A Study on China's System of Public Participation in Environmental Protection

----Taking Haikou’s “Two Constructions” for Example

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Abstract: In recent years, China's environmental condition becomes more and more serious and all kinds of pollution incidents happen frequently. Although government departments have implemented various policies and measures to curb the deterioration of the environment, public participation in environmental protection is the key solution of which the breadth and depth determines the level of environmental protection. This paper first analyzes the problems of public participation in environmental protection, such as defects of current legislation, low level of environmental awareness and participation, weak environmental NGOs etc. and then puts forward three ways to optimize the system of public participation in environmental protection by the example of Haikou City’s “Two Constructions” Project, that is, perfect the relevant legal mechanism, increase publicity and support environmental NGOs. Finally the paper makes a summary and outlook of China’s system of public participation in environmental protection.

1. Current situation and problems of public participation in environmental protection activities in China

Public participation in environmental protection means allowing, encouraging and supporting the public to actively participate in environmental decision-making and management, evaluate and supervise the relevant activities of government in order to realize public interests. Public participation in environmental protection activities in which the government plays a leading role helps to make up for the limitations of government work which may lead to a failure, to stimulate the enthusiasm of the public, and to form a good atmosphere of all people contributing themselves to environmental protection. However, there still exist many problems in the course of practice.

1.1 Defects in laws and regulations of public participation in environmental protection

The laws and regulations of China's environmental protection are still immature compared with that in developed countries. It has a certain relationship with China's national conditions, economic development level and people's livelihood. Moreover, some of the environmental laws and regulations in our country are issued in answer to the serious or emergent events, which is bound to affect the effectiveness and implementation of them. The public has a right to know, to supervise and to participate in the environmental protection activities, but the definition of specific procedures, rules
and methods in the existing laws and regulations is relatively vague, because of which the public cannot exercise their rights and participate in the practice. Besides, people still don't know how to act in accordance with the laws in order to get an effective result.

1.2 Low level of awareness and participation in environmental protection

Environmental pollution has come home to roost in recent years which can be easily felt by the human beings. The haze, air pollution and bad weather phenomenon gradually infiltrate into the lives of ordinary people. It is a pity that people haven’t put themselves into environmental protection activities while they keep complaining about the disgusting environmental condition. Part of the public is not aware of the importance of contributing to environmental protection. And what’s worse, they even can not consciously abide by environmental laws and regulations. All of this results from poor propaganda of public participation in environmental protection to a certain extent.

1.3 Weak environmental NGO (ENGO)

NGO has a characteristic of folk and independence compared with government departments. As the third party and strength besides the government and the market, it is an important bridge and channel for government to strengthen its ties with people through effective communication. At present there are many non-governmental organizations active in the field of environmental protection, such as Friends of Nature, Global Village of Beijing, Green Homes, China Small Animal Protection Association and so on in China, which help to promote the popularity of environmental protection activities to a certain extent. However, because of China's vast territory, the overall strength of ENGO is relatively weak. The number, funding, capabilities and the impact of ENGO are very limited.

2. Measures of optimizing the system of public participation in environmental protection

In our country, corresponding measures, policy and mechanism is indispensable as to make sure that the system of public participation in environmental protection really works.

2.1 Improve the laws and regulations of public participation in environmental protection

All things must be done by law. In developed countries, public participation makes up one fundamental principle in environmental laws[1]. In China, there also exist relevant laws and regulations.

For example, the fifth part of Law of Environmental Protection of the People's Republic of China clearly states the public's right to know, to participate and to supervise; further consolidates the status of public participation in assessing the environmental impact of construction projects as well as establishes the Environmental Public Interest Litigation System. It is not hard to see that our country pays a due attention to public participation in environmental protection. But that is not enough. In the future, it is rather important to define the boundaries of civil rights and obligations in environmental protection activities and point out the ways, forms and specific procedures of public participation to make sure that there are fewer legal and technical obstacles for people to help change current bad environmental condition[2].

Haikou's "Constructing A National Civilized City and National Sanitary City" (Two Constructions) is a quick response to Premier Li Keqiang’s call for "Mass Entrepreneurship and Innovation " at the
World Economic Forum held in Sept. 2014. Then the implementation of *Haikou Patriotic Health Regulation* was passed by a unanimous vote at the 38th Session of the Standing Committee of the Fifteenth Haikou Municipal People’s Congress on Apr. 27th, 2016. To overcome the heavy difficulties in urban sanitary management, the regulation makes special stipulations to the management of the questionable community, standards for the dining industry, tobacco and smoke control, the safety of secondary water supply and so on. It also makes a clear division of responsibilities, highlights the system design, implements strict conduct, strengthens the legal responsibility, and lays emphasis on the actual effect of law enforcement, providing legal insurance for the municipal project. It is worth mentioning that the law puts up a lot of new perspectives which support “Two Constructions”. For instance, in the third paragraph of article 33, it says that for residential area without department in charge, property manager or owner committee, municipal and district people's government could provide encouragement and support by means of substitute subsidies with rewards and hardship subsidies, so that residential communities could set up owner committee or owner's self-rule organization, employing the department in charge or full-time environmental workers to achieve public sanitary management. Moreover, article 26 explicitly stipulates who are in charge of the sanitary management in the area: construction supervising units or construction units; the right user or supervisor of the idle state-owned land; the owner, the right user or supervisor of the idle collective land[3]. These regulations guarantee the public their legal status in environmental activities, offer approaches for participation, as well as arouse the enthusiasm of the public.

