

Chapter 2

Public Participation in China's Environmental Protection

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1. Introduction

Generally, evolution of instruments on environmental policy went through three phases, they are; (1) 1970's , Command and Control Policy, (2) 1980's , Market-based Policy, and (3) 1990's, Information Disclosure, Dialogue and Cooperation Mechanism.

According to the World Bank, the classification of environmental policies is expressed by four types, direct regulation, market-based measures, market creation and public participation^[1] (see in Table 1). Among those, public participation is the newest tool for environmental protection.

Table 1. Classifications of Environmental Policies

Type	Instruments
Direct Regulation	Rules of law Standards Bans Licenses Limitations
Market-based Measures	Environmental Tax Resource Price Pollution discharge fee Special Subsidy Green Credit
Market Creation	Property right establishment Emission Trading
Public Participation	Public Participation Information Disclosure Technology Transfer Environmental Hearing

Source: Reference [1]

In China, there are also many types of environmental policies (see in Table 2). We can easily find that most of them are traditional direct regulations, and in recent years, economic tools are utilized a lot, while countermeasures about public participation are very rare.

We can make a brief comment about China's current environmental policies: China's environment protection mainly depends on command and control policies, but it is more and more difficult for them to take effect. Environmental economic policies just made the first step and are needed to be improved. And the policies concerning public participation are still remaining weak.

Table 2. Classification of China's Environmental Policies

Type	Instruments
Command and Control Policies	EIA 3-Simultaneous System Pollutant Discharge Standard Discharge Declaration and Permission Treatment within Time Limit Closing Down, Merging or transferring of Factories with Severe Pollution Environmental target responsibility system Gross control of pollutant discharge Regional Approval Limitation Statistics, supervision and examination systems of saving energy and reducing emissions
Environmental Economic policies	Green Credit (2007) Green Insurance (2008) Green Stock (2008) Green Trade (2008) Emission Trading(2001, SO ₂ 2007, COD) Ecological Compensation
Public Participation	Interim Measures of Public Participation in Environmental Impact Assessment (Feb.22, 2006.) Environmental Information Disclosure Measures (Apr.11,2007)

This report will focus on environmental public participation in China in order to take a look at the status quo about it. Then we will analyze problems and discuss countermeasures of environmental public participation. We try to find some useful policy suggestions to public participation in China's environmental protection.

2. Evolution and Status Quo of Public Participation in China's Environmental Protection

The relationship between the Environment and the Society went through the process from disregarding and ignorance to involvement and preserving the rights. According to the social and economic background, public participation in environmental protection may be divided into three stages:

1) Before 1990 , in general, people lacked environmental knowledge, consciousness and involvement, they were striving to shake off poverty and make a fortune

2) From 1990 to 2005 , people were improving environmental consciousness and involvement while they were solving the food and clothing problems and witnessing the soaring pollution situation, the carry out of national comprehensive treatment plan (Project 33211) and pollution gross control plan, the progress of environmental education and the establishment of information disclosure system. (33211:Huai River, Hai River, Liao River, Tai Lake, Chao Lake, Dianchi Lake, Bo Sea, SO₂ and acid rain control regions, Beijing Municipality)

3) From 2006 , with energy saving and emission reducing acting as national aims, enforcement of rules related to public participation and information disclosure , frequent occurring of environmental accidents, people have promoted environmental consciousness and showed their eagerness to protect their environmental rights and interests.

Some China's scholars had been researching a lot about environmental public participation, and also gave some advice about it. They suggested that^[2],

1) The government should renew concept and realize that public participation is the people's basic right, which is protected by the law. The government is obligated to respond to public request.

2) Actively implement environmental information disclosure, preserve public rights of environmental awareness and criticism. Put pressure to polluters with the help of media and public supervision.

3) Strengthen the democratization of environmental decision-making , with public involvement and supervision.

4) Push the non-profit environmental lawsuit, and help people protect their environmental interests by law.

5) The government should enhance the relationship with e-NGOs, and guide them to play a more active role in environment protection.

The government has also realized that the whole society should be mobilized to protect the environment in the construction of ecological civilization. The SEPA suggested that^[3],

1) Strengthen social supervision, disclose the information, preserve people's awareness, involvement and supervision rights, the development plans and construction projects related to public environmental interests should be laid down based on public opinion and supervision through public hearing, discussion and disclosure.

2) Promote public participation mechanism, bring the role of social groups into full play, construct the platform to facilitate participation of social forces, encourage people to expose pollution behaviors, push environmental social welfare lawsuits.

