

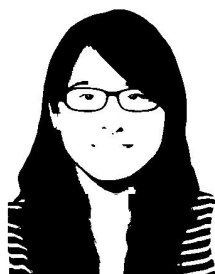
# FOREIGN EXPERIENCE

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## Research on Issues of Public Participation in Environmental Protection in China



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**Abstract.** Public participation is an important principle of environmental protection. Public participation in environmental protection is an significant way of environmental protection as well as an indispensable social force in the environmental protection field. Environmental non-governmental organization plays a very important and irreplaceable role in the environmental protection. Basic connotation, main principles and purposes of public participation are explained; current status and issues of public participation in environmental protection in China are introduced in this paper. Causes of insufficient public participation in environmental protection in China are analyzed; countermeasures and suggestions are put forward from the aspects like legal safeguard, development of non-governmental environmental groups, expansion of public participation channels, improvement of environmental protection awareness of the public and system of environmental information disclosure and so on.

**Key words:** environmental protection; public participation; China.

Over 30 years of reform and opening up, China has become the world's second largest economy shining on the world stage. However, in the meantime, China paid a heavy ecological environmental cost for the outstanding economic development. Especially, in recent years, as the urbanization process in

China is accelerating, the urban ecological environment problem is increasingly prominent. While the persistent haze weather in dozens of cities in China at the beginning of 2014 made various circles of society pay unprecedented attention to problems of urban ecological environment.

## **I. Public participation in environmental protection**

### **1. Basic concept**

Environmental protection is a general term of all activities carried out by human to solve actual or potential environmental issues, coordinate the relationship between human and environment, protect and improve environment. The subject of environmental protection may be government, enterprise, non-governmental organizations and the public and so on. The public hereby refers to individual public rather than the concept of public in social groups.

Public participation in environmental protection refers to that citizens have right to participate in all decision making activities related to environment in the environmental protection field to make the decision conform to vital interests of the public. Participation includes decision participation, process participation and end participation. Decision participation refers to public participation in formulation of economic and environmental policy, planning and plan and before implementation of development construction process. Process participation refers to public participation in formulation of environmental law, regulation, policy, planning and plan and in the implementation of development construction project. End participation refers to public participation after occurrence of environmental pollution and ecological damage.

### **2. Main principles of “public participation”**

“Public participation” originated from the rising wave of environmental protection and deep understanding of human on environmental issues since the late 1960s. Influenced by traditional mainstream economics, people previously believed that environmental protection was a public product only provided by the government, so the partial understanding of “environmental protection by the government” was formed and the public was excluded from environmental protection field. As the environmental crisis was increasingly serious, people have gradually recognized that environmental protection only by the government was not enough. On the one hand, corresponding to “market failure”, there was also “government failure” phenomenon. On the other hand, due to characteristics of environmental issues (such as universality and sociality), environmental crisis must be solved by the cooperative efforts from the government and the public.

Principles of public participation include following aspects: (1) public participation is a constituent part of all decision-making processes; (2) public participation process should be effective and meaningful, which may not postpone the decision-making process; (3) the public can obtain relevant information and put forward valuable advices; (4) public participation process should be objective and balanced, especially opinions from those

people influenced by the decision should be listened to. The above principles can enable the government to make effective decision, while the acceptance degree of public must be considered. Actually, public participation is a powerful way to maintain continuity of policy. In the design process of public participation, although not all advices of all people can be adopted, the public may feel their advices are considered.

### **3. Purposes of public participation**

The core purpose of public participation is to solve interest demands in conflict with each other of different groups while the best solution is to reach a consensus. In other words, public participation firstly enables the public to find out possible environmental issues, and then find out methods and ways to eliminate environmental issues, so as to mediate conflicts of different interest groups as much as possible, lower the anxiety and doubts of the public for the possible environmental issues and solve possible environmental issues that the public may face. The core concern of public participation is to safeguard any party's interests from being adversely influenced by the development and achieve a win-win development and environmental protection.

