

CLB Research Report No.6

**中国劳工通讯** China Labour Bulletin

## **Bone and Blood**

### **The Price of Coal in China**

**[www.clb.org.hk](http://www.clb.org.hk)  
March 2008**

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In the town of Spring Hill you don't sleep easy  
Often the Earth will tremble and groan  
When the Earth is restless, miners die  
Bone and blood is the price of coal  
Bone and blood is the price of coal

*The Ballad of Spring Hill*<sup>1</sup>

## **Introduction**

WHEN President Hu Jintao descended 400 metres into a mine near Datong in the heart of China's coal country on 31 January 2008, he was faced with an acute dilemma. China was in the midst of its worst fuel and transport crisis in five decades, the country desperately needed to bolster coal production in order to generate electricity, to heat frozen homes and to get the transport system moving again in time for the Spring Festival holiday. However, soon after taking office in 2002, the president had made a solemn commitment to improve coal mine safety and reduce the number of accidents and deaths in the industry.

President Hu urged the Datong miners to work through the holidays and increase production while making safety their number one priority. He must have known this was wishful thinking. Increased production nearly always carries an increased risk of accidents, particularly when ventilation systems are not upgraded to cope with the attendant gas build-up, as is frequently the case in China. Just three days after the president's Datong proclamation, nine miners were killed in a gas explosion at a mine in neighbouring Shaanxi province.<sup>2</sup>

The insatiable demand for coal in China has not only led to well-established large-scale mines greatly exceeding safe production levels, it has also encouraged the growth of small-scale illegal mining by unscrupulous business people eager for profit and unconcerned with the lives of others. Ten days before Hu Jintao's visit to Datong, a group of men attempted to reopen a coal mine near Linfen in Shanxi province closed down three years earlier during the government's safety rectification campaign. Before any coal could be extracted, an explosion ripped through the mine killing 20 people. Li Yizhong, the government official ultimately responsible for coal mine safety, candidly admitted after the event that people had been driven to such reckless behaviour by the increased demand for coal resulting from the winter fuel crisis.<sup>3</sup>

This winter crisis has thrown the problems of China's coal industry into sharp relief, but those problems are deep-rooted and systemic and have, according to the government's own statistics, led to the death at least 45,000 miners since the turn of the century. China has relied to a very large extent on domestic coal production to

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<sup>1</sup> Lyrics from the song composed by Peggy Seeger and Ewan MacColl to commemorate the Canadian Spring Hill mining disasters of 1891, 1956 and 1958.

<sup>2</sup> Reuters. China mine blast kills 9 amid new drive for coal  
<<http://www.reuters.com/article/latestCrisis/idUSPEK132605>>

<sup>3</sup> USA Today: China seeks to improve workplace safety  
<[http://www.usatoday.com/news/world/2008-01-30-chinasafety\\_N.htm](http://www.usatoday.com/news/world/2008-01-30-chinasafety_N.htm)>

power its sustained and high levels of economic growth over the last decade. Raw coal production shot up by almost 74 percent between 2001 and 2003 to 738 million tonnes. By 2006 it had increased almost three times to 2.3 billion tonnes. The Chinese government, which prides itself on “putting people first,” is fully aware of the appalling human cost of this rapid growth in coal production and has introduced a vast array of new legislation, regulations and policy initiatives (see Appendix 1) designed to reduce the number of accidents and deaths in China’s coal mines. However, the tangled web of collusion between mine owners and local government officials (upon whom the central government relies to enforce its policies) has prevented Beijing’s well-intentioned initiatives from having any significant effect. Accident and death rates have declined from the peak of 2002 when nearly 7,000 miners died, but they remain unacceptably high with 3,786 miners being killed in 2007, according to official figures.

In August 2007, for example, over 12 million cubic metres of water from the flooded Wenhe River poured into the Huayuan coal mine in Shandong, trapping and eventually killing 172 miners. It was the second worst coal mine disaster in the history of the People’s Republic of China and came at a time – one year before the opening of the Beijing Olympics – when the Communist Party and government wanted to project a positive image of China to the world. The Huayuan disaster was an unpalatable reminder that despite the government’s efforts over the previous five years to improve mine safety and reduce accidents, China’s coal mines remained the world’s deadliest.

China Labour Bulletin’s new research report<sup>4</sup> identifies the key problems faced by the industry, explores the reasons why government policy has been so ineffective, and most importantly, reveals the human face of the industry, so often hidden or obscured in official media reports of mining tragedies.

The first section of the report focuses on the core dilemma faced by the government: increase production or improve safety. It examines the massive safety deficit that exists in the mining industry and examines the government’s attempts to narrow that deficit. The report points out that the government’s mine privatization programme, which contracted out thousands of former state-run mines to private operators, has dangerously eroded mine safety, and explains why attempts to close down unsafe mines have backfired. It shows how the government’s licensing and approval procedures have become an open invitation to corruption, and demonstrates that collusion between mine operators and local government officials is now so widespread and blatant that mine operators openly flout central government directives. Mine owners and local officials conspire to cover up accidents and evade punishment, while the rights and interests of miners are either ignored or openly violated. The report suggests that the only effective way to protect the lives and rights of miners is to develop democratically elected and truly representative workers’ organisations that can stand up to the currently overwhelming power of management and safeguard working conditions at the coalface.

The second section of the report focuses on the coal mine accident compensation

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<sup>4</sup> This report is a synthesis of our two recent Chinese language reports on the coal mining industry, *Youxiao de gongren zuzhi: Baozhang kuanggong shengming de bi you zhi lu*. Bloody Coal: An Appraisal of China’s Coalmine Safety Management System. March 2006. And “*Yi ren wei ben*”? *Meikuang kuangnan yishu tanhua de qishi*. Putting People First: A Critique of China’s Compensation System for Bereaved Coalminers’ Families. November 2006.

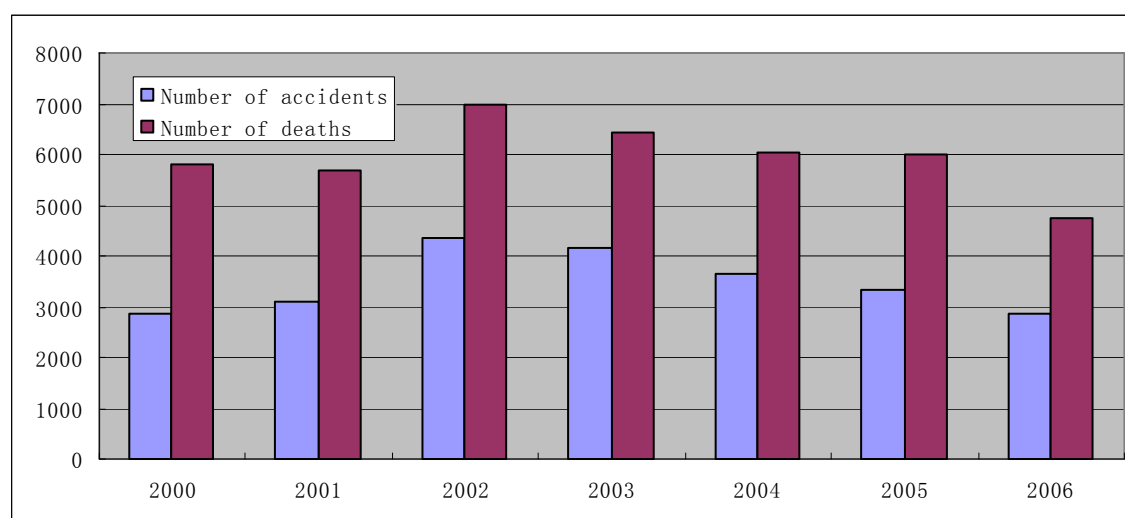
system and the post-accident management and social damage-limitation methods used by local governments. It discusses the new 200,000 yuan compensation benchmark for deaths from coal mine accidents and what this standard has meant for bereaved families in terms of their civil rights. The report uses telephone interviews conducted by CLB's director Han Dongfang with the families of coal mine accident victims and industry insiders to reveal the human face of coal mine tragedies. The interviews illustrate the methods used by government work teams in the wake of accidents, such as controlling the media, pressuring bereaved families into signing compensation agreements, and keeping families apart from each other in order to forestall solidarity actions and deprive them of their negotiation rights. The report further shows how local governments and mine operators make compensation awards contingent on bereaved families signing away their rights to seek further compensation through the court system.

The report concludes with policy proposals and recommendations aimed at reducing the number of coal mine accidents, with a focus on the urgent need to give workers a voice and role in the safety monitoring and supervision process.

## Part 1: Coal Mine Safety in China

According to Chinese government figures, the total number of coal mine accidents increased by over 50 percent from 2,863 in 2000 to 4,344 in 2002. In response, the leadership in Beijing introduced a series of ostensibly tough measures that it hoped would reduce the number of coal mine accidents: raising the rank of different government departments linked to mine safety; increasing the number of licences required to operate coal mines; improving the mine inspection and approval system; launching actions against illegal mines; consolidating national coal resources; and closing small mines. But in both 2004 and 2005, the government failed to meet its mine safety targets, as major accidents causing “severe” and “exceptional” loss of life became more frequent and deadly.<sup>5</sup> In 2005, while there was a slight drop in the total number of accidents (3,341 accidents, causing 5,986 deaths) those involving severe and exceptional loss of life reached a peak (see Table 2). There were 58 accidents with severe loss of life with a total of 1,739 deaths, a 41.46 percent and 77.6 percent increase respectively over 2004. Since the founding of the PRC in 1949, there have been 20 coal mine accidents in which more than 100 people died; eight of these occurred during the high growth period of 2000 to 2005, and of these eight, six occurred in a 13-month period between 2004 and 2005.

**Table 1. Coal Mine Accidents in China (2000-2006)**



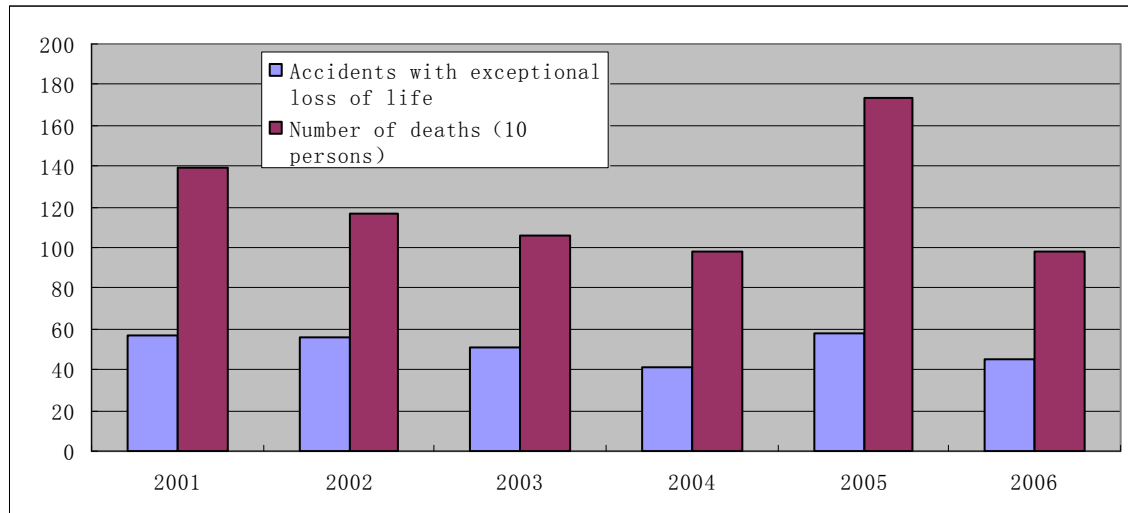
In his 2006 and 2007 New Year’s messages, Director of the State Administration of Work Safety (SAWS) Li Yizhong admitted that efforts to prevent accidents causing exceptional loss of life remained ineffective and that serious illegal practices in the coal mining and other key industries persisted.<sup>6</sup> Moreover there is considerable

<sup>5</sup> China’s mine accidents are officially divided into four categories: accidents with exceptional loss of life (30 or more deaths); accidents with severe loss of life (10-29 deaths); accidents with serious loss of life (3-9 deaths); and accidents with loss of life (1-2 deaths).

<sup>6</sup> Li Yizhong, “Yuandan xianci: anquan fazhan, guotai min’an” (New Year’s address: safe development for national peace and prosperity), State Administration of Work Safety, 4 January 2006, <[http://www.chinasafety.gov.cn/zuixinyaowen/2006-01/04/content\\_151616.htm](http://www.chinasafety.gov.cn/zuixinyaowen/2006-01/04/content_151616.htm)>; “2007 nian xinnian heci: yingjie anquan shengchan de ‘gongjiannian’ he ‘luoshinian’” (2007 New Year’s greetings: making production safety a reality this year), State Administration of Work Safety, 1 January 2007, <[http://www.chinasafety.gov.cn/zuixinyaowen/2007-01/01/content\\_213605.htm](http://www.chinasafety.gov.cn/zuixinyaowen/2007-01/01/content_213605.htm)>.

evidence that local authorities have either concealed accidents or under-reported fatalities to the higher authorities, especially in cases of accidents involving fewer than 10 deaths. For these reasons, the real number of mine accidents and casualties in China remains a mystery.

**Table 2: Coal Mine Accidents with Severe Loss of Life and with Exceptional Loss of Life (2001-2006)**



## Economic and Social Obstacles to the Implementation of Coal Mine Safety Policy

### *Coal mine production exceeds safe capacity*

In 2004, raw coal production in China reached 1.95 billion tonnes, an increase of 228 million tonnes or 13.2 percent on 2003. In 2005, it reached 2.19 billion tonnes, an increase of 9.9 percent, and in 2006, it rose by 8.1 percent to 2.3 billion tonnes. A significant portion of these increases came from mines that greatly exceeded their safe production capacity. Of China's 27 coal producing provinces and regions, 20 exceeded their production targets in 2004 and 19 provinces did so by more than 10 percent. Three regions - Fujian, Shaanxi and Beijing - exceeded their production targets by more than 50 percent.<sup>7</sup> Such over-production fatally compromised these mines' ability to ensure safety. According to a survey by the State Administration of Coal Mine Safety (SACMS), China's coal production exceeded 1.7 billion tonnes in 2003, but that year only 65 percent of that took place in mines (including open-pit mines) that "guaranteed" (*baozhang*) production safety.<sup>8</sup> In 2004, only 1.2 billion tonnes were produced in mines that met safety standards, with more than 750 million tonnes produced in mines that failed to do so.<sup>9</sup>

As the following examples illustrate, over-production can be a crucial factor in coal mine accidents, especially when mine ventilation systems are not upgraded to cope

<sup>7</sup> Lu Baohong, Gao Feng, Liu Jun, "Woguo kuangnan pinfa chaochan wei huoshou, 1/3 chanliang wu anquan baoshang" (Over-production is the chief culprit in most mine accidents in China; 1/3 of the coal output comes from mines that fail to guarantee safety), Xinhua Net, 20 February 2005, republished in Sina.com, <<http://news.sina.com.cn/c/2005-02-20/16355150771s.shtml>>.

<sup>8</sup> The official term *baoshang* does not actually mean that mine safety is guaranteed. The death rate in mines that do not exceed safe production capacity also remains disturbingly high.

<sup>9</sup> Lu Baohong, Gao Feng, Liu Jun, *op cit*.

with increased production, leading to the build-up of potentially explosive gases. The Daping coal mine in Zhengzhou, Henan province, where 148 people died in a gas explosion on 20 October 2004, had been inspected and approved for an annual production capacity of 900,000 tonnes. In 2003, the mine produced 1.32 million tonnes of coal, and from January to September 2004 it had already produced 960,000 tonnes. Similarly, the Sunjiawan coal mine in Liaoning province, where a gas explosion killed at least 214 miners on 14 February 2005, had been approved for a production capacity of 900,000 tonnes, but its actual output in 2004 was 1.48 million tonnes. The Shenlong coal mine in Fukang county, Xinjiang province, where 83 miners died in a gas explosion on 11 July 2005, had a safe production capacity of only 30,000 tonnes, but during the first half of 2005 alone it had already produced almost 180,000 tonnes of coal.<sup>10</sup>

China's coal industry suffers from this fundamental "safety deficit" because investment in mine safety systems and equipment has lagged behind rises in production. After a series of major accidents in state-owned mines during the second half of 2004, SACMS director Zhao Tiechui publicly acknowledged: "State-owned coal mines have run up an extremely alarming safety deficit. We estimate that 51.8 billion yuan will have to be invested in the next three years to clear this deficit."<sup>11</sup> In February 2006, SAWS director Li Yizhong acknowledged that according to the latest surveys and available figures, the "safety deficit" had reached 68.9 billion yuan.<sup>12</sup> This safety deficit is particularly serious in small village-and-township coal mines that invest very little in safety systems and equipment and employ rudimentary mining techniques. According to one estimate, China's small village-and-township coal mines would need to invest at least eight to ten billion yuan to attain even the most basic safety standards.<sup>13</sup> Indeed, most mining accidents occur in small mines that lack basic safety systems and equipment. According to SAWS statistics, at the end of 2004, there were 23,388 small coal pits in China: these accounted for nearly 90 percent of all coal mines and for only one third of total national coal output, but were responsible for more than two thirds of coal mine deaths.<sup>14</sup>

In recent years, state-owned mines with reasonably effective safety systems and equipment have been unable to satisfy China's rapidly growing demand for coal. There has thus been a rapid proliferation of small coal mines seeking to fill the gap between supply and demand. For example, in 2005, the number of small coal mines in

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<sup>10</sup> Wang Dalin, Liu Hongpeng, "Xinjiang Fukang Shenlong Meikuang anquan shengchan cunzai zhongda wenti" (The big problem of safe production at the Shenlong mine in Fukang, Xinjiang), Xinhua Net December 2005, <[http://news3.xinhuanet.com/newscenter/2005-07/12/content\\_3211755.htm](http://news3.xinhuanet.com/newscenter/2005-07/12/content_3211755.htm)>.

