for compensation. The organization has also worked to spread information about the disaster and increase pressure on the state bureaucracy to take legal action. For example, as a result of public pressure, the Prosecutor General's Office brought a criminal case against the director of Mayak in 2005, but the director was ultimately granted amnesty by the court in 2006.¹⁹² With a general lack of successful outcomes for its court cases within Russia, Planet of Hopes has also at times appealed to the European Court of Human Rights with the help of UK-based European Human Rights Advocacy Centre (EHRAC). In one case brought to the European Court of Human Rights, Kutepova and the EHRAC represented a widow of a radiation victim who had been denied compensation from the Russian government after her husband's passing. In 2015, they won their case when the ECtHR ruled that the widow was entitled to compensation from the Russian government.¹⁹³

¹⁹² Lenta.ru. 2006. "Amnistirovan byvshij direktor khimkombinata 'Mayak'." ["The former director of the chemical plant Mayak has been granted amnesty."] 11 May. <https://lenta.ru/news/2006/05/11/mayak/>

¹⁹³ European Human Rights Advocacy Centre. 2015. "European Court: Widow of radiation victim entitled to compensation by Russian state." 29 October. <http://ehrac.org.uk/news/european-court-widow-of-radiation-victim-entitled-to-compensation-by-russian-state-2/>

However, Kutepova and Planet of Hopes have endured increasing levels of harassment over the years for their legal advocacy, from a tax evasion case in 2008 (Brown 2010) to being listed as a “foreign agent” in 2015.¹⁹⁴ Soon after being branded a “foreign agent,” a state-run television channel started a “black PR” campaign against Kutepova and her organization, stating that she was engaging in espionage and threatening national security. Fearing that formal charges would soon follow, Kutepova fled to France and was granted political asylum. From abroad, she has filed a lawsuit against the television company, but has lost at every level.¹⁹⁵ As of November 2017, the team of lawyers representing the case are deciding whether or not to file a complaint with the European Court of Human Rights.¹⁹⁶

Chinese Case 1: Friends of Nature (Beijing)

Friends of Nature (*Ziran zhiyou*), founded in 1994, is China’s oldest environmental NGO. The organization’s founder, Liang Congjie, was a historian at the Academy of Chinese Culture, a member of the Chinese People’s Political Consultative Conference (CPPCC), and the grandson of the famous Qing dynasty reformer Liang Qichao (Yang 2005, 60). This pedigree afforded him the political capital and connections necessary to increase the profile and resources of the organization. His goal was to create a less confrontational organization that could work within the current political structure. After he passed away in 2010, an obituary described his

¹⁹⁴ Vedomosti. 2015. “‘Planeta Nadezhd’ stala 53-j NKO – inostrannym agentom.” [Planet of Hopes has become the 53rd foreign agent NGO.] 15 April. <https://www.vedomosti.ru/politics/news/2015/04/15/planeta-nadezhd-stala-53-i-nko-inostrannim-agentom>

¹⁹⁵ For a recounting of these developments, see: The Moscow Times. 2017. “Suck It Up, Foreign Agent.” 10 March. <https://themoscowtimes.com/articles/suck-it-up-foreign-agent-57397>

¹⁹⁶ For more information [in Russian], see: <https://team29.org/court/planethope/>. Team 29 (Komanda 29), that represents Kutepova, is a group of human rights lawyers that specialize in defending Russian citizens accused of high treason, disclosing state secrets, and espionage.

philosophy: "...you did not attack the government; instead, you reminded it that there were laws already on the books to protect the land, the water and the air, and offered to help enforce them" (The Economist 2010).

Although it has programs in several areas, including environmental education, over the years Friends of Nature has developed a strong program in legal and policy advocacy (*falü yu zhengce changdao*), with a particular focus on public interest litigation (*gongyi susong*).¹⁹⁷ Long before the change to national law, Friends of Nature had been advocating for NGOs to have standing in these types of cases. For example, in 2005, Liang Congjie suggested broadening standing (to include ENGOs) in a proposal to the CPPCC (Wang 2007, 221). Friends of Nature also tried to file environmental public interest litigation in the years before changes to national law officially allowed them. For example, in 2011 Friends of Nature and Chongqing Green Volunteers Union filed a public interest lawsuit in Yunnan province against Luliang Chemical Industry Company and its affiliate for discharging chromium-contaminated waste into the surrounding environment. The case was accepted by the Intermediate People's Court in Qujing City and the Qujing City Environmental Protection Bureau joined the two NGOs as a third plaintiff.¹⁹⁸ At the time of writing, the case is still ongoing, but the mere fact that the Qujing court accepted the lawsuit in 2011 makes it a landmark case, especially since courts had previously only accepted public interest litigation brought forth by the government-backed All China Environment Federation (see Stern 2013, 118).

¹⁹⁷ For more information [in Mandarin] on Friends of Nature's program areas, see: <http://www.fon.org.cn/>

¹⁹⁸ Cao, Yin and Anfei Guo. 2012. "Talks begin in landmark NGO environment case." ChinaDaily. 24 May. http://usa.chinadaily.com.cn/china/2012-05/24/content_15372152.htm

Besides filing this landmark case, Friends of Nature continued to promote public interest litigation and advocate for the expansion of standing rules in national level legislation. When the 2014 changes to the Environmental Protection Law (EPL) were being discussed – which would eventually give ENGOs the explicit right to file such cases – Friends of Nature jointly founded a support network for public interest litigation that includes other NGOs and environmental lawyers from across China.¹⁹⁹ Once the changes to the EPL went into effect in 2015, Friends of Nature together with local ENGO Fujian Green Home won the first environmental public interest case under the expanded standing rules against a polluting quarry near the city of Nanping in Fujian province.²⁰⁰ Since then, Friends of Nature has engaged in 31 environmental public interest lawsuits and continues to expand its efforts.²⁰¹

Chinese Case 2: Center for Legal Assistance to Pollution Victims (CLAPV) (Beijing)

The Center for Legal Assistance to Pollution Victims (CLAPV) is arguably the leading organization working on environmental legal aid and litigation in China. The group, which is affiliated with the China University of Political Science and Law, was founded in 1998 by law professor Wang Canfa. CLAPV works to raise public awareness of environmental law and provides free legal assistance to pollution victims in order to help them sue for compensation in court. In addition to pollution compensation cases, the organization holds training sessions for Chinese lawyers and judges on environmental law. From 2001 to 2007, CLAPV trained over 250 lawyers

¹⁹⁹ For more information on the network [in Mandarin], see:

http://www.fon.org.cn/index.php?option=com_content&view=featured&Itemid=179

²⁰⁰ Zhang, Chun. 2015. “China court rules in favour of first public interest environmental lawsuit.”

ChinaDialogue. 11 November. <https://www.chinadialogue.net/article/show/single/en/8291-China-court-rules-in-favour-of-first-public-interest-environmental-lawsuit->

²⁰¹ For more information on these lawsuits [in Mandarin], including a map, see:

http://www.fon.org.cn/index.php?option=com_k2&view=itemlist&layout=category&Itemid=178

and almost 200 judges from all over China (Go et al. 2008). The group also has a hotline for free legal consultation that handled over 9,000 calls from 1999 to 2006.²⁰²

One of the most cited pollution compensation cases, *Zhang Changjian et al. v. Pingnan Rongping Chemical Plant* (known as the “Rongping Case”), was supported by CLAPV. In this case, local villagers, led by barefoot doctor Zhang Changjian, accused Rongping Chemical of polluting their community to the point where crops and animal life began to dwindle, while the rates of cancer markedly increased. Zhang Changjian and four other villagers, with the help of CLAPV, filed and eventually won a class action lawsuit with more than 1700 plaintiffs (Wang 2007, 213; Stern 2013, 75-78). Although the compensation in the case was meager, the case is often hailed as an important victory for Chinese environmental litigation. For his efforts in this and other cases, Wang Canfa was named a Time’s Hero of the Environment in 2007.²⁰³

Besides these activities, CLAPV also works closely with international and domestic organizations promoting environmental law and legal development in China. In 2006, CLAPV and the US-based Natural Resources Defense Council (which has a branch office in Beijing) signed an agreement on joint activities, which includes collaborating on training workshops on environmental litigation for Chinese judges, lawyers, and government officials.²⁰⁴ CLAPV has also been financially supported by the Ford Foundation (Stern 2013, 183, footnote 8). In terms of domestic groups, CLAPV works closely with Friends of Nature, participating in its support network for

²⁰² For more information [in Mandarin], see: <http://www.clapv.org/about/index.asp>

²⁰³ Ramzy, Austin. 2007. “Wang Canfa.” Time. 17 October.

http://content.time.com/time/specials/2007/article/0,28804,1663317_1663320_1669921,00.html

²⁰⁴ NRDC. 2016. “China Environmental Law Group Partners With Leading U.S. Environmental Organization To Meet Rising Pollution Challenge.” Press Release. 14 February. <https://www.nrdc.org/media/2006/060214>

environmental public interest litigation. Friends of Nature in turn attends CLAPV's training sessions on environmental law, including a recent one on environmental public interest litigation.²⁰⁵ Under the expanded standing rules, CLAPV's lawyers have also represented Friends of Nature as a plaintiff in environmental public interest cases.²⁰⁶

Summary: Comparing the Russian and Chinese Cases

These short case study profiles reveal important similarities and differences between environmental organizations working on environmental law and litigation in Russia and China. First, the aims of the organizations are quite similar. In both countries, these groups work for increasing awareness of environmental law and the legal rights of environmental activists or pollution victims. CLAPV and Planet of Hopes have traditionally focused on pollution compensation cases, while CLAPV, Friends of Nature, and Bellona all work on training more environmental lawyers and providing environmental legal expertise to other activists and organizations through informal networks or formal programs. These groups also partner, both unofficially and officially, with international organizations (such as the Bellona Foundation in Norway or the Natural Resources Defense Council).

Besides these similarities, there are also important differences in how these organizations operate within their respective political contexts. First, because of recent

²⁰⁵ Friends of Nature. 2017. "Ziran zhiyou canjia 'huangjing gongyi susong yanxi ban.'" ["Friends of Nature participates in 'Environmental Public Interest Litigation Seminar.'"] Press Release. 12 May. http://www.fon.org.cn/index.php?option=com_k2&view=item&id=8106:2017-05-12-06-34-44&Itemid=177

²⁰⁶ See, for example, a press release on CLAPV's website about a recent case in April 2018 [in Mandarin]: http://www.clapv.org/ZhiChiAnJian_content.asp?id=200&title=%D6%A7%B3%D6%B0%B8%BC%FE&titlecontent=PD_zhichianjian&lei1=19

changes to the Environmental Protection Law in China, qualified environmental NGOs like CLAPV and Friends of Nature can now file lawsuits on behalf of the public interest. Although groups like Bellona have advocated for the expansion of standing rules to be able to take these types of cases, Russian organizations are not yet able to do this. Second, CLAPV and Friends of Nature have been able to continue their legal advocacy relatively unencumbered and have even had their efforts facilitated by recent changes in national level environmental law. This is in stark contrast to other “cause lawyers” within China, such as those working on human rights who were targeted in the “709 crackdown” in July 2015.²⁰⁷ Meanwhile, Bellona and Planet of Hopes have encountered harassment and repression – both were named “foreign agents” and Kutepova fled Russia after a “black PR” campaign on state television. This contrasts with CLAPV and Friends of Nature, which both have international partners and receive foreign funding, but have not been under similar pressure for their international ties. Finally, as the Russian case shows, when domestic legal channels are ineffective or blocked, Russian organizations have an international legal mechanism through the European Court of Human Rights, which is not an option that exists for Chinese groups.

The next section examines these similarities and differences at a deeper level with interview material from environmental lawyers, activists, and ENGOs (both foreign and domestic) in both countries. This material provides a window into how people working in these areas view the effectiveness of legal mechanisms within their

²⁰⁷ See, for example: Gan, Nectar. 2017. “Isolated, tortured and mentally scarred...the plight of China’s persecuted human rights lawyers.” *South China Morning Post*. 9 July. <http://www.scmp.com/news/china/policies-politics/article/2101819/chinas-human-rights-lawyers-continue-fight-victims-709>

respective political contexts. In addition to documented differences in environmental law and the ability of NGOs to take pollution victim cases or even public interest litigation, there are differences in how Russian and Chinese activists evaluate their changes in court and how optimistic or pessimistic they are about winning cases.

Discussion: How do environmentalists evaluate their legal routes to justice?

Russian evaluations of environmental law and litigation

Among Russian environmentalists, there is a consensus that more environmental lawyers are needed, but that there are many barriers preventing the development of the profession. Several interviewees mentioned the importance of environmental legal expertise and the general lack of environmental lawyers in Russia.²⁰⁸ One environmentalist emphasized the importance of their environmental law program in light of the dearth of environmental lawyers in Russia: “In Russia, there are very few lawyers and advocates who specialize in environmental issues. You could literally count them on your fingers. I would want, as an organization, to cultivate people who work on this, especially in the regions.”²⁰⁹ The idea that there were only a handful of environmental lawyers working in Russia was a common theme in the interviews, and the problem is exacerbated in the regions since the lawyers tend to be concentrated in Moscow and St. Petersburg. Another activist explained why it is so difficult to attract lawyers to environmental law:

Often, [organizations] in other regions – from really far-off regions – come to us to ask for help from our lawyers, because in Russia there are so few lawyers that practice environmental law. This is because it's not financially profitable. If you practice environmental law, your clients will most likely be environmental activists that are fighting for trees, or a river, or a lake, and so

²⁰⁸ Interview 21-RF103015; Interview 38-RF111915; Interview 122-RF090316

²⁰⁹ Interview 21-RF103015

on. And that's not financially profitable. In addition, besides the fact that it pays very little, you're constantly going to confront the authorities. Because in almost every case, when you defend citizens' rights, in the end you are going to get to the point where some official has made the wrong decision, an illegal one or maybe there was corruption. And in Russia, conflicts with the authorities are not welcome. Consequently, in order to become an environmental lawyer, you need to have very serious inner strength to understand why you are pursuing this.²¹⁰

The development of the environmental law profession in Russia is stymied by both financial and political barriers. As in this interviewee's estimation, only certain people committed to protecting the environment with the gumption to go against the authorities would be able to practice environmental law.

Besides the obstacles to developing more environmental lawyers in Russia, there are also other barriers to using legal mechanisms to solve environmental problems. Several of those interviewed mentioned that they were willing to file lawsuits, but usually only as a last resort.²¹¹ One representative of a regional environmental organization described why they rarely take cases to court:

There's also the possibility, even despite the fact that our courts are biased and corrupt, there are examples when we can pursue rights protection in the courts. And sometimes we resort to that, but rarely, because we don't have in-house lawyers. Freelance lawyers help us only at the beginning and for free. So we take things to court rarely, unfortunately, although it can sometimes be a very effective instrument.²¹²

This view of the utility of the courts is surprisingly optimistic. Instead of court bias or corruption, the primary barrier for this interviewee is the organization's ability to access trained environmental lawyers. Otherwise, even though the interviewee

²¹⁰ Interview 19-RF102015

²¹¹ Interview 05-RF100915; Interview 23-RF110315; Interview 104-RF081016

²¹² Interview 22-RF110315

recognizes some problems with Russia's courts, he also understands that it can at times work out in the environmentalists' favor.