Now, there are some constitutional arrangements to preserve the public participation in environmental protection. On Feb. 22, 2006, Interim Measures of Public Participation in Environmental Impact Assessment was enacted. By which, the government definitely encourage the public to participate in EIAs. It is the first regulation about public participation in environmental fields of China and is very meaningful. On Apr.11,2007, Environmental Information Disclosure Measures(trial) was enacted, which forces both the environmental factors and polluting enterprises to disclose important environmental information and helps people involve in emission reduce by technological supports. It is not only the first normative document about information disclosure of Chinese government, but also the first comprehensive sector regulation related to environmental information disclosure.

In addition, Measures of public participation in environmental protection is being drafted, including environmental information disclosure and obtainment, hearing and convey of public comments, public supervision and remediation, legal obligation.

Although a lot was done, the fact of public participation in environmental participation in China is not optimistic.

According to national comprehensive social survey in 2003, only 38.29% Chinese urban residents opposed when suffering from environmental damages, while the rest of them kept silent.

As a barometer of China's public environmental consciousness and behavior, Public environmental livelihood index of China 2006 manifested that public environmental consciousness scored 57.05 , environmental behavior scored 55.17 with full mark 100, only 3% polluted accidents were suited.

Chinese Environmental green book of 2007 showed that degree of rural environmental pollution almost totally lied on the types of factories, instead of the supervision of EP agencies. Villagers' fighting against pollution seemed as the only way to solve the problem, but rural people do not play the effective role in protecting local environment.

3. Problems and Their Countermeasures in Relations to Public Participation in Chinese Environmental Protection

3-1 Problems

Although much progress was made in environmental public participation in China, there are still lots of problems about it, for the reasons such as environmental protection solely depending on government for a long time, civil society developing slowly, the public lack of environmental consciousness and knowledge and so on^[4].

1) Mainly depending on government causes the lack of public participation. In China, the major model of environmental protection is government acting as the leading role. In this top-down environmental management framework, the fields, methods and results of public participation are largely affected by the environmental sectors. The public can seldom express their real opinions, and also could not make effective supervision with governmental environmental decision-making and the impacts of environmental polices.

2) Lack of institutional assurance. Interim Measures of Public Participation in Environmental Impact Assessment and Environmental Information Disclosure Measures provide technical supports, but the operable articles are insufficient. Special regulations aiming at public participation are not enacted yet, there is no definite regulation of legal obligation about public participation

3) Still in traditional stage. In this stage, the public are at the fringe of the environmental management system, just like a bottom-type participation, the public almost have no information before the decision-making. It is much different from the

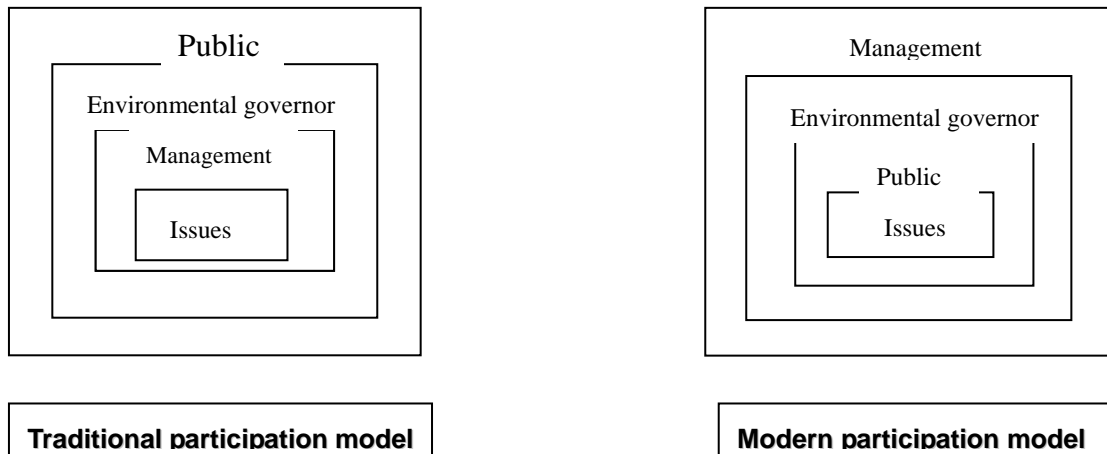


Fig. 1. Traditional Participation Model and the Modern Participation Model

Source: Reference [5]

modern model.(Figure 1)

1) Faultiness of participation mechanism, obstruction in involvement channel. The participation fields are narrow, except EIA of construction projects, there is seldom public participation in environmental decision-making and urban planning. The participation manners are not abundant , only environmental publicity and education, questionnaire. Lack of path , mainly through reports, letters and visits. In general, environmental public participation is always with high costs but low effects.

