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A JOINT RESEARCH PROJECT  
OF THE INTERNATIONAL  
ASSOCIATION OF PUBLIC  
PARTICIPATION AND THE  
CHARLES F. KETTERING  
FOUNDATION

CHINA

# PAINTING THE LANDSCAPE

A CROSS - CULTURAL EXPLORATION OF  
PUBLIC - GOVERNMENT DECISION MAKING

## 1.1. China

Participants of this research were sourced from various organizations and positions in China including Federal Administrator and NGO Leaders.

### Findings

#### Research Question 1

**What is the nature of public participation/deliberation in government decision-making processes across different cultures?**

The practice of public participation and deliberation is emerging in the People's Republic of China. A Communist government with more than 1.3 billion people, interviewees describe a gradual movement toward policies and laws that – while less expansive than others noted in this report – represent a more inclusive approach to policymaking at local and regional levels than has been traditionally employed.

It is important to note in interpreting these responses that NGOs in China must register annually with the government in order to continue to operate. While these interviews were conducted confidentially in China, interviewee-provided interpreters were present in the room and words criticizing government policy potentially could result in the NGO not receiving approval, which would shut down its operations.

#### *Structural Shifts and Political Eras*

The structures presently in place to support public participation is inadequate, according to one interviewee. “In China the government requires the EIA consultant to do the public participation because the governments itself do not have enough capacity---I mean the time, and the staff,” said a federal administrator. “They don't have enough staff to carry out public participation. Now in China there is a big argument. The EIA consultant they think they don't have the responsibility to do this -- the public participation.”

Others also acknowledge that further changes are needed in order to move forward. “...the real establishment of the public participation needs a political system reform in order to thoroughly implement it,” said one NGO leader.

#### **Context of Public Participation**

There is interest in learning from other cultures, countries and communities about public participation, but limited opportunities. “I don't think that there are lots of government officials have the opportunity to learn how the other governments in other countries to conduct the public participation,” said a federal administrator. However, an NGO leader described how an American taught NGO staff “about the public participation in his community. He may take part in the building, planning and environmental setting and protection of his small community.” This individual reflected that:

I think there is a difference. In the US or overseas, there are much more community activities than here in China. The sense of community is very strong. But in China the sense of community is very weak. All activities are to be carried out within the Chinese governmental administrative areas. However in overseas, activities are more community-based, people can have their say. So the public participation is much easier in overseas than it in China.

This individual also said, “I think if China can promote the concept of community to a wider extent, then the public participation would become much easier. At the moment, that concept is quite blurring among Chinese, so there isn't much public participation because he doesn't think that community is his environment. He should have the responsibility to participate to protect or to develop his community in certain way. I think this is the most difficult thing which is different from that in overseas.” An NGO leader said,

...people in overseas have better capacity and background than the capacity and the cultural background in China. That is to say they know better than us. For example, when building a dam, they know where to approach if there is a problem; whereas in China which is development-oriented, more people are concentrating on the economical development.

Moreover, this interviewee said that there was greater knowledge of public participation “in urban areas or in Beijing...in fact not many people in rural areas or remote areas know about this.” This individual said that the lack of awareness was due to “cultural background, capability and knowledge. It's for a person, like sometimes we say a peasant doesn't know much, that's what I mean.”

Expectations for public participation in China mirror others in this study. A federal administrator observed that public participation is important for purposes of environmental protection. “There are some sectors, governmental sectors agree with that,” this interviewee said. “But not all of the government agencies.” An NGO leader said, “We say in China, the communist party's stand is to represent the widest range of the working people. So its suggestion or view should be supported by the public. But in reality, sometimes its policy was not supported by the public. This is the gap between the theory and practice.”

Another NGO leader was more sanguine about expectations and the role of the public in policymaking.

...I think NGO in China relatively are much better respected, there are less anti-government NGOs in China. And most NGOs are very supportive to government's policy, because we do have, the Chinese government does have some very good policies, you know, good environmental standards. The problem lies on implementation. And many of these environmental groups are educational, they are trying to educate the public and also look government about the needs of environment. And they are very supporting the environmental measure for government; mobilize the public who are not inside the environmental profession,

but people who have this willingness to clean up their environment. So they are good organizer in mobilizing these public resources.

This interviewee later added:

I do think Central Government has a strong interest to promote more public participation, because the Central Government they realize the importance of NGO and how NGO can help the Central Government to monitor the local government and the government officials as well. But the local governments are a little bit concerned about the involvement of NGO. Because they think NGOs can reach beyond, not just beyond their own region, can reach Beijing to higher official, they can also reach to international community. So they were very concerned these NGOs can constitute a threat to their wrong doings. For some local officials they are very supportive to NGOs because they feel that the citizen's participation is a way which is a very important way to promote some of their agenda. For their environmental agenda, they do realize the value but they don't not want to let NGOs go out of control, especially if they feel that if the NGO is too well organized, and if they can mobilize too many people, and they will feel quite uncertain and not very comfortable.