<sup>11</sup> "Shigu pinfa, jingshi zhuanbian zengzhang fangshi shi zhongjie kuangan genben zhi ju" (Upgrading early warning systems is the key to preventing frequent coal mine accidents), *Banyuetan* (Fortnightly Chats), republished in Beifang Net, 1 February 2005, <<http://news.enorth.com.cn/system/2005/02/01/000956285.shtml>>.

<sup>12</sup> Li Yizhong, "Zhongguo you zhongdian meikuang anquan zijin qianzhang 689 yi, ni liangnian buqi" (China has a serious coal mine safety deficit of 68.9 billion yuan, which will take two years to offset), *Xinjingbao* (New Beijing Daily), republished in People.com, 9 February 2006, <<http://politics.people.com.cn/BIG5/1027/4086732.html>>.

<sup>13</sup> "Woguo difang meikuang anquan shengchan wenti cunzai sanda maodun" (Three big contradictions underlying China's problem with local coal mine safety)," *Zhongguo Nengyuan Wang* (China Energy Net), 11 October 2004, <<http://www.china5e.com/news/meitan/200410/200410110146.html>>.

<sup>14</sup> "Li Tieying zuo baogao, jiexi meikuang zhong teda shigu pinfa yuanyin" (Report by Li Tieying [Vice-Chairman of the 10th NPC Standing Committee]: an analysis of the causes for the frequent occurrence of coal mine accidents with severe loss of life), China.com, 25 August 2005, republished in Sina.com, <<http://news.sina.com.cn/c/2005-08-25/17057594186.shtml>>.



China grew by approximately 38 percent.<sup>15</sup> This rapid growth in the number of, and overall production, from small mines initially lowered coal prices, but also forced state-owned mines to invest less in safety infrastructure and raise their output beyond designed safe production capacity. In August 2005, the government began to restructure the mining industry and close down small mines. At the time, the director of the SACMS announced that big state-owned coal mines would rapidly step up production to make up for the loss of output from closed-down mines. The SACMS director believed that since small mines accounted for only one third of total coal output, shutting them, down would not have too big an impact, as lost production from those small mines could be offset by increasing production in larger coal mines.<sup>16</sup> This put enormous pressure on the state-owned coal mines and has forced them to further exceed their designed production capacity and ignore safety standards, which greatly increased the risk of accidents.

For example, on 27 November 2005, the Dongfeng mine, operated by the Qitaihe branch of the Longmei Mining Group in Heilongjiang province, experienced a coal dust explosion that killed 171 people. The mine's production quota was 480,000 tonnes, but by October it had already produced 400,000 tonnes due to exceeding its production limit every month that year except in July. On 5 November 2006, a gas explosion at the Jiaojiazhai mine in Shanxi province, which was operated by Xuangang Coal and Power Company, a subsidiary of Datong coal mine Group, killed 47 miners. By October, this mine had already produced 1.07 million tonnes of coal, which was not only more than its annual production quota but also the first time in the 48-year history of the mine that it had produced more than one million tonnes in a single year.

### ***The government's dilemma: increasing production or reducing accidents***

Beijing's growth-oriented economic policies have created a dilemma; increase production to satisfy the growing economy's insatiable demand for energy or invest in more mine safety systems and equipment to redress the "safety deficit" and reduce accidents.

In poorer regions where coal is the main source of revenue, this is an intractable dilemma for local governments. According to a survey of 100 counties in which coal was a major industry, it accounted for approximately 40 percent of those areas' total industrial output.<sup>17</sup> For example, in Shanxi province, where coal is the most important industry, mining and coking is the main source of revenue for 80 percent of counties. Ten counties around Lüliang in Shanxi have been designated national-level or county-level poverty-stricken counties. In all of them, coal accounts for 70-75 percent of government revenues.<sup>18</sup> According to SAWS statistics, between 2003 and 2006

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<sup>15</sup> "Meitan gongye xiehui diyi fu huizhang Pu Hongjiu da Jingji Ribao jizhe wen" (*Economic Daily* interview with Pu Hongjiu, Executive Vice President of China National Coal Association), *Jingji Ribao* (Economic Daily), 15 December 2005.

<sup>16</sup> Liang Dong, Cao Jiyang, "3 nian guan 1.4 wan ge, shui lai tian xiao meikuang jianchan hou gongxu quekou" (If 14,000 small coal mines are closed down over a three year period, who is going to make up for the shortfall in the supply of coal?), *Jingji Cankao Bao* (Economic Reference News), 12 December 2005, republished in China.net, <<http://big5.china.com.cn/chinese/news/1057964.htm>>.

<sup>17</sup> "Woguo difang meikuang anquan shengchan wenti cunzai sanda maodun" (Three big contradictions underlying China's problem with local coal mine safety)," Henan Meitan Xinxiwang (Henan Coal Information Network), 14 October 2004, <<http://www.hnmt.gov.cn/aqsc/aqsc002/aqsc154.htm>>.

<sup>18</sup> Gao Yu, "Hai you bi fubai geng weixian de: kan Shanxi meikuang shigu pinfa yuanyin" (Even more dangerous than corruption: a look at the causes of the frequent coal mine accidents in Shanxi), *Jiangnan Shibao* (South China

there were 15 mine accidents, which killed 155 people, in Lüliang. The Liangjiahe mine in Xixian county, Shaanxi province, where 36 miners died in a coal-dust explosion on 30 April 2004, paid the county government more than two million yuan in annual taxes, or almost 15 percent of annual revenues. On 7 August 2005, a flood in the Daxing coal mine in a poor mountain area in the town of Wanghuai near Xingning city in northern Guangdong, trapped and killed 123 miners. Until the accident, the mine was the local government's main source of revenue. Zeng Yungao, the owner of the mine, had paid 2.5 million yuan in annual taxes and had given 3 million yuan to local charities and schools. As far as governments in poor regions are concerned, when the central government closes mines for whatever reason, it cuts off the economic lifeline of local communities.

### ***Restructuring the coal mining industry***

Prior to 2006, the government applied a “one size fits all” (or “single cut of the knife” in Chinese parlance) approach to coal mine restructuring. Following a major accident, the government ordered all mines in the proximity to stop production and improve safety (*tingchan zhengdun*).<sup>19</sup> The scope of restructuring depended on the gravity of the accident: a smaller accident might only affect a county or region whereas a bigger one could affect an entire province. In August 2005, the government issued two directives to strengthen the restructuring programme: *Circular on the Immediate Closure and Restructuring of Coal Mines that Fail to Meet Safety Standards and Operate Illegally*,<sup>20</sup> which stipulated that mines failing to obtain a production safety licence were to be closed down, and *Special Regulations by the State Council on the Prevention of Work Safety Accidents in Coal Mines*.<sup>21</sup> Faced with growing pressure from Beijing, local governments tried to find ways to follow the directives whilst sustaining their revenues and economic development. In some cases, they simply ignored the directives, while in others they went through the motions of closing down mines. Upon hearing the central government's demands, the vice governor of Fujian province said that shutting down Fujian's small coal mines would cause a collapse of the province's electricity network. He wrote to his subordinates: “The restructuring of local coal mines to improve safety standards ought to be done in accordance with actual local conditions. Whilst mining enterprises need to be urged to take prompt restructuring measures in accordance with national production safety regulations, the demand for coal also has to be met.”<sup>22</sup> As of January 2006, Fujian province had yet to close down any mines or revoke operating permits.<sup>23</sup>

The government's regulations on the suspension of coal mine production were

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Times), 6 December 2001, 5th edition.

<sup>19</sup> *Tingchang zhengdun* could be translated more literally as “to suspend operations and reorganize” but in the context of the coal mining industry it invariably means to stop production and improve safety measures and equipment.

<sup>20</sup> *Guanyu jianjue zhengdun guanbi bu jubei anquan shengchan tiaojian he feifa meikuang de jinji tongzhi*, issued by the General Office of the State Council, 24 August 2005.

<sup>21</sup> *Guanyu yufang meikuang shengchan anquan shigu de tebie guiding*, issued by the General Office of the State Council, 31 August 2005.

<sup>22</sup> Dong Wei, “Li Yizhong nuchi xiaomeiyao, anjianjuzhang jiebuliao difang jingji nanti” (SAWS director Li Yizhong angrily rebukes small collieries but he cannot solve local economic problems), *Zhongguo Qingnian Bao* (China Youth Daily), 7 December 2005.

<sup>23</sup> “Guojia gaiwei tongbao guanbi meikuang qingkuang, yanzhong tuoyan de yao zhuijiu zhuyao fuzeren zeren” (Circular by the National Development and Reform Commission on the actual situation surrounding the closure of coal mines and the need to find out who are the main people responsible for the delays), *Zhongguo Anquan Shengchan Bao* (China Work Safety Herald), republished in SAWS, 20 January 2006, <[http://www.chinasafety.gov.cn/zuixinyaowen/2006-01/20/content\\_152949.htm](http://www.chinasafety.gov.cn/zuixinyaowen/2006-01/20/content_152949.htm)>.

designed to improve safety. They stipulated that after a mine stops production, management must formulate a safety improvement plan, inspect the mine for hidden dangers and conduct safety training for personnel. These procedures would be followed by a local government safety inspection. However in most cases in which production was suspended, these measures were not taken. For example, after a gas explosion at the Yinguangshi mine in the town of Anping near Lianyuan city, Hunan province, killed 16 miners on 26 July 2004, the Lianyuan municipal government ordered mines within its jurisdiction to stop production and improve safety. But according to a journalist who visited the area, the township government and the owner of one small mine had implemented a solution that “satisfied both parties concerned”: the township government put the mine’s lifting and transportation equipment under lock and key to avoid being held responsible in the event of another accident, while the mine owner sent the miners home to reduce losses while operations were suspended. No review of existing safety standards, formulation of a safety improvement plan or employee training was carried out.<sup>24</sup>

In some localities government officials turned a blind eye to the continued production of coal during the suspension and safety period. After a gas explosion killed ten miners on 6 January 2004 at the Luobuyuan coal mine in the town of Meitian in Hunan province, the governments of Yizhang county and Chenzhou city declared that they took the accident “very seriously” and instructed the township government to “immediately stop production and improve safety” in local mines. They also organized a team to conduct safety inspections of all coal mines under the city’s jurisdiction. However, several mines within Chenzhou municipality, including a number of small collieries in Meitian township, suspended operations during the day while continuing to mine coal at night, which they then sold during the day. In early August, officials from the Hunan Coal Mine Safety Supervision Bureau discovered that in some localities not only had mines not been shut down, but new ones had been opened.<sup>25</sup>

### ***Resistance to the government’s coal mine consolidation and closure policy***

The State Council’s *Certain Opinions on Promoting the Healthy Development of the Coal Mining Industry*, issued on 7 July 2005, promoted big mining companies and groups, encouraged small mines to restructure and merge into bigger firms, and advocated closing down small mines that were poorly organized, lacked adequate safety, wasted resources and polluted the environment. On 25 March 2006, the SAWS, the National Development and Reform Commission and nine other government departments jointly issued a guideline entitled *Certain Opinions on Strengthening Coal Mine Work Safety and Standardizing the Integration of Coal Resources* which called for the closure by the end of 2007 of mines with an annual production capacity of less than 30,000 tonnes. In June 2006, it was estimated that of the 17,000 small coal mines in China, a third fell into this category.<sup>26</sup> On 28 September, the General

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<sup>24</sup> Huang Maowang, Xiao Jianyong, “Heise zhi zhong” (Coal’s burden), *Hunan Gongrenbao (Hunan Workers’ Daily)*, republished in Rednet.com, <<http://people.rednet.com.cn/PeopleShow.asp?Pid=4&id=46172>>.

<sup>25</sup> Li Feixiao, Huang Xiong, “Xuruo de ‘tingchan zhengdun’, yanneng shijin kuangan xuelei? Hunan Lianyuan meikuang diaocha” (Sham “suspensions of operations to improve mining safety”. Who can wipe away the blood and tears caused by mine accidents? An investigation into the Lianyuan mine accident), *Xinhua Wang Hunan Pindao (Xinhua Net Hunan Channel)*, <[http://news.xinhuanet.com/focus/2004-09/06/content\\_1938527.htm](http://news.xinhuanet.com/focus/2004-09/06/content_1938527.htm)>.

<sup>26</sup> Chen Zhonghua, Liu Zheng, “Woguo jiang caiqu ‘sanbuzou’ jie jue xiao meikuang wenti” (China about to adopt a three-step strategy to solve the problem of small collieries), *Xinhua Net*, 22 June 2006, <[http://news.xinhuanet.com/newscenter/2006-06/22/content\\_4733773.htm](http://news.xinhuanet.com/newscenter/2006-06/22/content_4733773.htm)>.

Office of the State Council published a guideline issued jointly by the SAWS and 11 other government departments, entitled *Opinion on Improving the Work of Reorganizing and Closing Down Coal Mines* that called for the closure of 16 types of small mines. SAWS proposed a three-step strategy of reorganizing and closing mines, integrating and upgrading technology and improving mine management, setting a timetable for the closure of 9,887 small mines by mid-2008. In late May of 2007, SAWS published a list of 9,104 coal pits to be closed throughout China, of which 8,884 had already been closed.<sup>27</sup> But the central government's policy of consolidating coal resources and closing down small mines met with considerable resistance from local governments and mine operators. In April 2006, SACMS vice director Wang Shuhe told a reporter that while the central government had demanded the closure by the end of 2005 of 5,243 small coal mines that failed to meet national standards, most provinces were so slow in carrying out the closures that the deadline had to be extended until March 2006. According to SACMS statistics, by the end of 2006, Shanxi, Sichuan, Heilongjiang, Shandong and Hunan provinces, in which coal mining is a key industry, had still not completed their designated mine closures. Shanxi and Sichuan provinces only closed down 67 percent and 83 percent, respectively, of the mines slated for closure, and the deadline had to be extended yet again.<sup>28</sup>

To protect their own economic interests, local governments have been liberal in interpreting central government instructions. On 8 November 2006, SAWS issued a *Circular on Coal Mine Accidents with Exceptional and Severe Loss of Life*,<sup>29</sup> which revealed two methods or "technological fixes" (*jishu gaizao*) used by local governments to avoid implementing central government orders. The first method was to substitute mines slated for closure with mines that had long been abandoned or closed. For example, the Changyuan coal mine in Fuyuan county, Yunnan province, in which a gas explosion killed 32 miners on 25 November 2006, was placed on the SACMS closure list in early 2006. But instead of closing this mine, the local government closed a mine that had been depleted 20 years earlier. In this way, local governments routinely adjusted the closure list so as to implement as few closures as possible, while ostensibly meeting the target figure.<sup>30</sup>

Another "technological fix" was for local governments, in collusion with mine operators, to go through the motions of inspecting and approving mines for an increase in production capacity so that the mine would no longer be considered a small mine in line for closure. An investigation into a gas explosion that killed 17 miners on 13 March 2006 at the Rongsheng Colliery in Otog Banner, Inner Mongolia revealed that although the mine had a production capacity of 90,000 tonnes, on 15 January 2005, the Ordos City Coal Bureau approved a "technological fix" to increase its annual production capacity to 150,000 tonnes. On 10 December of 2005, the coal bureau approved another increase of the mine's designed production capacity to 300,000 tonnes even though no technological improvements had been made. An

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<sup>27</sup> SAWS, <<http://www.chinasafety.gov.cn/zhuantibaodao/2007mkzdgb.htm>>.

<sup>28</sup> "Guanbi xiao meikuang zaoyu zuli, jiujiing shui zai 'wu gaizi'?" (The closure of small mines is obstructed. Who is covering up the truth), ENorth.com, 17 April 2006, <<http://news.enorth.com.cn/system/2006/04/17/001283160.shtml>>.

<sup>29</sup> *Guanyu ji qi meikuang teda tebie zhongda da shigu de tongbao* (Circular on Coal Mine Accidents with Exceptional and Severe Loss of Life), SAWS, 28 November 2006, <[http://www.chinasafety.gov.cn/2006-11/28/content\\_206775.htm](http://www.chinasafety.gov.cn/2006-11/28/content_206775.htm)>.