Others also echoed this idea, that legal mechanisms could be effective, but that there are other problems, such as a lack of enforcement or power differentials. As one environmentalist explained:

In my view, the most effective – well, what *should* be the most effective – are legal instruments. ... But unfortunately, in our country there are situations where the law enforcement agencies, let's say, try not to notice certain situations in which there was a violation of the law, but they don't want to risk action. It doesn't mean that they're protecting anyone, just that they react weakly or not enough to these violations. [The law could be] an effective instrument, but its effectiveness in the specific circumstances of contemporary Russia is decreasing.²¹³

In this person's view, the problem is not necessarily "telephone justice," but the enforcement agencies and their inability or unwillingness to enforce the law. This is consistent with evaluations in the literature that there is a gap between the existence of relatively strict environmental laws and the enforcement agencies' interest or ability to enforce them (Newell and Henry 2017).

Another grassroots activist took a more pessimistic view of the underlying reasons behind the relative ineffectiveness of environmental litigation:

If the system operated as it should, then [we would use] terrifying lawsuits in the pursuit of environmental damage to put pressure on all the perpetrators, like the oil companies and the timber industry and just bankrupt them with these lawsuits. If that worked, then others wouldn't want to continue these deplorable practices. But, unfortunately, our government protects them, because our government grew up alongside the oligarchs.²¹⁴

In this evaluation, most major industries will never be subject to the letter of law, since they are intimately tied to the political system. Supporting this argument, others

²¹³ Interview 48-RF120315

²¹⁴ Interview 32-RF111215

explained that the degradation of environmental law began in the 2000s, with the rise of Putin and the “de-environmentalization” of the country.²¹⁵ An environmental lawyer in Moscow explained: “The most progressive [environmental laws] were enacted in the early 2000s, the most progressive maybe in the world of environmental legislation. After that, everything started to break down. The fundamental laws were changed.”²¹⁶ These comments hint at the underlying problems generated by Putin’s *sistema* (Ledeneva 2013) or kleptocracy (Dawisha 2014), where many wealthy and influential businessmen are also members of Putin’s inner circle. Environmental issues, then, are directly tied to the underlying power structure of the state. In this view, a lot of environmental litigation is bound to fail because it runs counter to powerful interests, distinguishing it from the routine cases of “everyday justice.”

Despite some cases that might be on the level of everyday law, at the end of the day, environmental lawyers admitted that they tend to lose the majority of their cases²¹⁷ and that they often don’t recommend that environmental activists take cases to court, because it is a waste of time and money.²¹⁸ In addition, the fact that environmental organizations are not allowed to take public interest litigation was listed as another barrier: “What really prevents us from defending people’s environmental rights is that fact that in Russia, social organizations cannot take lawsuits to court to defend an ‘unspecified group of persons.’”²¹⁹ Without the ability to take environmental public interest litigation, environmental groups are relatively

²¹⁵ The “de-environmentalization” of Russia (an idea promulgated by Russian environmentalist Aleksei Yablokov) and the “de-institutionalization” of the environment (Mol 2009) during the 2000s will be discussed in more detail in the next chapter.

²¹⁶ Interview 81-RF070216

²¹⁷ Ibid.

²¹⁸ Interview 121-RF090216

²¹⁹ Interview 19-RF102015

constrained in their legal options for protecting the environment. Furthermore, environmental lawyers and organizations working on legal routes to solving environmental problems also recognize that environmental law can be a risky area of work, and that the sensitivity of the profession has increased over time.²²⁰ Despite the fact that several organizations focus on environmental law and litigation in Russia, most Russian environmentalists, whether lawyers or members of these organizations, have pessimistic evaluations of the effectiveness of using legal mechanisms in the current financial and political climate.

Chinese evaluations of environmental law and litigation

In contrast to Russia, in interviews Chinese environmentalists expressed an optimistic view of the effectiveness of environmental legal mechanisms. Instead of turning to the courts as a last resort, for many organizations, legal routes to justice were part of a larger strategy, as in the “division of labor” mentioned in the previous chapter on mass mobilization. As one environmentalist at an international environmental organization explained: “For example, we could collaborate on a certain scandal case that we identified, then we would pass on the evidence we collected to [a domestic organization] and then they would, based on this evidence... file a public litigation case to the court and take it over from there.”²²¹ On this same process, another representative of the same organization elaborated: “A lot of the groups are strong at lawsuits, legal actions. Groups like CLAPV and Friends of Nature. So we can choose to build a case for them and they can choose to use their

²²⁰ Interview 21-RF103015; Interview 81-RF070216

²²¹ Interview 59-PRC040716

own strength to follow through.”²²² Confirming this model, a lawyer from a domestic environmental group added: “We pay attention to their reports, and if there is a real-world environmental problem and we think that it needs it, we can promote it from the legal side.”²²³ In this model, different types of environmental organizations, from international to domestic, play to their strengths. Once an environmental problem has been identified and evidence of pollution collected, groups that specialize in legal advocacy, like Friends of Nature and CLAPV, are seen as capable and effective at following through with lawsuits.

In addition to being an integral part of a larger strategy of collaboration between different organizations, the effectiveness of legal mechanisms is also seen as superior to other alternatives. One environmentalist claimed that it was the “ideal” way for solving environmental problems, considering it a first choice among all other options.²²⁴ Another discussed the preference for environmental litigation compared to the *xinfang* (letters and visits) system:

Lots of people looked at these lawsuits with hope. Using lawsuits, using the judicial system, you could protect your own rights. Because before they would go to the government to petition (*xinfang*). And sometimes that petition (*xinfang*) would take a long time, many years of waiting for it to be resolved...or it wouldn't get resolved [at all]. But using lawsuits, they could get compensation.²²⁵

Here, environmental litigation is seen as an innovation that has made pursuing environmental grievances more effective and compensation more attainable. However, while environmental litigation is generally seen as effective, it is also a tactic that

²²² Interview 60-PRC040816

²²³ Interview 63-PRC041416

²²⁴ Interview 136-PRC012017

²²⁵ Interview 106-PRC081616

requires a high degree of specialization. As a representative of a regional ENGO mentioned, lawsuits may be effective, but they also require dedicated organizational resources to be successful, which is something only a few larger organizations like Friends of Nature could do.²²⁶

But as groups gain more experience in environmental public interest litigation, the interest in legal advocacy among smaller, regional environmental groups is growing. For example, after one public interest litigation case, the local ENGO that had partnered with a national organization for legal aid decided to invest resources in its own legal development. A representative from the Beijing-based organization said:

Through this case, [the local ENGO] has built its own legal team. Now they have their own legal staff, they also have their own environmental lawyer. After [the case], they filed their own public interest lawsuit as a stand-alone plaintiff, and it was very successful. During this process, they really developed, and then they were able to become a more competent plaintiff.²²⁷

As evidenced by this example, after gaining experience in environmental public interest litigation, some smaller, regional environmental NGOs may decide to invest in their own resources in legal advocacy. These types of developments are welcomed and encouraged by the national-level organizations that have experience in environmental litigation. However, since environmental public interest litigation is so new, some recognize the limits of what they can provide to other groups: “We have accumulated experience, but our experience has limits. We hope that we can develop together with other environmental NGOs. ...In the process, our abilities will all strengthen.”²²⁸ Through the process of filing (and winning) environmental public

²²⁶ Interview 114-PRC082216

²²⁷ Interview 63-PRC041416

²²⁸ Ibid.

interest lawsuits, more environmental groups in China will be attracted to legal mobilization and invest in the specialized experience necessary to take up these cases on their own.

Overall, Chinese environmentalists view legal routes to environmental justice as effective and relatively accessible for those organizations who invest their resources in this area. Russian environmentalists see legal challenges both as less effective and as less accessible. There are also important differences in how environmentalists believe that the authorities view their efforts at legal advocacy for environmental protection. While in Russia, environmentalists recognize the risks of being an environmental lawyer or taking environmental lawsuits, Chinese respondents are assured that the authorities find their activities acceptable. “A lot of what we do has been welcomed by the government,” said one environmental lawyer.²²⁹ This person attributed this to the fact that the organization is not being confrontational, but that they are finding ways to solve problems legally. This is in contrast to evaluations of other types of cause lawyers and their relationship to the authorities. At the same time that they discussed environmentalists’ successes with environmental law, some interviewees also recognized that human rights lawyers have been under increased pressure (*shoudao yazi*) for similar tactics.²³⁰ When asked specifically why environmental lawyers would be treated differently than other types of lawyers, one environmental lawyer replied: “There are people that ask, ‘In China why are there some lawyers that have been arrested? What did they do?’ These are the so-called “*sike* lawyers.” “*Sike*” in that they take more confrontational measures. These

²²⁹ Interview 106-PRC081616

²³⁰ Interview 114-PRC082216; Interview 130-PRC011817, Interview 141-PRC012417

antagonistic measures don't help solve the problem.”²³¹ Despite the fact that both human rights and environmental lawyers are using similar methods – taking cases to court – there remains an understanding among environmentalists that what human rights lawyers are doing is too confrontational, while environmental lawyers are working within the boundaries of acceptable action. As a final example, when asked specifically whether public interest litigation was sensitive, the same interviewee replied, “Public interest litigation is allowed by law. It shouldn't be very sensitive (*mingan*).”²³²

Summary: Comparing practitioner evaluations of environmental law and litigation

Overall, the self-evaluations of the effectiveness of legal tactics by Russian and Chinese environmentalists in interviews paint opposite pictures. In China, legal opportunities have been opened to environmentalists to allow them to take environmental litigation cases, including in the public interest. Although they may not win all of the time, they have won often enough to cause them to see legal mechanisms as one of the most effective options at their disposal. Meanwhile, although Russian activists will sometimes take environmental claims to court, they are overwhelmingly pessimistic about the outcomes and enforcement of court decisions. Thus, other mechanisms are seen as more effective, such as mass mobilization (see the previous chapter). There are also differences in the availability and accessibility of using legal mechanisms. Although environmental lawyers do not comprise the majority of the legal professionals in either country, there are still many fewer environmental lawyers in Russia than in China. While Russian interviewees

²³¹ Interview 106-PRC081616

²³² Ibid.

mentioned that they could “count on their fingers” the number of environmental lawyers in the entire country, a rough estimate of environmental lawyers in China, even in the mid-2000s, places the number at 7800 (Stern 2013, 176).

Furthermore, there are differences in how sensitive legal routes to justice are perceived in either country. In the Chinese case, sensitivity or repression is associated with human rights lawyers, but not environmental ones. Instead, environmental lawyers see themselves as solving problems in a way that is completely codified by law. In the Russian case, environmental lawyers are also solving problems using existing law, but they conclude that their work is particularly sensitive in the eyes of state actors. The fact that environmental lawyers in Russia would sympathize more with the plight of human rights lawyers in China underscores that environmental activism is more sensitive in Russia than in China. The two different stances on public interest litigation also illustrate this. Chinese leaders are willing not only to allow NGOs to initiate these lawsuits, but to win, which encourages them to use this mechanism all the more. In Russia, the lack of NGO-initiated environmental public interest cases suggests that the authorities fear greater citizen participation in environmental litigation. This is underscored by the fact that two of the leading environmental organizations working on environmental law and litigation have been targeted under the “foreign agent” law.

Conclusion

Although high-profile politicized cases often come to mind when thinking of Russia or China’s legal system, the reality is that most court cases reflect routine or mundane aspects of everyday justice (Stern 2013; Hendley 2017). This variation in

how court cases are addressed highlights the authoritarian dilemma over courts, where courts could help solve some of the regime's information problems and improve governance on the one hand, but on the other, independent courts could create problems of control. However, just as with the other tactics examined in these empirical chapters, there are differences in the approach that each regime has taken to allowing activists to use legal channels.

Signals that the central government sends about environmental law, the role of civil society organizations in bringing environmental lawsuits, and the viability of such cases are quite different between the two countries. As Rachel Stern (2013) argues, civil society actors in China are constantly trying to interpret signals from the central government, and the laws on the books can send “a signal about what the state considers to be acceptable and unacceptable claims” (Stern 2013, 159). As environmental law has strengthened in China since the 1980s, environmental activists have been sent clearer signals from the central leadership that environmental litigation is an acceptable form of activism. At the time that Stern (2013) was doing the bulk of her research, her interviewees mostly felt that “ ‘the time isn't yet ripe' to use the law for environmental protection” (214). In the years since those mid-2000s interviews, it seems that this attitude has shifted. Changes to national-level legislation have allowed for Chinese ENGOs to file public interest litigation, and although there have been relatively few cases to date, many of them have been successful. Although there are certainly still problems, such as a lack of enforcement or external influence in high-profile cases, Chinese environmentalists have been given clearer “green light” signals

over the years that legal mobilization is an acceptable way to engage in environmental protection.

In Russia, although some environmental cases are routine and environmentalists can occasionally win them, the overall evaluation is pessimistic. Compared to other tactics, legal mechanisms are often at the bottom of the list or are even considered a last resort. Since the 2000s, environmental laws and enforcement have weakened alongside the environmental bureaucracy in a process of “de-environmentalization” or “environmental de-institutionalization” (Mol 2009), which will be discussed in more detail in the next chapter. In contrast to China, ENGOs in Russia do not have the legal standing to take environmental public interest cases; furthermore, the burden of proof remains with the plaintiff and other barriers to environmental litigation are high. All of this suggests a relatively closed legal opportunity structure for Russian environmentalists. As Hilson (2002) argues, “...civic exclusion from both political and legal opportunity may be an important factor in explaining protest as a strategy” (251). In light of the poor legal opportunities available to environmental activists, it is no wonder that they prefer other tactics, including mass mobilization (as discussed in Chapter 4).

Furthermore, although this chapter has focused on the ability of activists to use the law as a mechanism to seek environmental change, the law can also be used as a tool of repression against environmentalists by the authorities. As another high-profile example, Sochi environmentalist Evgeniy Vitishko was sentenced to prison for 3 years

for what amounted to vandalism.²³³ There are also many other cases of Russian environmentalists being accused of sharing state secrets or undermining national security, from the 1990s case against Nikitin to Kutepova's more recent fear that such charges would have been lodged against her if she had stayed in Russia. On the Chinese side, recent examples of the law being used to arrest and sentence high-profile environmentalists are harder to come by.²³⁴ Instead, the law has been used more often to target human rights activists, including human rights lawyers as evidenced by the "709 crackdown" in 2015, where many were sentenced to a decade or more in jail.²³⁵ While Chinese environmentalists and environmental lawyers have received mostly positive signals from the government for their legal advocacy, human rights activists and lawyers have been met with harsh repression.