As one NGO leader said, the Chinese government wants “to promote public participation but they want everything come orderly. They know that people do have their own opinion. Many expect that the government may be not right, not accurate. So they're all going to advise. I do think they need more such efforts.”

## **Research Question 2**

**How do different cultures support or provide space for public participation/deliberation in government decision-making processes?**

This research question sought to understand how different cultures – and in turn, different associated governments – provide support for or how they facilitate the practice of public participation among those they serve. Like all countries included in this study, Chinese participatory or deliberative processes is related to how participation/deliberation is conceived and defined. We identified support for public participation/deliberation in the data through responses to interview questions concerning how such processes are defined, how people access such processes and the specific tools or practices that are used to support engagement.

### **Public participation design framework**

This part of our research focused on how public participation is defined and the corresponding design framework

## **How is public participation/deliberation defined?**

Public participation in China is relatively a new phenomenon, and this is reflected in responses to conceptual definitions for public participation provided by interviewees.

## Concept of Public Participation

The concept of public participation in China is considered as:

- **Information gathering.** “For the general public, for them maybe it just means that they have some opportunities to get some information,” said a federal administrator.
- **Evaluation of projects and plans.** “Before, my understanding was: as long as people from the non-governmental organizations or people within the community participated in the environmental protection activities, I regarded that as a kind of participation,” said an NGO leader. “Now we have moved forward from taking part in these physical activities to the project evaluation--that is to evaluate the project and its future planning evaluation. In the future the public may even get involved in the evaluation of strategic planning. This actually is the realization of the public participation in the decision-making process.”
- **Volunteerism.** “They are thinking if there is NGO or government agency as they need the people to participate, for example the Olympic Games, then talk about public participation most people think: ok, the public participation can be a volunteer to offer service,” said an NGO leader.
- **Public as “shareholder”** when there is interest on the part of the public, according to an NGO leader.
- **Engaging in environmental activities.** “In my opinion, the concept of the public participation in the West means that a person can be a master of his own affairs,” said an NGO leader. “It is a kind of involvement in the governmental management; an actual form of democracy; participation in the management. In China, the public participation only means that I take part in some of physical activities in the context of the environmental protection but not the management of the state.”
- **Working collaboratively.** “The public participation does not mean antigovernment,” said an NGO leader. “Sometimes it means we do things together with the government. It can be against the government if the government does not apply the law strictly enough.”
- **As political involvement.** “They reckon the Chinese Communist party’s long-term policy of the mass line is a kind of public participation,” said an NGO leader. [*Editor’s Note:* Here, the term “mass line” was not provided by the interviewee, although the editors interpret this to mean “mass society”.]

## Common Terms

Common terms for p2 in China include information disclosure (federal administrator) and volunteerism (NGO leader). However, an NGO leader observed, “Some people think that the public participation is a new concept in China. But a lot of people would say it’s not a new thing in China but a different word.”

## Types of public participation/deliberative processes

Several types of P2 also were identified by interviewees. These included information disclosure, volunteerism, community action and problem-solving.

**Information disclosure** is a formal government process that appears more longstanding than the emerging use of formal participatory practices for decision-making and policymaking; these practices are contrasted with community participation efforts (e.g. volunteerism) that seek to engage people in community service activities. “For example: the public participation in Olympic Games, now there is a group of volunteers,” said an NGO leader. “This is the public participation--- these volunteers participate in Olympic Games to do some service work. In this case you had to wait for the government agency to call on them: it’s time to sign up, it’s time to get involved. Then you can get in, that is to say you cannot participate willy-nilly.”

A federal administrator noted the **connection between information disclosure and compensation** to community members. “For the construction projects, the information disclosure for the public just means that there is a project and they know to be built,” said this person. “For the people who maybe are affected they want to know whether they can get any compensation for being affected by that project. Especially for some poor people, they don’t really concern about if there is any significant environment impact, they concern more about how much compensation they can get.”

This interviewee also described how the practice of information disclosure has become widespread among federal agencies. “Actually now we have many government agencies have the official procedure of the information disclosure. For example we have a urban plan, normally the government will put the plan on a website. Sometimes they have the open house for people to know what the plan looks like, and people can give their opinion and comments on that. But whether the government takes the opinion of public into the considerations, normally we don’t know.”

However, an NGO leader disagreed with this assessment, citing an example dealing with a wetland in Beijing. “At that time they were going to sort of grow crops there, to develop some farm land...Then somebody suggested to the [agency] and that they should have a wetland park instead,” said the NGO leader. “We should protect this area rather than turning it into something else. They [agency name] did conduct a hearing. They invited 10 odd people like experts and reporters to participate. Finally it seems that the wetland has been changed into a park.” Another NGO leader identified a specific project where public input affected the project outcome: “the waterproof project at the Old Summer Palace which had the public participation: the project was modified after the public hearing.”