## **II. Current status and issues of public participation in environmental protection in China**

Compared with developed countries, there are four shortcomings for the system of public participation in environmental protection in China:

### **1. Incomplete laws and regulations for safeguarding public participation in environmental protection and poor implementation**

For laws and regulations, although there are laws and regulations like Environmental Protection Law, Law of the People's Republic of China on Environment Impact Assessment, Law of the People's Republic of China on Prevention and Control of Water Pollution, Law of the People's Republic of China on Prevention and Control of Pollution From Environmental Noise, Measures for Environmental Protection and Civil Participation, etc. Chinese public is still facing issues like poor implementation of rights and interests like right of knowing environmental information, right of participating in environmental protection, right of supervising the environment, etc.; and incomplete feedback systems of public supervision, impeaching and prosecution, so the public's right of environmental protection cannot be effectively protected.

### **2. The function of ENGO in environmental protection yet to be given full play**

From 1990s, the development of Chinese environmental non-governmental organization (ENGO) took shape primarily and the ENGO number was in rapidly rising trend. During 1980 and 1990, there was only one ENGO in China. During 1990 and 1994, there were less than 20 ENGOs. During 1995 and 2004, ENGO increased rapidly at the increasing rate of 25%. In 2005, the total registered number of ENGO exceeded 130 and by the

end of 2014, there were over 3,000 ENGOs in Mainland China and there were over one million participants.

In recent years, although Chinese ENGO development was recognized by the public to a certain extent, the stable status of ENGOs in environmental protection was also gradually established. In aspects like implementation of environmental policy and planning and internal environmental governance, ENGO, as relevant participant, is significant; but compared with ENGOs in foreign countries, there are still many issues like less quantity, small scale, poor influence, capital shortage, poor contact with the government and lack of international contact, etc.

According to data provided by Innovation and Social Responsibility Research Center of School of Public Policy & Management, Tsinghua University in September 2015, the annual income of about 15% Chinese social environmental protection organizations was basically zero, and only 8.6% of organizations realized annual income of above 10 million yuan. Only about 15% social environmental protection organizations kept close contact with local environmental protection department, 20% social environmental protection organizations nearly had no contact with local government, and 41% social environmental protection organizations expressed that they failed to establish the cooperative mechanism of information communication and sharing. In average, each local environmental

protection organization has about 25 full-time employees. Among civil voluntary environmental groups, nearly 30% ENGO only has part-time employees rather than full-time employees.

### **3. Lacking awareness of public participation**

As Chinese environmental issues are gradually prominent and environmental propaganda and education strength is increasing, the environmental awareness of the public is enhanced to some extent, but the solution of environmental issues is still dependent on the government. Although the public recognizes enterprises and individuals are main subjects for environmental pollution and ecological damage, the public still regards environmental protection as main responsibility of the government, so individuals and enterprises are lack of social responsibility and participation awareness of environmental protection.

The formation and improvement of the environmental protection awareness of the public is basically based on the cognition of environmental protection knowledge. The research done by Shanghai Jiaotong University in 2013 showed that the cognition degree of the public on basic environmental knowledge was not optimistic and the public only knew some common senses in aspects like renewable energy sources, energy-saving power generation ways, etc. (*fig. 1,2*). Only 66.3% expressed that they heard of “garbage classification”, and 27.8% heard of “biodiversity”. It’s worthy of concerning that