<sup>30</sup> "Xianchang qinli: '11.25' kuangnan xianchang suojiansuowen" (Eyewitness report from the scene of the Changyuan coal mine Accident of 25 November), SAWS, 28 November 2006, <[http://www.chinasafety.gov.cn/2006-11/28/content\\_206255.htm](http://www.chinasafety.gov.cn/2006-11/28/content_206255.htm)>.

investigation by the Inner Mongolia Coal Mine Safety Supervision Bureau revealed that the Rongsheng Colliery had a reserve base of one million tonnes and a service life of less than three years and therefore under government guidelines should have been closed.<sup>31</sup>

### **Collusion between Government Officials and Mine Operators**

In August 2005, Li Tieying, Vice chairman of the Standing Committee of the National People's Congress (NPC), acknowledged that: "Coal mine accidents that have already been investigated and prosecuted have revealed that corruption was behind almost every accident that caused exceptional loss of life."<sup>32</sup>

Energy shortages and rising coal prices have made coal mining very lucrative. Media reports indicate that in recent years, net profits varied between 100 and 200 yuan per tonne on the Chinese market depending on type and quality. Thus, a small coal mine with an annual production capacity of 30,000 tonnes can earn net profit of 3-6 million yuan per year, while slightly bigger mines can generate more than 10 million yuan per year in net profit. According to the official yearbook of Gaoping city in Shanxi province, some 11.5 million tonnes of raw coal were mined within the city limits in 2003, of which 2.15 million tonnes were produced by municipal-level mines and more than eight million tonnes by township and village mines. According to a Gaoping city official, 2003 figures show that approximately seven million tonnes of raw coal were produced by privately owned mines that year. Thus, private mine operators made an annual profit of approximately 1.4 billion.<sup>33</sup> The desire for profit makes it difficult for the central government to enforce its policies, thereby enabling small mines to continue operating or even to proliferate.

SAWS director Li Yizhong has identified five types of collusion between corrupt officials and mine operators: Government officials or managers of state-owned enterprises own coal mine shares; officials secretly operate coal mines or protect relatives who operate illegal mines; they flout regulations and abuse their authority to review and approve mines in exchange for bribes from mine operators; they turn a blind eye to or help conceal illegally run mines; and they take part in or tacitly consent to accident cover-ups. The profit motive has driven mine operators and local government officials to collude together, break the law and obstruct central government directives. Li Yizhong explicitly warned in June 2005 that: "The collusion between government officials and business interests and between officials and mine operators has reached a level that should be taken extremely seriously."<sup>34</sup>

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<sup>31</sup> "Guanbi xiao meikuang zaoyu zuli, jiujiing shui zai 'wu gaizi'?" (The closure of small mines is obstructed. Who is covering up the truth), ENorth.com, 17 April 2006, <<http://news.enorth.com.cn/system/2006/04/17/001283160.shtml>>

<sup>32</sup> "Quanguo renda changweihui zhifa jianchazu jiu anquan shengchan fa shishi qingkuang zuochu baogao, jianyi xiuding kuangshan anquanfa" (Report by the NPC Standing Committee's Law Enforcement Monitoring Group on the actual implementation of the Work Safety Law and proposed revisions to the Coal Mine Safety Law), *Xinjingbao* (New Beijing Daily), republished on the Xinhua website, 26 August 2005, <[http://big5.xinhuanet.com/gate/big5/news.xinhuanet.com/newscenter/2005-08/26/content\\_3405767.htm](http://big5.xinhuanet.com/gate/big5/news.xinhuanet.com/newscenter/2005-08/26/content_3405767.htm)>.

<sup>33</sup> "Cong nongming dao qianwan fuweng: toushi Shanxi meikuang laoban baofu shengtai" (Rags to riches: a look at the sudden riches of coal mine operators in Shanxi), *Xinjingbao* (New Beijing Daily), 17 November, 2004, <<http://finance.sina.com.cn/money/x/20041117/07031159998.shtml>>.

<sup>34</sup> "'Tai dandawangwei le!' Li Yizhong nuchi 'guanmei goujie'" ("The brazenness!" Li Yizhong inveighs against the collusion between government officials and mine operators), People's Net (hosted by *People's Daily*), 16 June 2005, <<http://opinion.people.com.cn/BIG5/35560/3474971.html>>.

### ***The contract system***

At the end of the last century, in an attempt to turn China's loss-making coal industry into a major source of revenue, the central government turned much of the country's coal resources over to the private sector. The government closed down or contracted out to private entrepreneurs many small and middle-sized state-owned coal mines. The new operators then subcontracted every step of the mining process to labour contractors who hired rural migrants to work in the mines. Some contractors who obtained mining rights immediately subcontracted the mines to other entrepreneurs. Several large-scale state-owned mines have also been contracted out to private operators. For example, sections of the Sunjiawan mine in Liaoning province, where a gas explosion killed 214 miners on 14 February 2005, had been contracted to different mining teams. According to miners who worked in the Sunjiawan mine, the contractors paid the management a fixed sum for a section of the mine and then hired labourers to work that stretch of tunnel.

This complex and intricate system of subcontracting has often hindered accident investigations and made it difficult to find the original contractor legally responsible for the mine. On 3 June 2004, a gas explosion at the Hongda Colliery in Handan county, Hebei province, killed 14 miners. According to the investigation team, after the accident the mine managers were unable to say how many miners had been working in the mine because the mining rights had been subcontracted to several operators. The Tianfu Sanhui coal mine in Chongqing, where a coal and gas outburst killed 10 miners on 17 October 2003, was a state-owned mine. Three years before the accident, a construction company that was qualified only to dig pits but not to mine coal had been awarded a contract to exploit the mine. At the time of the accident, men who were unqualified to work as miners were working in the pit.

The contracting system has thus facilitated collusion between government officials and mine owners. Once a mining contract is awarded, government officials in charge of issuing licences, conducting safety inspections and upholding laws invest or become shareholders in the mine either directly in their own names or indirectly through a relative. In exchange for profits, local officials then provide mine operators and contractors with protection from legal scrutiny.

### ***Licensing and approval procedures***

Prospective mine operators currently require six licences: a mining licence, a production licence, a business licence, a coal mine manager qualification certificate, a coal mine manager safety qualification certificate and a production safety licence. The licensing procedure has made it more difficult for newcomers to get into the coal mining business, but has also created opportunities for rent-seeking government officials. Since July 2005, the government's policy of restructuring and closing down small mines has made it much more difficult to meet the requirements to run a mine, but in practice, this has also served to enlarge the scope for collusion between officials and mine operators. According to media reports, in Shanxi province it is well known that a prospective mine operator will have to pay five million yuan to get through the red tape needed to start mining coal. In Taiyuan, capital of Shanxi province, there is a hotel called Coal Tower among whose regular guests is a group of people who specialize in greasing the wheels and taking care of the red tape for people in the coal mining business. A local mine operator told a journalist that on a single occasion he had spent more than 10,000 yuan wining and dining an ordinary government

official.<sup>35</sup>

Media reports of coal mine accidents have shown that mines without properly obtained licences are often still able to remain in business. The investigation of the gas explosion at the Yinguangshi mine in Anping township, Hunan province, which killed 16 miners on 26 July 2004, revealed that the mine did not have all the required licences, though it was located just 300 metres from the Anping township government office. After a flood at Daxing coal mine near Xingning city in Guangdong province drowned 123 miners, it was revealed that the mine had no mining licence or business licence and had operated illegally for six years. After a gas explosion killed 26 miners on 28 March 2007 at the Yujialing coal mine in the town of Yipingyuan near Linfen in Shanxi, investigators discovered that all six of the licences the mine needed to operate had expired.

Most accidents, however, occur in mines that have all six required licences, suggesting that safety licensing standards are too low, or that licenses are issued by corrupt or negligent officials – or possibly both. Coal mine accident investigators routinely conclude that fully licensed mines either “lacked the conditions to ensure safe production” or “had major hidden safety hazards.” For example, the investigation into a gas explosion at the Jinjiangpanhai coal mine in the city of Panzhihua, Sichuan province, that killed 21 miners on 12 May 2005, showed the mine had all the required licences even though it lacked a basic ventilation system. Six months before an underground water leak trapped and drowned 16 miners on 14 July 2005 at the Fusheng coal mine in the town of Luogang near Xingning in Guangdong, the mine had obtained a production safety licence. The investigation showed that the mine had been built next to a limestone cave and there were obvious flaws in its design and choice of location. The Pianpoyuan coal mine in Anshun city, Ziyun county, Guizhou province, where a flood drowned 18 miners on 15 July 2006, also had all the required licences. In its ruling on this accident, the Guizhou Provincial Production Safety Supervision Bureau noted that the Ziyun County Enterprise Bureau had issued a production safety licence even though there was a serious safety hazard in the mine. Worse still, the enterprise bureau had failed to close down the mine and impose an administrative penalty even after serious flooding was discovered. In short, one sees a catalogue of incompetence, neglect and corruption in such cases.

### ***Mine operators openly flout central government directives***

The deep-rooted collusion between local officials and mine operators has made many operators increasingly brazen in their flouting of the law. Even in the midst of central government crackdowns, mine operators ignore orders to suspend operations and improve safety. Investigations into the gas explosions at the Mengnanzhuang coal mine in Xiaoyi city, Shanxi province, which killed 72 miners on 22 March 2003; at the Baixing mine in Jixi city, Heilongjiang province, which killed 37 miners on 23 February 2004; and at the Xiangyuangou mine in Jiaocheng county, Shanxi province, which killed 29 miners on 9 March 2005, revealed four common denominators: First, in each instance prior to the accident the local coal mine safety supervision bureau had found the mine to have a “hidden danger” that could cause an accident. Second, all the accidents occurred after the mines had been ordered to stop production and

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<sup>35</sup> Wei Huabing, “Shanxi kuangzhu zibao heijin beihou de guanshang guanxi” (Shanxi mine operator reveals the behind-the-scenes connections between officials and businessmen in the oil industry), *Shanghai Dongfang Zaobao* (Shanghai Oriental Morning Post), 1 June 2006, <<http://news.sina.com.cn/c/2006-06-01/01479082814s.shtml>>.

improve safety. Third, safety supervision personnel had locked away the mine transportation equipment to make sure the mine would actually stop production. Fourth, the operators had forced the locks to restart mining.

Mine operators and government officials have conspired to create a dense web of collusion, which has made it virtually impossible for the central government to enforce its own laws and regulations. The government has put officials who are guilty of colluding with mine operators in charge of dealing with the mine safety, which is like asking criminals to judge themselves.

### ***Covering up accidents and evading punishment***

Mine safety regulations stipulate that if an accident in a small township or village mine run by a private operator causes three or more fatalities, the mine is to stop production and improve safety, and if it fails to do so its licences are to be revoked. In addition, local government officials may face disciplinary action and lose their jobs. To evade punishment, and in spite of repeated warnings, many mine operators and local officials continue to cover up accidents or lie about the number of victims. SAWS figures based on surveys and media reports indicate that in 2006, as many as 89 accidents (including coal mine accidents) involving 204 deaths, were falsely reported or covered up. Of 19 other accidents with serious or severe loss of life between January and February 2007, six were falsely reported or covered up. In the five days from 18 March 2007 alone, three major accidents that killed a total of 42 people were falsely reported or covered up.<sup>36</sup>

When accidents cause only a few deaths, mine operators often try to keep the number of people who know about the accident as small as possible; they transport the corpses to other locations and pay the victims' families "additional" compensation if they promise to keep quiet.<sup>37</sup> But small-mine operators are unable, on their own, to cover up accidents that cause severe loss of life or exceptional loss of life. Such accidents are frequently covered up with the help of officials. The officials are often only too willing to help because they want to protect their careers. For example, after a gas explosion at the Jiajiabao coal mine in Xinzhou city, Ningwu county, Shanxi province, killed 36 miners, the mine operators transported the corpses of 17 miners who had lost their lives in the accident to Inner Mongolia and hid them there. This subterfuge was jointly planned by the director of the Ningwu County Coal Industry Bureau, the mine's chief engineer and the deputy-director of the Xinzhou mine rescue team. The action was approved by both the deputy secretary of the county Party committee and

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<sup>36</sup> Zhao Tiechui (director of the SACMS), "Zai quanguo anquan shengchan shipin huiyi shang de jianghua" (Speech at the National Video Conference on Production Safety), SAWS, 2 March 2007, <[http://www.chinasafety.gov.cn/zhengwugongkai/2007-03/02/content\\_220849.htm](http://www.chinasafety.gov.cn/zhengwugongkai/2007-03/02/content_220849.htm)>; Jin Guolin, kuangan manbao shijian shangzhou lianfa siqi, guanfang biaooshi jiang jiada chachu" (Four coal mine cover-ups last week alone; the government declares that it will step up efforts to investigate and prosecute such incidents), Zhongguo Xinwen Wang (China News Net), republished in Qianlong.com, 26 March 2007, <<http://news.qianlong.com/28874/2007/03/26/1160@3744158.htm>>.

<sup>37</sup> Wang Jintao, Li Rentang, "Meikuang shigu cengchubuqiong, yinman shouduan huayangfanxin" (Constantly changing ways of covering up an endless series of coal mine accidents), Xinhua Jiaodiawangtan, <<http://www.he.xinhuanet.com/jiaodian>>; Wang Xiaohong, He Yuanfa, "Jiekai 10 tiao renming 'sile' heimu - Luoboyuan meikuang shigu diaocha" (The inside story of a "private settlement" over the loss of ten human lives: an investigation into the Luoboyuan coal mine accident), *Zhongguo Jingji Shibao* (China Economic Times), republished in Sohu Caijing (Sohu Finance), 19 July 2004, <<http://business.sohu.com/20040719/n221074103.shtml>>.



the deputy head of the county.<sup>38</sup> After a flood drowned 56 miners at the Xinjing coal mine in Zuoyun county, Shanxi, the operator falsely claimed that only five miners had been trapped inside. The township head and Party secretary both knew the real number of miners trapped underground and aided the mine operator in sending family members of the trapped miners to neighbouring Inner Mongolia in order to prevent them from speaking to the press.

### ***Why is it so difficult to prevent collusion?***

The collusion between officials and mine operators has become so entrenched and widespread that tackling it will require great effort and determination on the part of the central government. Half-hearted rectification and punitive measures will not be enough. In areas rich in coal resources, many government officials either manage or co-manage coal mines. They have formed an alliance with coal mine operators and established a network in which “one official protects another” and everyone agrees that “if one is hurt, all are hurt.” Yu Yujun, the former governor of Shanxi province (who was forced to resign in September 2007), said it was not unusual for an illegal coal mine to have seven or eight “protective umbrellas” (official backers) and that as there were 3,000-4,000 illegal coal mines in the province, more than 10,000 government officials were involved in illegal mining in Shanxi alone. According to an industry insider, the governor’s figures were low, because they were based on mines that had been identified by the authorities. In fact, no one has accurate statistics on the number of illegal mines in Shanxi.<sup>39</sup>

The web of collusion between mine operators and local government officials is a well-established and widely acknowledged fact. In a speech given at a convention of leading officials in the coal mining centre of Linfen on 20 December 2007, Shanxi Provincial Party Committee Secretary Zhang Baoshun explicitly cited “collusion between officials and mine operators and power-for-money deals” as one of the major reasons for the frequency of mining accidents and for inability of the government to stop illegal resource extraction over long periods. As one Linfen mine operator told a journalist from *Liaowang Dongfang Zhoukan* (Outlook Oriental Weekly) the demand for bribes from officials was such a constant that, “I do not fear government officials looking into my affairs. I get worried when they are not looking into my affairs: Because, so long as they are interested in me, I can use my money to square things with them.”<sup>40</sup> Table 3 illustrates how collusion is at the centre of the continuing cycle of coal mine accidents in China. Despite this, central officials continue to place their faith in discredited and woefully ineffective policies using traditional top-down administrative methods of issuing orders and entrusting implementation to regional and local governments. In February 2006, for example, SAWS director Li Yizhong said the effort to reduce coal mine accidents, “certainly has to rely on local governments and government departments, public security organs, procuratorial organs and the people’s courts, as well as disciplinary and supervisory departments, all of which must join forces to enforce the law.”<sup>41</sup>

<sup>38</sup> People's Daily Online (English): Procuratorate blames officials for high rate of coal mine blasts in China.<[http://english.peopledaily.com.cn/200705/22/eng20070522\\_376912.html](http://english.peopledaily.com.cn/200705/22/eng20070522_376912.html)>

<sup>39</sup> Li Yuxiao, “Xiaomeiyao liyi geju toudi” (A look at the profit structure in small mines), *Nanfang Renwu Zhoukan* (Southern People Weekly), Vol. 26, 2005.

<sup>40</sup> Sun Chunlong: “Vice-mayor of Linfen in Shanxi Province humbled, more than 50 coalmine bosses summoned for disciplinary action” (*Liaowang Dongfang Zhoukan*), on sohu.com <<http://news.sohu.com/20080123/n254839797.shtml>>, January 23, 2008.