An NGO leader also noted a **community action orientation** regarding Chinese public participation. “For example: the [organization name], they should have more than [number] people when it comes to planting trees in the desert,” said this interviewee. “Each time they send out several hundred people. They keep doing this year after year. So far more than [number] citizens have taken part in the program

voluntarily. They may communicate via telephone or e-mails saying that a message is to be put on the website telling on which day we are going to go to which desert to plant trees, interested people can contact so-and-so. Thus we can all meet there.”

The comments from another NGO leader also reflected a type of p2 that is action oriented: “The public participation at our [organization], in fact is that: if we discover a case, we advise the pollution victims to **take the case to the court**,” said this person. “The respondents can be the polluting companies or the government that didn’t apply the law strictly. We regard this as a kind of participation.” This NGO leader agreed that public participation as voluntarism was “one kind of participation” among several kinds. According to the interpreter present (at the invitation of the interviewee), this interview subject “said for Chinese, if the government said and we joined, that would be a kind of participation. The government says something and you follow voluntarily.”

Another NGO leader also described working to **build civil society through public participation**. This interviewee’s organization pursues this work “because we believe that one approach to solve problems in China’s promise to build a civil society in China, that’s definitely consists of as many as possible nongovernmental or independent organizations,” this person said. “So our every work is involved to build up a capacity of many environmental organizations ...especially we are interested in supporting those grassroots organizations who are facing on this region, who are also facing a lot of challenges in dealing with environment conservation.”

Another NGO leader described **a consultation process for the purpose of discussing potential changes in service rates**. “...when the Ministry of telecommunication wants to raise the fee---service fee charge for the service users, they say want to have a public, um, kind of hearing, but in Chinese term, consultation,” said this interviewee. “They want to consult with the decisions. And then they would invite the people who is acting legal representative and who could represent some interest group to participate. But that’s not very often, it doesn’t happen very often and those are just mostly for price, for increase of price not for real policy change.”

Who conducts the public participation process depends on the type of process. According to the federal administrator, **the government conducts processes for urban planning**. However, under Chinese environmental impact assessments (EIA) regulations, such regulations stipulate “how the **environmental impact assessment consultant** should involve the public in the whole EIA process.” This individual “can choose the means of public participation, depending on where the project is located. If there are a lot of conflicts, maybe they have to hold a public hearing. And also the environmental authorities can ask them to hold this kind of hearing.” The official further clarified that “a formal procedure of hearing” does not exist, although this individual thought that it really meant that the consultant has “to make a brief introduction of a project.”

Some of the steps taken by EIA consultants vary depending on the public's reaction. "I think it depends on the public participants themselves," said a federal administrator. "If they are just the local residents, maybe they will talk more about compensation, but they are from NGOs or researchers, maybe they will talk about the environment impact." In China, it is common for residents who are unhappy about a project to **protest** it, in order to receive compensation from the project sponsor. This is considered one type of Chinese public participation.

## **Regularity/frequency**

According to an NGO leader, the move towards public participation began in the late 1990s. In 1997, "some NGOs participated in environmental protection activities," said the NGO leader. "For examples: picking up the rubbish at the Great Wall, helping planting trees in a desert; and the some on-the-street displays, photos and information desk. These were community-based activities which could get the public involved in environmental protection events."

"At that time, the Chinese citizens began to think about the environmental protection," the interviewee said. "This was one step forward in terms of the concept and awareness." Today, engagement takes place based on **legislation requiring environmental impact assessments for proposed projects**. In 2002, after China published its EIA law, "the government started to put the provisions in the legislation to ask for public to participate in environmental protection. In fact it was a participation in some construction projects and regional planning. Getting the public involved in the environmental impact assessment is the real starting point of public participation."

"The application of the public participation is mainly within the EIA law," said an NGO leader. "Because the EIA law applies to all of the economical development projects and the original planning. Anything to do with these two subjects: like a project, an infrastructure project i.e. a railway or an airport, for these kinds of projects, we should involve the public participation. Another area is planning. We design the blueprint of our community: how much water do we need and how much can we take from a river? How many kinds of fish to be protected or not? The public should be involved in the decision-making of these problems."

Under the Chinese EIA regulations, "any construction projects or development projects to be approved by the government need a public participation," said an NGO leader. "It's like if you want to build a hydro-electricity scheme here, it needs public participation; or you want to build a nuclear station there, you have to have public participation. The current public participation is much more serious than what we did in 1997... So we can say the inclusion of the public participation in an environment law is a big step forward."

Along with this shift towards **more participation in project and planning decisions**, an understanding also grew of different kinds of participation. "Before, my understanding was: as long as people from the non-governmental organizations or

people within the community participated in the environmental protection activities, I regarded that as a kind of participation,” said this NGO leader. “Now we have moved forward from taking part in these physical activities to the project evaluation---that is to evaluate the project and its future planning evaluation. In the future the public may even get involved in the evaluation of strategic planning. This actually is the realization of the public participation in the decision-making process.”