This all underscores the differences in the perceived political sensitivity of environmental activism in China compared to Russia, which can be connected back to legacies of mass mobilization and the source of political power and legitimacy in each country. While the chapter on mass mobilization (Chapter 4) illustrates the lessons learned by both the leadership and environmental activists after the Soviet collapse and Tiananmen, this chapter's focus on legal mechanisms better illustrates how political legitimacy explains authorities' attitudes toward environmental activism. As

²³³ Walker, Shaun. 2014. "Sochi environmentalist jailed for three years for spray-painting a fence." *The Guardian*. 12 February. <https://www.theguardian.com/environment/2014/feb/12/sochi-environmentalist-jailed-painting-fence-revenge>

²³⁴ That is not to imply that such cases are completely absent, or that Chinese environmentalists do not face a harassment or repression. However, compared to Russian environmentalists, there are fewer high-profile cases of the repression of environmentalists, at least that reaches the domestic or international media.

²³⁵ For more information, see: Amnesty International. 2016. "China's Crackdown on Human Rights Lawyers." <https://www.amnesty.org/en/latest/campaigns/2016/07/one-year-since-chinas-crackdown-on-human-rights-lawyers/>

some of the interviewees mentioned, environmental litigation in Russia can clash with members of the political elite that form the backbone of the Putin regime. Meanwhile, in China, legal mechanisms can be used to stamp out local corruption and solve citizen's environmental grievances, contributing to stability maintenance (*weiwen*), which is a key component of the regime's performance legitimacy. The next chapter, focusing on informal and formal relationships between environmental activists and the authorities, provides yet another window into these dynamics.

CHAPTER 6
ADVOCACY THROUGH (IN)FORMAL INSTITUTIONS
FOR CIVIL SOCIETY PARTICIPATION

Introduction

Much of the literature on solving the dilemmas of authoritarian governance has focused on how authoritarian leaders use institutions to solve the dual problem of information and control. Works in this branch of scholarship have focused on how legislatures (Gandhi 2008; Gandhi and Przeworski 2006), parties (Brownlee 2007; Magaloni 2006, 2008), and elections (Blaydes 2011; Gandhi and Lust-Okar 2009) co-opt or divide potential opposition and publicly signal the leader's commitment to share power (Boix and Svobik 2013; Svobik 2012). Others have focused on how authoritarians gather credible information from citizens, including through institutionalized systems for collecting citizen complaints (Dimitrov 2014a, 2014b, 2015; Wang and Peng 2015). Organized civil society can also become part of this institutionalized system for obtaining information to improve governance. In addition to the institutions mentioned above, authoritarian regimes can also create formal or informal institutions to channel public participation into policymaking to help solve the dual problems of information and control.

In both Russia and China, there are formal and informal mechanisms for channeling civil society input into governance. In Russia, these tend to be more formalized, democratic-looking institutions such as the federal Public Chamber or advisory councils to the executive or other parts of the government bureaucracy. There can also be informal, professional working ties between civil society actors and

government officials at the local, regional, and federal levels. In China, while there are some institutionalized mechanisms for civil society input (such as participatory budgeting or the *xinfang* system), civil society actors more often engage in informal relationships with policymakers. This includes through personal (*guanxi*) ties, policy networks, and by working together with government-affiliated think tanks. These channels comprise the most “controlled” tactic in this study – mass mobilization and legal mobilization are still riskier – but the use of these institutionalized channels for civil society participation in governance could still create expectations for continued inclusion in policymaking and give civil society actors experience in governance that could create pressure to democratize the regime.

This chapter investigates how environmental civil society actors in Russia and China engage with policymakers through these formal and informal mechanisms for public participation in governance. How do opportunities for formal and informal civil society participation differ between China and Russia? To what extent can environmental activists engage with policymakers through these channels? How effective is this tactic compared to others? How do these actors, including environmental activists, domestic environmental organizations, and branches of transnational environmental organizations, view the utility of institutionalized channels for participation in governance? As in previous chapters, I address these questions through three main sections. In the first section, I review formal institutionalized and informal mechanisms for including civil society participation in governance in Russia and China. I also unpack the government institutions that exist for environmental protection and show how they have changed over time. Second, I

present brief case studies of three environmental NGOs in each country, including two branches of transnational ENGOs and one domestic ENGO, to illustrate how these groups can interact with these (in)formal mechanisms for public participation in governance. This chapter pays particular attention to branches of transnational environmental organizations because these groups have increased access to national-level institutions and networks in both countries. Finally, the last section of the chapter uses interview material to examine how broader environmental civil society actors approach these (in)formal relationships and evaluate the effectiveness of this tactic.

Overall, I find that although Russia has more formalized, democratic-looking institutions for civil society participation, their dismantling of the environmental bureaucracy since the 2000s has made these channels less accessible and less effective for environmental civil society actors. In China, although channels from civil society actors to policymakers tend to be informal and ad hoc, environmental activists generally perceive them as effective, especially since they have been strengthened by the increased status of the environmental bureaucracy over time. This has led Chinese environmental groups – both domestic and international – to prioritize and compete over vertical ties to policymakers, which may dis-incentivize the establishment of horizontal ties to other environmental groups. In Russia, however, horizontal networks become even more important, since only one or two representatives of the main TENGOS are able to access the institutionalized channels that are seen as most effective, giving regional organizations more incentive to have at least communicate with the TENGOS in Moscow. Because these institutionalized mechanisms are seen as

minimally effective, it also encourages Russian environmentalists to rely more on other tactics, such as mass mobilization (see Chapter 4).

Background

In this section, I briefly review the development of formal and informal mechanisms for public participation in governance in post-Soviet Russia and post-Reform China. When did mechanisms for civil society participation begin to develop? What opportunities are there for activists to engage in these channels? For environmental activists, finding allies within the bureaucratic structure may significantly aid their ability to use these channels effectively. What is the status of the environmental bureaucracy in the two countries and how has this changed over time? Do environmental activists have increased or decreased opportunities for engaging with like-minded bureaucratic actors?

Russia's formal institutions for civil society participation in governance

Since the mid-2000s, the Russian government has established several formal institutionalized mechanisms to channel civil society participation into state governance. Although many Russia watchers have dismissed these developments as attempts of the state to control society (Rutland 2004; Bransten 2005; Petrov 2006), others argue that their ability to bring real social change should remain an open empirical question (Javeline and Lindemann-Komorova 2010). One of the first-established and highest profile of these institutions is the Public Chamber (*Obshchestvennaya palata*), which was initially mentioned in a speech that Vladimir Putin gave after the Beslan school siege in September 2004 as a part of creating

“mechanisms unifying the state.”²³⁶ The following year, legislation (32-FZ) passed through the Duma and was signed into law to establish the new federal level body. Over the years, the majority of Russian regions and several cities and towns have established analogous institutions (Richter 2009b).

The federal Public Chamber has been described as a “corporatist quasi-civil society” institution (Evans 2008, 346). It consists of 126 members, the first third of which are chosen by the presidential administration, who then select another third, and then these members select the final members from the regions (Evans 2008). The primary tasks of the Public Chamber include reviewing legislation, overseeing government grants to social organizations, and acting as ombudsmen for citizen complaints and petitions to other parts of government. However, the body lacks the power to subpoena, has a small budget, and none of its recommendations are legally binding (Richter 2009a). Furthermore, although federal grants have been awarded to both loyal and more adversarial organizations (Javeline and Lindemann-Komorova 2010), the grant process is structured to “allow the Kremlin to favor some Russian social organizations over others” (Richter 2009b, 11). These limitations have led some analysts to argue that the Public Chamber favors “compliant individuals” (Owen 2015, 282) and that the body “often acts as an apologist for the dominant political order” (Chebankova 2012, 399). However, there are still some independent, well respected activists that participate in this institution (Richter 2009a), and the body has been able to take an independent stance on governance issues, even if its recommendations are

²³⁶ Putin, Vladimir. 2004. “Speech at the Enlarged Government Meeting with the Government and Heads of the Regions.” 13 September. Transcript available at: <http://en.kremlin.ru/events/president/transcripts/22592>

ultimately ignored (Evans 2008). In the end, while the Public Chamber cannot “...significantly influence the direction of public policy, it does provide an avenue for social organizations to communicate with government officials where no other may exist” (Richter 2009b, 12-13).

The function of the Public Chamber illustrates the tension that exists with other institutionalized mechanisms for public participation in governance in Russia. While on the one hand, these institutions can provide civil society actors access to key decision makers, their impact on policy may be marginal, depending on the willingness of the regime to use these channels as genuine information-gathering mechanisms. In addition to the Public Chamber, several other consultative bodies for civic engagement in Russian policymaking have also been formed. At the federal level, this includes the Office of the Human Rights Commissioner (or Ombudsman), established in the 1990s,²³⁷ which handles individual complaints from citizens and can also make recommendations regarding legislation. However, complaint-making to the Commissioner tends to be individualized and may serve to “demobilize the public by engaging in individual rather than collective action” (Henry 2012, 252). Also at the federal level is the Presidential Council for Civil Society and Human Rights (PCCSHR). Founded in November 2004, the PCCSHR is a consultative body that meets regularly with the President and can raise concerns about legislation or other problems within society. This body includes high-profile activists from national-level Russian human rights organizations like Memorial, Moscow Helsinki Group, the

²³⁷ There can be considerable variation in the strength of national-level ombudsmen, depending on the type of regime and various other factors. For an overview of how Russia’s Ombudsman developed and an evaluation of its strength (or weakness) over time, see Finkel (2012).

Committee for the Prevention of Torture, Soldiers' Mothers, and Agora.²³⁸ The PCCSHR often raises concerns from the activist community, including criticism of and amendments to national legislation like the "foreign agents" law,²³⁹ but it is unclear to what extent their concerns are considered in the formation or improvement of policy.

Besides these federal level bodies, there are also mechanisms for public participation in governance at the local and regional levels across Russia. The law "On general organizational principles of local self-government" (131-FZ), which went into effect in 2006, allows for citizen participation in local governance. According to some scholars this law "represents a huge stride for Russia in recognizing the value of citizen participation," but it still has problems with financing for implementation and the public hearings and referenda for which it provides could still be easily manipulated (Javeline and Lindeman-Komorova 2010, 176). Another mechanism for civil society participation in governance below the federal level are the Public Monitoring Commissions (*obshchestvennyye nablyudatel'nye komissii*) for the Federal Penitentiary Service.²⁴⁰ The Public Monitoring Commissions, established by the 2008 law "On public monitoring of human rights in places of detention and on assistance to detainees" (76-FZ), allow civil society actors to visit and report on the conditions in prisons in Russia's regions (Owen 2015; Flikke 2018). In addition, the 2014 law "On basic principles of public control" (212-FZ) establishes the right of individual citizens

²³⁸ For a current list of members, see: <http://www.president-sovet.ru/members/constitution/>

²³⁹ See, for example: RIA Novosti. 2013. "Sovet po pravam cheloveka poprosit priostanovit' proverki NKO." ["Human Rights Council will ask to suspend inspections of NGOs."] 18 October. <https://ria.ru/society/20131018/971091413.html>; RIA Novosti. 2013. "SPCh skoro predstavit Putinu popravki v zakon ob inostrannykh agentakh." ["The HRC will soon submit amendments to the law on foreign agents to Putin."] 25 April. <https://ria.ru/society/20130425/934631807.html>

²⁴⁰ Also sometimes translated as "Public Observer Commissions"

and NGOs to perform public monitoring functions over various parts of government. This law also lists public advisory councils (*obshchestvennyj sovet*) as another mechanism for allowing civil society actors to provide input on the policies and raise important issues with various government ministries and agencies at the regional and federal levels. Although there are problems with these consultative bodies, studies of these individual institutions often argue that it would be “too simplistic to dismiss these bodies as irrelevant to Russian politics as incremental social change does occasionally occur through them” (Owen 2015, 280). While there may be problems with these mechanisms, they represent a broader attempt by the Russian government to include citizen participation in formal, approved channels to help solve problems inherent with authoritarian governance.

However, at the same time that institutions for civil society participation have increased, environmental institutions within the Russian government bureaucracy have diminished. During the late Soviet period, the State Committee on Environmental Protection (*Goskompriroda*) was created and later promoted to Ministry of the Environment for the newly independent Russian Federation in 1991 (Henry and Douhovnikoff 2008, 439). After the mid 1990s, the stature and strength of the environmental bureaucracy in Russia have gradually declined in a process that some have called Russia’s “environmental de-institutionalization” (Mol 2009) or “de-environmentalization” (*de-ekologizatsiya*).²⁴¹ In 1996, Yeltsin demoted the Ministry of

²⁴¹ Alexei Yablokov, one of the founders of the modern Russian environmental movement, often used this term to describe the changes. See, for example: Usov, Evgenij. 2012. “De-ekologizatsiya Rossii: nastalo vremya dlya ekologicheskogo vrozozhdeniya!” [“De-environmentalization of Russia: it’s time for an environmental revival!”] Bellona. 28 June. <http://bellona.ru/2012/06/28/deekologizatsiya-rossii-nastalo-vremya/>

the Environment back to a State Committee (*Goskomekologiya*) and in 2000, Putin dissolved this body and the Federal Forestry Service, giving their duties to the Ministry of Natural Resources (Henry and Douhovnikoff 2008, 440). In 2004, the responsibilities for environmental compliance, permitting, and enforcement were transferred to the Federal Service for the Supervision of Environment, Technology, and Nuclear Management (*Rostekhnadzor*), which resulted in a reduction of government staff (Mol 2009, 230). In addition to a reduction in personnel, new leadership within the Ministry of Natural Resources brought in new people from their personal networks which resulted in “major losses of existing capacity and expertise” (Mol 2009, 231). Meanwhile, because the majority of environmental legislation was passed in the 1990s and 2000s (see previous chapter), the federal environmental institutional framework continued to look better “on the books” than in practice. However, “within this framework, the institutional structure showed all signs of erosion, degradation and delegitimation, developing into but a shadow of its powerful predecessor in the early 1990s” (Mol 2009, 231). Although federal de-institutionalization did not necessarily filter down to the regional or local levels (see Crotty 2003), as Mol (2009) has pointed out, sporadic regional strength on environmental protection does not make up for federal level protections, either. Overall, though the Russian government has created many new institutions for civil society participation in governance, the decline of the environmental bureaucracy at the same time signals that environmental protection has taken a backseat to other regime priorities.

Formal and informal mechanisms for public participation in governance in China

In the 1990s, corporatist theory dominated the study of Chinese civil society, with most scholars arguing that the sector was state-led and state-supporting (Unger and Chan 1995; Frolic 1997; Ding 1998). However, since then, others studies have documented that Chinese civil society groups can negotiate their relationship to the state (Saich 2000) and have varying levels of autonomy (Lu 2007), challenging the strict corporatist model. This was followed by studies pointing out the pluralization of Chinese politics, where “policy entrepreneurs,” including NGOs and journalists, can influence the policy process, especially when they align with like-minded state agencies within the Chinese fragmented authoritarian system (Mertha 2008, 2009). More recently, scholars have chronicled the rise of a “consultative” or “deliberative” authoritarian model (He and Thøgersen 2010; He and Warren 2011; Teets 2013, 2014), where input from citizens can (sometimes) determine policy outcomes. This includes formal, institutionalized channels for public participation in governance, such as public commenting on draft legislation, public hearings, participatory budgeting, and online polling portals for various government institutions (He and Thøgersen 2010; He and Warren 2011; Truex 2017; Balla 2017). Admittedly, these mechanisms are limited and the regime is not bound to follow the citizen input that they gather, but it marks a turn toward institutionalizing public participation in Chinese policymaking to solve some issues of authoritarian governance.