<sup>41</sup> See SAWS, <[http://www.chinasafety.gov.cn/zuixinyaowen/2006-02/28/content\\_155008.htm](http://www.chinasafety.gov.cn/zuixinyaowen/2006-02/28/content_155008.htm)>.

**Table 3. The web of collusion and the cycle of coal mine accidents**



### **Miners: The One Group Ignored in Coal Mine Safety Policy**

The vast majority of miners in China today are rural migrants from poor areas and laid-off urban workers. They are paid according to how much coal they produce, have no social security or welfare benefits, and often have to buy their own tools and protective equipment. After a gas explosion killed 30 miners at the Pudeng coal mine in Puxian county, Linfen city, Shanxi province, some of the survivors told journalists that it was only after the coal mine safety supervision department began to investigate the accident that the operator distributed respirators to the miners. They said that if they'd had respirators in the first place there would have been fewer fatalities, because many had died of gas asphyxiation.<sup>42</sup>

Before coal mine accidents occur, gas monitoring devices frequently sound an alarm. Even in small mines without safety monitoring equipment, there are often clear signs down in the pit of an impending accident. But when this happens and miners demand to come up to the surface, operators often refuse to suspend production. This callous

<sup>42</sup> "Shanxi Linfen Puxian meikuang: anquan guanli xingtong erxi" (The mockery of safety management procedures at the Pudeng coal mine in Linfen city, Shanxi province), CCTV International, 9 May 2007, <<http://news.cctv.com/special/C17274/01/20070509/102833.shtml>>.

attitude has led to many thousands of deaths in China's coal mines. For example, 80 minutes before a gas explosion killed 50 miners on 19 May 2005 at the Nuan'erhe coal mine near the city of Chengde in Hebei province, dangerously high levels of gas were detected, causing the power supply to switch off automatically. The miners had plenty of time to evacuate but managers refused to suspend production, ordered the power supply turned on and made the workers continue working underground. In the days leading up to a gas explosion that killed 24 miners at the Luweitan coal mine in Linfen, detectors signalled excessively high levels of gas. Safety personnel had urged the management to stop production, and miners had refused to go underground, but the mine boss forced the safety personnel to alter the gas monitor log and threatened the miners with pay cuts or fines if they did not go back down into the pit.

Reckless disregard for miners' lives is also commonplace in state-owned coal mines. For example, the gas explosion that killed 166 miners on 20 November 2004 at the Chenjiashan coal mine, Tongchuan, Shaanxi province, occurred several days after a fire was detected in the pit. Mine operators not only failed to halt production, they threatened any miner who refused to go underground with a fine or dismissal. The Xuangang Coal and Power Company's Jiaojiazhai mine in Shanxi province, where a gas explosion killed 47 miners on 5 November 2006, had a gas monitoring and control system. After the accident, miners reported that the managers had tampered with the gas detectors to raise the level at which the alarm would sound. Prior to the accident, the gas density in the pit had been four percent above the highest level permissible, but the management made no attempt to deal with the hazard, find out what had caused it or evacuate miners.

The government's attempts to restructure the industry in order to improve safety standards have largely ignored the voices and interests of those most concerned with the problem, namely the miners themselves. Miners are simply the objects of the government's production safety education, supervision and reorganization measures. They are denied the opportunity to participate in the process of formulating legislation and policy and are not allowed to play an active role in protecting their own life and safety. Miners' lives are regarded in effect simply as statistics with which to evaluate the success of government policy; the fewer deaths per tonne of coal produced the better. Any attempt by miners to get actively involved in coal mine safety is regarded with suspicion or hostility by mine operators and government officials who tend to see labour organisations as "destabilizing social forces."

Since the beginning of the Industrial Revolution, experience in developed and developing countries has shown time and again that workers and their interests must occupy a central position in any occupational safety system. The current Chinese government has proposed an occupational safety system that is supposed to "put people first," but the State Council's 2004 *Decision on Further Strengthening Production Safety* singularly fails to provide for the participation of workers in monitoring safety. This 5,500 character document contains only one sentence that says anything about workers' participation: "Trade unions and Communist Youth League organizations must embrace production safety, give full play to their respective strengths and develop mass activities to promote production safety." Government officials seem more concerned with meeting targets and quotas than the welfare of miners. As long as the number of mining deaths in a certain region does not exceed the quotas set by the government, local officials not only do not have to worry

about accidents and deaths on their watch but can actually cite the number to boast of their achievements.<sup>43</sup>

It is unlikely that the central government will undergo a fundamental shift in thinking in the near future. However CLB has identified a number of practical measures the government could introduce in order to truly “put people first” and increase workers’ role in coal mine safety management. Firstly, the government could allow and encourage the establishment of frontline safety monitoring committees in all large and medium-sized mines, with similar teams for small mines, and federations of safety management committees in areas in which many small mines are concentrated. These committees should be empowered to order a work stoppage and mine evacuation when serious hazards are detected. Mine operators who obstruct or refuse to accept such action should be liable to criminal sanctions. This would have an immediate impact on reducing China’s coal mine fatality rate.

Secondly, the government should phase out the short-term mine contracting system and replace it with a long- or unlimited-term system that would encourage stable production and a stable workforce. Miners’ wages and benefits should also be increased so that they are encouraged to remain in the industry, building up skills and experience that would enable them to better understand and manage safety issues. A higher minimum wage specifically for the mining industry would be an effective first step in raising wages.

Ultimately, the most effective way to guarantee greater worker involvement in safety management would be to allow the establishment of genuinely representative trade unions in the coal mine industry. Currently, the vast majority of unions are effectively controlled by management and do not represent workers’ interests, while many smaller mines do not have unions at all. CLB believes that mine unions are essential for proper safety standards to be maintained and respected, and for miners to be treated as human beings rather than as tools for profit. An effective trade union, moreover, could provide a counter-weight to the current monopoly of power held by the mine owners and local officials acting in collusion. As such, it is in the central government’s interest to develop grassroots unions and use them as an ally in combating corruption and unsafe work practices in China’s mines.

The conclusion to this report will include a more detailed list of recommendations on measures to improve coal mine safety as well as the system of compensation and disaster management, which is covered in the second section of this report.

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<sup>43</sup> The State Council’s *Decision on Further Strengthening Production Safety* (issued on 9 January 2004) proposed the establishment of a system of production safety targets at the national, provincial and municipal levels to facilitate the quantitative control and evaluation of production safety conditions. Since 2004, provincial, district and city governments have issued annual production safety targets and conducted follow-up safety inspections and evaluations. The system comprises seven types of targets: number of accident deaths at the national, provincial and district levels; number of accident deaths per 100 million yuan of GDP; number of accident deaths per 100,000 persons at the national, provincial and district levels; number of deaths in industrial and mining enterprises; number of deaths in industrial and mining enterprises per 100,000 persons at the national, provincial and district levels; number of deaths in coal mining enterprises; and number of deaths in coal mining enterprises per million tonne of coal produced.

## Part 2: Coal Mine Post-Accident Management

Whenever a mining accident with exceptional loss of life (more than 30 fatalities) occurs in China, the government-controlled media briefly report the cause and the number of victims, but focus more on the stirring rescue efforts and the government's post-accident management strategy. The state run media report the story almost exclusively from the government's perspective, and only occasionally is it possible to determine from these reports whether the families of the victims were satisfied with the government's efforts or the economic compensation they received.

The families of mine accident victims may have been silenced by the official media, but China Labour Bulletin's director Han Dongfang has made a determined effort to give voice to those gagged by the government in the wake of coal mine accidents. Since 2001, Han has conducted more than 200 telephone interviews with the families of accident victims and others close to the event. The audio files of these interviews are all available on CLB's Chinese language website<sup>44</sup> along with selected Chinese language transcripts. Several transcripts have been translated into English and can be seen in the Workers Voices section of our English language website. The interviews reveal how bereaved families saw the government's role in post-accident settlements and also what they themselves really wanted. In this part of the report we analyse these interviews and use them to build up a more accurate and complete picture than appears in the official media, of the post-accident *modus operandi*.

The interviews used in this study reflect the views of bereaved families and other affected parties after accidents and disasters at the following mines: Chengzihe mine, Jixi, Heilongjiang Province (20 June 2002); Mengjiagou mine, in Fushun, Liaoning Province (30 March 2003); Chenjiashan mine, in Tongchuan, Shaanxi Province (28 November 2004); Sunjiawan mine, Fuxin Mining Group in Liaoning (14 February 2005); Xishui mine, in Shuozhou, Shanxi Province (19 March 2005), and Dongfeng mine, in Qitaihe, run by an affiliate of Longmei Mining (Group), Heilongjiang Province (27 November 2005).

### An Analysis of Compensation Payments in Post-Accident Settlements

Prior to December 2004, post-accident compensation at small private mines run on a subcontracting basis were determined "privately" through direct negotiation between victims' families and mine operators, who often cajoled or bullied them into accepting minimal payments.<sup>45</sup> A government official in a coal mining area told the *Workers' Daily* in 2002 that "after fatal accidents, mine operators frequently settle things by making a bereavement payment and reaching private agreements with the families. The sums range from 15,000 yuan to over 20,000 yuan. Some payments go up to 24,800 yuan, because 'two four eight' (in the local dialect) sounds like 'sent to the

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<sup>44</sup> <[www.clb.org.hk/chi](http://www.clb.org.hk/chi)> You will need a real player to listen to these audio files.

<sup>45</sup> Wang Xiaohong, He Yuanfa. "Jiekai 10 tiao renming 'sile' heimu - Luoboyuan meikuang shigu diaocha" (The inside story of a "private settlement" over the loss of ten human lives: an investigation into the Luoboyuan coal mine accident), *Zhongguo Jingji Shibao* (China Economic Times), republished in *Sohu Caijing* (Sohu Finance), 19 July 2004, <<http://business.sohu.com/20040719/n221074103.shtml>>.

next world.”<sup>46</sup> In mid-2004, a deputy director of SAWS confirmed at a press conference that since nearly all those who died in mining accidents were rural migrants, compensation awards for families of victims usually ranged from only 10,000 yuan up to a maximum of 50,000 yuan, depending on local economic conditions.<sup>47</sup> After an accident with exceptional loss of life, mine operators who tried to evade punishment through false reporting would sometimes make higher payments, but to be eligible to receive them, families of victims had to sign an “agreement to settle the matter immediately” and promise “not speak to outsiders about the accident for a certain number of years.”<sup>48</sup>

The families of miners formally employed at major state-owned mines could expect a wider range of benefits following a fatal accident. Compensation was paid according to the provisions of the *Trial Procedures for Industrial Injury Insurance for Enterprise Employees*, promulgated 12 August 1996 by the Ministry of Labour and Social Security. The payment consisted of a funeral subsidy for families of victims, a lump-sum industrial fatality benefit and a bereavement allowance. The families of rural migrants working at state-owned mines usually got a lump-sum compensation payment of around 50,000 yuan. A policy outline issued after the Chenjiashan disaster in November 2004 specified that compensation was divided into two parts: a lump-sum payment for funeral expenses and a lump-sum loss-of-life benefit, together totalling 44,640 yuan.

The situation changed substantially on 30 November 2004 when the Shanxi government promulgated its *Regulations on enforcing responsibility for mine safety to prevent exceptional loss of life in accidents*. This provincial legislation was the first of its kind in the PRC. It stipulated that the operator of a mine that had been the scene of a fatal accident must pay out at least 200,000 yuan in compensation for each worker killed. After their promulgation, these provisions were approved by SAWS and copied by regional governments in other areas. Liaoning, Guizhou, Hebei, Jiangxi, Yunnan and Shaanxi provinces all drafted similar legislation, and 200,000 yuan became the “national benchmark” for compensation payments.

### ***Calculation of the 200,000 yuan benchmark***

Although it has never been explicitly stated by the government, the calculation of the 200,000 yuan compensation standard appears to be based on the State Council’s *Work-Related Injury Insurance Regulations* issued on 27 April 2003. The regulations stipulate: In the case of a fatal accident, the employee’s relatives will be entitled to:

1. A lump sum compensation payment equivalent to between 48 and 60 months’

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<sup>46</sup> Zhang Min. “Yi shengming de mingyi—guanyu anquan shengchan de shuli yu jiantao” (In the name of human life: combing through and reviewing production safety), *Gongren Ribao* (Workers’ Daily), 6 July 2002, 1st edition.

<sup>47</sup> Press conference organized by SAWS, State Council Information Office, [xinhuanet.com](http://www.xinhuanet.com), 19 July 2004, <<http://www.xinhuanet.com>>.

<sup>48</sup> For example, in the gas explosion at Luobuyuan coal mine in Meitian, Yizhang County, Hunan Province, on 6 Jan. 2004, 10 workers were killed. The mine operator and the families of the victims signed a “private agreement,” to cover up the accident. The mine operator paid a large sum in compensation and the agreement stipulated that if the families of the victim did not leak information about the accident within a period of two or three years, they would receive further compensation, and child benefits would be paid by the mine operator to the age of 16. Wang Xiaohong, He Yuanfa. “Jiekai 10 tiao renming ‘sile’ heimu - Luoboyuan meikuang shigu diaocha” (The inside story of a “private settlement” over the loss of ten human lives: an investigation into the Luoboyuan coal mine accident), *Zhongguo Jingji Shibao* (China Economic Times), republished in *Sohu Caijing* (Sohu Finance), 19 July 2004, <<http://business.sohu.com/20040719/n221074103.shtml>>.

average salary in the region in which the fatality occurred.

2. A lump sum funeral subsidy equivalent to six months' average salary in the region;
3. A monthly pension for relatives who have no ability to work or who were dependent on the employee who died. However, the total sum of the pensions shall not exceed the wage of the deceased worker.

During an interview with the widow of a victim of the Dongfeng accident, Han Dongfang recorded details of the compensation agreement they had signed with the mine operators. It stipulated that the total value of compensation for the family should be set at 205,356.56 yuan, consisting of three elements: a funeral subsidy of 5,139 yuan (856.5 yuan x six months), a lump-sum industrial fatality benefit of 41,112 yuan (856.5 yuan x 48 months), and a bereavement consideration of 159,105.56 yuan. However, there is one key difference between the 200,000 yuan compensation award for the families of coal mine accident victims and provisions the *Work-Related Injury Insurance Regulations* namely that the 200,000 yuan compensation was paid in a lump-sum and there was no monthly pension for victims' relatives who could not work.

According to SAWS, the purpose of the 200,000 yuan compensation standard is to: "Sanction mine operators and increase the cost of illegal production." SAWS Director Li Yizhong claimed the amount was sufficient to make operators realize their profits would be better invested in mine safety rather than in post-accident compensation payments.<sup>49</sup> To an extent, this is wishful thinking. When a small coal mine in Shanxi producing 30,000 tonnes a year can make an annual net profit of three to six million yuan, a 200,000 yuan outlay is not much of a deterrent.

For the victims' families, 200,000 yuan certainly is a significant improvement on the paltry awards handed out previously. It provides some measure of psychological comfort to families of victims and gives them a ray of hope as they face life without their breadwinner. However, although government regulations stipulate that 200,000 yuan is a minimum compensation payment,<sup>50</sup> in practice it has become the all-purpose "single standard" and is no longer a minimum in any meaningful way. During the post-accident settlement process, local governments impose this single standard on all affected households, without considering their actual economic circumstances. Nor does it take account the special needs of individual bereaved families, the level of economic development in the area where the accident occurred, or living standards.

### ***The actual needs of families of accident victims***

In his interviews with families of victims of the Sunjiawan and Dongfeng mine disasters, Han Dongfang learned that post-accident management officials had told affected households the government would still apply the 200,000 yuan compensation standard even if they did not qualify for the full sum under the designated calculation methods. Such generosity, which seemed justified by the need to appease public reaction, actually masked the fact that some of the stricken families needed still

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<sup>49</sup> "Meiren 44640 yuan, Shaanxi Tongchuan kuangnan peichang biaozhun chubu queding" (Compensation for victims of the mine disaster in Tongchuan in Shanxi Province initially set at 44,640 yuan per person), from NetEase.com, 2 Dec. 2004, <<http://news.163.com/41202/1/16IETNQB0001124T.html>>.

<sup>50</sup> Li Yizhong. "Tigao kuangnan peichang biaozhun keyi cong yuantoushang ezhi shigu fasheng" (Raising the compensation standard for mine accidents can curb their occurrence at source), china.com.cn, 5 April 2005, <<http://www.china.org.cn/chinese/kuaixun/829791.htm>>.

greater assistance. After the Sunjiawan mining accident, the uncle of a victim explained that after paying out compensation based on the single standard, the mine operators refused to listen to the family's entreaties:

After the accident, we made a lot of requests, but the mine operators never responded. He had a small child, with some illness, and that meant we kept rushing off to [the provincial capital] Shenyang to see a specialist. The child is 12 years old now and this illness requires lifelong medication. Monthly medical costs are over 300 yuan and we have to add to that the monthly cost of checkups in Shenyang. We asked the mine operators to sort this out for us, just this little problem, but they refused. The mine Party committee secretary told us personally that the mine had no obligation to pay these expenses.