This NGO leader said that the Chinese government has embraced this realization through regulation. “Now I feel that the Chinese government has raised the issue the public participation. The application of the public participation is mainly within the EIA law,” this person said. “Because the EIA law applies to all of the economical development projects and the original planning. Anything to do with these two subjects: like a project, an infrastructure project i.e. a railway or an airport, for these kinds of projects, we should involve the public participation. Another area is planning. We design the blueprint of our community: how much water do we need and how much can we take from a river? How many kinds of fish to be protected or not? The public should be involved in the decision-making of these problems.”

A Chinese interpreter attending the interview with this NGO leader (at the leader’s request) further clarified: “So the clearest process for implementation of public participation is focused on the EIA law,” said the interpreter. “It clearly goes with the some of the enquiries of Chinese governments in terms of development projects, and the planning in the resources planning, how to use this river, developing pollution issues and so those are sort of avenues from which public participation is most implemented right now in China. And she suggests for more examples of that you can ask [name].”

Another NGO leader noted the importance of creating awareness of EIA regulations among the general public, in order to encourage “the public to participate in environmental conservation.” “I think that’s [the EIA regulation or law] one of the first law that’s passed. On one hand SEPA [the State Environmental Protection Administration, the Chinese federal agency with responsibility for implementation of the EIA law] definitely has this aspiration in become a more influential agency, and they do need, for SEPA to meet its own goals to fulfill its own potential, they do need public support,” said this NGO leader. “I think this is one important step to articulate people’s support to SEPA itself. On the other hand I think they need, this mechanism needs more practices, currently it is lack of experience in the how, talk about public hearing, they don’t have experience.”

“On one hand these individual citizens or this individual nongovernmental organization, they should have more prepared knowledge, and they should know the issue that they are dealing with,” said this NGO leader. “So when they want to have a public hearing on the Old Summer Palace Lake, you know, there is a project on the lake of the Old Summer Palace. So the people should know about , have more knowledge about water system, so when they are there, they are talking about based on science, based on facts, rather based on emotion. You know, people does have the emotion in nature but

in what way? So this should be convincing, when no wonder individual citizen speak up during this event, during this occasion, their words should be convincing enough. Otherwise if someone is very supportive to an environmental disruptive project, they can present themselves much better then.”

**Training in public involvement approaches and techniques also is evolving.** An NGO leader described efforts that led to the publication of an EIA training textbook. At the time of the interview, this same NGO leader also described a move towards public participation projects in support of sustainable development goals and the use of the EIA regulation to guide it. “At the moment we are carrying out a conservation project on the conservation of the diversity of a forest. We want to experiment the public participation at a natural conservation area in [community name],” the NGO leader said. “In the area there is a river coming down from the mountain with numerous small electricity stations along it. In fact the water generated energy is green energy. But too many stations damage the vegetation. So for the sake of the protection of diversity, these stations have to go through the EIA process: how many stations can be built along the river? A hundred or what? What's the capacity of the river? What is the damage to the ecosystem? We need an EIA review of all of these. In this EIA process, we want to get the public involved. That's our plan but we haven't started yet.”

Another NGO leader said that changes are gradually emerging. “Some changes have taken place recently. In spring this year, the State Environmental Protection Administration (SEPA) has published a guideline on the public participation in EIA. It tells the public how to put forward their comments during the participation and EIA process.” Further, this interviewee said, “Now some local governments have set up the similar regulations. For example, in Shengyang city, there is a regulation on the public participation in environmental protection. In Shengzhen city, they have set up a public welfare legislation system in the context of EIA. They embedded the welfare legislation system into the EIA regulation.”

Finally, a federal administrator also identified a “problem resolution”-type of public participation, in which the public's views has influenced decisions. “In the past normally if there is more than 70% of the public against the project, the authority should consider if they pass the project,” said this interviewee. “Maybe they will ask applicant or the owner of the project to make more communication with the local public. To find out what kind of issues local public considered, to find a solution to solve that problem.”

### **How people access participatory processes**

Access to public participation in China is made possible through **information disclosure, voluntarism, NGO partnerships, the court of law, public comment processes** and **quasi-administrative hearings**. *[Editor's Note: The categories to which these strategies/techniques have been assigned were made by the project team (and not by interviewees) as one means for organizing what appear to be like activities together.]*

## **Meetings, Committees and Community Dialogue – Face to Face**

As a result of EIA regulations, many government agencies now must comply with “the official procedure of the information disclosure,” said a federal administrator. “Normally we have two steps in the public participation,” said this person. “If it is a huge, a big project they have to have two times of information disclosure. For the first information disclosure the general public can get involved and can provide comments whenever they want. But for the second time the consultant, the EIA consultant must get some key public involved. But they have to tell the general public their contact information, so the general people if they want to get some inputs they can contact them freely.” Education and training are provided for EIA consultants in order to facilitate the public’s involvement; however, “There isn’t any education for the minority group,” said the administrator.