2) Insufficiency of participation ability. Rights safeguarding in environmental fields often needs technological supports, because of lack of environmental consciousness and knowledge, the public always do not have enough capability to protect their own interests. However, environmental experts' supports are mainly to the government and enterprises, not to the public. Another reason is that eco-NGOs in China are weak, they could not give the public powerful help.

3) Negative affection of cultural and social background. Chinese traditional culture is a culture with low participation consciousness, combined with the mainstream brief of economic development preliminary, environmental public participation easily suffers from social exclusion even self identity difficulties, which strongly hinders the development of public participation.

Table 3. Environmental Disputes in China Since 2001

Year	Number of environmental incidents	Economic damage (Ten thousand RMB)	Number of letters from public	Number of public visits
2001	1842	12272.4	367402	80329
2002	1921	4640.9	435020	90746
2003	1843	3374.9	525988	85028
2004	1441	36365.7	595852	86414
2005	1406	10515	608245	88237
2006	842	134710	616122	71287

Source: Statistical Communiques on environment in China.

3-2 Countermeasures: in the viewpoint of dealing with group environmental protests

Group protests related to environmental pollution increase significantly. since 2000, environmental pollution has acted as an important inducement of group incidents and increased by 29% each year(See Table 3).

Features of group environmental protests are as follows.

1) Complexity. In rural areas , group environmental protests always relate to land requisition and residence removal. There is a difference between rural and urban protests, the former for life, and the latter rights. The protests also vary in different regions, but mainly in developed areas (see in Table 4, Zhejiang Province, Xiamen and Beijing are all developed areas in China)

2)Extensive use of network and cell phone. Wider use of personal computers and cell phones makes information publicity and transmission much easier, in a sense, which reduces the cost of public participation in environmental issues. In the example of Project PX in Xiamen City, cell phone played a significant role.

3)Tendency of large-scale confrontation. As shown in Table 3, with environmental pollution growing more and more serious, even to affecting people's life, much more people were forced to fight with the pollution.

The causes of group environmental protests include the things that endanger people's survival, local government's improper policies driven by economic development in the

stress system as well as in the integrated economic and political system. But among them, no respect for public environmental rights is a very obvious reason. In another word, environmental group protests can still be reduced a lot, assuming enough communications between the public and government or polluted enterprise are carried out.

So we could draw a conclusion that the direct causes of group environmental incidents are as followed,

- Difficult for public to appeal for their environmental demands
- Absence of spokespersons for special colony
- Lack of consultation and adjustment mechanisms for group interests

In our viewpoints, effective environmental public participation could alleviate these three problems, and perhaps make a very significant role as the solution of group incidents in current China.

How can we say like that? Let us take a look at some ideal models.

Table 4. Typical Group Environmental Protests in China in Recent Years

Time	Location	Reason	Scale
Apr.10, 2005	Huashui town, Dongyang City, Zhejiang Province	Pollution of chemical industrial park	Thousands of people
Jul.15, 2005	Borders between XInchang City and Shengzhou City, Zhejiang Province	Pollution of pharmacy corporation	Hundreds of people
Jun.1, 2007	Xiamen City, Fujian Province	Project PX	Thousands of people
Jun, 2007	Liulitun, Beijing City	Garbage burning Power plant	Thousands of people

Source: From the information on internet.