Focusing on how these new trends affect organized civil society groups, Teets (2013; 2014) argues that state-society relations in China are best described by a “consultative authoritarian” model that includes both “a pluralistic society participating in policy formation and implementation, and the use of multiple indirect

tools of state control” (Teets 2013, 32). This model emerged alongside political decentralization in China, which placed the responsibility for public service provision with local governments and has created incentives for local officials to collaborate with civil society organizations (Teets 2013). Some of this has been formalized, with local governments contracting out administrative functions to social organizations in certain provinces like Guangdong (Gao and Tyson 2017). But formalized societal input in governance can also expand beyond public service provision. For example, there has been a rise in government-sponsored “new type” think tanks, which are “designed to diversify and accelerate the channels of expertise into central policymaking” (Hayward 2018, 34). These arrangements also involve varying levels of autonomy, and, importantly, the “confidentiality of exchanges between scholars and officials enables criticisms to be made freely” (Hayward 2018, 35). Furthermore, as I will discuss more in the latter part of this chapter, these government-affiliated think tanks are another access point for civil society organizations to be involved in policymaking and have their research and opinions heard.²⁴²

In addition to these formal, institutionalized mechanisms for involvement in public service provision and policy formation, there are a plethora of informal mechanisms through which civil society actors can be involved in governance. For civil society organizations in China, an oft-discussed type of informal mechanism is based on the organizational leadership’s political or personal ties (*guanxi*). Many of the first NGOs in China were founded by people who either had previous political experience within the Chinese system, or who otherwise had extensive personal ties to

²⁴² Mentioned extensively in Interview 55-PRC00316; Interview 57-PRC031716; Interview 62-PRC041316; Interview 109-PRC081616; and Interview 139-PRC012317.

these actors. These ties can influence the trajectory of the organization and its strategic decision to work more closely with state actors. As Hsu and Jiang (2015) find, if an NGO founder is a former state bureaucrat, then they seek alliances with party-state agencies for their NGOs. These leadership ties have also been positively and significantly associated with an NGO's ability to engage in policy advocacy and public service provision (Zhan and Tang 2016). In addition to these informal ties from the organizational leadership, there are also other ways for civil society organizations to create informal networks with Chinese policymakers. Though the system of dual management, where a Chinese NGO must register both with the Ministry of Civil Affairs and a separate supervisory government agency, is rather stringent, NGOs can exploit this system "to locate access points to the policymaking process" (Teets 2017, 126). By working through contacts within their supervisory agency, NGOs can create informal networks to help them influence policymaking. Furthermore, these more professionalized policy network ties, where the involved actors have mutual policy goals, are more effective than *guanxi*-type ties alone (Teets 2017).

Although these informal mechanisms for influence in the policymaking process exist, there are still problems with relying on these mechanisms to reach state actors. For example, the leadership-based ties are certainly not available to all organizations, and although they may help, they may also constrain the activities or actions of the organization for fear of jeopardizing those ties. Others have also argued that older, more established NGOs "will likely have a near monopoly on potential partnerships with the local state," leaving smaller and newer NGOs with fewer opportunities for collaborating with local officials (Hasmath and Hsu 2014, 946).

Informal policy networks also generate similar problems of unequal access. Furthermore, changes to NGO registration under the 2016 Charity Law could potentially weaken this mechanism, since it allows direct registration with civil affairs, removing the access point through the supervisory agency (Teets 2017).²⁴³ Therefore, existing policy networks might remain, but it will be more difficult for new organizations to navigate the policymaking process without these connections.

Although less formalized than the institutions for civil society input in Russia, there are several avenues through which public participation can be channeled into policymaking in China. In addition to these general trends for civil society, there are also reasons to believe that Chinese environmentalists would have easier access to policymakers than other types of civil society actors. This is suggested by the administrative changes to the environmental bureaucracy that have occurred over time. Scholars have described this as the “greening” of the Chinese state (Ho 2001), which began around the time of economic reform when a series of environmental protection laws passed from 1979 through the early 1980s (see previous chapter for more detail). In addition to China’s growing set of environmental laws, several bureaucratic changes in the 1990s signaled increasing attention to environmental concerns. In 1996, the administrative leadership responsibility system was amended to assign responsibility for environmental quality to all government officials (provincial and local), not just the Environmental Protection Bureau (EPB) (Lo and Tang 2006). In

²⁴³ Although the Charity Law has been in effect since September 2016, there are still some challenges with implementation, including the direct registration mechanism. Although this is allowed by the law, it has not yet been achieved in practice. For more information, see: China Development Brief. 2017. “The first year of the Charity Law summed up.” 26 September. <http://www.chinadevelopmentbrief.cn/news/one-year-since-chinas-charity-law-came-into-force-who-got-affected-by-the-law/>

addition, in 1998, at the same time that the central government made sweeping administrative reforms to streamline the civil service and cut the central government administration, the National Environmental Protection Agency was promoted to a ministry-level agency. This new body, renamed the State Environmental Protection Administration (SEPA), also had its responsibilities enlarged to consolidate environmental protection under one umbrella (Jahiel 1998). At the time, this was interpreted as “a clear signal that environmental problems were a serious central government concern in need of increased attention” (Jahiel 1998, 757).

This trend for the increasing importance of environmental protection intensified in the mid-2000s. Although environmental quality was added to the leadership responsibility system in 1996, the 11th Five-Year Plan (2006-2010) introduced specific pollution reduction targets into the cadre evaluation system (Stern 2014, 56). In 2007, the Chinese Academy of Sciences published a 450-page report on “ecological modernization” in China, which updated the classic “four modernizations” to include environmental issues and put forth several policy recommendations, such as advocating for the establishment of a Ministry of the Environment (Zhang, Mol, and Sonnenfeld 2007). In October of that same year, Hu Jintao introduced the idea of constructing an “ecological civilization” (*shengtai wenming*) at the 17th National Congress of the Communist Party of China.²⁴⁴ The following year, SEPA was upgraded to the Ministry of Environmental Protection.²⁴⁵ These trends for elevating the environmental bureaucracy have continued and intensified up to present day. More

²⁴⁴ See, for example: China Daily. 2007. “Ecological civilization.” 24 October. http://www.chinadaily.com.cn/opinion/2007-10/24/content_6201964.htm

²⁴⁵ Xinhua. 2008. “China upgrades environmental administration to ministry.” 12 March. http://www.npc.gov.cn/englishnpc/Special1/2008-03/12/content_1414011.htm

recently, Xi Jinping has also embraced the goal of attaining an “ecological civilization,” which has been accompanied by reforms to strengthen environmental protections.²⁴⁶ In March 2018, the Ministry of Environmental Protection was re-organized as the Ministry of Ecology and Environment, further increasing its authority and functions, including over climate change and emissions reduction, which was previously under the jurisdiction of the powerful National Development and Reform Commission (NDRC).²⁴⁷ The elevation of the environmental bureaucracy over the past two decades in China stands in stark contrast to the demotion of similar government organs in Russia. This indicates that the central leadership in China takes environmental protection seriously, and that it may be a more welcome area for the types of state-society collaboration detailed earlier in this background section, such as working with government-affiliated research institutes and engaging in informal policy networks.

Overall, while both countries have some formal and informal mechanisms for civil society participation in governance, recent developments in China suggest that the central leadership has prioritized environmental protection, making it easier for environmental civil society actors to take advantage of these channels. Meanwhile, in Russia, although there are many formalized, institutionalized mechanisms for public participation in governance, the environmental bureaucracy has been gutted over the

²⁴⁶ Xinhua. 2017. “Xi stresses efforts to build ecological civilization.” 28 August. http://www.xinhuanet.com/english/2017-08/28/c_136562780.htm

²⁴⁷ Shi, Jiangtao. 2018. “China boosts environmental watchdog’s powers as next step in battle against pollution.” *South China Morning Post*. 13 March. <http://www.scmp.com/news/china/policies-politics/article/2137038/china-boosts-environmental-watchdogs-powers-next-step>

last two decades, which suggests that environmentalists will have fewer options to engage with policymakers.

Case studies of NGOs engaging in (in)formal relationships with policymakers

The formal and informal mechanisms for civil society participation in governance that exist in Russia and China share many similarities, but also differ in key ways. In electoral authoritarian Russia, where democratic-looking institutions are more prevalent, there are many formal, institutionalized mechanisms for civil society input to in policymaking at the federal, regional, and local levels from public advisory councils to the Public Chamber. In China's more closed authoritarian system, although some formal mechanisms do exist (such as village-level elections, the *xinfang* system, and participatory budgeting), the primary mechanisms available to organized civil society actors are more informal in nature, as illustrated by the work on personal (*guanxi*) relationships and policy networks. Furthermore, differences in the institutional status of the environmental bureaucracy between the two countries suggests that environmental issues are of greater importance to Chinese policymakers and that it may be considered a particularly "safe" area for state-society collaboration. Despite differences in the level of institutionalization and the status of the environmental bureaucracy, these mechanisms for public participation in governance in Russia and China share similar drawbacks, including problems of unequal access and the fact that these mechanisms are non-binding.

The rest of this chapter will consider these mechanisms in more detail, based on short case studies and information gleaned from interviews with environmental activists in Russia and China, including those at both domestic and international

environmental organizations. For this tactic in particular, comparing the experience of domestic environmental organizations and branches of transnational environmental organizations is instructive for illustrating the problems of unequal access which are inherent to these channels. The federal environmental policymaking process, in particular, is at a level where most local, grassroots activists and domestic regional environmental NGOs are unable to participate. For this reason, the case studies will hone in on the experience of some of the more prominent transnational environmental NGOs operating in either country, including Greenpeace, the World Wide Fund for Nature (WWF), and the Natural Resources Defense Council (NRDC).

In both Russia and China, INGOs engage more with policymakers than with citizens. This differs in many respects to how branches of these same organizations operate in other countries, where they tend to engage more with citizens through mass mobilization campaigns. The differences in how branches of INGOs operate in Russia and China compared to other countries also draws attention to the co-constitutive relationship between INGOs and host states. While transnational actors are often portrayed in the scholarly literature as exerting influence on target states (see, for example, Keck and Sikkink 1998), INGOs can also be influenced by the domestic context of the state in which they are working. Noakes and Teets (2018) find that INGOs and foundations operating in China have made three strategic adaptations to the local context, including focusing on policymakers rather than citizens, collaborating with local government through policy experimentation, and hedging against legal risk by only partnering with legally registered social organizations. In Russia, INGOs have also adapted to the local context, with many of them similarly

engaging more with policymakers than with citizens. Martus (2017a) finds that out of all the environmental NGOs operating in Russia, only WWF Russia and Greenpeace Russia have any impact on federal-level environmental policymaking. Both of these groups have “formalized, institutionalized access to key policy forums” that are not available to other, smaller domestic groups (Martus 2017b, 292).

Overall, branches of INGOs operating in Moscow or Beijing have more resources and access to top-level policymakers than other smaller domestic groups, although domestic groups may still be able to engage in these relationships, especially at the local or regional levels. The following case studies show how international and domestic ENGOs engage in these channels while considering access asymmetries. Furthermore, the cases also illustrate the importance of questioning how branch offices of INGOs actually operate in different country contexts, instead of assuming that they are perfect replicas of the international parent organizations that they claim to represent. The organizations chosen for the short case studies include the two branches of environmental organizations in each country that are most involved in federal-level policymaking in addition to one domestic ENGO in each country to illustrate how domestic civil society actors can also engage in these mechanisms for public participation in governance.

Russian Case 1: Greenpeace Russia (Moscow)

While Greenpeace first had a presence in what is now Russia in 1989, the Greenpeace Russia Moscow office was officially established in 1992, and in 2001 a branch office opened in St. Petersburg. Greenpeace Russia has several key program areas, from protecting the Arctic and Lake Baikal to working on forest preservation

and waste management. Between the two offices in Moscow and St. Petersburg, about 90 people work for Greenpeace Russia. Financially, the organization does not accept money from commercial entities, government organizations, or political parties, relying instead on direct donations from individuals to Greenpeace Russia or Greenpeace International as well as donations from private foundations.²⁴⁸

Although Greenpeace International is often associated with radical direct action, such as confronting whaling ships²⁴⁹ and breaking into nuclear power plants,²⁵⁰ Greenpeace Russia tends to be less radical. Unfortunately for the Greenpeace Russia offices, Greenpeace International famously clashed with the Russian government during the “Arctic 30” scandal in 2013, during which a group of 28 Greenpeace International activists and 2 journalists who attempted to scale Gazprom’s Prirazlomnaya oil rig in the Russian Arctic were arrested and charged with 15 years in prison for piracy.²⁵¹ According to a Russian public opinion poll shortly after the incident, 56% of respondents thought that the arrest and charge of piracy were justified (Levada Center 2013). Although the activists were eventually released, the event damaged Greenpeace’s reputation within Russia, making it more difficult for the Greenpeace Russia office to operate.

²⁴⁸ The details in this paragraph are drawn from the Greenpeace Russia website. For more information [in Russian], see: <http://www.greenpeace.org/russia/ru/about>

²⁴⁹ For more information, see: Greenpeace International. 2014. “In pictures: Over 30 years of anti-whaling campaigning.” 1 April. <http://www.greenpeace.org/archive-international/en/news/features/In-pictures-Over-30-years-of-anti-whaling-campaigning/>

²⁵⁰ Reuters. 2017. “Activists break into French nuclear site to highlight risks.” 12 October. <https://www.reuters.com/article/us-france-nuclear-security/activists-break-into-french-nuclear-site-to-highlight-risks-idUSKBN1CH0IS>

²⁵¹ Walker, Shaun. 2013. “Russia to charge Greenpeace activists with piracy over oil rig protest.” *The Guardian*. 24 September. <https://www.theguardian.com/environment/2013/sep/24/russia-greenpeace-piracy-oil-rig-protest>

Nevertheless, Greenpeace Russia continues to work, and has had the opportunity to engage with government officials and civil society actors in much less controversial and confrontational ways. In terms of institutionalized mechanisms for civil society participation in governance, Greenpeace Russia is the only environmental organization in Russia to have a representative on the Presidential Council for Civil Society and Human Rights (PCCSHR). Sergei Tsyplenkov, the executive director of Greenpeace Russia, currently sits on the PCCSHR²⁵² and has headed the standing committee on environmental rights since 2012.²⁵³ Through this forum, Tsyplenkov has been able to raise broader concerns of environmental civil society, such as presenting then-President Medvedev with an independent EIA on the highway through Khimki Forest in 2011.²⁵⁴ In addition to the director sitting on the PCCSHR, other representatives of Greenpeace Russia sit on public advisory councils for various central government ministries and agencies. For example, Ivan Blokov, Greenpeace Russia's program director, sits on the public advisory council for the Ministry of Natural Resources and the Environment.²⁵⁵ These positions as representatives of their organizations at federal-level input institutions puts Greenpeace Russia in a privileged position with respect to access to high level policymakers. In interviews, environmental activists at other organizations and those at Greenpeace regularly

²⁵² For more information on Tsyplenkov and the rest of the members of the Council [in Russian], see: <http://president-sovet.ru/members/constitution/read/4/>

²⁵³ For more information on the standing committee on environmental rights [in Russian], see: <http://president-sovet.ru/about/comissions/permanent/read/4/>

²⁵⁴ Belovskij, Ignat. 2011. "Ekspertiza ne uspevaet za prezidentom." ["EIA doesn't come in time for the president."] 3 February. Gazeta.ru. <https://www.gazeta.ru/social/2011/02/03/3514366.shtml>

²⁵⁵ For a full list of members on the MinPrirody advisory council [in Russian], see: <http://open.gov.ru/upload/iblock/a12/a12bc7bbde057fecd184fce6cf476184.pdf>

mentioned the importance of these positions, particularly the role on the PCCSHR, for the entire Russian environmental movement.