Information disclosure involves several techniques. The process of **public hearings** involves posting “a notice before the hearing, and ask[ing] people to sign something, then they [officials] have to determine the number of participants,” according to this administrator. “Anyone can apply to attend the hearing, but I think there will be some restriction on the number of participants.”

An NGO leader described who participates in public hearings as part of an EIA process. “At the hearing, we will have the people from the government, experts and some companies--- the companies who are in the electricity station business, and the local public, to decide how many stations at what levels can we built, what’s optimal green electricity output without damaging the ecosystem?”

Sometimes **quasi-administrative hearings** provide access to public participation in China. For example, as one NGO leader said, a “member of the public discovered something illegal; they then notified the government and the media to report. Then the government held a public hearing to listen to the public. The public applied to attend the hearing to have their say. Finally the government made the decision. The government agency made the decision.”

## **Information Sharing**

Agencies also must **post the information on the internet**. “Because when EIA is submitted to the authority for approval, authority has also to disclose the information at their government website,” said a federal administrator. This interviewee also noted that there are plans “maybe to have a special website to put some information of the project to the general public,” in addition to information on the agency’s main website.

**Brochures** are also provided to the public, which “introduce the EIA process and the public participation process to the local residents.”

By comparison, public participation as voluntarism involves different techniques. Large events such as the Beijing Olympics might employ technology to recruit volunteers, for example, one NGO leader said. Such an event doesn’t “have a limitation of the number of people; they might say we need some medical volunteers. As I know a child of a

friend of my brother living in the States is a doctor. He wants to join the medical volunteer team---the doctors and nurses. They can **apply online**, and fill out the form etcetera.” This effort was part of a larger application process. “Everybody can apply,” this interviewee said. However, it depends “whether you are taken or not. Say four of us apply for it, maybe only one is taken.” Such online processes allow event managers to select candidates for appropriate opportunities. “Other people might say we can speak English or French, we can be an interpreter. So there are all sorts of applications which all can be done online.”

For smaller events, volunteers are recruited by **telephone, emails or via website postings**. “For example: the [organization name], they should have more than [number] people when it comes to planting trees in the desert,” said an NGO leader. “Each time they send out several hundred people. They keep doing this year after year. So far more than [number] citizens have taken part in the program voluntarily. They may communicate via telephone or e-mails saying that a message is to be put on the website telling on which day we are going to go to which desert to plant trees, interested people can contact so-and-so. Thus we can all meet there.”

An interviewee also identified NGO partnerships as another means of engaging the public. According to an NGO leader, “I think NGO here is quite effective way to be engaged in work in government. Because individual citizens, in a certain way, they can participate in decision making through public hearing. But China hasn’t had a tradition or hasn’t been practiced in public hearing. So the NGO, who are in a form of organizing concerned citizens, and they are an institution---quite a good institution to interact with the government. “

These partnerships “work with local partner organizations,” said the NGO leader. “So we do realize the needs to manage this organization to have members, not just be a, you know, like 4 or 5 people’s organization, but try to recruit members, public support, and in the way that should be open. So we support, we funding, we prefer to support this organization that would have democratic [indiscernible] organization, but also open to the new comers.”

“We strongly support this group to get resources from their members, you know, try to engage more people, and be able to solicit fund support, membership fee,” said the NGO interviewee. “And also because they become members, those groups have to have this responsible to serve its members, to report to its members. And so we are in favor of this membership fee organization. Beside we also encourage this organization to be transparent.”

The partnership functions by engaging members through **newsletters, websites and volunteer opportunities**. “Because if the public does not know there is a chance to participate, if they do not have information about the organization, they have little means to participate,” this person continued. “So we currently use newsletters and have a website, so people can find you, people can get info from public available sources. And also we, ourselves recruit volunteers, we do recruit volunteers when we develop a

project, you know, some people just [indiscernible], because they want volunteer their time, efforts and talent, so we respond to every letters. And we think everyone is important. And collectively, NGO's power lies in people. Only collectively you can make an impact. So we do value these individual volunteer who comes to help."

Another means for public participation is through **public comments on draft legislation**. For example, in the last few years, the State Environmental Protection Administration – which has responsibility for EIA regulations --- published a guideline about public participation in EIA processes, as a means for asking for public comment on the draft legislation. This guideline "tells the public how to put forward their comments during the participation and EIA process," said an NGO leader. "For the public to participate," this person said, "during the drafting of the law, they should give their inputs." This often involves posting requests for comment online: "Of course we can get the comments from a wide range, for example we can put the draft on a website, to let people comment," the NGO leader explained. "That's one way to get more public involved." For example, the Chinese draft Property Act was posted "on a website and attracted few hundred thousand comments." [Editor's Note: This is one example provided by interviewees that falls outside of the environmental area.]