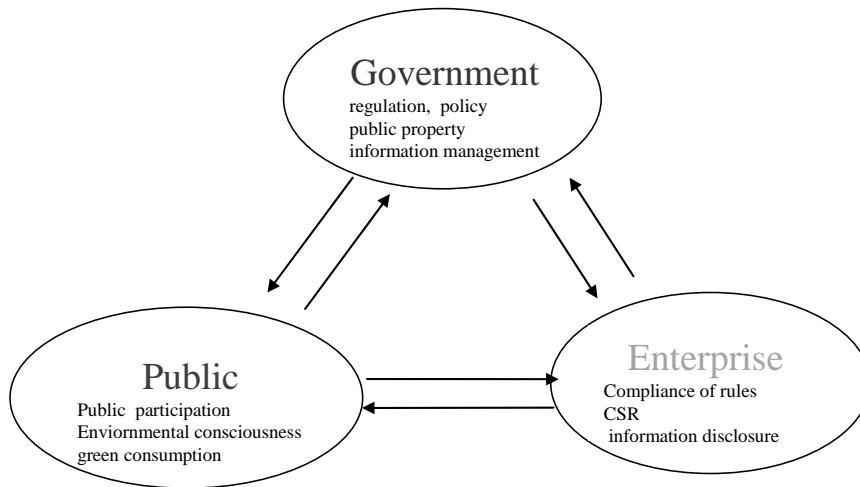


Fig. 2. Social Environmental Management System

First as seen in Figure 2, Government, enterprise and public form the cooperative environmental governance. Each party is equal and has its own environmental rights and obligations, every both of them can easily communicate interactively. In this model, the public not only have the right to participate in environmental issues, but also should bear the obligation of promoting their environmental consciousness and conducting green consumption. Thus the public become from passive acceptance to active involvement in environmental governance. It is much different with the status quo of absence of spokespersons for the public in China, which will give the public a lot of encouragements. With the enhancement of public power, people's environmental interests could be protected much better. We can believe that environmental performance will make progress by this cooperative management system,

Second as seen in Figure 3, in natural state, with the socio-economic development, environmental pressure will get to a higher level just like the top area of the blue ellipse. By government environmental regulation, the environmental quality will be better with lower pressure. By carrying out market mechanism in environmental issues, the pressure will decline more. Combined with public participation, environmental performance will get the best result. So we should pay more attention to public participation as well as command and control instruments and market-based policies.

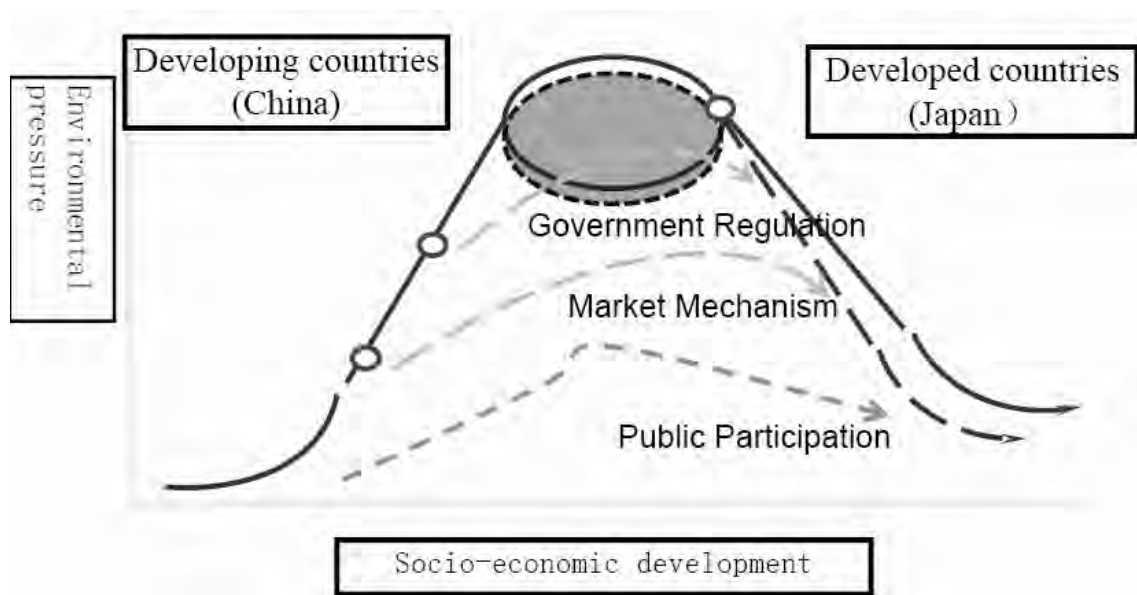


Fig. 3. Good Governance for Environmental Protection

Looking back at the experience of environmental governance in Japan, we can find out that public participation, governmental response, industrial promotion and social transition are four important factors^[6]. Broad public participation and opinion expression, well-improved legislation and strict enforcement, promoting sustainable production and consumption with economic instruments, adjusting the industrial structure for sustainable development, all the Japanese experiences are of worth to China.

3-3 Progress of environmental public participation in China

Environmental information disclosure

Environmental information disclosure is the base of public participation, in China, there are two main types of environmental information disclosure, one is grade of enterprises' environmental performance, the other is environmental information to the public.