Russian Case 2: WWF Russia (Moscow)

Similar to Greenpeace, the World Wide Fund for Nature's (WWF) projects in what is now Russia first began in 1989, but a Russian WWF representative office did not open until 1994. Currently, WWF Russia is headquartered in Moscow, with one official branch office in Vladivostok for its extensive Amur program and 5 smaller regional offices for its priority ecoregions.²⁵⁶ The primary program areas for WWF Russia include species conservation, sustainable forestry, sustainable fisheries, climate and energy, green economy, and environmental regulation. Between these programs and offices, WWF Russia has 132 permanent staff members, but 76 of them work in the Moscow office. The budget comes from WWF offices in other countries, foreign foundations and NGOs, government organizations, Russian corporate donors, and private donations.²⁵⁷ In contrast to Greenpeace, WWF is not generally associated with radical action and has a reputation for working directly with stakeholders in government and industry around the globe.

In Russia, representatives of WWF are included in several of the formal institutionalized mechanisms for civil society at the federal level. For example, the director of WWF Russia, Igor Chestin, joins Greenpeace's Ivan Blokov as a member of the public advisory council for the Ministry of Natural Resources and Environment.

²⁵⁶ These six ecoregions (and their respective 5 office locations) are: Barents (Murmansk and Arkhangelsk), Altai-Sayan (Krasnoyarsk), Northern Caucasus (Krasnodar), Kamchatka/Bering (Petropavlovsk-Kamchatsky).

²⁵⁷ The details in this paragraph are from WWF Russia's website. For more information [in Russian], see: <https://new.wwf.ru/en/about/>

He has also served as a member of the federal Public Chamber in 2006 and in 2017.²⁵⁸ In addition, several other representatives of WWF Russia hold positions on advisory councils at other federal-level agencies. This includes WWF colleagues on the public advisory councils for The Federal Service for the Supervision and Use of Natural Resources (Ekaterina Khmeleva, director of the program on environmental regulation),²⁵⁹ the Federal Agency for Forestry (Evgeny Shvarts, director of conservation policy),²⁶⁰ and the Federal Agency for Fisheries (Andrey Vinnikov, director of the sustainable fishery program).²⁶¹ As another sign that WWF Russia has a special status among the authorities, it is the only environmental organization to be exempt from taxation on grants received (Martus 2017a, 35).²⁶² WWF Russia has comparatively more positions on these councils than similar colleagues at Greenpeace and this special tax exempt status, supporting their reputation as an organization that works comparatively more within the system, a position that has been relatively embraced by Russian policymakers.

Russian Case 3: Beautiful St. Petersburg (St. Petersburg)

Beautiful St. Petersburg (*Krasivyy Peterburg*) started as a grassroots movement to improve and beautify the city of St. Petersburg by reporting urban issues from

²⁵⁸ For more information on his role in the Public Chamber [in Russian], see: <https://www.oprf.ru/about/chambermembers/members/user/82?year=2017>

²⁵⁹ For a full list of members on the Rosprirodnadzor advisory council [in Russian], see: <http://rpn.gov.ru/node/4307>

²⁶⁰ Greenpeace's Mikhail Kreindlin and Alexey Yaroshenko also previously sat on this public advisory council, but they are not on the new list of 16 members released in 2018. For the current composition of the Rosleskhoz advisory council, see: <http://data.rosleshoz.ru/+/DOCS/%D0%9F%D0%A0%20%E2%84%96380%202018.04.26.pdf>

²⁶¹ For a full list of members on the Rosrybolovstvo public advisory council [in Russian], see: http://fish.gov.ru/files/documents/otkrytoe_agentsvto/obshestvennyi_sovet/material_OS/prikaz_260418_320.pdf

²⁶² For more information [in Russian], see: <http://government.ru/docs/13394/>

potholes to illegal deforestation in parks through official complaints to the local authorities. The project is similar to projects in other countries, such as SeeClickFix in the United States and FixMyStreet in the United Kingdom. While it is not exclusively environmental (though the leader is well-connected to the Russian environmental community and the group has a side project to preserve the city's green spaces), Beautiful St. Petersburg provides a clear example of how Russian grassroots activists can engage with existing state institutions for citizen input at the local or regional level.

Krasimir Vranski, the founder of Beautiful St. Petersburg, has been hailed as “possibly the most active public figure in St. Petersburg.”²⁶³ He started the group in 2012 when he filed a personal noise complaint about drunks outside his window. Under Russian law, officials are required to respond to individual citizen complaints within 30 days. To his surprise, his complaint was answered and the drunks were fined. He was encouraged to file a few more complaints with local officials on his own before joining forces with a group of local city activists to submit even more complaints around town.²⁶⁴ Then, the movement grew to have an online presence, including a website where St. Petersburg residents can submit their own complaints. As of the time of writing, the Beautiful St. Petersburg online portal has helped send over 127,000 complaints to the authorities from over 50,000 people.²⁶⁵ Because this is

²⁶³ Kazakov, Nikodim. 2018. “Rukovoditel’ ‘Krasivogo Peterburga’ Krasimir Vranski.” [“Krasimir Vranski, the head of ‘Beautiful St. Petersburg’.”] *Moika78.ru*. 20 February. <https://moika78.ru/news/2018-02-20/15715-rukovoditel-krasivogo-peterburga-krasimir-vranski>

²⁶⁴ Smirnova, Mariya. 2012. “Krasimir Vranski: ‘Stremeniye sdelat’ Peterburg krasivym – moyaya ideya fiks.” [“Krasimir Vranski: ‘The desire to make Petersburg beautiful – that’s my idea of a fix.’”] *Obschestvennyj kontrol*. 15 October. <https://ok-inform.ru/obshchestvo/488-krasimir-vranski-stremeniye-sdelat-peterburg-krasivym-moya-ideya-fiks.html>

²⁶⁵ For more information, see: <http://www.xn--80accfiasjf8cghbfut2k.xn--p1ai/about>

all online and public, it is also easy to track which complaints are actually answered and which problems are resolved. There have also been attempts to replicate this system in other Russian cities and regions. Although citizen complaints about urban issues are much more local in scale compared to the access to federal-level policymaking bodies that WWF Russia and Greenpeace Russia have, it is still another example of how Russian activists can interact with the authorities through formal channels for citizen participation and achieve results.

Chinese Case 1: NRDC's China Program (Beijing)

The Natural Resources Defense Council (NRDC) has been working in China since the 1990s. They have one office in Beijing with about 30 staff members. NRDC's China program primarily focuses on environmental protection, resource use efficiency, and sustainable development. They do this by providing policy research, information on environmental best practices, and technical and legal support. NRDC works closely with actors within the Ministry of Environmental Protection, the Ministry of Housing and Urban-Rural Development, and the Ministry of Science and Technology. In addition, the organization also collaborates with Chinese universities, international NGOs (such as WWF and the Paulson Institute), and domestic Chinese ENGOs (such as IPE and GEI).²⁶⁶ NRDC successfully re-registered its representative office under the new Overseas NGO Law in November 2017. The State Forestry Administration is its professional supervisory unit (PSU).²⁶⁷

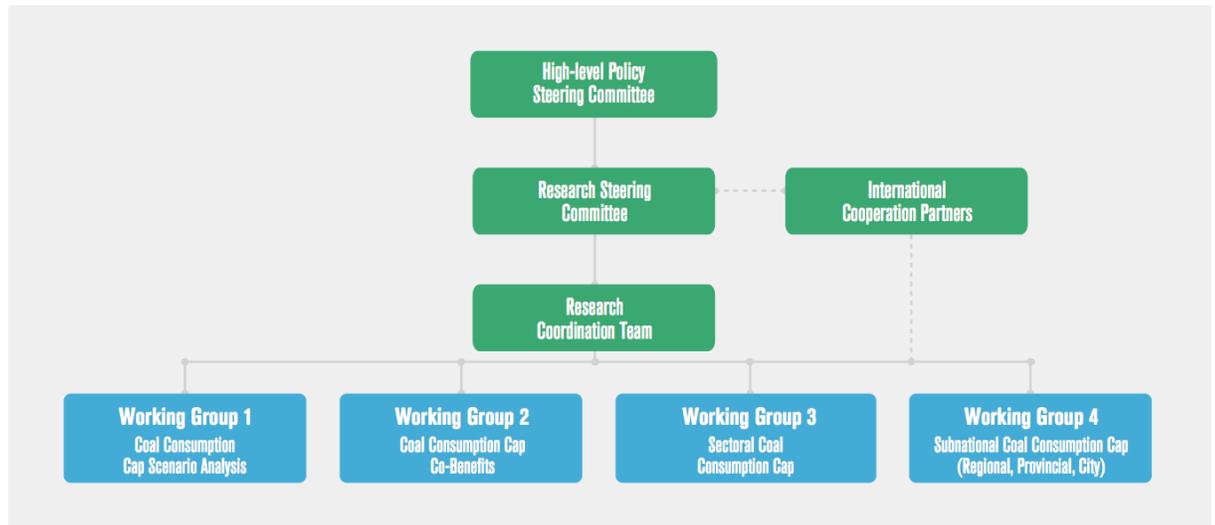
²⁶⁶ The information in this paragraph can be found on the NRDC China program website [in Chinese] at nrdc.cn.

²⁶⁷ For more details on registration, see ChinaFile's China NGO Project: <http://www.chinafile.com/ngo/registered-foreign-ngo-offices-map-full-screen>

NRDC's China program works closely with government-affiliated think tanks and research institutes. For example, in its program to help curb China's coal consumption, NRDC works with a network of government think tanks, research institutes, industry associations, and other international organizations to develop policy to support a binding national coal consumption cap.²⁶⁸ The organizational structure of this network is depicted in Figure 8. At the top level, the policy steering committee is composed of policymakers from relevant government departments and industry who provide feedback about the proposed recommendations and their feasibility. At the next level down, the research steering committee includes Chinese policy and technical experts who guide the direction of research, working with international partners. Research is then coordinated into four different working groups. Each working group consists of several different actors, such as the Energy Research Institute (affiliated with the National Development and Reform Commission), the Development Research Center of the State Council, the Center of Science and Technology Construction (affiliated with the Ministry of Housing and Urban-Rural Development), and research institutes associated with Tsinghua and Renmin Universities. Research produced by these working groups is then submitted to relevant ministries for their consideration (Natural Resources Defense Council 2016). It is through these institutionalized networks that the NRDC is able to have an influence on China's national climate policy – something that is less accessible for other groups.

²⁶⁸ This section draws from Natural Resources Defense Council 2016.

Figure 8: Organizational Structure for Coal Consumption Cap Project



Source: Natural Resources Defense Council 2016.

Chinese Case 2: WWF China (Beijing)

The World Wide Fund for Nature (WWF) has been working in China since 1980, although it did not have a physical office in mainland China until the Beijing office was established in 1996. WWF has 120 staff working in China on its programs on species, freshwater, forest, and marine conservation, as well as programs on climate change and energy and the green economy.²⁶⁹ Its budget comes from WWF offices in other countries, government sources, and other direct donations (WWF China 2010). WWF China was one of the first international NGOs to re-register under the new Overseas NGO Law in January 2017 with the State Forestry Administration as its PSU.²⁷⁰ Since it was among the first INGOs registered, this is a signal that the organization is particularly welcomed by the authorities.

²⁶⁹ These details are drawn from the WWF China website. For more information, see: <https://en.wwfchina.org/>

²⁷⁰ For more details on registration, see ChinaFile's China NGO Project: <http://www.chinafile.com/ngo/registered-foreign-ngo-offices-map-full-screen>

WWF China works with industry actors to promote sustainable business practices and works closely with government actors on certain projects. The 2010 Annual Report for the organization contains many prominent examples of these types of partnerships (WWF China 2010). The organization worked closely with the Ministry of Water Resources, the China Institute of Water Resources and Hydropower Research, and China Agricultural University to produce a study on the safety of rural drinking water (Ibid., 21). WWF China also teamed up with the China Council for International Cooperation on Environment and Development (CCICED) to release the China Ecological Footprint Report, which was presented at CCICED's annual meeting (attended by the Minister of Environmental Protection) and later forwarded to the State Council (Ibid., 37). In terms of working with industry, WWF China signed a five-year Memorandum of Understanding (MOU) with the China Three Gorges Corporation to "maximize the ecological, economic, and social benefits" of the Three Gorges dam (Ibid, 24). The organization also has a "China in Africa" program that works with Chinese contractors to help them develop sustainable business practices in their infrastructure projects abroad (Ibid, 38). These few examples from the 2010 Annual Report give an overview of the types of interaction that WWF China has with government-affiliated think tanks, policymakers, and state-owned enterprises.

Chinese Case 3: Global Environmental Institute (GEI) (Beijing)

The Global Environmental Institute (GEI) is a domestic Chinese ENGO that was founded in 2004. The organization has an office in Beijing with about 20 staff members. GEI works with policymakers, industry, scientists, civil society groups, and local communities on issues of conservation with three main goals: to lead policy

change, facilitate high-level cooperation, and empower community development.

GEI's main program areas include energy and climate change, ecosystem conservation, marine conservation, and a program on overseas investment, trade, and the environment.²⁷¹ The overseas investment program is similar to WWF's "China in Africa" program, in that GEI works with Chinese companies to improve the sustainability of their infrastructure projects abroad, mostly in Southeast Asia and Africa.

The overseas investment program is a good example of how GEI can work together with Chinese government officials and state-owned enterprises. GEI focuses on four main areas as a part of this program, including research, policy advocacy, building a platform for collaboration between government, industry, and NGOs, and capacity building for Chinese firms abroad.²⁷² The organization worked with the State Forestry Administration and the Ministry of Commerce in the mid-2000s to produce guides for Chinese SOEs on sustainable forest management and silviculture techniques. In addition, GEI worked on the Guidelines for Environmental Protection in Foreign Investment and Cooperation which were released by the Ministry of Commerce and the Ministry of Environmental Protection in 2013. The organization has also worked with China Power Investment Group (an SOE) in Myanmar on the suspended Myitsone dam project to improve the controversial dam's environmental and social impact (Global Environmental Institute 2016). These are just some

²⁷¹ These basic details about the organization were drawn from GEI's website. For more information, see: www.geichina.org.