Even though the public comment process is open to the public at large, who participates in the drafting process itself is not. "Some of them would be willing to participate, but not everyone can be part of the drafting process," said the NGO leader. "Because during the drafting, we mainly invited the key people of non-governmental environmental protection groups to participate and have their say on EIA." This interviewee further explained that interest in participating in drafting legislation is underdeveloped, particularly on the part of NGOs. "Now in China, the capacity of the public participation is not very strong, and that includes some non-governmental environmental protection organizations.....We invited the two largest environmental NGOs. One didn't show up, the other one just gave some very simple suggestions. They cannot provide any sound advice when it comes to legislation. So the level of the participation is low" by such organizations.

*"Because this new law was passed, it's relatively better. Because the door is open. The door is open, but people would not necessarily enter the room." – NGO Leader*

### **Other**

This concept of NGO partnerships also involves **project monitoring**. "At local level, it can be quite a challenge. Because most the projects if they have the potential environmental disruption and a lot of projects do have this problem, they do not want people to know too much," said this NGO leader. "For every environmental disruptive project there is a scandal. Otherwise he wouldn't be able to pass. You know, would not be able to get the investment. There is always some area to be hidden, not want to be reviewed. So this can be a challenge for the local people to participate in the decision-making process. So we are supporting these groups to keep close eyes how many of these issues, and encourage these groups to become a monitor, like a watchdog, of

some of this project. But we are not in that stage yet. We are trying to support building capacity of these groups, so they are able to operate, be able to have more people.”

The ability to monitor projects has been helped by the EIA regulations. “Because this new law was passed, it's relatively better,” this NGO leader said. “Because the door is open. The door is open, but people would not necessarily enter the room.” This interviewee also noted that people do not self-organize to participate. “And interestingly we need governmental organizer to invite people to participate. That's a dilemma. Because people are not allowed to organize themselves to have a participation in a meeting, they need a project developer or from project applicant company who would want to organize this. The company can and should invite the public---the concerned citizen to participate. Otherwise no. Even the law is passed; there are still not so many cases for this environment impact assessment with the public.”

Once people are in the room, so to speak, members of the public in attendance generally are active participants. “During this occasion, they are not scared,” said the NGO leader. “Because people are there who are willing to be there, they are the people who will speak up their opinion. They will not be there if they will not speak up honestly. So I think this occasion is very open.” However, even when there is interest in participating in public hearings, limitations may apply. According to another NGO leader, “...sometimes if there is a public hearing, you cannot put everyone at the meeting place. Only the people who have been approved can go the meeting place and attend the hearing.”

**Sometimes, NGOs encourage the use of the Chinese legal system as a means of public participation**, said another NGO leader. “The public participation at our [organization], in fact is that: if we discover a case, we advise the pollution victims to take the case to the court,” said this person. “The respondents can be the polluting companies or the government that didn't apply the law strictly. We regard this as a kind of participation.”

### **Who is included and excluded**

As noted previously, who is included in public participation processes varies.

### **Who is included**

At the federal level, an administrator said, “I work with the, not general public, not individuals; we work with **NGOs, the environmental NGOs and also environmental consultants and also the government officials.**” The work of this individual involves close coordination with NGOs. “And we also consulted a lot with the government,” this person said. “At least they're three parties must be involved in process: one is the direct affected public, another is the relevant experts, also the other party is the representative of the local” public Council, known in Chinese as *Renda Daibiao*. This body is “not government,” the federal administrator said. Among members of the public, this official said, those who are more highly educated are likely more familiar with public participation processes. Most “educated people they might have the similar

understanding as me [regarding public participation],” said this person. “For these general public, especially less educated people, I don't think they have understood this term. And they haven't have any experience on that.”

Any member of the public can participate when the EIA consultant is soliciting participation in an EIA process. These EIA consultants are hired by the project owner. However, the federal administrative official noted that the level of participation “depends on the public participants themselves. If they are just the local residents, maybe they will talk more about compensation, but they are from NGOs or researchers, maybe they will talk about the environment impact.” Among those consultants who lead such efforts, “There are some private consultants but most EIA consultants in China belong to a university or research institute.” Their work may also be verified. “Yes sometimes we will review them. Because they have to have the contact detail of each individual they have interviewed or they get them involved. If we don't believe the result of the public participation that the EIA consultant conducted, we can contact the each individual person to confirm that.”

Not surprisingly, **those who are likely to be the most affected by a project proposal** are most likely to become involved in the EIA process. For example, one NGO leader “found out that the pollution victims are most active in the environmental protection.” And because a pollution victim “has suffered, he can take the case to the court and get compensation for it or stop the pollution. And thus he can protect his interest directly.”

Who is involved also is **affected by geography**. According to this NGO leader, “It depends on where the case is. The relevant people can get involved. Like a county at [community name] in [region], the polluting factory affected a lot of people ---about few ten thousand people were affected, but only [number] odd people who took the legal action. For those [number] plus people, the action was a direct participation.”

