

## Fighting the Water Giant Lawsuits against Veolia Finally Accepted by China Court



Plaintiffs holding their notice of claims successfully filed by Lanzhou Chengguan District Court, 17 February 2015.  
From left to right: Wang Wei, Huo Dongbing, Liu Qingyuan, Xu Ziqi.

*Written by Wang Xinhong and Hermann Aubié*

One month ago in Lanzhou, a heavily industrialized city of 3.6 million people in the northwestern province of Gansu, a district court accepted the filing of four lawsuits by fourteen citizens against Lanzhou Veolia Water Company after almost a year of struggle.

### From “Rumour” to Reality

The cause of these lawsuits happened a year ago. When Lanzhou residents started to complain about smelly tap water in March 2014, the local authorities [responded](#) that such “rumour-mongering” will be “dealt with” according to the law. Eventually, local media reported on 10 April 2014 that carcinogenic levels of benzene were found in local tap water. The next day, Veolia and the local authorities informed the public to stop using tap water.

While the World Health Organization’s maximum limit for benzene in drinking water is 1 microgram per litre, *Caijing* [reported](#) that benzene levels in Lanzhou were 20 times the national limit of 10 micrograms. Since Lanzhou residents usually boil their tap water to drink it, the pollution incident caused panic buying of bottled water. News of the pollution caught nationwide attention through online and traditional media. While benzene levels supposedly returned to normal on April 15, Lanzhou residents remained skeptical. After learning that they had consumed contaminated water for [eight full days](#) before the official ban was issued, they felt compelled to seek justice for the contamination.

### Citizens’ Reactions

On April 14, five Lanzhou citizens (Wang Wei, Wen Jun, Liu Qingyuan, Xu Ziqi, and Huo Dongbing) first use the “weapon of law” by filing a [civil litigation case](#) against Lanzhou Veolia for economic and mental damages. Expectedly, Lanzhou Intermediate Court [refused to file their claims](#). Citing Article 55 of China’s Civil Procedural Law, they stated that the plaintiffs did not have the “legal standing” to file pollution-related lawsuits. At that time, only the All-China Environment Federation could file public interest litigation. However, the plaintiffs did not give up and took the lawsuit to Lanzhou Chengguan

District People's Court, who also rejected their claims. On April 23, the plaintiffs complained to the Superior People's Court of Gansu Province who did not even reply. And yet, two days later, Lanzhou Intermediate People's Court informed the plaintiffs that they could go and file their claim before Chengguan District People's Court. While the materials of the complaint were accepted, the plaintiffs were not given any formal notice of claim that recognizes the filing of their lawsuit by the Court.

Around the same time, six law students from Northwest University for Nationalities in Lanzhou also filed [a lawsuit](#) to Chengguan District People's Court, asking Veolia to disclose all water data from February 24 to the present, and to compensate medical testing for affected Lanzhou residents. Although [Article 112](#) of China's Civil Procedure Law stipulates that courts should respond to lawsuits within seven days, the court remained unresponsive.

In the meantime, the Nanjing-based policy advocacy NGO Justice for All (JFA) has worked continuously to address the water pollution incident. They first called for an independent investigation, claiming that Lanzhou authorities' disclosures did not meet the requirements of national regulations. Using China's environmental information disclosure laws, JFA [requested](#) on repeated occasions that Veolia and local authorities disclose water quality data of twelve Chinese cities, including Lanzhou. So far, only Shenzhen partially replied.



Yu Fangqiang in Paris, 23 April 2014.

Justice for All's founder Yu Fangqiang also went to Paris to protest in front of Veolia Environnement's central headquarters. On the same day, the authorities of Lanzhou organized a news conference where the chairman of Lanzhou Veolia Water Company apologized to the residents.

### **Fighting a Strategic Target**

The Lanzhou pollution incident is [not the only case](#) where Veolia violated environmental standards. Since July 2007, Beijing Youth Daily [reported](#) that Veolia had caused in total 13 water pollution incidents in various cities across China. In most incidents, the water distributed by Veolia contained pollutants exceeding limits.

As the world's largest private supplier of water services, Veolia Water has contracts with municipalities in China covering 43 million people. In many ways, Veolia defines the terms by which private water

companies can operate in China. By signing in 2007 a 30-year contract giving Veolia 45% of the shares of Lanzhou Water Group, the Lanzhou authorities transferred part of their management and distribution responsibilities. Since then, Lanzhou citizens complained that the new joint-venture did not upgrade the high risk water pipes built in 1955. According to [Caijing](#), the benzene seepage is partly explained by the fact that old water pipes run very close to the oil pipes of Sinopec. Last January, the Lanzhou authorities unsuccessfully [requested](#) Sinopec to apologize for its repeated pollution accidents. While Sinopec is also liable, to sue one of the most powerful state-owned enterprises in China can be more challenging than Veolia.

### **Pushing the Court into Action**

After ten months of irresponsible inaction from the Lanzhou court, the five plaintiffs wrote a letter to the Supreme People's Court in Beijing on 1 February 2015. Coincidentally, the Supreme Court issued on February 4 a [judicial interpretation](#) of the Civil Procedural Law to reaffirm that courts should respond to lawsuits within seven days. A few days later, Chengguan District People's Court informed the plaintiffs that the filing was accepted. Almost at the same time, the court also accepted three other lawsuits filed in April 2014 against Lanzhou Veolia by the six university students, as well as a couple and an independent resident. Thus, Veolia is now the defendant in four civil lawsuits concerning 14 plaintiffs in total. Although victory in court is not guaranteed, it is an encouraging sign. At least, a trial could help clarify the responsibilities of each party involved.

As the plaintiff Xu Ziqi said “We are very happy that the case is accepted by the court. We will make preparations for the court trial to make the polluting enterprise pay its price, and to stop such severe public health pollution from happening again.” In fact, the five plaintiffs only claim a symbolic compensation amount of CNY 6000 (or 650 GBP). Unlike [protests against water privatization](#) in Europe, Lanzhou residents and JFA do not reclaim public ownership of the water system. What they care about most is to see more courageous Lanzhou residents and NGOs joining their current efforts to make Veolia behave responsibly and transparently in order to prevent such incidents from happening again.

### **Holding Veolia Accountable**

Adding to growing concerns about China's deteriorating environment, Veolia has not only performed irresponsibly but also violated the basic rights of Chinese citizens to safe drinking water. While the court trial is still pending, many Lanzhou residents found again this month that their tap water was undrinkable with irritating strong odor. In order to stop such incidents from haunting their daily life, Veolia should cooperate with Lanzhou citizens and disclose the requested water data as a first step towards transparency. Access to information is essential for meaningful public participation.

As Wang Canfa [warned](#), if the judge decides the cases against the plaintiffs or delay the trial, “it could result in many people seeking other ways to make their case heard, such as petitioning or staging sit-ins outside government offices.” In a [2010 letter](#) to the Human Rights Council, Veolia stated its “strong belief” that “water is a human right.” As World Water Day celebration on March 22 is fast approaching, it is time for Veolia to demonstrate its good faith to Lanzhou citizens.

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