²⁷² For more information on this program, see: <http://www.geichina.org/en/program/oite/>

examples of how GEI works within informal policy networks, which were initially facilitated through its supervisory agency (see Teets 2017), to achieve its goals.

Discussion: How do environmentalists evaluate the use of (in)formal channels?

The short case studies above illustrate how branches of transnational ENGOs and domestic ENGOs can engage with policymakers through formal and informal mechanisms for public participation in governance. In the Russian cases, branches of transnational ENGOs are able to engage in more formal, institutionalized mechanisms in their policy advocacy, including through the Presidential Council on Civil Society and Human Rights and the public advisory councils for various government ministries and agencies. In the example of Beautiful St. Petersburg, citizens can also engage with local government officials through the formal complaint system and achieve some results. In the Chinese cases, transnational ENGOs are able to work closely with government-affiliated think tanks to ensure that their research reaches high-level policymakers. The example of GEI shows that even domestic Chinese ENGOs (particularly those based in Beijing) can engage in these types of informal policy networks, which is accessible to them because of the dual-management registration system (Teets 2017). This contrasts with Russian domestic ENGOs, who are less able to engage in these high-level networks, but may be more able to engage with local or regional officials. In the following section, I draw from interview material to show how people working in these areas view the effectiveness of institutionalized (in)formal mechanisms for civil society participation in governance within their respective political contexts. Despite Russia's more formal, democratic-looking institutions for civil society participation in governance, Russian environmental

activists overwhelmingly find this an ineffective tactic for affecting policy change.

Meanwhile, Chinese environmentalists generally regard China's informal mechanisms for working with policymakers as effective for helping them achieve their goals.

Russian evaluations of (in)formal channels for engaging policymakers

Some Russian environmentalists are optimistic about the utility of input institutions for civil society, such as the Presidential Council for Civil Society and Human Rights. In one respondent's view, having a representative from Greenpeace on the council was a useful mechanism for Russian environmentalists:

In general it's fairly difficult to say how the mission of the president is fulfilled in our country, that's a separate question, not connected much with Greenpeace, but simply [connected to] the bureaucratic system and culture of Russia. But a lot of decisions have probably been connected to the fact that [Greenpeace] has a representative on the council. Such as on forest fires, illegal deforestation, chemical pollution and others.²⁷³

Although the respondent acknowledges that presidential decision-making is a mystery, he is still rather optimistic that Greenpeace's representative on the PCCSHR has had a wide impact on certain policy decisions in the realm of environmental politics.

Echoing this optimism, a representative at a branch of a TENGO in Moscow described their relationship to federal-level policymakers in a fairly positive light:

On the federal level, we have a good working relationship with the ministry [of natural resources]. That doesn't mean, of course, that our points of view always coincide, but the working relationship is certainly close. They invite us to take part in practically every issue in which we are interested and we work together on legislation and the creation of nature reserves and national parks through the ministry.²⁷⁴

This respondent maintains that they work well with federal-level environmental officials, even if they don't always see eye-to-eye.

²⁷³ Interview 87-RF071916

²⁷⁴ Interview 44-RF113015

However, the issue of unequal access is highlighted in the interview responses as well. As illustrated in the short case studies above, Greenpeace Russia and WWF Russia have a fairly privileged status in their ability to access high-level policymakers. One respondent thought that this was because “In Russia the difference between Greenpeace and WWF ... is less than in other countries. There’s no radicalism.”²⁷⁵ According to this respondent, the two organizations operate more similarly in Russia than they do in other places, recognizing that INGOs sometimes adapt to the domestic context in which they work (as in Noakes and Teets 2018). Another respondent at a domestic ENGO in Moscow put it like this:

The only one who is able to achieve something [with government officials] is WWF. Because they have a huge capacity (*potentsial*),²⁷⁶ on the one hand. On the other, the authorities understand that it’s impossible [to work] without these organizations. But they picked for themselves the strongest one. Well, Greenpeace can also get some things done. It seems to me, to a lesser extent, that it’s also serious. But again, that’s on individual issues, but on fundamental matters, not WWF, nor Greenpeace, nor the Academy of Sciences can have any influence.²⁷⁷

While the respondent acknowledges that Greenpeace and WWF have a privileged position among other environmental organizations in Russia, he also recognizes their limitations. There are some individual issues where the two organizations can have an impact on policy, but when it comes down to “fundamental matters” the authorities are unlikely to listen to any input from civil society.

Although Greenpeace and WWF are those that have the highest access to policymakers, other regional environmental organizations also had some positive

²⁷⁵ Ibid.

²⁷⁶ Note: The word “potential” (*potentsial*) can also be translated as “capability” or “capacity.” This implies that the Russian government could be interested in working with WWF because of its resources and experience.

²⁷⁷ Interview 82-RF070516

assessments of working with government officials. One organization mentioned their ability to take part in public hearings, submit complaints to the environmental prosecutor's office, and work with environmental agencies at the regional level either through informal relationships or through the advisory council mechanism.²⁷⁸ Another regional ENGO representative described their relationship with local officials in a fairly positive light, and even if there are problems with the advisory councils, they still took part in them because it helped them to get information from the authorities more quickly.²⁷⁹ However, as one respondent said, "There is always the possibility to bring up our point up view but naturally it doesn't always work."²⁸⁰ Although there was some optimism about the effectiveness of using these channels to access policymakers, most respondents still recognized that these arrangements were non-binding and the authorities could ultimately make their own decisions.

Others were more skeptical of these institutionalized mechanisms for civil society participation in governance and their ability to have any real effect. One respondent from a regional ENGO alleged that these organizations were "simulated quasi-civil society institutions."²⁸¹ Another respondent summed up his pessimism of these institutions quite well:

All of these organizations, all of these structures – the Public Chamber, advisory councils, and similar structures – they're managed and not self-sufficient. ...Moreover, managed by whom? All the structures are created by the authorities. And in the cases where our opponents are part of the power structure, in the case of realizing projects like government construction, illegal

²⁷⁸ Interview 41-RF 112515

²⁷⁹ Interview 122-RF090316

²⁸⁰ Interview 44-RF113015

²⁸¹ Interview 45-RF113015

land seizures, [and] conducting EIAs, using an instrument that was created to be controlled by the authorities to control the authorities is pointless.²⁸²

This respondent recognizes that the non-binding nature of these institutions is by design. While they might allow civil society actors to raise some issues with the policymakers, they could never be used to stop the authorities from doing something where the officials' own interests were at stake.

When asking about an organization's relationship to government officials in interviews, another common topic was the presidential grant competition. Although some of the independent, strong environmental NGOs that I interviewed had also received presidential grants in the past, there was almost universal agreement that the grant competitions were corrupt. One respondent said it was easy to tell when a GONGO or other organization was specifically created to receive a grant because no one in the environmental community had heard of them, there'd be no trace of them online, and yet they'd win a 5 million ruble grant for protecting environmental rights.²⁸³ For one organization that had received presidential grants in the past, the whole system was a joke. In his words:

Government financing is terribly corrupt. The presidential grants that are given out are simply comical. These motorcyclists, the bikers, they gave them 7-10 million in grants. And we have received [presidential grants] all of two times in ten years...though we take part in the competition every year. ... To live on these presidential grants is completely impossible. What's a million and a half [rubles]? Our rent is about a million [rubles] a year. So, these grants are comical.²⁸⁴

The respondent is referring to the 2015 grant cycle of Russia's presidential grant system, where the majority of government funding went to pro-regime groups like the

²⁸² Interview 39-RF112215

²⁸³ Interview 21-RF 103015

²⁸⁴ Interview 82-RF070516

Night Wolves (a patriotic biker gang, which received 12 million rubles) and Boyevoye Bratstvo (a veterans' organization, which received 17.6 million rubles).²⁸⁵ Compared to the million and a half rubles that the above interviewee's organization received, the other grants are huge. This also highlights another problem with the presidential grant system. Although some genuine environmental advocacy organizations do receive these grants, it is often a small amount compared to the grants given to other groups who are seen as more patriotic and state-supporting.

Interviews with environmental activists also highlighted the important role that regional variation can play in their ability to work with government officials. For some regional ENGOs, their relationships with local or regional officials were better than in other regions around the country. One regional ENGO affirmed that they worked well with their regional authorities, and that it all depends on who is in charge. He thought that their regional environmental protection officials were qualified and that they were generally able to avoid conflict when they worked together.²⁸⁶ Groups that worked in multiple regions of Russia also noticed this variation. One respondent at a TENGO based in Moscow gave examples of a few regions where they've been particularly welcomed by the authorities to work together:

We just got back from Buryatia, where we work really closely with the local administrations, the oblast level and the local level. ... And in Irkutsk oblast, they practically allowed us in the environmental prosecutor's office. Sometimes that happens in the regions. There are reasonable people (*adekvatnye lyudi*) who understand that we understand something better than they do, and they invite us [to help them].²⁸⁷

²⁸⁵ Kolotilov, Vasily. 2015. "Russian Bikers and War Veterans Given Grants for Patriotic Youth Centers." *The Moscow Times*. 23 October. <https://themoscowtimes.com/news/russian-bikers-and-war-veterans-given-grants-for-patriotic-youth-centers-50447>

²⁸⁶ Interview 122-RF090316

²⁸⁷ Interview 3-RF09252015

The idea of *adekvatnye lyudi* in some government positions at the regional or local level came up often in other interviews. This is also reflected in Crotty's (2003) assessment of Russia's changing environmental bureaucracy. At the regional level, there could still be pockets where environmental protection is taken seriously or where policymakers are still genuinely interested in doing their jobs. However, as Mol (2009) argues, pockets of environmentalism around the country cannot make up for an overall decline in the central environmental bureaucracy.

On the overall decline of the environmental bureaucracy, Russian environmentalists often mentioned problems with turnover and a noticeable decline in the level of professionalism of environmental officials. One environmentalist at a regional ENGO in the Far East explained:

The situation in our region is such that the people in power...people came who aren't [locals] and who don't feel connected to the land as their homeland and who are basically indifferent to it. They haven't lived here, arrived not long ago, and don't plan to stay here a long time.²⁸⁸

Others also mentioned that they had good relationships with officials in the past, but then those officials would move on to other posts, and they'd have to start over again from scratch.²⁸⁹ This is also related to a general decline in the number of technocrats in the environmental bureaucracy. Several respondents mentioned that there has been a decline in the number of specialists in the environmental bureaucracy in favor of generalists. As one respondent explained: "Unfortunately, we now have a tendency in the country, that for a chief post [they] don't choose a specialist, but a universalist. ... And he has no time to learn anything because today he runs an industrial complex,

²⁸⁸ Interview 31-RF111115

²⁸⁹ Interview 117-RF083016

while tomorrow he'll run something environmental.”²⁹⁰ Another also complained that there were no biologists or geographers in their regional environmental bureaucracy. He explained his frustrations: “I get that management is a particular duty, but [you] still nevertheless need to understand the sphere that you manage. And unfortunately when the professionalism decreases ... the work becomes more difficult.”²⁹¹ Many of those interviewed also recognized that the high rate of turnover and decline of specialists in the environmental bureaucracy was part of a general decline in environmental institutions at the central level.²⁹²

Despite all of these problems inherent to working with the authorities – that civil society’s recommendations are non-binding, that government officials have lost interest in environmental protection, that only certain organizations could access top policymakers – many respondents still wished that they could solve environmental problems by working with the authorities. As one respondent at an ENGO in St. Petersburg explained:

It seems to me that the main environmental problem is a lack of dialogue between society and the authorities. The authorities don’t give society the opportunity to participate in decision-making, in discussing the problem. ... Environmental problems will only begin to be solved when the authorities start to include society and when people can take part in the process of decision-making.²⁹³

In the meantime, several confided that they would continue working within the existing system, to the extent that it was possible to affect change. One respondent summarized this feeling well:

²⁹⁰ Interview 40-RF112215

²⁹¹ Interview 48-RF120315

²⁹² Interview 3-RF092515; Interview 25-RF110415; Interview 45-RF113015; Interview 48-RF120315; Interview 51-RF120515

²⁹³ Interview 19-RF102015

I'm more pragmatic about this. If speaking about the structure, we work with the structures that exist. Of course that absolutely doesn't mean that we think that everything is optimal, right? But by changing legislation, we are changing, among other things, the system, right? ... We aren't waiting for the system to change before we start working.²⁹⁴

Even though Russian environmentalists are frustrated with the limitations in their current system of governance, many continue trying to work within the system that exists. This includes engaging in both formal and informal mechanisms for including civil society in governance. However, when this mechanism does not work (and it is often seen as ineffective), environmentalists are free to try other, more effective, tactics.

Chinese evaluations of (in)formal channels for engaging policymakers

Overall, Chinese environmentalists at both domestic and international NGOs overwhelmingly mentioned having positive relationships with government officials in certain parts of the bureaucracy. In particular, several interviewees mentioned that they were most able to work with the “green” parts of the bureaucracy, including the Ministry of Environmental Protection (MEP) and the State Forestry Administration (SFA). As one respondent from a TENGU based in Beijing explained:

When we engage with the government, it's interesting that with the green side of the government – the MEP, the SFA – we are very welcome. Because we are allies. We sometimes carry more voices to decision makers than them because we are the experts from outside and we carry international weight.²⁹⁵

The MEP and SFA are not only likely allies for environmental civil society groups, but they are also more interested in working with international groups. It is clear from this quote that this transnational ENGO recognizes their own special status in working

²⁹⁴ Interview 44-RF113015

²⁹⁵ Interview 62-PRC041316

with these high-level actors. As another example of how keen some parts of the bureaucracy are about working with INGOs, one respondent at an INGO in Beijing mentioned that the SFA helped to guide several of its international partners through the new registration process under the Overseas NGO Law.²⁹⁶

These relationships can also filter down to the provincial or local level. For example, one regional ENGO in Suzhou described how well they can work with their local environmental protection bureau (EPB):

We have a very close relationship with the government. For example, with the Environmental Protection Bureau. We write lots of reports and give them to the EPB. ...In fact, there only so many people in the EPB, one department doesn't have that many staff, but there are many companies. ...I think that a good [method] for environmental protection organizations is to help supervise these companies. To help [the EPB] find problems. If we find a problem in our report then we've done it well...In fact, we have really similar goals with the EPB. ...So we must cooperate and have a cooperative relationship.²⁹⁷

This respondent is both recognizing the parallel goals of the EPB with their organization and recognizing the limits of the EPB in carrying out its mandate. Even without formal government contracts, some civil society organizations see themselves and part of their mission as helping the government provide public services.