Another NGO leader noted the valuable role that NGOs play in facilitating involvement. “I think NGO here is quite effective way to be engaged in work in government,” this person said. “Because individual citizens, in a certain way, they can participate in decision making through public hearing. But China hasn't had a tradition or hasn't been practiced in public hearing. So the NGO, who are in a form of organizing concerned citizens, and they are an institution---quite a good institution to interact with the government.”

### **Who is excluded**

It is not always easy for the public to become involved, however. There may be “a lot of difficulties. First in the environmental litigation, **the public will find it hard to start the case**. Quite often the alleged companies are harbored by the local government. When you file the case to a court, the court may quite often do not accept it.” In such instances, this NGO sometimes helps “them to appeal to a higher court. But sometimes

we let the media--- news reporter to report the case. The local court is afraid of the criticism and they will accept the case.”

An NGO leader said that there also is **an urban/rural divide in awareness**. “More people in urban areas or in Beijing understand this; in fact not many people in rural areas or remote areas know about this.” Further, this interviewee said the current regulation is unclear about who should participate and how to become involved. “Yeah I mean the current regulation on the public participation is not practical. Say if I'm against the Nujiang river dam, how do I participate in this project? Should I go through the legal system or should I contact some local person to get involved? Am I quantified on not? It's true that only the local people can participate; a Beijing person like me will be declined?”

In addition to **those with less education**, those who are excluded from participatory processes include **those who lack scientific knowledge**, according to the federal administrator. Even with an increased level of interest, not everyone can be involved, said an NGO leader: “Some people are more interested in making money; they probably don't have time to engage. I also think there are enough people in China who is interested in public participation, decision-making process. Each time the government wants to organize this opportunity to participate, there are more candidates applying for it. They had to turn down, have to delete many people from the list, because there are not enough seats.”

At the organizational level, the Chinese government allows “the average public to participate but **it doesn't allow the international NGO to participate**, I'm afraid. They don't want to involve too much international NGOs,” said the federal administrator. Further, public participation itself is “not very easy” in China, said the federal administrator. “There are many reasons. I think because now in China the law and the regulation require EIA consultant to do the public participation. And normally the EIA consultant is employed by the project owner. The project owner they don't like to involve too much public. Sometimes they just think there is a procedure they must to follow.” An NGO leader agrees. “Even though they have a lot of detailed guidelines, like the guidelines we made in [community name], it's still hard for an average citizen to actually do it accordingly. They don't know how to do it.”

However, the government is aware of this limiting factor. “When they make the guideline, we try to avoid this kind of situation. So we have the requirement in the guideline, also in the regulations. We do pay more attention to the people who are different, who are poor, or who got less education, who is the minority something like that. We require that the public participation should pay more attention on them?”

Sometimes private information channels can be beneficial. For example, “if you want to have a piece of information, you can, you have to, say through private personal channels, you know, personal connections,” said an NGO leader. “You can get what you want. But that's not helpful, because **majority people do not know**. And also if this is, many of information is too academically, it is not for the layman, it's still hard for

people to understand.” In other instances such connections may not be useful. Members of the public can participate “if local government invites them,” an NGO leader said. “If they are not invited they cannot go even if they want to go. For these decision makers, they are very carefully in screening participants. They are not open for everyone. They will only select few concerned. They would evaluate your qualification---**whether you are qualified to be invited to their public hearing.**”

Moreover, “although in China there is constitutional right that people have freedom to associate, to associate people, to organize a protest or demonstration. But in practice it's not free for people to associate,” said this NGO leader. “For them it is still the lack of legal, many groups are still lack of legal identity. So according to Chinese law, it's illegal to organize any activities or organize a membership group if you're not registered.” And, this person said, such registration can be problematic. “**It's very difficult to register, because the government doesn't want so many groups there.** So registration is a bottleneck right now in China.” This interviewee also said that the role NGOs play can contribute to such difficulty. “In China, the society is very open to this kind of charitable work. Even you're not registered, you can be recognized as a legal entity even without registration. But if the government wants to have problem with you, they want to be tough on you, they will use this as an excuse: If you're not registered and you have 100 members now, so it can be a fair excuse to turn against you.” Another NGO leader said that the present legislation also constrains participation. “In China the public participation is not popular. To promote that, we need to have some channels. The current legislation does not provide many channels for the public participation in environmental protection. The channels are limited.”

“Now we have to improve the legislation in China because the Chinese legislation does not provide many chances for the public to participate,” this leader also said. “By improving the legislation, we should write the public participation into the law. Thus we can see the real public participation taking place.” This is because today “in Chinese law, there are no detailed regulations but a few clauses of principle regarding the public participation.”