Regardless of whether a mine is a large, state-owned complex or a small private colliery working on a subcontracting basis, the vast majority of the men at the coal face will be rural workers. Most will have come from poor areas, forced to travel great distances to find work. Some will be local farmers, whose land has been made uncultivable by nearby mining activities. According to China's National Bureau of Statistics, rural per capita income in 2005 averaged as little as 683 yuan, placing farmers among the poorest groups of the population.<sup>51</sup> By these standards, a compensation payment of 200,000 yuan is indeed a fortune. However, we must bear in mind that victims of mining accidents are usually the sole breadwinners of their families. They have to support elderly parents as well as children who might still be studying,<sup>52</sup> and spouses lacking paid employment. The ostensibly "high" level of 200,000 yuan is in fact an all-inclusive payment that is supposed to take account of the fact that healthy workers in the prime of life could have supported their families for many years; in other words, had the accident that claimed a miner's life not occurred, he would have continued to provide for his family, and enabled them to gradually improve their living standards. At the time of an accident, a lifetime's potential earnings are wiped out, leaving the victim's family facing poverty for years or decades to come. Children may be forced to drop out of school, further deepening the family's deprivation. The widow of one of the victims of the Dengfeng accident told Han about the problems she faced:

WIDOW: My husband was killed in the accident. I'm just an ordinary housewife; I don't understand things like compensation. I have stopped crying about it, but I'll never forget that I have lost my man in this accident. My husband was 55 years old, and he had recently retired. He went back to work underground for a spell because his retirement money didn't cover daily expenses, as it was hard making ends meet and our son is at university; he thought he would make a little bit more housekeeping money, and that is how my husband came to die underground ... I am a housewife, I don't understand legal matters, but I feel that the sum the state has paid me in compensation is a little unfair. The mine operators gave me 210,000 yuan. If my husband had not retired, and had been a regular mine employee, I would not have needed to complain like this. But the fact is, he did retire and now I do not have a cent of income, I don't have

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<sup>51</sup> NBS website <[http://www.stats.gov.cn/tjgb/ndtjgb/qgndtjgb/t20060227\\_402307796.htm](http://www.stats.gov.cn/tjgb/ndtjgb/qgndtjgb/t20060227_402307796.htm)>

<sup>52</sup> *Small Hands*, CLB's research report on child labour showed that poor rural families often have to pay up to 5,000 yuan in fees just to put one child through three years of middle school.



anything to live on.<sup>53</sup>

HAN: Have you worked before?

WIDOW: I have never worked. I am an ordinary housewife. My daughter is 22 years old and has not graduated from her university yet. I am depending on this compensation to get her through college! What I mean is, I do not have any other demands, but because it is hard to make ends meet -- my husband had retired ... If I could get 100 yuan a month in living expenses, I could get by.

HAN: When you raise this, what does the mine management say?

WIDOW: They never accept it.

### ***The future faced by bereaved households***

Faced with an uncertain future with no breadwinner, most families of mine accident victims dare not spend their compensation award on daily expenses; they feel compelled to use the money as a kind of reserve fund for their children's education and unforeseen future expenses such as medical bills. This has led to families living in dire poverty, afraid to touch their windfall or ask the mine owner for more. A year after the Chenjiashan disaster, journalists from the official *Xinhua* news agency interviewed several bereaved families who described their living conditions and the fears they had for the future. At the time of the accident, the 200,000 yuan compensation benchmark had not come into force, and the total of the funeral expenses and lump-sum industrial fatality benefit was 44,640 yuan per affected family, although some families received additional payments. Following are three extracts from the *Xinhua* report:

Not only rural migrants suffer. Often when a professional mineworker is killed in an accident, his family has to worry about making ends meet too. The widow of a miner called Zhang said his two daughters were not eligible for the monthly bereavement allowance because they were over 18, and so both had left home to work. She herself has no work, and can only sit at home and struggle to get by. The family of a mining accident victim called Cheng has a 21-year-old son at university, and their daughter has no work after leaving school and stays at home. The family is completely dependent on the bereavement allowance of about 500 yuan paid by the mine operators for the younger daughter. They do not know how long the support will last. Like Song Yanxia, many families of mining accident victims use compensation payments as reserve funds for household expenses and their children's future, and do not dare to spend a cent of it. Many worry about making ends meet in the near term.

Song Yanxia lost her husband of six years and is raising a three-year-old child single-handedly: "The mine operators gave me more than 130,000 yuan in compensation, but I set aside the money for my child's future education, and I do not dare touch a cent of it. Now, the two of us have to get by from day to day on a monthly 280 yuan bereavement allowance given by the mine operator for the child, as I cannot cultivate our nine mu plot of land."

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53 After the accident, the mine operators paid compensation to the kin of the deceased, but at the same time terminated related pension benefits.

Yang Fengjuan, who lost her husband in the accident, is 40 years old, and has to look after her aged mother of over 70 and two children. Despite her physical weakness, she must also cultivate nearly an acre of land. “You are grieving over the loss of your nearest and dearest, and at the same time, you have to worry about how you are going to budget for the future. At the moment not one member of the family is capable of physical labour,” she said. The neighbours hope she can remarry, to ease her burden.<sup>54</sup>

Most victims of mining accidents are aged between 20 and 40. If they had continued to work until retirement, they could have earned at least 200,000 yuan, based on typical earnings of around 1,000-2,000 yuan per month. Once that income is snatched away, as the above report noted, often the only real option for some young widows of mine accident victims is to remarry. During an interview with Han Dongfang, the daughter of a mineworker killed in the Xishui mine disaster described her current conditions and outlined her thoughts on the household’s future:

DAUGHTER: My dad had been working at this mine for about three weeks ... and then this happened. He said we can make a lot of money there, and afterwards he would have enough to pay for our college bills. You know how hard a living it is, and keeping the two of us at college is very expensive.

HAN: Where is your college?

DAUGHTER. I’m doing teacher training in Shuozhou.

HAN: After the accident, how did your family cope financially?

DAUGHTER: I don’t know. At the moment I’m the only one with work. My younger brother is still at university, my grandparents are both very old, and I must also look after my severely ill mother. I have no idea how I will cope.

HAN: Where is your younger brother studying? And how much are the tuition fees there?

DAUGHTER: He is in Kunming. It costs about 12,000 yuan [per year] altogether, when you add in living expenses. At my college, I have the lowest monthly living expenses; over in Kunming, my brother works in the college canteen while he studies, and gets his food free.

HAN: What are you going to do about tuition fees in future?

DAUGHTER: I don’t know. I never dare to think about these things. I may not be able to go to school this year. I may have to suspend my studies. I still have to look after my mother, because her illness has got really bad. In this situation, it is hard for anybody to think of a way out. I have to take responsibility for my younger brother because my father is no longer around, and I am the person he counts on most. I cannot allow him to drop out of college.

Thus far we have only considered the material costs for a family losing its main breadwinner. But when a mineworker loses his life, his children lose their father, his wife loses her husband, and his parents lose a son. A fixed payment of 200,000 yuan

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<sup>54</sup> Shi Zhiyong, He Dawei. “*Chenjiashan kuangnan jia shu baituo yinying, xinling shangkou zai yuhe*” (Families of victims of the Chenjiashan accident come out of the shadows, their psychological wounds healing)” *xinhuanet.com* (Shaanxi), 19 Feb. 2006, <[http://news.xinhuanet.com/focus/2006-02/19/content\\_4192131.htm](http://news.xinhuanet.com/focus/2006-02/19/content_4192131.htm)>.

cannot assuage the deep psychological wounds suffered by surviving family members. Here, the widow of a mineworker who died in the Dongfeng mining accident describes the extreme grief she felt after her husband's death:

WIDOW: He went to work that day in high spirits. He said to our little grandson, 'Daddy will bring you bread.' At just past nine o'clock, there was a huge explosion, we were very close to the mine and all the windows in the house shook! I could not calm down. How could anybody calm down? It was terrible. My husband was such a good man, and I will never forget him as long as I live. He was always cheerful. His face lit up to see the grandchildren; he always said he would work himself to death to give our girl a college education. My daughter has not graduated yet. Then, in an instant, he's gone. You don't see anything. It's awful. One family lost two sons. It was New Year's, I cried all day like a fool. My spirit was broken, and now my spirits ... I feel like leaving (this world). I cannot contain these feelings.

HAN: The home you mentioned that lost its two sons, was that nearby?

WIDOW: They all moved, because their children are very small. They could not go on living there. They moved to a relative's place, the parents went there, they left this place. So I am the only one left here. I am over 50, and, for the moment, I cannot leave this place. Where would I go if I did leave? Every day I cry, every day I go over it in my mind, how is it that this fine man is suddenly not there any more? I just cannot get over it. He was so happy to go to work, he went off so cheerfully, and I will never see him again.

In this analysis of the 200,000 yuan standard, it is also worth noting that a single standard is very advantageous for state-owned mines. Previously, after an accident at a state-owned mine, in addition to having to pay compensation to families of victims, the operators were also obliged to arrange work for their sons and daughters and provide a wide range of benefits to support the household.<sup>55</sup> After the raising of the compensation standard, these extra requirements all fell away. In all the compensation agreements signed by families of victims and mine operators now, there is a clause stipulating that after the payment by the mine operator, both sides agree they have concluded the compensation process and the surviving family must not make any further requests of any nature in relation to the accident. This rigid caveat severs all ties between the mine operator and the bereaved families. It is designed to buy the bereaved family's compliance and, in some cases, silence.

The 200,000 yuan standard has raised the level of accident compensation in monetary terms. It now effectively has legal standing. However, the primary goal of the central

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55 For example, 80 workers died in the fire that broke out 8 May 1990 at Xiaohengshan mine, Jixi, Heilongjiang Province. After the accident, the mine operator not only paid compensation, but also provided new living quarters for widows of nearly all victims, and made arrangements for them and their children to get work. Wang Meng, "Xiaohengshan guafulou de bianqian" (The story of the widows' quarters built at Xiaohengshan), *Shenghuo Bao* (living daily), online service of *Heilongjiang Ribao Baoye Jituan* (Heilongjiang Daily Press Group), 20 Dec. 2004, <[http://www.hljdaily.com.cn/gb/content/2004-12/20/content\\_248912.htm](http://www.hljdaily.com.cn/gb/content/2004-12/20/content_248912.htm)>.

In 1995, when a mineworker was killed in an accident at state-owned Anyuan mine, Hunan Province, his widow received 11,000 yuan from the mine operator in compensation, and the mine operator arranged for her and her children's rural household registration to be transferred to an urban registration; the mine operator also took on the widow as a formal employee and paid 180 yuan in bereavement money a month in respect of her son. Yu Jianrong, "Zhongguo gongren jieji zhuangkuang—Anyuan meikuang shilu" (Conditions of the working-class in China: a memoir of Anyuan coal mine), Mirror Books (Hong Kong), p.158, 2006.

government in promoting this standard was not so much to help bereaved families but rather to increase the costs to mine operators of illegal mining. In the mass application of this single financial benchmark, the specific needs of individual bereaved families have been ignored. Differences in the levels of economic development and living standards, and the present and future circumstances faced by individual families of the victims, no longer get the consideration they deserve. This single standard was intended to be the minimum threshold payment but in just a few years it has already become the maximum payment for nearly all post-accident settlements. Despite the “major increase” in compensation levels trumpeted by the media, the basic household expenses of bereaved families after accidents often cannot be covered. Even Li Yizhong has conceded that the [new] compensation standard “is certainly low.”<sup>56</sup>

Moreover, the compensation standard only takes account of the material losses of bereaved households, not the psychological harm they suffer after a mining accident. Yet families of workers killed in accidents have an unequivocal right to demand compensation for psychological injury. According to Article 2 of the Supreme People’s Court’s, *Interpretation of Some Issues concerning the Application of the Law for the Trial of Cases on Compensation for Personal Injury*, the injured party is entitled to sue the injuring party for psychological damages. The People’s Courts are bound to accept such cases. However, as shown above, when bereaved families accept the 200,000 yuan standard sum, or even less in some cases, they also sign away their rights to additionally pursue compensation for psychological injury in the courts.

Finally, it should be noted that although 200,000 yuan has become the single standard for compensation for mining accidents throughout China, the ability of a family of mineworkers killed in an accident to get this sum in practice still depends on the willingness and ability of local governments and the mine operators to pay. After a fire at an illegal mine in Guizhou killed 15 miners on 2 May 2006, the families of victims received just 5,000 yuan and about 250 kilogrammes of foodstuffs in compensation. Local officials argued that since it was an illegal mine, the government had no obligation to pay compensation. The local government also claimed that because it was in one of the poorest counties in China, it would have difficulty paying the 200,000 yuan standard compensation.<sup>57</sup>

### **An Analysis of the Government’s Post-Accident Management Policy**

The central government’s post-2003 overhaul of mine safety management was designed in part to strengthen the protection of the rights of accident victims’ families, and to curb violations of those rights by mine operators. To this end the government has become more directly and more intensively involved in the post-accident settlement. However, Han Dongfang’s interviews show the government’s role has led to an incremental erosion of victims’ families’ rights, disaster by disaster.

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<sup>56</sup> Lu Chun. “Li Yizhong: Kuanggong siwang peichang biao zhun shewei meiren 200,000 yuan piandi” (The minimum compensation standard of 200,000 yuan per person for victims of mine accidents is somewhat low), online *Beijing Qingnian Bao* (Beijing Youth Daily), from china.com.cn, 9 March 2006 <<http://www.china.org.cn/chinese/news/1148503.htm>>.

<sup>57</sup> Tian Lin, Dong Wei. “5000 yuan + 500 jin liangshi = yige kuanggong de shengming?—Dui guizhou 5.2 teda meikuang wasi baozha shigu de zhui fang” (5,000 yuan plus 5,000 catties of food equals a mineworker’s life? Revisiting the major gas explosion at a mine in Huajie, Guizhou), *Zhongguo Qingnian Bao* (China Youth Daily) online, 6 June 2006, <[http://zqb.cyol.com/content/2006-06/06/content\\_1407486.htm](http://zqb.cyol.com/content/2006-06/06/content_1407486.htm)>.

It is possible to divide civil rights into basic rights and secondary rights, such as the right to redress or relief (*jiujiquan*). Basic rights include the rights of material and intellectual property ownership, the right to debt repayment, personal safety and inheritance. The right to redress refers to the rights to restitution after violation of basic rights or to compensation for loss. After a mining accident, the families of accident victims clearly should have the right to redress. They should have the right to know the cause of the violation of their basic rights and the extent of such violation, and the right to petition relevant authorities. In other words, those affected should have the right to personally make requests regarding future compensation and to conduct negotiations on such issues. The settlement after a mining accident should be a process of realizing the victims' families' rights to redress.

When government institutions become involved in the post-accident settlement process, they should take on the role of relief provision. This could be a direct role, with government bodies themselves providing relief, or they could play a supporting role, as mediator between the families and mine operators.<sup>58</sup> By taking on these roles, the authorities can spare families of accident victims the high cost of going through protracted legal proceedings to get compensation. In practice the government has assumed both direct and supporting roles in post-accident settlements. However, it has consistently placed more emphasis on preventing the disaster from developing into a "social crisis" than supporting and realizing the rights of the bereaved. When an accident occurs, the authorities regard both the shock to the local social order and the possibility that families of victims will, after a certain period, try to get more compensation, as "factors affecting social stability." Local officials perceive, rightly in most cases, a potential threat to their vested interest. As such, a serious mining accident can become a kind of albatross hanging around the necks of local authorities and officials. Finally, the government faces financial costs when it gets enmeshed in a settlement after an accident, including compensation to bereaved households and costs arising from the logistics of the settlement process, sending in officials to comfort bereaved households and negotiate settlements, and so forth. Some private mine operators vanish from the scene after an accident, leaving the government to take responsibility for compensation. This situation was pithily described by SAWS Director Li Yizhong: "The mine operator gets rich, the miner gets killed, and the government gets the bill."<sup>59</sup> When a mining accident is primarily regarded as a "social crisis" the government is forced into measures to eliminate negative fallout. Therefore, minimizing the costs of involvement, wrapping up the settlement as quickly as possible and quelling negative fallout have become priorities when local governments engage in post-accident management. Local officials often pressure bereaved families suffering acute economic and psychological distress into signing a compensation agreement as quickly as possible.

### ***Pressuring bereaved families into signing compensation agreements***

After a mining disaster, the three parties involved all have very different interests. To the mine operators, in all too many cases, deceased workers are like pieces of broken

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<sup>58</sup> Cheng Liaoyuan, Wang Renbo. "*Quanli ji qi jiuji*" (Rights and relief rights); *Shandong Renmin Chubanshe* (Shandong People's Publishing House), 364, 1998.