In addition to identifying which parts of government are most receptive, interviewees also mentioned the most-frequently used mechanisms for engaging with policymakers. There are three main pathways that were raised during interviews: personal (*guanxi*) ties, informal professional ties through informal consultation or policy networks, and more formal professional ties such as working through government-affiliated think tanks. For the first, several respondents mentioned that the

²⁹⁶ Interview 140-PRC012317

²⁹⁷ Interview 136-PRC012017

leader of the organization had good relationships with certain officials. For example, one leader at an ENGO in Beijing had “built good relationships with a lot of the different environmental-related government bureaus” and through those relationships was sometimes invited to do trainings for officials in the MEP.²⁹⁸ Others relied on the personal ties of employees who had formerly worked in government departments. As one respondent at a TENGO in Beijing explained: “We have several colleagues in our office that have experience working inside government departments, so I think these are pretty important reference [points] if we have projects aiming at changing policies.”²⁹⁹ Other ENGOs mentioned that they have been consulted during the policymaking and legislative process, such as before revisions to the Environmental Protection Law went into effect in 2015. According to one interviewee at an ENGO based in Beijing, this included both open, public consultation and some more closed, internal consultation.³⁰⁰

Finally, the most frequently mentioned professional tie to government officials is through government-affiliated research institutes or think tanks. These groups provided an easier access point to policymakers for those without direct contacts. As one respondent explained, “We are not a government agency, so it’s less likely that we can directly engage with the national government. So we engage with their think tanks.”³⁰¹ Although these relationships are indirect, they are generally seen as being effective. As one respondent said of their time working with a think tank to the MEP: “[We] took the indirect approach to our goals. But we actually produced something

²⁹⁸ Interview 54-PRC022916

²⁹⁹ Interview 59-PRC040716

³⁰⁰ Interview 56-PRC031016

³⁰¹ Interview 139-PRC012317

that could be accepted by the department.”³⁰² It can be complicated to attribute working with think tanks to having any influence on resulting policy decisions, but organizations still find ways to document their impact. One interviewee at a TENG0 in Beijing explained the process of working with government-affiliated think tanks and their ability to attribute impact:

Those who approach us usually are the think tanks. So, you would not hear of the Ministry of Commerce coming to [us] to ask for advice. But the think tank may come to us to ask about the issues. This is the delicacy of buffering. .. Second, even if the NGO has made that change, no government will say that ‘I’m influenced by NGO A or B.’ Nobody is going to say that. ... So there’s no attribution. Maybe in the Western world you’d have some attribution, but here, you don’t get any attribution. So the NGOs, what we do is make a paper trail, with meeting minutes and documentation to see what we have done, so that we can talk to our donor and attribute back to our work.³⁰³

Although working with government-affiliated think tanks is an indirect method of working with policymakers, it is generally seen as an effective route for policy advocacy.

Interviewees also generally recognized that environmental protection has become a priority area for the government, but that environmental NGOs need to take a “softer approach” to be able to take advantage of this atmosphere and work with government officials. As one respondent at an ENGO in Beijing put it: “The idea that better environmental policies, supervision, and monitoring leads to social stability has been something that the government has realized more and more in giving citizen’s the tools to report incidents lawfully So I think that’s why the government has become more and more receptive [to working with ENGOs].”³⁰⁴ However, even though

³⁰² Interview 57-PRC031716

³⁰³ Interview 62-PRC041316

³⁰⁴ Interview 54-PRC022916

environmental issues are a relatively welcome area to work, ENGOs must still be cautious about their approach. As one respondent explained:

You cannot object against the government directly – you could be shut down. So you need to ... to work toward the same direction, try to convince them we aren't here to criticize, but want to collaborate, have constructive relations. That's the only way [that] you can survive.³⁰⁵

Others echoed that it was important for the government to see them as partners in trying to solve environmental issues, rather than trying to be disruptive or simply criticize without offering potential solutions.³⁰⁶ A representative of an INGO described this strategy:

Aligning yourself with [the government's] ideas and being seen as a way to help the government achieve what it wants to achieve, I think there's a lot that can be done. You don't have to be in a contrarian perspective. Advocacy in China doesn't have to be a confrontational process...I think that advocacy is just different here.³⁰⁷

Even though environmental issues are a generally welcome area for state-society cooperation, NGOs were careful about their approach in order to preserve this relatively privileged relationship with government officials.

As in Russia, there are some regional differences across China as well. Often, this came up in discussions comparing Guangzhou and Beijing. One respondent at an ENGO in Guangzhou had also previously worked in the organization's Beijing office. She noticed a difference in how NGOs orient themselves toward the government between the two cities:

“People in Beijing are very optimistic [about working with the government]. That's definitely not my feeling. They are really optimistic ... because they have more contact with the government. In Guangzhou that's not necessarily

³⁰⁵ Interview 57-PRC031716

³⁰⁶ Interview 56-PRC031016; Interview 109-PRC081616; Interview 115-PRC082316

³⁰⁷ Interview 140-PRC012317

the case. ... When I was in Beijing working I felt like if I wanted my work to be more effective, then I had to make contact with the government. ... In Guangdong there is no such feeling.”³⁰⁸

This interviewee is not saying that it was difficult to work with government officials in Guangzhou, but that they didn't *have* to work with government in order to be effective. Whereas in Beijing, the consensus is that NGOs have to work with government officials to have any real impact. This difference is also not because Guangzhou is a more difficult place for NGOs to work. Quite the contrary, Guangdong Province (where Guangzhou is located) has made strides to make the atmosphere more welcoming for NGOs. As another respondent confirmed, “The government service in Guangzhou is better. If you set up an NGO here, this is the easiest place.”³⁰⁹

In contrast to regional differences in Russia, the variation with respect to working with government officials between Beijing and Guangzhou has more to do with the culture of state-society relationships in that region than a difference in competency of those in the environmental bureaus. For example, many organizations specifically choose to have be headquartered in Beijing or at least have an office there in order to take advantage of being closer to central-level policymakers. This creates a culture in Beijing where ENGOs are already keen to work on central-level policymaking, further supporting the idea that they must work with government officials to be successful. A representative at a TENGO in Beijing illustrated this point when he explained why they had recently closed their Guangzhou office:

³⁰⁸ Interview 127-PRC011617

³⁰⁹ Interview 129-PRC011717

One major reason was that our activities in Guangdong have finished. Our program there has finished. So we have shifted our strategy in China. Now we are more focused on our work in Beijing. Because here we want to have better policy influence. We want to work closely with government. With other NGOs and also business leaders. So Beijing is a better location than Guangzhou. So especially now that I work on the climate change issue, which needs to engage a lot with government departments. So it's driven by our potential scope of work.³¹⁰

Those organizations that are based in Beijing may already be more oriented toward working with Chinese policymakers. It makes sense that they would need to be in the capital city to have access and would potentially alter their strategies to take advantage of these types of relationships. Meanwhile, in a place like Guangzhou, that has become more open to civil society organizations in the last several years, the government can be a partner, but it is not essential to work with government actors in order to be effective.

Overall, interviews with Chinese environmentalists described mostly positive experiences in working with government officials, particularly among those organizations based in Beijing. There are certainly still problems of unequal access and the fact that civil society input in these mechanisms is non-binding; however, most interviewees mentioned that these mechanisms – if accessible to them – were effective. This encourages environmental groups – who recognize their privileged position compared to other issue areas – to adopt a “softer” approach in working with government actors in order to preserve these relationships.

Summary: Comparing NGO evaluations of (in)formal channels for engaging policymakers

³¹⁰ Interview 139-PRC012317

Comparing experiences of Chinese and Russian ENGOs gives insight into how these groups view the utility and effectiveness of formal and informal mechanisms for civil society input in governance. Although much of the literature on Russia's civil society institutions takes a skeptical view, some of those interviewed have more optimistic assessments of their effectiveness. Particularly for transnational ENGOs based in Moscow, these mechanisms can be important for accessing high-level policymakers and raising issues of key importance to Russia's environmental civil society. Of course, these mechanisms are non-binding and not available to all, which has led other ENGOs (including many regional organizations) to be more pessimistic about these institutions. Furthermore, the decline of the environmental bureaucracy over time has affected the ability of ENGOs to engage in cooperative relationships with government officials, especially since it has generated problems of high turnover and decreased professionalism. In China, formal, institutionalized mechanisms for public participation in governance exist, but are fewer in number. More frequently, environmental civil society actors engage in informal relationships to access policymakers. However, because the environmental bureaucracy has been strengthened over the years and still includes many technocrats with appropriate scientific expertise (Hayward 2018, 39), Chinese environmentalists have an easier time identifying and accessing allies within government departments. Furthermore, respondents affirm that these relationships are effective instruments for policy advocacy, which incentivizes them to keep playing by the rules and taking a "softer approach" to protect their relationships with policymakers. Meanwhile, given the spotty effectiveness of these channels to policymaking in Russia, Russian

environmentalists may be deterred from relying on these mechanisms and turn to other tactics – like mass mobilization – instead.

Conclusion

Scholars have shown how authoritarian regimes can use institutions to help solve problems of authoritarian governance caused by the dual pressures of information and control. In Russia and China, there is an increasing tendency to institutionalize (formally or informally) mechanisms for channeling civil society participation in governance to help solve this dilemma. In electoral authoritarian Russia, these take the form of more institutionalized, democratic-looking mechanisms for public participation in policymaking. In more closed China, some institutionalized channels exist, but civil society actors rely more on informal relationships and policy networks to impact governance. However, the basic objective of these institutions, whether formal or informal, is the same. Both are solving a dilemma of authoritarian governance, where the institutions are meant to (safely) incorporate civic participation with the goal to improve state governance, adding legitimacy and stability to the regime.

However, as the examples in this chapter have shown, working with government officials is far from a completely co-opted, state-led corporatist model. Those engaging in these mechanisms to reach policymakers are independent domestic and international NGOs with a reputation for engaging in serious policy advocacy. NGOs are still exercising agency, and some government officials are actually interested in doing their jobs. Furthermore, if that tactic isn't working, then the NGO is free to try some other more effective tactic.

Furthermore, these differences in regime approach to institutionalized mechanisms for public participation in governance shapes the choices that are available to civil society actors. On the whole, environmental activists in China view their informal channels to policymakers as more effective than Russian environmentalists view similar opportunities – whether formal or informal. One reason for this difference in perceived effectiveness is the contrast between the environmental de-institutionalization of Russia (Mol 2009) and the “ecological modernization” process occurring in China (Mol 2006). While the Russian environmental bureaucracy has declined in status and professionalism, the profile of the Chinese environmental bureaucracy continues rise over time. This reflects different priorities at the central level, where Chinese leaders have prioritized solving environmental problems, while Russian leaders have minimized them in favor of other goals. Each state has taken a different approach to environmental issues because of their different perceptions of the threat posed by this sector, and different ideas of how to deal with it. While Russian leaders are threatened by the environmental movement, its history of mass mobilization, and its potential to undermine to the underlying power basis of the state. Meanwhile, Chinese leaders see environmental issues not only as less threatening to the state, but as a potential partner that could help solve problems that could contribute to regime stability.

There are also broader differences in approach that are highlighted by examining these institutionalized mechanisms for civil society participation in governance. First, there are differences in how seriously the two regimes take these input institutions. In Russia, although many of these formalized institutions for civil

society participation nominally exist, the regime has very little incentive and very little interest in using them for their intended purpose. This is because, as argued in Chapter 2, Russia has national-level elections that help solve the regime's information problem through other means. In addition, because the regime's foundation of power is not in its performance, there is little incentive for policymakers to engage seriously with civil society actors to improve governance. By contrast, because China does *not* have national-level competitive elections, leaders have greater incentives to gather information from society through other means. In addition, since the CCP's basis of rule is its performance, there are greater incentives to use that information to improve policies. This helps to explain the development of a plethora of informal mechanisms for partnership between policymakers and civil society in China. These broader differences in approach between the two regimes will be discussed more in the concluding chapter that follows.

CHAPTER 7

CONCLUSION

From the vantage point of the years from 1989 to 1991, it looked as if state-society relations in Russia and China were on radically different paths. The revolutions of 1989 that spread across the region facilitated the collapse of the Soviet Union and Russia emerged as an independent state on its way to full political and economic liberalization. In the 1990s, civil society actors who had been active in the late-1980s Soviet mass mobilization began to found independent civil society organizations and were expected to play a role in consolidating Russia's fledgling democracy. Meanwhile, the Chinese regime's fierce reaction to the pro-democracy movement in Tiananmen and elsewhere in 1989 suggested that independent civil society groups would be all but eradicated.

However, an examination of present-day politics in both countries tells a somewhat different story. As Russia backslid into authoritarianism, civil society groups watched their hopes for inclusion in democratic governance slip away. Even though Russia's hybrid form of authoritarianism includes democratic-looking institutions for civil society participation, these routes to policymakers are often difficult to access or ignored. Paradoxically, in China's closed authoritarian system, civil society groups have gradually watched their opportunities expand rather than contract. Despite the "lower ceiling" for activism, Chinese groups are more able to enter into consultative relationships with policymakers and impact governance.

Each empirical chapter provides detailed evidence for these larger findings. Environmental groups can engage with state actors through a range of tactics,

including through leveraging international support, participating in mass mobilization campaigns, lodging legal claims, or engaging in (in)formal channels to reach policymakers. In China, environmental groups are able to enter into informal consultative relationships with policymakers to impact policy and enjoy increased access to legal advocacy tools like environmental public interest litigation. In Russia, legal and institutional channels for civil society impact on governance are more often inaccessible and ineffective as the regime blocks or ignores their attempts at participating in improving governance. This leads Russian environmental activists to prefer more confrontational tactics, such as mass mobilization, which reinforces the regime's decision to lock them out of regularized channels for policymaking.

At the heart of each of these interactions is a central dilemma of authoritarian governance: the dual problem of information and control. However, although all authoritarians face a tradeoff between obtaining useful societal feedback and letting any negative feedback spiral out of control, not every regime places the same value on obtaining information from society. Some regimes may have fewer incentives to obtain information or simply find information-gathering from society less valuable. Some parts of society could be seen as partners in solving the problem of information, while others might be perceived as exacerbating the problem of control. In turn, although societal actors are also constrained by the parameters of an authoritarian political system, they also have different choices of how to respond to the regime's behavior within the particular context of that regime.

Throughout this study, cases of environmental activism in Russia and China have been used to illustrate how two different types of authoritarian regimes approach

the problem of information and control and how that approach shapes subsequent interactions with (particular segments of) society. As I argued in Chapter 2, differences between the two countries can be explained by looking at each type of authoritarian regime, its sources of regime legitimacy, and its unique historical legacies. This examination of how state and environmental actors interact in Russia and China has highlighted important differences in the strategies of authoritarian governance between the two countries. Some additional features of these approaches are worth highlighting here.

Russian and Chinese leaders differ in their approach to public punishment and tolerance of outward activism. For example, in chapter 3, although both regimes share similar motivations to increase control over international influence to their domestic civil societies, their approach to public punishment or reward in the implementation of these laws differs. One of the main features of the Russian “foreign agent” law is the creation of a public “blacklist” through the register of “foreign agents” on the Russian Ministry of Justice’s website. The law on “undesirable” foreign organizations operates on the same principle. This “naming and shaming” tactic is central to these two Russian laws, focusing on publicly punishing those who are deemed as undermining national security and serving as a warning to others. By contrast, the Chinese Overseas NGO Law provides a “whitelist” of those international groups and their areas of work that are most welcome by the authorities. Instead of publicly punishing those not in compliance, the way the law is structured publicly rewards those that are “playing by the rules,” while quietly barring unwanted groups by delaying or denying their registration.