Figure 1. Cognition of energy-saving power generation ways

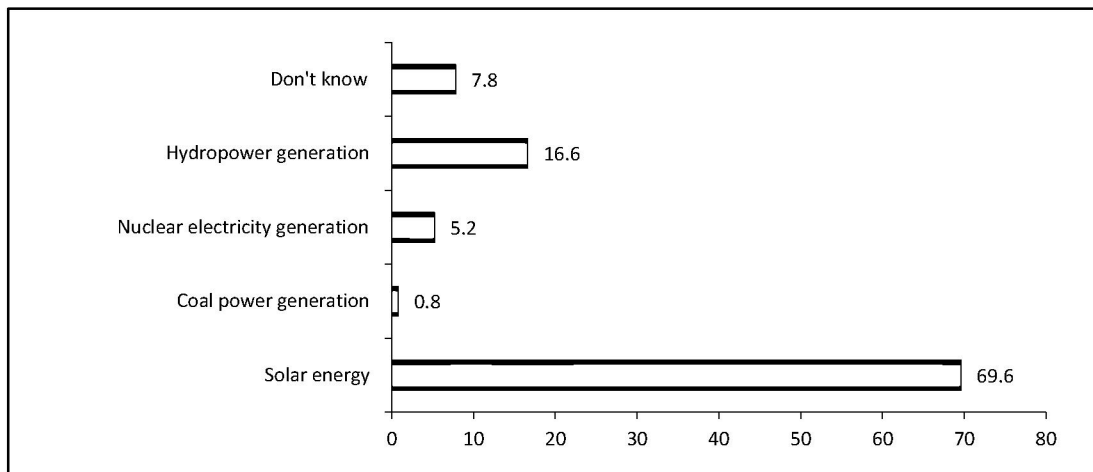


Figure 2. Cognition of renewable energy sources

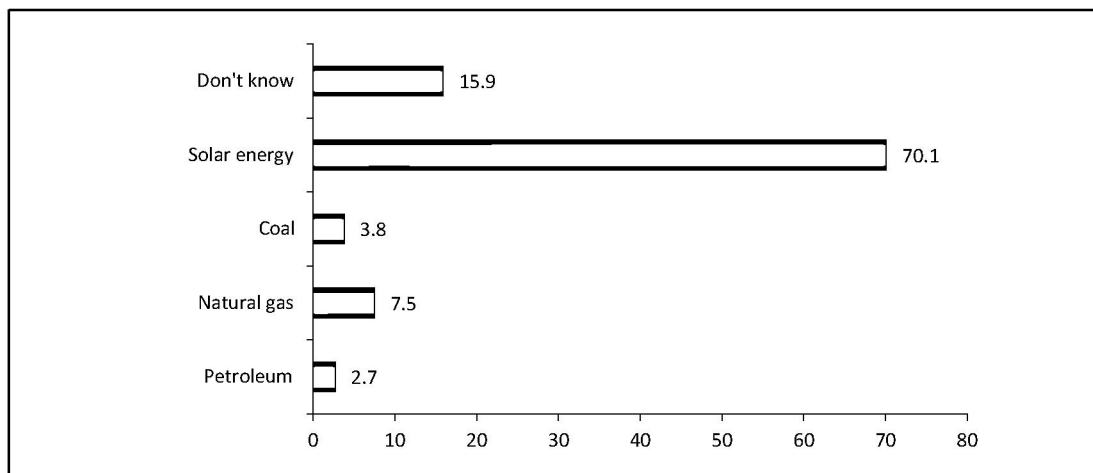


Figure 3. Cognition of PM2.5, climate warming, causes for environmental pollution