<sup>59</sup> Chen Zhonghua. "*Li Yizhong nuchi shanxi zuoyun kuangnan kuangzhu caoguan*" (Li Yizhong angrily rebukes the operators of Zuoyun mine, Shanxi Province, for disregarding human life), *Shanxi Shangbao* (Shanxi commercial gazette), from People's Daily Online, 23 May 2006, <<http://kfq.people.com.cn/GB/55140/64589/64591/4412619.html>>.

and discarded equipment with no value. For the local government, the families of the victims could appear as a potential threat to social stability. While for the bereaved families, even as they endure the extreme grief of the moment, the focus must be on the future and on how to live without their former income.

Government officials, apparently fearful that bereaved families will be tempted to use the body of their deceased loved one as a “bargaining chip” in negotiations with the mine, attempt to force families to complete funeral arrangements as soon as possible. In both state-run and private mines, in both direct and indirect settlements, this has now become the standard approach to post-accident management in China. The official *Xinhua* news agency reported that a week after the Sunjiawan disaster: “The post-accident settlement and compensation processes have made significant progress, with the identities of 210 victims already confirmed and 119 bodies disposed of. Compensation agreements with the mine operators have been signed by the families of 179 victims and payments have been made to families of 49 victims.”<sup>60</sup> In an interview with the uncle of one victim, Han Dongfang learned the real reason why “the post-accident settlement and compensation processes had made significant progress.”

HAN: Is your family satisfied with the compensation you have received up to now?

UNCLE: No, we certainly are not satisfied with the compensation. What’s done is done. We all have to be reasonable about things now — that’s right, isn’t it? But the breadwinner has gone, and now the family consists of the very old and the very young. He was to have taken care of the old ones, seen them through. And now he is gone, and there are two old ones to feed, as well as his wife and daughter. How do you deal with a situation like this?

HAN: Today I saw a *Xinhua* article saying the families of 179 victims had already signed compensation agreements and 49 families have already received payments.

UNCLE: Listen, this agreement comes with demands. I mean they said if you do not sign this agreement by 23 February [nine days after the accident], the body will not be cremated, and the government will not give you the 120,000 yuan that comes from the social support fund.<sup>61</sup>

HAN: So your family signed too?

UNCLE: Yes, we signed. There was no option. It was all dealt with by the Party secretary of the mine, who came here personally.

HAN: Have you got a formal notification?

UNCLE: No, they told us verbally, but we made a record.

## Government officials involved in the Dongfeng (Qitaihe) post-accident settlement

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<sup>60</sup> Shi Qingwei. “Sunjiawan kuangnan huojiu renshu zeng zhi 30 ren, ba cheng Sunjiawan kuangnan yunan kuanggong jiashu yu kuangfang qianding peichang xieyi” (Number of rescued from Sunjiawan mine accident increases to 30, and the mine operator signs compensation agreements with some 80 per cent of bereaved families), *xinhuanet.com* (Liaoning), 21 Feb. 2005, <[http://www.ln.xinhuanet.com/2005-02/20/content\\_3745101.htm](http://www.ln.xinhuanet.com/2005-02/20/content_3745101.htm)>.

<sup>61</sup> According to this interviewee, 120,000 yuan of the 200,000 yuan paid by the mine operator in compensation came from a charitable fund to which a wide range of people contributed.

used a policy of incentives to hasten the process. On 29 November 2005, *Xinhua* reported that the team in charge of arranging the settlement had encouraged bereaved families to hold funerals quickly. The incentive was an allowance of 10,000 yuan if the bereaved family held the funeral on the day of confirmation of the victim's identity, dropping to 7,000 yuan if the funeral was on the following day and 5,000 yuan if it was on the third day. This report also revealed that, at the time, the bodies of 88 victims still had not been recovered from underground. The fate of another 11 mineworkers remained unknown.<sup>62</sup> The report sparked a storm of public criticism, with commentators pointing out that because customs regarding the number of days a body should be kept before the funeral differ from region to region in China, the views of the bereaved on the timing of the funeral should always be respected.<sup>63</sup>

In interviews with Han Dongfang, bereaved relatives of victims of the Dongfeng disaster described how local officials went about this deplorable policy of reducing the amount of compensation each day the families delayed signing. They said government officials refused to listen to their demands and pushed them to accept the funeral incentives. The widow of one mineworker described her experience:

HAN: Did you sign any agreement on the compensation in the beginning?

WIDOW: Yes, we signed it.

HAN. What did the agreement say?

WIDOW: I don't know what the agreement said. Anyway, it is government policy. It said 200,000 yuan and that we should get an extra 10,000 yuan.

HAN: Why did you get an additional 10,000 yuan?

WIDOW: Because they want you to sign quickly. If they try to talk you round, and you don't sign, they knock off 3,000 yuan. Then they try again, and if you refuse to sign again, they knock off another 3,000 yuan. If you sign the first time they talk to you, they give you 10,000 yuan. It certainly gave us food for thought — if you sign quickly, you are 10,000 yuan better off. So signing quickly was a way of getting 10,000 yuan.

HAN: Had you talked to anyone in the mining company? Did you have any negotiation on the payment, before signing the agreement?

WIDOW: No, we hadn't.

HAN. Had you yourself raised any demands?

WIDOW: Nobody pays any attention to our wishes! I'll tell you what we wanted. I have two daughters at home, and I am not in good health. I thought the mine operators could perhaps arrange a job for one of the daughters, but they said that's not possible. We said the girls are both in a very difficult position. Could

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<sup>62</sup> Yu Lan. "Qitaihe kuangnan: 50 juyiti chujing, bianren dangtian chubin butie wan yuan" (50 bodies recovered from Qitaihe mine disaster, with 10,000 yuan benefit to be paid out after identification and same-day disposal), *xinhuanet.com*, 29 Nov. 2005, <[http://news.xinhuanet.com/politics/2005-11/29/content\\_3852205.htm](http://news.xinhuanet.com/politics/2005-11/29/content_3852205.htm)>.

<sup>63</sup> Hu Yuanjiang: "Yunan kuanggong xian chubin weihe yao jiangli" (Why is it necessary to reward the bereaved for disposing of their dead quickly?), *Xiandai Kuaibao* (Modern Express) online edition, 30 Nov. 2005, from *southcn.com* <<http://www.southcn.com/opinion/soc/200511300308.htm>>.

Kang Jing. "Rang yunan kuanggong you zunyandi chubin" (After mining accidents, let the bereaved dispose of their dead with dignity) *Zhongguo Qingnian Bao* (China Youth Daily) online, Dec. 1 2005, <[#">http://zqb.cyol.com/content/2005-12/01/content\\_1211343.htm](http://zqb.cyol.com/content/2005-12/01/content_1211343.htm)>#.

they not give them a basic living allowance? Again, they said that's not possible. We were told there is no such requirement by law. It was just, 'you must sign this, so get on with it and we'll give you an extra 10,000 yuan. If you don't sign, then we will knock off 3,000 yuan, and if there is no agreement next time, we will knock off another 3,000 yuan.' When we heard this, we signed quickly, just as they wanted, and got the money.

The widow of another victim also felt she had to cremate her husband's body's as soon as possible to get the extra 10,000 yuan, even though she was extremely reluctant to do so:

WIDOW: They told me that if they could find and recover my husband's body, and I agreed to cremate him, they would give me 210,000 yuan.

HAN: So that extra 10,000 yuan was a way of persuading you to cremate him as soon as possible? Did you get the full 210,000 yuan?

WIDOW: Yes, I did.

HAN: After the body was brought to the surface, did you agree to cremation immediately?

WIDOW: Yes. I had no option but to agree! He was my husband! Do you imagine I wanted to get rid of the body as fast as possible? I'd have preferred to wait a few days. But if we had delayed it by a day, it would have cost us a day's payment.

To wrap up post-accident settlements as quickly as possible, government officials are willing to provide one-stop services that help the bereaved get through the red tape. During the settlement procedures after the Chenjiashan mine accident, mine operators cleared out an office inside their premises and made it available as a waiting room for local administrative and legal officials (public notaries), banking officials and other functionaries, to enable a one-stop settlement service for the bereaved families. Once a family reached an agreement on compensation with the mine operators, they could deal with the paperwork for the compensation at one location. To this end, the banks had provided three payment options: cash, cheque and transfer to deposit account.<sup>64</sup>

### ***The deprivation of negotiating rights***

When 200,000 yuan became the benchmark for compensation throughout China, some families of mining accident victims were satisfied simply because the new level was significantly higher than the earlier norm of several tens of thousands of yuan. The son of one of the Dongfeng victims told Han Dongfang:

SON: Everybody got the same, 210,000 yuan.

HAN: When you were discussing compensation levels, did you have access to legal services? I mean, what legal rights did you have? What points did you

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<sup>64</sup> Kang Zheng. "Zhangfu yunan, miandui laifang qizi liulei cheng yao jianqiang di huo bu qu" (Grief-stricken after the death of her husband, the widow tells interviewers that she will survive) *Hua Shang Bao* (China commercial gazette) online (www.huash.com, on NetEase.com), 5 Dec. 2004, <<http://news.163.com/41205/6/16RQOOQ40001122B.html>>.



have to be careful over?

SON: There was nothing like that.

HAN: Did they explain to you the basis of the calculations used to set the compensation level?

SON: They took out a document and showed it to me. After seeing it, I signed, because they said everybody would get 200,000 yuan regardless.

HAN: In terms of your family's situation, do you think this compensation level is reasonable? Are you satisfied?

SON: It's OK, because we have had this before in this area, people dying in mining accidents. Compensation was 70,000-80,000 yuan those times.

Post-accident management teams very often tell bereaved families that the seemingly high level of compensation reflects the concern and sympathy of the mine operators and the local government. They suggest that if it was assessed on a strictly legal or regulatory basis, it would have been much lower. Such negotiating tactics are highly effective with grief-stricken families. In dire need of comforting, they are persuaded by such blandishments to accept the standard payment at a time when they are least able to calculate their future living expenses. As the widow of another Dongfeng victim said:

WIDOW: We were very confused; we knew nothing, whatever they said we just went along with.

HAN: You didn't make any attempt to get more compensation yourselves?

Widow: No. At that time, we knew nothing; we just did what we were told. We were in a muddle the whole time. They called me into another room to sign the agreement.

HAN: Was your son there at the time?

WIDOW: No. When he came back, he said, 'Mother, I wouldn't have let you sign, what made you sign?' I said, I don't know. All I really wanted to do was cry, my husband is gone, and he will not come back.

HAN: So they tried to get you to sign just when you were most distraught?

WIDOW: Yes, they came and said, 'Sign! Sign!' I said I would not sign, I do not know how to sign. My head hurt with crying, I was in a daze. Just then my son came in to see what was happening. He said, 'Mother, I wouldn't have let you sign, what made you sign?' I said I don't know, they asked me to, so I signed my name.

Post-accident settlements are usually negotiated by government officials and the mine operators. The victims' families are usually not consulted, but are presented with the agreement as a *fait accompli*. The younger brother of a mineworker who died in the Mengjiagou disaster told Han Dongfang that the Dasiping municipal government compiled an "opinion" with the mine operators on the accident settlement without consulting the bereaved:

BROTHER: They did not come to talk with us, they did not come to ask us about anything. The township government and the mine operators simply compiled this “opinion on the settlement after a fatal accident.”

HAN: What was in this “opinion?”

BROTHER: One plan was an all-inclusive settlement, a lump-sum payment of 45,000 yuan per bereaved family, consisting of a bereavement allowance, support benefit and a funeral expense allowance. It also proposed a lump-sum transportation payment for close family members who had to travel to the funeral, payable on presentation of return tickets, though this did not cover taxi and air fares. All funeral arrangement expenses were to be covered by the bereaved family. In addition, all the bereaved entitled to child-raising benefits were to get 3,000 yuan per person.

HAN: A lump-sum payment?

BROTHER: They are always lump-sum payments. No terms were discussed about child support or after they go to college — there were never any terms like that.

The widow of another Dongfeng victim said she had made a few requests before signing the “compensation agreement,” but the team handling the post-accident settlement merely gave her the text of an agreement that had already been completed.

HAN: You didn’t complain at the beginning that the payment was not enough, or ask for a higher level of compensation?

WIDOW: With them, you cannot appeal to the people at the top. I was told that, based on my husband’s wage, the best I could hope for was 130,000 yuan, but even if I was not entitled to 200,000 yuan, they would give me that sum.

HAN: They implied that you were trying to take advantage of the situation?

WIDOW: Yes, that was the kind of talk they used to pressure us. There was basically nothing we could say, as we had already signed. You have to sign anyway, so what is one supposed to do?

HAN: When you signed this agreement in the first place, did you do so willingly or unwillingly?

WIDOW: Willing or unwilling, satisfied or not, it still has to be signed.

HAN: The terms of the compensation should be decided after consultation between the mine operators and families of victims. Did you sign only after accepting the agreement? Or did they just present you with it and get you to sign?

WIDOW: It was basically complete. There was some room for discussion but you have to know, I never had much schooling, I can only think things over slowly.

HAN: In the agreement, was there anything about it being the result of fair consultation between both parties?

WIDOW: Yes, there was.

HAN: So was there consultation?

WIDOW: What was there to consult about! At the time I was confused, and I was also on an intravenous drip at the hospital. All families of victims suffer, you know. I couldn't do anything either. Afterwards I didn't have anything to live on, so I had to depend on the 200,000 yuan to get by.

### *Isolating bereaved families*

A mining disaster can potentially transform a handful, a dozen, a few dozen or even a hundred or more families into a strong-willed group pursuing joint interests and objectives. This is a situation the authorities are particularly anxious to avoid. When government officials take part in the post-accident management process, bereaved households are divided up into individual units. For each household, a work team is assigned to handle the tasks of comforting and getting compensation agreements signed as soon as possible. This approach pre-empts the possibility of bereaved families coming together to form a collective pressure group.

Following the Sunjiawan disaster, the local authorities and mine operators adopted what they called a "household pacification" (*baohu anfu*) approach, in which 444 officials (about three per victim) were dispatched to the homes of the victims families. The Party municipal committee and the local town government also convened an emergency meeting at which they decided to have top Party officials of the town make personal visits to the bereaved and ordered 126 county-level officials and 502 other officials to form 11 units operating in six districts. According to a report by *Xinhua*, the object of this "household pacification" was to "get right into the homes of families of the victims to carry out ideological work, help them resolve practical difficulties and ensure that they truly felt the Party and government's concern."<sup>65</sup> Another report said the local authorities had mobilized around 1,400 officials from Party and government organizations to enter more than 170 households.<sup>66</sup>

A retired worker from the mine described how the government's show of force was designed to intimidate the families and warn them off collective action:

RETIRED MINER: There are 10 households per group now. Each batch of 10 households is visited by groups of specialists, including policemen and sometimes a good few union officials. All come from outside; now they have over a thousand people involved in this business of visiting the families.

HAN: The work teams all include policeman and union officials?

RETIRED MINER: Yes. Frankly, all those people are there to intimidate the families so they don't get together. If all those people came together, wailing in their grief, how would you control them? Now the mine operators ... haven't you seen the news? Over 1,000 armed police, all on guard, people cannot go in now. They always take you away and with some people you don't know where. Now it takes half the day to sort things out. Or the bereaved family has to sign

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<sup>65</sup> Feng Lei. "Sunjiawan kuangnan shanhou chuli qingkuang" (Status of settlement process after the accident at Sunjiawan mine), xinhuanet.com, 17 Feb. 2005 (Liaoning) <[http://www.ln.xinhuanet.com/zjtn/2005-02/17/content\\_3727595.htm](http://www.ln.xinhuanet.com/zjtn/2005-02/17/content_3727595.htm)>.

<sup>66</sup> Shi Qingwei. "Fuxin shi lingdao ganbu daitou wei yunan kuanggong jiashu juankuan" (Leading cadres of Fuxin city take the lead in making donations to families of the victims), xinhuanet.com, 16 Feb. 2005, <[http://www.ln.xinhuanet.com/2005-02/16/content\\_3730589.htm](http://www.ln.xinhuanet.com/2005-02/16/content_3730589.htm)>.

something, to prove their identity.

The brother of a Chenjiashan accident victim explained that because the bereaved families came from different regions of China, this divisive strategy was particularly effective.

HAN: Have you thought of linking up with other bereaved families, drafting a joint proposal for compensation?

BROTHER: I tell you, we cannot even get in touch with each other. The people who work at this mine come from all corners of the country. So we do not know anybody at the mine. It is not possible for us to link up and organize ourselves.

### *Controlling the media*

After mine accidents, local authorities strictly monitor and manage media coverage in order to prevent the views of victims' families getting into the public domain. In addition to restricting access, they also demand that reporters sanitise or tone down their coverage. They at times pay reporters for tailoring the coverage.<sup>67</sup> After an accident with extreme loss of life, these control measures will be broadened and intensified. At Chenjiashan, for example, the authorities only called their first press conference more than 48 hours after the disaster occurred, and "large numbers of news reporters were not allowed into the venue."<sup>68</sup>

The deputy director in charge of Party propaganda at Chenjiashan told Han Dongfang about the means used by local governments to muzzle the media:

DEPUTY DIRECTOR: Today somebody came from the provincial Party committee's centre for press announcements to set harmonized ground-rules for media coverage — there were some clashes with the bereaved families. Because there are so many news organizations here, we were afraid there might be outsiders. We needed some form of registration to stay on top of things. We needed to prepare a permit and afterwards harmonize reporters' stories for release. Some families of victims did not understand this and thought we were preventing journalists from visiting them and interfering with their newsgathering.