These laws are not the only example of this difference. As another example of Russia's more public approach to punishment, "troublesome" activists and opposition leaders are often depicted in state-run television "black-PR" or "anti-PR" campaigns (see Ledeneva 2006) as being bought by foreign interests to undermine Russia's national security. Some figures mentioned in this study, such as environmentalists Yevgeniya Chirikova (see Chapter 4) and Nadezhda Kutepova (see Chapter 5), have been the subjects of such campaigns. Just as Russian activists have more space to engage in outward criticism of the state, the "foreign agent" list and smear campaigns of Russian activists in the media are two examples of Russian authorities' willingness to engage in outward criticism of activists.

In contrast to Russia, Chinese authorities focus more on public rewards, making sure that any criticism – even of societal actors – is tightly controlled. This is also another incentive driving the informal relationships between Chinese policymakers and environmental activists. As one interviewee at a TENGO in Beijing reminded me, "Here, you don't fight in front of the media. You fight [behind] closed doors."³¹¹ According to this respondent, the Chinese authorities are interested in (constructive) criticism from their organization, but only through closed, informal channels to policymakers. To connect back to the dilemma of information and control, Chinese authorities place a premium on information, but would rather have a monopoly on this source of information than have it spread discontent through the "marketplace of ideas." Furthermore, when organizations do cross political "red lines," they are often handled quietly, such as being informally "taken to tea" to warn

³¹¹ Interview 62-PRC041316

of their actions or having their unwelcome opinions erased from the Internet by state censors.

These different attitudes toward public-facing criticism or punishment can be attributed to differences in regime type and the regime's sources of power. In Russia's hybrid authoritarian regime, pluralism is a key feature. Criticisms of the regime flow relatively freely from independent media outlets and online, albeit on an uneven playing field. In China, news media and online spaces are much more tightly controlled. Furthermore, tolerance of outward criticism – and willingness to publicly engage in counter-criticism of activists – could also be a function of regime legitimacy. In China, where legitimacy hinges on measurable indicators of performance, critiques of governance are more hazardous. Publicly addressing activists that have overstepped their boundaries risks drawing attention to their critiques. This is less of a problem for Russian authorities, since they can get away with failures in performance of specific policies, as long as they maintain overall stability as compared to the 1990s. Furthermore, when the authorities use anti-PR methods to paint activists as fomenting regime change, they are playing up public concerns about losing that stability. As Matovski (2018) points out, this preference for stability above all has undermined the appeal of the Russian opposition.

In addition to differences in the tolerance for outward criticism and willingness to publicly punish societal actors who “cross the line,” the empirical chapters shed light on another key difference between the two regimes: pre-emptive versus reactive responses. Using examples from Chapter 3 again, the recent Russian laws on “foreign agents” and “undesirable organizations” not only publicly punish, but they punish

those organizations who have already done something that the regime deems unacceptable. The Overseas NGO Law, in addition to publicly rewarding organizations that play by the rules, pre-emptively and quietly excludes those who do not. Although much harder to detect, some international organizations will probably never be granted registration in China under the new law. Others – who are not the lucky few that the authorities guided through the process – might be dissuaded from even trying.³¹² Thus, instead of having to punish international organizations for their transgressions and kick them out, the Overseas NGO Law is designed to disallow them from operating in China in the first place.

Besides the laws, the threat of mass mobilization around politically sensitive times also highlights this difference in strategy. In Russia, despite the fact that the regime expects electoral cycle mass mobilization, the regime's response to mass protest around the time of elections tends to be reactive in nature. As I mentioned in Chapter 2, during the 2011-2012 electoral cycle protests the Russian authorities detained and arrested top opposition figures³¹³ to deter protest (a pre-emptive move), but the bulk of their response came after the wave of protests when Putin had returned to the presidency. During the summer of 2012, several repressive laws were passed, including the law on “foreign agents” and laws increasing the penalties for protests.³¹⁴

³¹² On this point, see “Will 2018 Be the Year of a Silent Foreign NGO Exodus?” China File NGO Project. 23 May 2018. <http://www.chinafile.com/ngo/latest/will-2018-be-year-of-silent-foreign-ngo-exodus>

³¹³ See, for example: RFE/FL. 2011. “Opposition Leader, Activists Arrested During Election Protest.” 4 December.

https://www.rferl.org/a/russia_duma_elections_opposition_leader_udaltsov_arrested/24411114.html

³¹⁴ On the passage of the law on “foreign agents” see: Ostroukh, Andrey. 2012. “Russia’s Putin signs NGO ‘foreign agents’ law.” Reuters. 21 July. <https://www.reuters.com/article/us-russia-putin-ngos/russias-putin-signs-ngo-foreign-agents-law-idUSBRE86K05M20120721> On the increased protest fines, see: Herszenhorn, David M. 2012. “New Russian Law Assesses Heavy Fines on Protestors.” The

In more recent protest waves, such as after Putin's 4th presidential inauguration in May 2018, the regime has stepped up arrests and detainments of participating protestors.³¹⁵ Rather than pre-empt the threat of protest, Russian authorities more often choose a reactive strategy of repression. In China, however, the leadership takes a much more proactive approach to deterring the threat of protest – or even open criticism – during politically sensitive times. As I mentioned in Chapter 2, censorship of online and print media regularly tighten around the “two meetings” (两会), which often includes blocking VPN access³¹⁶ and instructing journalists how to cover the meetings.³¹⁷ In addition, as other studies have shown, Chinese authorities also manipulate official economic data during years of leadership turnover to minimize the costs of reporting poor economic performance at these times (Wallace 2016). These examples highlight the use of more pre-emptive strategies in China when compared to Russia.

This difference in preference for a pre-emptive or reactive strategy can be explained by regime type and how that affects the regime's calculus of how to solve the dual problem of information and control. In electoral authoritarian Russia, the regime receives its information about regime support and regime opponents through this cycle of electoral activity. Instead of using formal, institutionalized channels for public participation for their intended purpose (see Chapter 6), the regime relies more

New York Times. 8 June. <http://www.nytimes.com/2012/06/09/world/europe/putin-signs-law-with-harsh-fines-for-protesters-in-russia.html>

³¹⁵ See, for example: Bennetts, Marc. 2018. “Russia's Alexei Navalny arrested as 1,600 detained nationwide.” *The Guardian*. 5 May. <https://www.theguardian.com/world/2018/may/05/russian-police-arrest-more-than-200-anti-putin-protesters-siberia>

³¹⁶ See, for example: Asian Correspondent. 2016. “VPN services in China down due to parliamentary session in Beijing.” 7 March. <https://asiancorrespondent.com/2016/03/vpn-services-in-china-down-due-to-parliamentary-session-in-beijing/#JhY7Awg3bbGEodey.97>

³¹⁷ See, for example: Tatlow, Didi Kirsten. 2016. “What Chinese Media Mustn't Cover at the '2 Sessions.’” *The New York Times*. 9 March. <https://www.nytimes.com/2016/03/10/world/asia/china-news-censorship-two-sessions.html>

on these electoral signals of support or dissent. Furthermore, for elections to continue to be useful, there must be some semblance of competition. Allowing the opposition to continue to organize protests against elections – while barring them from competing fairly in these elections – gives that illusion. However, the regime has fewer incentives to gather information beyond this, especially since there is little incentive to use the information to improve governance. As long as the regime maintains stability above 1990s level, they have public support. In China, the more closed system has caused the leadership to rely on non-electoral means of information-gathering, including through informal mechanisms (see Chapter 6). This affords the authorities a near-constant supply of information both about the public mood and regime performance, giving them the tools that they need to pre-empt discontent around sensitive political times.

The ways in which environmental-state bargains play out in the empirical chapters also reveal distinctive features of how societal actors interact with the state. In China, despite a low “ceiling” on the regime’s tolerance for activism, environmental civil society actors have fairly clear guidelines for their behavior and can leverage that to impact policy. In Russia, despite having a higher tolerance for activism, environmental activists are less certain of the “rules of the game” and the regime’s (reactive) response is much more unpredictable. The way that societal actors approach the law and courts (see Chapter 5) is an example of this. In interviews, Russian environmentalists and environmental lawyers were more uncertain about the utility of using the law. Although most wrote off the legal system as stacked against them, the rare and unpredictable court win would still incentivize some to file a lawsuit. In China, environmentalists and environmental lawyers have received much

clearer signals from the state about the acceptability – and utility – of taking their claims to court. From single pollution victim cases to the more recent environmental public interest litigation cases, environmentalists in China have not only been encouraged to engage in legal mechanisms, but have also seen evidence of their success.

Another striking feature from the comparison is how much these interactions are contingent on history. As Chapter 4 shows, Russian environmental activists have high hopes for the utility of mass mobilization, having witnessed its power at the end of the Soviet Union and again during notable campaigns like the movement to protect Lake Baikal from the ESPO pipeline or the movement to protect Khimki Forest. This, along with the regime blocking other pathways to policy change, has reinforced a more confrontational and less risk averse attitude among many environmentalists. Furthermore, the unfulfilled promises of a transition to democracy have also shaped the expectations of Russian environmental activists. Since the 1990s, Russian environmentalists have seen their space for activism contract, including broader restrictions on civil society actors and the demotion of the environmental bureaucracy. As one Russian activist recalled, “At the time, I never thought that we’d remember Yeltsin’s era [as we do] now and say ‘but then there was freedom.’ It’s terrible.”³¹⁸ Since many environmentalists remember the 1990s as a period of relative freedom, this brief experience with democracy set their expectations. Therefore, most are still focused on achieving the freedom and inclusion that have been afforded to them under democratic rule.

³¹⁸ Interview 25-RF110415

By contrast, the violent reaction to the events of Tiananmen and the fact that China did not undergo simultaneous political transition has deterred environmental activists from using mass mobilization tactics, making them more risk averse and less confrontational. However, despite the fact that the political regime has not changed, Chinese environmentalists have slowly watched their space for activism expand. This includes through increased legal opportunities, such as environmental public interest litigation (see Chapter 5), and through expanded opportunities for participation in governance, such as informal networks with policymakers in the increasingly elevated environmental bureaucracy (see Chapter 6). Environmental activists' moderate demands combined with opportunities to engage in more institutionalized mechanisms to impact governance (that can actually be effective) have reinforced a more collaborative dynamic between state and societal actors in China.

These differences in societal behavior challenge several assumptions. First, it is generally assumed that more space to maneuver (greater political opportunities) would predict greater success. However, as the case of Russian environmentalism shows, more space to maneuver (a higher "ceiling" on the tolerance for activism) does not necessarily indicate a greater ability to impact policy. Second, much of the literature on authoritarianism assumes that all authoritarian leaders have the same set of incentives for managing their societies, stemming from the dual pressures of balancing information and control. However, as this study has shown, regimes can take different approaches to the seriousness of the dilemma of information and control, investing considerable resources in solving informational problems (the Chinese case) or largely ignoring them (the Russian case).

These distinctive features that appear through a careful comparison between Russia and China and their interactions with environmental civil society highlight the strength of an inductive approach. Otherwise, the variation in behavior and approach between these two different authoritarian regimes would be missed. These details challenge the assumption that every authoritarian regime necessarily cares about solving the problem of information and control. As becomes clear throughout this study, Russian and Chinese leaders have different ideas about the value of information and how best to obtain it. They also have different ideas about the parts of society that most exacerbate the problem of control and how best to control them. These different evaluations have shaped very different approaches to state-society relations *across* these two regimes and have also impacted different approaches to specific actors *within* their domestic civil societies.

Although this study focuses on the experience of environmental groups, there are several conclusions that are intended to be generalizable. First, the type of group matters. Each regime differs in how leaders perceive the threat or benefit posed by different parts of civil society. Russian environmental groups, because of their unique history of involvement in past mass mobilization and their potential to undermine the basis of regime legitimacy, are locked into a confrontational relationship with state actors. Chinese environmental groups, on the other hand, have the potential to contribute to the regime's focus on measurable indicators of performance by offering solutions to improve environmental targets. By considering the different incentives for the state to engage (or not) with civil society actors, variation in state-society relationships by type of group emerges. However, this is not to suggest that tactic does

not matter – one of the reasons that I isolate by tactic in the empirical chapters is to control for the ways in which tactics *do* matter for reinforcing these dynamics – but the type of group and how the regime perceives them with respect to their benefit or risk shapes the availability and effectiveness of these tactics in the first place.

Second, the example of environmental groups has highlighted divergent attributes between Russia and China that are applicable to the overall structure of state-society relations in either regime. The pattern that emerges is one in which state-society relations are more combative and less predictable in hybrid authoritarian Russia and less combative and more predictable in closed authoritarian China. These patterns can be explained by the different political features of each regime. In Russia, elections provide a baseline measure of regime support and the regime has little incentive to continue gathering information from society through more sophisticated means, since regime support is based on stability rather than on the evaluation of specific policies. Therefore, there are fewer incentives for state actors to work with societal actors to improve governance. Instead, society is seen as confrontational whenever it encroaches on the state's true basis of power – built on a kleptocratic system of loyal elites which is sustained by wealth obtained from the extractive industries. In China, the closed nature of the political regime has incentivized leaders to create other mechanisms for gathering information. In addition, leaders have incentives to work with societal actors when they can improve the regime's policies and contribute to its "performance legitimacy." These overall features provide additional insight into the different possible varieties of state-society relations under authoritarianism.

Of course, there are limitations to the chosen approach in this study. First, the focus on environmental activism places some limits on generalizability. Throughout the study, there are specifics regarding the dynamics of environmental activism that may not apply to other areas of civil society. However, the idea that the state may change its response depending on the regime's theory of how societal actors could benefit or threaten regime goals is intended to be generalizable. Similarly, the dissertation focuses on the cases of Russia and China, and it is possible that other authoritarian regimes might operate differently. However, since Russia and China are arguably two of the "leading" authoritarian regimes, their approaches to governance are important to understand in their own right and may be a model for other authoritarian regimes around the globe.

Future studies of state-society relations under authoritarianism would benefit from keeping some of the conclusions from this study in mind. First, future studies should consider how information problems under authoritarianism may shape authoritarian societies. Second, in evaluating this problem, scholars should consider that not all authoritarian regimes would necessarily place the same value on solving the dilemma of information and control. Some regimes may be hyper-focused on neatly solving these problems and invest considerable resources in doing so. Others may decide that information on specific societal grievances or feedback on the regime's policies is that useful or valuable. Third, studies should consider the different incentives for the regime to engage with particular parts of civil society depending on their perceived ability to contribute to solving information problems or exacerbate issues of control. Overall, these considerations allow for a full exploration into the

possible varieties of state-society relations under authoritarianism, including how these approaches overlap and diverge, providing more context for understanding when the findings from the study of one regime or one type of civil society would necessarily apply to the other.

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