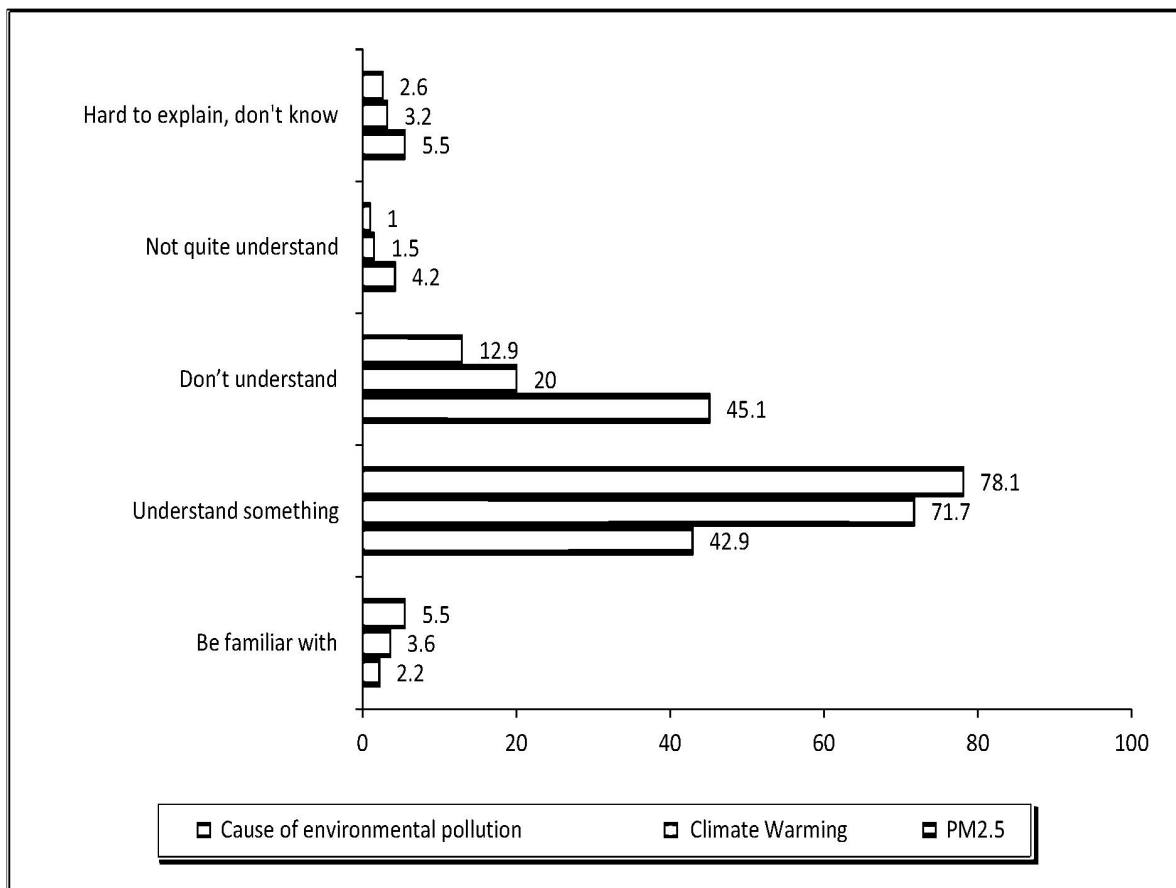
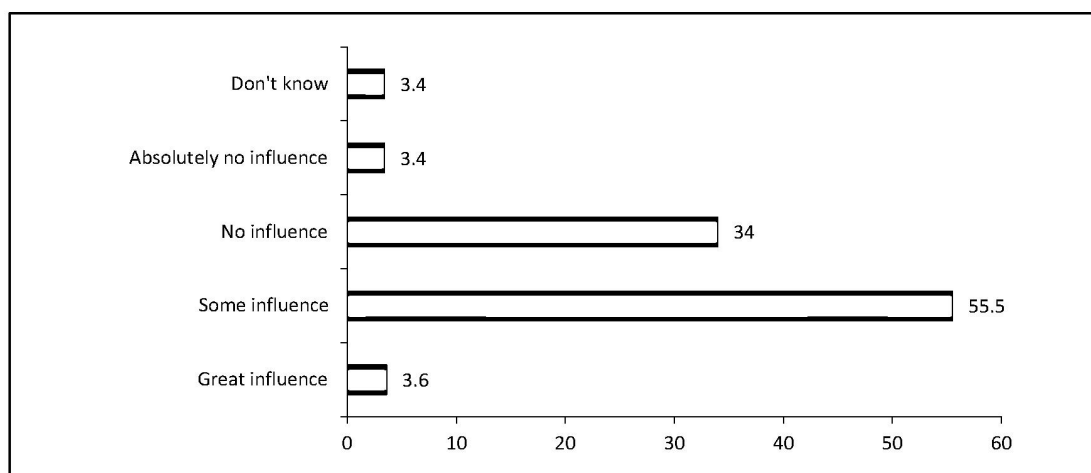


Figure 4. Cognition of influence of daily behaviors on environment



although dozens of cities in China suffered haze weather, the public's awareness of PM2.5 was not high. 54.8% didn't know or were not familiar with it (*fig. 3*). Meanwhile, 37.4% believed that their behaviors might not influence the environment (*fig. 4*).