2.2 Enhance public awareness of environmental protection

The government, as the leader of environmental protection activities, must strengthen the publicity of environmental protection activities, cultivate public awareness of environmental protection and form an atmosphere of “Everyone works for environmental protection”. Then how can we enhance public awareness of protection? The point is simplifying the terminology of environmental protection activities and providing practical opportunities for public participation[4]. First, for ordinary people, they find it is rather difficult to understand those obscure technical terms written in environmental protection materials and thus gradually lose their interest in relevant activities. Therefore, simple and familiar vocabularies should be used so that the attractiveness and influence of environmental protection events can be fully enhanced. What’s more, blog, audio-visual electronic magazine, micro-blog, WeChat, mobile phone client and other new media has witnessed rapid development, which can bring about remarkable result if properly used. Second, as one old saying goes, real knowledge comes from practices, more practical opportunities should be provided for the public. In this way, all people, from child to the aged, can get to know how to participate in various environmental activities.

Haikou’s "Two Constructions" creates many ways to strengthen public awareness of environmental protection. Citizens can ask questions, make comments and give advice with the help of modern media network. For instance, one TV program named "Liangjian" offers people an opportunity to make their voice heard even dissect government work. Besides, in another action--I know, I participate, I contribute-- people from all walks of life put their heads to find more effective solutions to environmental pollution[5]. This is a platform for people to make environmental contributions and welcomed by the whole society. Through a variety of rich and colorful propaganda activities, more
and more community residents begin to join the volunteer team, which proves that public awareness of participation in environmental protection has been enhanced.

2.3 Strengthen the power of ENGO

First, financial support is essential for ENGO to work in environmental protection activities. A lot of folk organizations turn out to be formalistic because of lack of funds. All-China Environment Federation released a "Development Report of ENGO" in 2006 which recorded more than 70 percent ENGOs were lack of a fixed source of funding, 60 percent had no special offices, and 40 percent full-time personnel had no salaries[6]. Therefore, the government's funding is the most important support for ENGO. Government departments can provide funds for legitimate ENGOs through financial allocations or they can appropriate policies to encourage public, corporate and celebrity donations to environmental public welfare undertakings. In addition, the government should do a series of business support for ENGO like legal consultance, technical training, etc., to create a favorable atmosphere for them to take part in environmental protection. Second, the government should vigorously promote public participation in the field of environmental protection, because volunteers are the most important human resources in ENGO. Financial support and human resources get together to lay a solid foundation for the development of ENGO. Besides, China's ENGO should actively learn from their foreign counterparts advanced experience, establish internal supervision mechanism, increase transparency to win public trust and attract more people to join in environmental activities.

There are a few but not many environmental non-government organizations (ENGO) in Hainan, among which Nature Conservation & Development Research Association of Hainan Province is correspondingly famous. Nevertheless, the “Two Constructions” activity will surely provide theoretical basis and practical experience for the establishment and development of ENGO in Haikou. There are numerous activities while here only representative examples are presented for brief analysis. For instance, to improve environmental awareness and promote ecological civilization, Haikou municipal government conducted a selection aiming to find “The Most Beautiful Sanitation Figures” on the Hainan Environment Day, Jun.5th, 2016. The contestants should make outstanding contributions to ecological civilization construction and environmental protection, actively participate in the “E&I” project as well as the city construction[7]. The activity is undoubtedly a strong impetus to the public, the volunteers and non-governmental organizations. It not only shows the government's strong support, but also improves their motivation to participate in environmental activities. Furthermore, in the “Two Constructions” activity, civilian efforts emerge in large numbers. HNA organizes 1500 volunteers who spare no effort to salvage dead fish in the East Lake, wipe out the small ads on the Telegraph post and clear away rubbish in urban areas. Elderly volunteers go to community residents committees and set up the health supervision team. They increase health inspections, sweep the streets, correct uncivilized behaviors, and many community residents are influenced by their enthusiasm and kindness[8]. Following the lead of non-governmental organizations and volunteers, Haikou citizens devote to environmental protection activities, and thus public participation has been further improved.

3. Summary and outlook

Haikou’s “Two constructions” has achieved good results in environmental protection, which may set
up a good example for other cities and towns to change the environment deterioration. However, one most important solution to environment problem lies in public participation. As mentioned above, China's public participation system is not perfect and needs to go through a long process of exploration. But as long as the government and the public make concerted efforts to constantly improve the corresponding legal system, enhance public awareness of environmental protection, strengthen the power of ENGO and explore other effective ways, the environmental pollution will be controlled and sustainable development will be achieved.

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