With the help of the World Bank, CEPA conducted pilot of enterprises' environmental information disclosure in Zhenjiang City and Nanjing City of Jiangsu Province since 2000. Then, the policy was spread to all 13 cities of Jiangsu Province. Later, this policy was carried out all of China by CEPA, acting as the important base of Environmental Information Disclosure Measures(trial).

Table 5. Classification Criteria of Enterprises' Environmental Behaviors

Color symbol	Environmental behaviors
Black	Discharge seriously exceed the standards ,cause severe influences or extraordinary incidents
Red	Strive but still not reach standards or ever caused significant incidents
Yellow	Attain concentration standards, but exceed the gross control limits, or other behaviors against the law
Blue	Better than pollution control standards, meet the demands of environmental management
Green	Pass though ISO14000, cleaning production , in advanced level

Table 6. Different Policy Aims for Different Colored Enterprise

Color symbol	Policy aims
Black	Urge them to meet the environmental management requirements
Red	
Yellow	
Blue	Encourage to further adopt cleaning production technology and higher environmental management systems
Green	

Table 7. Enterprises Environmental Performance Grades of Jiangsu Province (2001 ~ 2005)

Results	2001		2002		2003		2004		2005	
	Number	%	Number	%	Number	%	Number	%	Number	%
Total	1059	100	2508	100	3074	100	5094	100	8005	100
Green	77	7.27	182	7.26	267	8.69	329	6.46	530	6.62
Blue	512	48.35	1196	47.69	1545	50.26	2659	52.20	4016	50.17
Yellow	288	27.2	655	26.12	789	25.67	1467	28.80	2614	32.65
Red	141	13.31	398	15.87	367	11.94	525	10.31	702	8.77
Black	41	3.87	77	3.07	106	3.44	114	2.24	143	1.79

Resource : EPA, Jiangsu Province

As seen in Table 5, from black, red, yellow, blue to green, five colors correspond to different enterprises' environmental behaviors, indicating worst, worse, common, better and best respectively. Different color has its policy aim, as seen in Table 6.

According to Table 7, we can find that this policy is effective in Jiangsu Province. An obvious change is that the number of black and red enterprises both declined a lot, while the blue and yellow enterprises number increased.

Another environmental information disclosure is direct to the public, for instance, in western countries as US, people can easily search such information on internet. But in China, it just made a step. One famous organization about environmental information disclosure to public is Institute of Public and Environment (IPE), an NGO leading by Mr. Ma Jun. They brought out the first map of water pollution of China (www.ipe.org.cn/water) in October, 2006, in which water quality information, emission information and pollution sources information are included. And in the end of 2007, they publicized the map of air pollution of China (air.ipe.org.cn), from which we can search information about air quality, air pollution and air pollution sources as well as rankings of different regions.

Though the data of the IPE are very insufficient, even are not very exact, the effect of the map is manifested. After disclosed by IPE, a lot of heavily polluted areas and polluted companies were forced to improve their environmental behaviors by large social stress. With Environmental Information Disclosure Measures (trial) carrying out, we can expect more environmental information about government and enterprises will be open to the public.

Improve the public participation in environmental impact assessment

Chinese Environmental Impact Assessment Law was enacted on September 1, 2003, in which principles of public participation are regulated. But for that the scope, path, progress and methods about public participation are not very clear, people participation in EIA is very difficult. Environmental group protests often occurred because of insufficient public participation in EIA of construction projects.

After Interim Measures of Public Participation in Environmental Impact Assessment was enacted On Feb. 22, 2006, the former problems are solved, and the public rights to participation in environmental issues are safeguarded to a new level.

A good example of public participation in EIA is Xiamen's Project PX, the whole progress is as followed,

Feb.2004, project PX got approval

Jul.2005, EIA report was approved by SEPA

Nov.2006 , PX Started up without the carrying out of relevant regional plan EIA, residents had no idea about it

Mar.2007, during the NPC and CPPCC sessions, Prof. ZHAO Yufen, academician of the Chinese Academy of Sciences, submitted a proposal that Project PX in Xiamen should be moved, arose strong attention

Jun.1,2007 , Residents in Xiamen boycotted Project PX by cell phone messages, then Xiamen government declared the delay of the project

Jun.2007 , SEPA: make decisions according to EIA conclusion

Dec.2007 , Regional planning EIA finished , more than 80% public opposed the project

Dec.2007 , complied with public opinions , government of Fujian Province and Xiamen City decided to move the project to another place

Just like the comments by the media, this is a win-win result both for Xiamen's government and citizens. People's strong environmental consciousness, expert's supports and government's appliance to public opinions are the key factors of the successful solution. Public participation in Project PX will become a landmark in the history of environmental public participation. And form this event, we can also find that public participation in EIA is still deficient. The improvement about it is at least included as followed^[7],

- 1) Enhance the organization of the public , increase the paths of public participation
- 2) Legislation assurance
- 3) Organizational guarantees.