#### **4. Limited channel for the public to obtain environmental information and participating in environmental protection**

Nowadays, with the improvement of the public attention to environmental protection issues, the channel for Chinese citizens to obtain environmental information is very limited. Existing environmental information channels cannot meet the requirements of public participation in decision making. 2015 survey report of Chinese urban residents' environmental protection attitude behaviors published by Public Opinions and Public Sentiment Survey Research Center of Shanghai Jiaotong University shows that over a half of respondents believe the publicity degree of environmental pollution information by the government is not enough. Compared with local government (58.9%), the public is more confident in the Central Government (65.7%) for solving pollution. The public are unable to obtain sufficient environmental information, which must cause the public to have partial understanding of environmental information. Only the public master basic environmental information of living areas in a sufficient and timely manner, and are aware of the influence of environmental quality condition on their own immediate interests,

can the public express their opinions, put forward their views so as to obtain expected effect of public participation in environmental protection process.

Although citizens with higher education background have a strong consciousness of environmental protection, as lacking of practical and effective participation channel, some public are unable to participate in environmental protection.

While Chinese laws and regulations haven't clearly granted rights of obtaining information and participating in decision to the public in the legislation, and effective procedures and system guarantee are in shortage. To make the public actively participate in the environmental protection, the participation channel must be smooth.

### **III. Analysis of causes for insufficient public participation in environmental protection**

#### **1. Absence of policies and regulations.**

At present, although the right of public participating in environmental supervision is affirmed by law, however, it's lack of clear and detailed laws and regulations on specific conditions, ways and procedures of participation. In case that the public is facing specific environmental issues, the public have no idea of the way of participation and the most reasonable and legal way of participation.

#### **2. Adverse impact of long-term government-oriented participation.**

Looking back the development of the Chinese and foreign environmental protec-

tion career, different from environmental industry of western countries that was primarily promoted by the public, the environmental protection in China was firstly promoted by the government. Good political idea must be with response from the public, implemented with public participation and executed under a complete set of supervision mechanism. Experience from developed countries shows that public participation is not only the intrinsic factor for maintaining long sustaining environmental quality, but also effective new force and huge social power for supervising the government and enterprises and so on to performing environmental management and protection obligations. For a long time, to promote environmental protection from top to bottom by the government actually neglected public participation, and suppressed the public's opportunity to voluntarily participate in environmental protection. In this case, the public is hard to participate in the environmental protection process, and even if participation is allowed, it's passive involvement.

### **3. Disadvantages of social context and public opinions atmosphere of Chinese environmental protection.**

The cultivation of environmental protection concept will be influenced by the public opinions atmosphere. But for a long term, some local governments neglected the environmental protection as they were redundantly pursuing rigid economic benefits for economic development in the actual

work. The positioning of development goals reduced necessary propaganda of environmental protection, which not only influenced the maintenance and development of ecological environment but also hindered the improvement of the public's awareness of environmental protection and implementation of environmental protection behaviors. In addition, there is misunderstanding in the public's awareness of environmental protection. The public are highly sensitive to adverse environmental issues rather than sustainable development, natural reserve and other positive environmental issues. In fact, environmental protection, with wide extension, is the general term of various behaviors carried out by human to solve actual or potential environmental issues, coordinate the relationship between the human and the environment, protect sustainable development of economic society. The misunderstanding and reserve deficiency of environmental knowledge by the public seriously hindered the actual public participation in environmental protection.

### **4. High information and economic cost of public participation in environmental protection.**

Rio Declaration on Environment and Development once pointed out that "all countries should provide lots of data to encourage public recognition and participation", "everyone should obtain relevant environmental information held by the public authority, including information about hazardous substance and activities

in the community". However, some local governments only disclosed little information about environmental issues to the public so that the public's right to be informed was hindered. The public must spend much cost and make field visit to obtain relevant information about environmental issues. If the expenses and technology are not guaranteed, public participation may not be motivated.