HAN: If a reporter did not have the permit, could they go to the district where the family of the miner lived and interview them?

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<sup>67</sup> On July 1 2005, a fatal flooding accident at a coal mine in Jiliao, Ruzhou, in Henan province, was covered up by the mine operator and local authorities. On 13 Aug., an insider tipped off media organizations throughout Henan, and the news was later spread by SMS. On 14 Aug., a large group of people claiming to be reporters gathered at Ruzhou. That day, Jiliao town government paid 480 of them a total of 200,000 yuan in hush money. According to an official involved in the matter, self-styled "reporters" from national media organizations got 500-1,000 yuan, those from large media organizations within the province got 200-500 yuan, and those purporting to be from other city-level media organizations got 200 yuan per head. "Reporters" from cross-media and interregional organizations got 100 yuan. Fan Youfeng, "Ruzhou meikuang shigu diaocha: zhenjia jizhe dafa kuangnan cai" (Investigation into the mine accident at Ruzhou city: Impostor reporters make hay out of a mine disaster), *Henan Shangbao* (Henan Commercial Gazette), posted on QianLong.com, 19 Aug. 2005.

<sup>68</sup> "Jielu Chenjiashan kuangnan heimu," (Chenjiashan disaster: the behind-the-scenes story), in *Zhongguo kuangnan* (China mining disasters), Yu Chenjing chief ed., TideTime Publishing Co.Ltd., (Hong Kong), 40, Jan. 2006.

DEPUTY DIRECTOR: That... what I mean is ... it should have been alright. We just don't have the manpower. Basically, all the mainstream media came here. We do have a press centre but we would not normally attract so much attention.

HAN: If they don't have this permit, can they enter the press centre? If they don't have it, does that mean they cannot do any kind of interviewing?

DEPUTY DIRECTOR: You've got it wrong. What I mean is that the provincial government had the press centre issue this permit to smooth the way for media interviewing.

HAN: Where does this permit give you access to?

DEPUTY DIRECTOR. Our mine.

HAN: Does the permit have to be presented for inspection whenever requested?

DEPUTY DIRECTOR: That was the idea, I think.

HAN: How did families of the victims view this measure?

DEPUTY DIRECTOR: At the time, the families felt it looked very much like the mine management wanted to prevent journalists from interviewing them.

Families of victims frequently mentioned that they felt pressured by local authorities and mine operators not to talk to the press or explain what really happened. One bereaved relative at Chenjiashan explained:

RELATIVE: Normally, we would not dare speak our minds outside the home. I'm only talking on the phone with you now because no one else is here and the door is locked.

HAN: Aren't a lot of journalists there doing interviews outdoors?

RELATIVE: The public security people will not let families talk. They are there to defend the interests of the mine operators!

HAN: Have the public security people ever prevented reporters from interviewing families?

RELATIVE: At the time they do nothing, but after a while, they really sort you out.

HAN: Do you dare to talk to journalists?

RELATIVE: We dare not speak. Outside the home, we never dare speak.

HAN: Have you seen any journalists in the last few days?

RELATIVE: Yes! But outdoors, and there are a lot of people around, so I'm afraid that if I tell a journalist how things really are, and it reaches the ears of the mine boss, he could make life very difficult for us.

After a compensation settlement is imposed on bereaved families, they often try to use the media to voice their grief and anger. As the usual channels for self-expression are unavailable, contact with journalists may be their only hope. However, officials engaged in post-accident settlements try to seal off this outlet using a variety of tactics. The wife of a mineworker at Chenjiashan explained:

Some people do dare to talk, and some don't. Once, after somebody said something, the bosses apparently got wind of it and the truth was watered down. None of it was broadcast. Now, that always happens, nobody ever says anything... Listen, you made this phone call to me, I don't know who you are and I don't want what I tell you to be leaked later, as there is a mineworker in my family too. But I couldn't stand it, seeing the torment and anger those mineworkers' widows felt in their hearts, and that made me speak to you.

***Terminating the legal relationship between bereaved families and the mine***

Once a bereaved family signs a compensation agreement, the mine operators and government consider the whole process to be concluded. The agreement deprives bereaved families of the right to initiate legal proceedings and absolves the mine operators from any further responsibility towards them. The agreement comprehensively ends the legal relationship between the mine and the bereaved family. The widow of a mineworker killed in the Dongfeng accident explained that the 210,000 yuan in compensation she received had conditions attached:

WIDOW: We got 210,000 yuan. When you sign the agreement, you break off relations with the mine operator. After paying the lump-sum compensation, the mine management has no further obligations whatsoever.

HAN: Have you kept that agreement document?

WIDOW: Yes, I have!

HAN: What was the original wording?

WIDOW: It said: 'After a one-time compensation payment of 210,000 yuan, we shall have no further relations of any sort with the mine.'

This clause, found in all compensation agreements, in essence means that from the date of signature, bereaved households are on their own, that the mine operator, after paying a lump sum, is no longer accountable and no longer has any moral obligation toward the bereaved.

In some areas, the bereaved families of professional mineworkers (as opposed to migrant workers) at state-owned mines still have the opportunity, before signing a compensation agreement, to press monetary claims against the mine operators. These might include arranging the lowest basic living allowances available in the town in question for accident victims' widows who are without work and have children still at school, or providing job opportunities for unemployed sons and daughters. Since the introduction of the 200,000 yuan benchmark for compensation, however, these requests are usually ignored.

The widows of migrant workers have no right to demand anything but their mandated compensation award. For example, after the accident at Mengjiagou, the wife of one victim from Sichuan sought out the mine operators to discuss occupational injury compensation for her brother, who was also working at the mine and had been injured in September 2002 without ever getting any compensation. When they went to the mine offices, she and her brother were beaten up by police. Her nephew was present and witnessed the full sequence of events:

My uncle was injured at work, his spine was dislocated and he has not worked since. The mine pays 150 yuan a month in living expenses but they don't bother with medical and other costs. When he and my aunt tried to visit the mine to discuss things, he crawled upstairs and a dozen or more police attacked him. After they had finished knocking him around, they told my aunt to carry him home on her back. My aunt said, 'I'm a woman and I cannot carry him,' so the cops pulled her back and got stuck in again. They both had to go to hospital and that is where they are now. Now we have no other options. We can't afford to go to court; we can't even afford to feed ourselves. You say, let it go, but we can't just do nothing. They resorted to violence, to force. If you don't comply, you get beaten and shouted at.

When several bereaved families at Chenjiashan realized the compensation they had been granted would not cover their future living requirements, they decided to accept help from CLB, to pursue their demands through the courts. However intimidation from the local government, the mine and police meant it was impossible for us to pursue the case. In November 2005, labour rights lawyer, [Gao Zhisheng](#), wrote an online article in which he described how the bereaved families had to pass through a cordon of police to meet him.

As of April this year, I'd received 19 letters from close family members of victims of the accident. The letters showed their understanding of what really caused this disaster and also the callous and brutal methods with which the mine managers later treated the orphans and widows it created, even as they smiled and bowed for the cameras to appease public outrage. I decided to go to visit them in Xian. On seeing the tragedy and heartbreak there ... every time I talk about this, I cannot help being deeply moved. Nineteen women who had lost their husbands, accompanied by 22 children who had lost their fathers, were all barred from approaching the mine as there was a blanket ban on access by "suspicious persons." A large number of police vehicles and officials were openly carrying out very detailed and precise questioning on roads to the mine they were guarding, to prevent outsiders from conducting investigations into the accident! If any of the family of the victims wanted to go out, they all had to undergo strict questioning. Originally I had agreed to see them at half-past nine, but it was past noon before all of them arrived. They had all left before sunrise, sneaked past the police cordon, and gone to separate locations to catch buses to Xian. They put themselves through all that for the joint aim of seeing me.<sup>69</sup>

These interviews clearly show that the post-accident management policy in China is now characterized by unilateral official measures and one-sided, compulsory terms that take little account of the long-term needs of the bereaved. Thanks to media hype and the self-congratulatory comments of officials, post-accident procedures are dressed up in the guise of "putting people first." However, by subjecting bereaved families — marginalized as they already are — to pressure tactics, the government has effectively eroded their civil rights. Under financial and psychological pressure, the families, broken in spirit and no longer able to fend for themselves, inevitably end

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<sup>69</sup> Gao Zhisheng, "Xie zai tongchuan Chenjiashan kuangnan yizhounian zhiji" (Concerning the situation one year after the Chenjiashan mining accident in Tongchuan), 12 Nov. 2005, on CLB website <[http://big5.china-labour.org.hk/public/contents/article?Revision\\_id=67256&item\\_id=67255](http://big5.china-labour.org.hk/public/contents/article?Revision_id=67256&item_id=67255)>.

up ceding their rights and “voluntarily” accepting the compensation terms put to them.

A basic duty of government is to uphold and safeguard citizens’ rights. It should not renege on this duty for the sake of eliminating the “negative impact” that can arise from a mining disaster. Neither should it water down its commitments on the pretext of maintaining economic and social stability. Rather, state intervention in post-accident settlements should have two functions: firstly, to help the families of accident victims realize their rights or remove obstacles to this end; and, secondly, to help reduce the costs incurred by bereaved families in realizing their rights. If the government is to live up to its policy of “putting people first” in post-accident settlements, every effort should be made to satisfy the reasonable requests of bereaved families if economically possible and mobilize whatever resources are needed to aid them.

It is true that government officials do show a positive attitude during rescue operations in disasters, which undoubtedly increases the survival chances of trapped mineworkers. Moreover, the new compensation benchmark has indeed increased payments to bereaved families. However, the role played by the government in post-accident management in China is essentially that of a dictator. It forces families of victims to accept whatever compensation payments it deems appropriate. It seeks to eliminate all negative fallout from the accident in the shortest possible time and to maintain social order by isolating victims’ families and silencing the media.

In this way the government has not only failed in its duty of reducing the costs incurred by bereaved families in realizing their rights, it has actually created a wide range of obstacles and impediments to their realization.



## Conclusion

In a modern and enlightened society, widespread occupational injury and illness should not be the inevitable by-product of economic development. The lives, health and safety of workers should not be sacrificed in the raw pursuit of profit. However, as we have seen in this report, miners' lives are sacrificed in their thousands each year in China as rapid economic growth pushes up demand for coal and unscrupulous mine owners seek higher and higher profits.

The central government has made improving mine safety and reducing accidents one of its key policy objectives. Although the number of accidents and deaths in China's coal mines did drop again last year, the overall figures remain unacceptably and disturbingly high.

China Labour Bulletin has identified in this report the key reasons why the government's initiatives have failed to have a significant or lasting effect on mine safety. Firstly, the system of contracting mines out to private operators on a short-term basis has led to contractors seeking a maximum return on their investment in the shortest possible time; production capacity is exceeded way beyond safe levels, investment in safety equipment is insufficient or non-existent and unskilled and untrained workers are hired as miners. Secondly, mine owners and local officials have created an almost impenetrable network of collusion that prevents central government safety measures from being enforced. Finally, mine workers have no representative body to negotiate with mine owners and management over wages, working conditions and mine safety. The balance of power, particularly in privately owned mines, is so one-sided that workers are left essentially powerless to protect their own interests.

The one central government initiative designed to improve safety and reduce accidents that has been implemented in the coal mining industry has actually resulted in the further erosion of workers' rights. The 200,000 yuan benchmark for compensation to be paid to the families of coal mine accident victims improves upon previous levels of compensation. But it has become an industry standard that is imposed on bereaved families regardless of needs and circumstances. These arbitrary settlements are often enforced with callous disregard for the grief and trauma suffered by bereaved relatives, while at the same time eliminating their rights to seek redress or compensation through the court system.

Throughout the whole process of post-accident management, the local authorities appear to be more concerned with maintaining public order and preventing social instability than with addressing the welfare of the bereaved.

Based on the findings in this report, CLB makes the following recommendations for mine safety improvement and the reform of post-accident compensation settlements in China.

**First**, we propose the establishment of mine safety monitoring committees consisting primarily of the workers themselves, for all large and medium-sized mines, with similar teams for small mines, and federations of safety management committees in areas in which many small mines are concentrated. These safety monitoring committees and teams should consist primarily of representatives elected by the mineworkers themselves, and government mine safety organizations should be responsible for providing them with specialist and technical safety training. Regular meetings of these committees and teams should be held with mine operators, to make managers aware of safety issues uncovered by mineworkers and to ensure that prompt corrective action is taken.

Also needed is a system of ad hoc inspections by elected representatives of mineworkers, with reporting of workplace safety issues to mine managers whenever necessary. If mine management refuses to make needed improvements, these monitoring committees and teams should be able, as allowed by law, to organize a production stoppage, with coalface workers having the right to refuse to go down the mine until remedial action is taken. Attempts by mine owners to prevent them from taking such measures should be made a criminal offence.

Many government officials, academics and even some mine managers have acknowledged the importance of including workers in production safety management and supervision. However, before such a system can be established, the government must first recognize and publicly acknowledge that allowing mineworkers to organize themselves and to supervise mine safety independently of their employers is an essential step towards improving safety, and one that does not pose any “threat to social or political stability.”

**Second**, the short-term mine contracting system should be phased out and replaced by a long-term or unlimited-term contract system. This is particularly important in labour contracting at state-owned mines. Currently, large numbers of rural migrants form a highly liquid core workforce, while experienced miners at former state-owned mines are leaving the job due to age, physical infirmity and fears for their safety. Use of subcontractors in operations has led to rampant profit seeking at mines at the expense of safety. A stable, well-trained workforce that is aware of and knows how to respond to the inherent risks of the job is absolutely essential if mine safety is to be improved in China.

**Third**, to safeguard the rights of mineworkers and to maintain the stability of work teams, mine owners will have to raise wages and provide decent welfare and social

insurance benefits. In the planned economy, mineworkers enjoyed higher wages and welfare benefits than workers in other industries. Generous terms not only helped to maintain stable work teams, but also enabled mineworkers to gain the respect of the public, which recognized the extreme danger and hardship of their working conditions. Moreover, comprehensive cover for occupational injury meant that miners and their families did not have to worry unnecessarily about the future. But nowadays, as they face extremely dangerous working conditions, mineworkers' wages and benefits have dropped sharply in relation to other industries. This has damaged morale and it explains why the overwhelming majority of coal miners are rural migrants ready to work in extremely hazardous conditions for low pay.<sup>70</sup> The government should introduce a minimum wage specifically for the coalmining sector. The "subsidy for underground hardship posts," which currently applies only to state-owned mines, should be made compulsory in the private sector as well.<sup>71</sup>

**Fourth**, the government must standardize systems and procedures for dealing with the aftermath of mine accidents and disasters within a legislative framework that provides bereaved families with clear legal channels for safeguarding their rights to redress. If bereaved families are not satisfied with the government-proposed compensation settlement, they should be able to appeal and seek redress through the courts. Post-accident settlements should be brought within the regulatory framework of administrative law. This "legalization" of settlement procedures should include: reconfirmation of the full value of human life by setting minimum compensation levels that really are a minimum and not (as at present) an industry standard; establishment of rights of bereaved families to be kept fully informed after a mining accident and to negotiate, individually or collectively, their own post-accident settlement; establishment of mechanisms through which they can voice complaints over the handling of post-accident settlements; and establishment of their right to sue if they are unhappy with the officially proposed compensation agreement.

**Fifth**, a system of occupational injury insurance tailored to coalmining accidents is needed. The government's practice of picking up the compensation tab after an accident in itself lacks a legal basis. The government is not the employer and has no direct responsibility for workplace accidents. What is more, when an accident with severe loss of life occurs, affected local authorities with budgetary difficulties find it hard to raise the funding necessary for them to assume the responsibility for compensation. The mineworker's bereaved family suffers because of this. China

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<sup>70</sup> According to media reports, technicians at Chinese state-owned coal mines currently earn less than 800 yuan a month, and some get as little as 300 yuan. The average daily wage of rural migrant workers at smaller coal mines is only 40 yuan, meaning that an entire month of work including weekends (30 days) will bring in only about 1,200 yuan. Yang Xuefeng, "Meikuang anquan: Liuzhu rencai shi guanjian" (Coal mine safety: The key is retaining talent), *Xin Anquan* (Security Today), 2005, 12th edition.