Create new models about environmental public participation

Since 2006, the World Bank and the State Environmental Protection Administration have cooperated in administering experimental environmental community roundtable meetings in the Jiangsu cities of Changzhou, Yancheng, and Taizhou. Different types of roundtable meetings have been held eight times. After the meetings, the 110 statistical analysis surveys we collected showed that 81% of the participants had a positive attitude toward the format and results of the meeting while the remaining 19% were hesitant about the results but were still positive about the meetings. Fifty four percent of participants realized after the meeting that environmental quality was an urgent matter

while 37% of participants learned to be more rational and tolerant treatment of local environmental quality. 97% of participants increased their knowledge of government and enterprises' environmental information. Through processing these surveys, environmental community roundtable meetings have proven effective in promoting environmental protection and social harmony^[8] (The detailed information about roundtable meeting will be submitted in my colleague, Mr. WANG Shi's report).

Environmental community roundtable meetings are one of environmental protection's most socially innovative means. It's an important policy tool outside of government action and market means to promote public participation and recognition of society's value. Environmental community roundtable meetings can achieve results, but the key lies in the government-led system, participation in incentive mechanisms, the media, guaranteeing public participation in environmental protection, corporate social responsibility, and a series of institutional arrangements.

Environmental community roundtable meeting is an innovative model for public participation in environmental protection, still in its initial stage, promoting environmental equality and having already established its theoretical significance. Translating this theory into reality and thus building harmony between man and nature has the practical effect of a harmonious society, but workers still need theoretical and practical environmental protection. Workers will continue to study and explore, but we need government and enterprises' support, as well as positive responses from the public and the effective participation of other groups.

4. Outlook for Public Participation in Environmental Protection in China

First, legislation on environmental public participation should be speeded up, for it is the legal assurance of public participation. The experiences of other countries tell us that without legal guarantee, there is no effective environmental public participation.

Second, speed up the social system reform. As we all know, China gained great achievements after economic reform in the past thirty years. Now it is time to push the social system reform. In political report of No.17 national congress of CPC, a new social management pattern with combination of government leadership, social cooperation and public participation is raised. We think that with this guide, more free space will be provided to promote civil society growth and Eco-NGOs development, which will benefit public participation a lot.

Third, reduce costs of public participation. Nowadays, insufficient environmental public participation is mainly because of the high cost, institutional arrangements, the economic factor and technical limitation, etc. So establishing the platform for governments and enterprises' response to public requirements, dialogue and cooperation, interest adjustment are really needed for the public, such as facilitating environmental information disclosure and public participation by network, establishing accountability and compensation systems for environmental damages.

Fourth, construct the social supporting systems for environmental public participation. As one part of the public, the environmental expert's supports, eco-NGOs, public organization and media supervision like TV, newspaper and network are very helpful to environmental public participation.

References

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- [1] Huang Haifeng and Li Huiyin.2008 Comparison and lessons of experiences on international circular economic policies. Comparative economic and social systems (Chinese)[J] 3: P155
- [2] China Economic Times,2005-12-05<http://finance.sina.com.cn/roll/20051205/0926430853.shtml>
- [3] Zhou Shengxian.2008 Construction of ecological civilization: base and soul of environmental protection. Journal of Qiu Shi [J](Chinese) 4:17-19
- [4] Chen Runyang and Hua Ming 2006. Problems of public participation in environmental protection in China. Environmental Sciences of Guangzhou [J](Chinese)3:3-32
- [5] Cheryl Simrell king etc. 1998 The question of participation: toward authentic public participation in public participation. Public Administration Review,4: 317-326
- [6] Guo Dongmei Li Liping etc.2007 Experiences and lessons of Japanese environmental protection and economic development. Southern Weekly. January 18: C19
- [7] He Yu 2007 Public participation in Chinese environmental impact assessment: the case of project PX in Xiamen. Journal of Law and Society(Chinese) 9:547-548
- [8] Ge Junjie, Bi Jun, Wangshi and Yuan Zengwei. 2007. Community environmental roundtable meeting: a new model of public participation in environmental protection Journal of Nanjing University(Natural sciences) (Chinese) 4: 404-410