#### **IV. Suggestions for promoting public participation in environmental protection in China**

##### **1. Completing legal system of public participation**

Public participation is an important principle and system of environmental protection. Focusing on newly revised Environmental Protection Law and Law of the People's Republic of China on Environment Impact Assessment, and supported by other environmental laws, regulate the system of public participation, and build complete legal system of public participation. In terms of legislative language and content, Chinese Environmental Basic Law shall specify relevant content of public participation in a general manner. In terms of legislative framework, the Law shall specify principles of public participation and the right of public participation in general rules, set up specific rules of public participation and specify legal responsibilities for violating public participation in the legal responsibility. Other environmental laws shall play

supplementary function under the general regulation of Environmental Protection Law. For environmental laws and regulations, Environmental Protection Law specifies public participation in a general manner, so corresponding legislation is required to specify public participation in a detailed manner. Therefore, the complete system of public participation in environmental protection is formed with Environmental Protection Law and Law of the People's Republic of China on Environment Impact Assessment, and supplemented by other environmental laws. Finally a complete system of public participation with various laws mutually coordinated and supported is formed.

##### **2. Greatly developing ENGOs and expanding participation channels for the public**

The ENGO is the most effective organization mode for public participation in environmental protection. On one hand, the ENGO can enhance the cooperation between the public and the government for environmental governance; on the other hand, the ENGO can intensify the influence of public participation, establish healthy and active "regulatory mechanism" between citizens and the government to gather expectations and interests of citizens. Therefore, China must actively support and lead ENGOs from legal system, participation procedure and other aspects, cultivate, encourage and support ENGOs to carry out various social supervision and public welfare activities of environmental

protection, and provide effective channel for public participation. While the ENGOs should also enhance international exchange and cooperation, obtain diversified financing and improve the ability of participation in environmental protection.

ENGOs should constantly learn domestic and foreign advanced experiences. For enriching the capital source, firstly obtain financial support from the government in the form of environment-related funds rather than complete appropriation and subsidy and establish competitive mechanism. Secondly, ENGOs should constantly complete the organization and improve the survival ability. Some ENGOs in western developed countries provide paid service to gain income and develop the organization. For example, provide market survey and commodity development and so on for the environmental protection industry. Raise money by heart-moving activities like charity performance, advertisement, etc.

### **3. Improving environmental protection awareness of the public**

The high environmental protection awareness of the public is the starting point and core driving force of ecological civilization construction. For the current stage of China, following aspects work shall be properly done to improve the environmental protection awareness of the public. Firstly, make full use of social resources, enhance the publicity and popularization of basic environmental protection knowledge, give full play to function

of mass media, enhance the popularization of environmental protection knowledge, and lead the public to learn scientific environmental knowledge in an accurate and timely manner. Secondly, keep transparency of basic environmental protection information and improve the government credibility. As the core advocator and organizer of ecological civilization, the government is in urgent need to change the image and improve the credibility of the public. Finally, establish advocacy alliance decision making mode and strengthen interaction of diversified subjects. Cooperation and communication is the only way to eliminate environmental crisis events, so the government should absorb diversified interest subjects like community, non-governmental organization and common public and so on in the decision-making process, which is good for intensifying the systematic cooperation awareness of the public for coping with crisis.

### **4. Completing the system of environmental information disclosure**

Environmental information disclosure is the premise of public participation in environmental protection. Formulate relevant laws and regulations, establish uniform system of right to know, and specify the channel for the public to obtain information and content in the legislation. Meanwhile, establish effective information feedback system. The subject of environmental information disclosure not only contains government and administrative

environmental protection organizations, but also covers various production enterprises. Urge local governments, environmental protection departments and enterprises to take more effective environmental protection

mechanism and measures, improve the transparency and responsibility consciousness of environmental protection and make the public to give suggestions and properly play the function of supervision.

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