<sup>71</sup> On 12 July, 2006, the Ministry of Labour and Social Security, the National Development and Reform Commission and Ministry of Finance jointly issued the Circular on work on revising the subsidy for underground "hardship" posts at coalmines (*Guanyu tiaozheng meikuang jingxia jianku gangwei jintie youguan gongzuo de tongzhi*). This circular defines the scope of the "subsidy for underground hardship posts" as "all kinds of underground jobs at coalmine enterprises."

already has a reasonably comprehensive system of occupational injury insurance; using this system to absolve the government of direct responsibility for payment while guaranteeing that bereaved families can obtain fair compensation would be a sound approach to post-accident management — and one with a firm legal basis. Such a step would also remove the inherent conflict of interest whereby local governments currently have a vested interest in reducing both the amount of compensation paid and the effective legal rights of the bereaved families.

Companies applying for coal mine production and management licences should be legally required to provide occupational injury insurance for their employees. Because the industry is currently dependent to a very high degree on rural migrants, the State Council's *Work-Related Injury Insurance Regulations*, which were drafted with a relatively stable workforce in mind, may not always be applicable. As such, as an interim measure until workforces can be stabilized, special provisions are needed to require private mines dependent on migrant workers to pay even higher insurance premiums and ensure an adequate and acceptable level of compensation in the event of worker injury or death.<sup>72</sup>

For the above measures to be effectively implemented, however, there is, as the evidence in this report abundantly shows, an urgent need for a countervailing force to stand up against the combined might of mine owners and local government. Experience from other countries has shown that trade union organizing is an essential measure to ensure the safety and well-being of miners. However, the All-China Federation of Trade Unions (ACFTU) – mention of which has been conspicuously absent from this report – has sadly shown little interest in taking on this crucial role. Unions are in place at state-owned mines but they are essentially tools of management and do little to actively represent workers' interests. In small privately run mines, there is virtually no official union presence and the ACFTU has done little to organize migrant workers.

Until China is prepared to fulfill its obligations, as a full member of the International Labour Organization, to guarantee freedom of association for coal miners and other workers, the least the government can do is initiate the recommendations listed above. These steps represent the absolute minimum requirement for the government if China is to transform its coal mines from places where only the economically desperate would work to institutions that recognize the inherent dangers of mining, take every

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<sup>72</sup> Based on Article 8 of *Work-Related Injury Insurance Regulations* (issued by the State Council on 27 April, 2003, effective January 1, 2004), the state sets rate differentials nationally based on degree of risk faced by workers in various industrial sectors. In *Circular on workers' injury compensation insurance rate issues*, issued on 29 October 2003 by the ministries of Labour and Social Security, Finance and Health, and SAWS, three categories are laid down, according to degree of risk of worker injury in different sectors, and the three categories each have three different rates of compensation insurance premium. The basic rate is 0.5-2.0 percent of total wages of workers at the unit in question. Coalmining is a Category 3 profession, and the base rate is 2 percent of total wages.

practical measure to minimize those dangers, and adequately compensate miners for putting their lives at risk in the service of China's economic miracle.

## Appendix 1: Major Policies and Measures by the Central Government to Improve Coalmine Safety (2003-June 2007)

2003	The new central government addresses the dire safety situation at Chinese coalmines and later unveils a series of policies and administrative measures to reduce accidents.
March	The State Administration of Work Safety (SAWS), established under the State Economic and Trade Commission, is upgraded into an organization under the direct control of the State Council.
2 July	SAWS promulgates <i>Basic terms and regulations for safe production at coalmines (Meikuang anquan shengchan jiben tiaojian guiding)</i> (enacted 1 August), making the licensing of extraction, production and operation mandatory for mine managements.
27 August	At an executive meeting, the State Council decides to earmark 2.2 billion yuan in funding for 2004 from government bonds for improvement of safety technology at state-owned mines, as a follow-up to the 4 billion yuan investment for 2002 and 2003.
29 October	Announcement of the establishment of Safe Production Commission under the State Council, tasked with conducting research and taking needed measures, and guiding coordination of production safety measures all over China. Research focuses are major policies and measures for production safety nationwide and finding solutions to major problems in implementation of production safety measures.
2004	Central government standardizes examination/approval and mine-operation procedures, using mainly administrative legislation.
9 January	The State Council promulgates its <i>Decision to further strengthen production safety work (Guanyu jinyibu jiaqiang anquan shengchan gongzuo de jue ding)</i> , and proposes establishment of systems for production safety licensing, production controls and quotas, as well as raising the monetary compensation standard for accidents leading to injury or death.
16 February	Premier Wen Jiabao convenes an executive meeting of the State Council to study issues related to further strengthening mine safety; the meeting decides to immediately conduct a major nationwide safety inspection.
17 May	SAWS promulgates the <i>Safe production licensing method for coalmining enterprises (Meikuang qiye anquan shengchan xukezheng shishi banfa)</i> (effective immediately).
21 May	The Ministry of Finance, the National Development and Reform Commission (NDRC) and the State Administration of Coal Mine Safety (SACMS) promulgate their <i>Management methods for sourcing and use of funding for mine production safety (Meitan shengchan anquan feiyong tiqu he shiyong guanli banfa)</i> and ask coalmining companies to provide funding for investment in production safety facilities, based on actual raw coal production volumes.

2005	After launching systemic improvements, the central government steps up initiatives across the board to overhaul the coalmining sector and makes its crackdown on collusion between officials and mine operators a priority task in its Party and government reform drive, to try to stem the appalling frequency of accidents.
2 January	Premier Wen Jiabao goes to the Chenjiashan state-run mine in Tongchuan, Shaanxi Province, to offer condolences to the families of victims of the disaster there. "We are determined to get to grips with mine safety," he pledges. "We cannot allow this kind of tragedy to happen again. We owe it to the miners, the people and later generations."
21 February	The office of the Safe Production Commission under the State Council promulgates its <i>Circular regarding the carrying out of major inspections into coalmine production safety (Guanyu kaizhan meikuang anquan shengchan dajiancha de tongzhi)</i> ; with a focus on 45 priority state-owned mines.
28 February	SAWS is upgraded to full ministry status and SACMS is brought under its control, to bolster the authority of supervisors and strengthen enforcement of mine safety supervision.
16 June	SAWS, SACMS, NDRC, the Ministry of Land and Resources, and the State Administration for Industry and Commerce promulgate the <i>Circular on stamping out illegal production activities at coalmines (Guanyu yanli daji meikuang weifa shengchan huodong de tongzhi)</i> . This measure demands corrective action at mines that do not meet safe production standards and requires closure, by law, when safe production standards are missed even after corrective measures.
13 July	SAWS and SACMS promulgate the emergency <i>Circular on licensing for safe production at coalmines (Guanyu meikuang anquan shengchan xuke gongzuo de jinji tongzhi)</i> . This measure, effective the following day, requires production to cease and corrective measure to be taken at all mines which have not applied for licensing or have had an application rejected.
21 July	SAWS, SACMS, NDRC, the ministries of Finance of Land and Resources and the State Administration for Industry and Commerce hold a nationwide teleconference on joint legal enforcement of a crackdown on illegal coal production.
August	From the end of the month, nine joint inspection teams with legal enforcement powers, from SAWS, ACFTU and five other branches of government, are assigned to mining areas all over China to investigate progress in legal enforcement of the crackdown on illegal extraction and production at coalmines, as well as progress in the Five Reorganizations and Four Closures ( <i>Wu zhengtun, si guanbi</i> ) campaign and research into sourcing and use of funding for production safety at mine enterprises. The Five Reorganizations were five categories of mine shafts in which production should be suspended and safety rectification undertaken. The Four Closures referred to dangerous or illegal mine shafts that should be closed permanently.

22 August	The General Office of the State Council promulgates the <i>Urgent circular on resolutely overhauling and closing down mines that do not meet production safety conditions, and illegal mines (Guanyu jianjue zhengtun guanbi bu jubei anquan shengchan tiaojian he feifa meikuangde jinji tongzhi)</i> . The office requires immediate suspension of production and corrective action at mines in breach of safe production standards and allows them a single opportunity to take the necessary measures. All mines that do not meet standards for production safety licensing and all illegally operated mines are to be shut down and given until the end of the year to take remedial action after the cessation of operations. All mines with incomplete certification that refuse to cease production, mines that continue unlicensed production, mines that have already been closed but continue production illegally, mines which remain closed during the day but which operate covertly at night, or which have closed without taking any corrective action, and mines which still do not meet safety standards even after corrective measures, shall be shut down immediately and taken out of commission by law. At the same time, investigations shall be required into neglect or dereliction of duty compromising production safety and leading to accidents, and into instances of corruption such as collusion between officials and mine operators.
30 August	A circular is jointly issued by the Central Commission for Discipline Inspection, the Ministry of Supervision, the State-owned Assets Supervision and Administration Commission and SAWS, requiring withdrawal by 22 September 2005 of all investments in coalmines by employees of Party and State organizations at all levels.
31 August	A five-point <i>Special regulation regarding prevention of mining accidents (Guanyu yufang meikuang shengchan anquan shigu de tebie guiding)</i> is promulgated by the State Council, proposing <i>inter alia</i> that production be stopped immediately at all mines where major hidden defects could cause accidents, that such defects be eliminated; and that mining enterprise superintendents and production managers should serve in rotation as foremen at the coalface.
2006	Central government approves measures for consolidation in the coal sector and for closure of small coalmines, in an effort to stem the increase in accidents with severe or exceptional loss of life.
25 March	A federation of 11 organizations, including SAWS and NDRC, promulgate <i>Certain Opinions on Strengthening Coal Mine Work Safety and Standardizing the Integration of Coal Resources (Guanyu jiaqiang meikuang anquan shengchan gongzuo, guifang meitan ziyuan zhenghe de ruogan)</i> . The document proposes closing down coalmines with annual production capacity of less than 30,000 tonnes.
29 May	The office of the Safe Production Commission under the State Council promulgates its <i>Guiding opinion on drawing up a three-year plan for coalmine integration and closure (Guanyu zhiding meikuang zhengtun guanbi gongzuo</i>



	<i>sannian guihua de zhidao yijian</i> ), and sets basic targets for this work, which it divides into three phases between July 2005 and June 2008.
28 September	The General Office of the State Council reissues the <i>Opinion on undertaking further corrective measures and closures in the mining sector (Guanyu jinyibu zuohao meikuang zhengtun guanbi gongzuo de yijian)</i> , released by 12 branches of government including SAWS, and proposes closure of 16 types of pit shafts.
2007	Central government continues its policies of coal sector integration and closure of small mines.
18 April	The office of the Safe Production Commission under the State Council issues its <i>Summary of coal-sector consolidation and closure operations in 2007 (2007 nian meikuang zhengtun guanbi gongzuo yaodian)</i> , and requires that the basic tasks of coal sector consolidation be completed before the end of 2007. This document also clearly delegates among various branches of government responsibilities for identifying mineshafts of the 16 types earmarked for closure.

## Appendix 2: Summary of Mining Accidents Covered by this Report

Date	Location	Death toll	Cause of accident	Remarks
<b>2003</b>				
22/03/03	Mengnanzhuang Coalmine, Yima, Xiaoyi City, Shanxi Province	72	Gas explosion	Certification complete (production license expired); before the accident, the mine had been ordered to cease operations by the district production safety supervision bureau.
30/03/03	Mengjiagou Coalmine, Xinbin County, Fushun City, Liaoning Province	25	Gas explosion	Certification complete; gas detection and alarm systems fully installed.
17/10/03	Sanhuiyi Coalmine, Tianfu Mining Bureau, Chongqing, [Sichuan Province]	10	coal and gas outburst	State-owned mine; work at affected coalface had been subcontracted to various construction companies without coal-digging capabilities.
<b>2004</b>				
06/01/04	Luobuyuan Coalmine, Meitian, Yizhang County, Hunan Province	10	Gas explosion	Certification complete; after the accident, the mine operator and township government conspired to under-report of the number of dead.
23/02/04	Baixing Coalmine, Jixi Mining Corporation, Jixi City, Heilongjiang Province	37	Gas explosion	Certification complete; before the accident, local production safety authorities had discovered eight hidden safety hazards at the mine and had given it notice to cease production and take corrective measures.
30/04/04	Liangjiahe Coalmine, Xi County, Shanxi Province	36	Gas and coal dust explosion	State-owned regional mine
03/06/04	Hongda Coalmine, Kangzhuang, Handan County, Hebei Province	14	Gas blaze	Certification complete; after the accident, the mine operator and township government conspired to under-report of the number of dead.
26/07/04	Yinguangshi Coalmine, Anping, Lianyuan City, Hunan Province	16	coal and gas outburst	Certification incomplete; before the accident, local production safety authorities had repeatedly given notice to the mine to cease production.
20/10/04	Daping Coalmine, owned by Zhengmei, Henan Province	148	Gas explosion	Priority state-owned mine; since 1999, nine accidents have occurred at Zhengmei's coalmines.
28/11/04	Chenjiashan Coalmine, Tongchuan Mining Bureau, Shaanxi Province	166	Gas explosion	Priority state-owned mine
<b>2005</b>				
14/02/05	Sunjiawan Coalmine, Fuxin Coal Industry Group, Liaoning Province	214	Gas explosion	State-owned mine
09/03/05	Xiangyuangou Coalmine, Lingdi, Jiaocheng City, Shanxi Province	29	Gas explosion	Certification incomplete; before the accident, local mine safety officials had ordered the mine to cease production seven times.
19/03/05	Xishui Coalmine,	72	Gas	Certification incomplete (lacked production safety

	Baitang, Pinglu District, Shuozhou City, Shanxi Province		explosion	license); in November 2004, the mine was told by local authorities to cease production and take corrective measures.
12/05/05	Jinjiang Panhai Coalmine, Renhe District, Panzhihua City, Sichuan Province	21	Gas explosion	Certification complete
19/05/05	Nuanerhe Coalmine, Chengde City, Hebei Province	50	Gas explosion	Certification incomplete (lacked production license); before the accident, local mine safety bureau issued three notices ordering cessation of production, the last being in the middle of May.
02/07/05	Jiajiabao Coalmine, Yangfangkou, Ningwu County, Shanxi Province	36	Gas explosion	No certification; after the accident, mine operators and local government officials conspired to under-report the number of dead.
11/07/05	Shenlong Coalmine, Fukang City, Xinjiang Province	83	Gas explosion	Certification incomplete (lacked safety licensing)
14/07/05	Fusheng Coalmine, Luogang, Xingning City, Guangdong Province	16	Water leakage/flood	Certification complete
07/08/05	Daxing Coalmine, Wanghuai, Xingning City, Guangdong Province	123	Water leakage/flood	Certification incomplete; no operating or mining license for six years.
27/11/05	Dongfeng Coalmine, Qitaihe branch of Heilongjiang Longmei (Group), Heilongjiang Province	171	Coal dust explosion	State-owned mine; before the accident, this mine had been designated a "star mine" for three years running for the high quality of its safety standards by Heilongjiang Province. The manager had just been given a national coal industry award for excellence.
<b>2006</b>				
13/03/06	Rongsheng Coalmine, Etokeqi (Otog Banner), Inner Mongolia		Gas explosion	Certification incomplete (no mining safe production license)
18/05/06	Xinjing Coalmine, Zhangjiachang, Zuoyun County, Shanxi Province	56	Water leakage/flood	After the accident, the mine operator absconded and local government officials conspired to under-report the number of dead.
15/07/06	Pianpoyuan Coalmine, Bayang, Ziyun County, Anshun City, Guizhou Province	18	Water leakage/flood	All six licenses needed by management to begin coalmining operations had been obtained.
05/11/06	Jiaojiazhai Coalmine, Xuangang Coal-fueled Electricity Co., Tongmei Group, Shanxi Province	47	Gas explosion	State-owned mine, fitted with first-class ventilation and advanced gas detection and monitoring system.
25/11/06	Changyuan Coalmine, Housuo, Fuyuan County, Qujing City, Yunnan Province	32	Gas explosion	At the beginning at 2006, No.2 shaft of this mine had already been listed in a third round of pit closures by SACMS.
26/11/06	Luweitan Coalmine, Hedi, Yaodu District, Linfen City, Shanxi Province	24	Gas explosion	This mine had been earmarked by the local government for consolidation, and certification had been withdrawn.
<b>2007</b>				

28/03/07	Yujialing Coalmine, Yipingyuan, Yaodu District, Linfen City, Shanxi Province	26	Gas explosion	Six mandatory mining and operating licenses had all expired.
05/05/07	Pudeng Coalmine, Pu County, Linfen City, Shanxi Province	30	Gas explosion	On 29 April, Pu county investigators found seven problems at the mine after conducting checks prior to resumption of production. The mine was asked to take immediate corrective measures, and, at their completion, had been barred from resuming production pending a formal check and approval.

Sources: Reports carried on PRC government websites and compilations of accident statistics on the SAWS website <http://www.chinasafety.gov.cn>

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China Labour Bulletin is committed to promoting workers' rights, as well as raising international awareness and understanding of labour issues in China. To this end we have produced a series of Chinese language and English language reports that provide an in-depth analysis and overview of some of the most important aspects of labour rights in China today. The reports will be of particular use to scholars and researchers but will also provide the general reader with a valuable introduction to specific issues such as the workers' movement, child labour, migrant workers, healthy and safety, the coal mining industry and the legal framework of labour rights in China.

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