## **Barriers to participation**

Barriers to public participation identified by interviewees include:

- **Lack of education about EIA legislation.** “The general public does not know. Even though they don't know EIA too much, I think the government need do more education for the public especially there is a project in the local area. They need to allow the local people know there is EIA, within the EIA there is a public participation procedure,” said a federal administrator.
- **Institutional challenges.** “There is some institutional challenge in China,” said a federal administrator. “In China the government requires the EIA consultant to do the public participation because the governments itself do not have enough capacity---I mean the time, and the staff. They don't have enough staff to carry out public participation. Now in China there is a big argument. The EIA consultant they think they don't have the responsibility to do this--- the public

participation.” Further, time must be allowed for institutional systems to mature, this person said

- **Weak sense of community.** “I think there is a difference. In the US or overseas, there are much more community activities than here in China,” said an NGO leader. “The sense of community is very strong. But in China the sense of community is very weak. All activities are to be carried out within the Chinese governmental administrative areas. However in overseas, activities are more community-based, people can have their say. So the public participation is much easier in overseas than it in China. Another point is people in overseas have better capacity and background than the capacity and the cultural background in China. That is to say they know better than us. For example, when building a dam, they know where to approach if there is a problem; whereas in China which is development-oriented, more people are concentrating on the economical development.” Further, “I think if China can promote the concept of community to a wider extent, then the public participation would become much easier. At the moment, that concept is quite blurring among Chinese, so there isn't much public participation because he doesn't think that community is his environment. He should have the responsibility to participate to protect or to develop his community in certain way. I think this is the most difficult thing which is different from that in overseas. The sense of community is very weak.”
- **Influence of the project owner.** “So sometimes they have to consider the opinion of the project owner,” said a federal administrator. “If the project owner doesn't want them to put too much public opinion in their EIA report, then they have to do to follow the project owner.”
- **Time in the process.** “I don't think that the government needs to do more in public participation in the approval steps,” said a federal administrator. “Maybe we need more time for the public to understand this issues. And also more education for the public to allow them to understand what kind of issue they can get involved to give their opinion. Because now the general public they don't know EIA too much, don't know there are some opportunities they can provide their comments.”
- **Lack of knowledge/education and training prior to the public process.** “The government can do more education first I think,” said a federal administrator. Further, there is a need for training for the general public, this interviewee said. In addition, the government “can do more education and then the general public can have the more knowledge on that. And they can involve, freely involved.” However, this interviewee also noted that “Governments don't have any funding for educating the general public.”
  - Despite the lack of funding, the responsibility remains, according to an NGO leader. “Of course, one is that we should train the public at a certain level, tell them how to participate. Then the another very important point is that government must set up certain mechanism: first of all, we should let the public know what kind of problems can be solved through the public participation, for example the Nujiang river dam, who can say yes or no to this project. There are also lots of boundaries like who can participate the

public participation of this project? Say I live in Beijing can I go to Yunnan to participate in the Nujiang river project? Do I meet the criteria? Do they count me in? Even if I did go and formed my view, who would take my view and say no to the project or disagree with my view and say yes to the project? That is to say who can make the decision on such a big project? Is it true the county of the Nujiang river or the province itself can make the decision? The boundary is not clear.”

- Another NGO leader said, “...if you want to have a piece of information, you can, you have to, say through private personal channels, you know, personal connections. You can get what you want. But that’s not helpful, because majority people do not know. And also if this is, many of information is too academically, it is not for the layman, it’s still hard for people to understand.” This leader also said. “Sometimes, you know I heard that citizens are very emotional about, but they do not come up with scientific evidence, or the information that does be able to back them,” said an NGO leader. “I think that’s very important, that’s for individual concerned citizen and organization to acquire more technology.”
- **Too many projects.** “And currently I think it's very difficult for governments to do more public participation because there are too many projects to be reviewed by the government every year,” said a federal administrator. “So they don't have enough time and staff to do more public participation.”
- **Lack of clarity about when to participate.** “The national environmental protection administration now actually stipulates the public participation in the context of EIA. In the other respects, in what does the public participate? In fact, the “what” is not clear,” said an NGO leader. “Now the discussion is limited to the public participation in environmental protection or environment impact assessment.”
- **Conflicts of interest.** An NGO leader identified “a conflict between the local interest and the Central governmental interest. Say I sit in Beijing, I might say no to the Nujiang river project because it may damage the environment; but the locals might put their hopes on the project: be the new development, extra money and new houses.” This means that “the two interests are different. So who can make the decision on the basis of the weights of two interests? If Yunnan province can decide, they will think of its own benefits and be in favor of the project; on the other hand, I sit in Beijing, thinking from the central government's point of view, may say no to the project. So in terms of public participation, the EIA does not solve this kind of problem--- who has the final say of yes or no.”
- **Limited application of EIA laws.** Currently EIA regulations do apply to projects other than those related to environmental protection or economic development. “At the moment we are carrying out a conservation project on the conservation of the diversity of a forest,” said an NGO leader. “We want to experiment the public participation at a natural conservation area in [community name]. In the area there is a river coming down from the mountain with

numerous small electricity stations along it. In fact the water generated energy is green energy. But too many stations damage the vegetation. So for the sake of the protection of diversity, these stations have to go through the EIA process: how many stations can be built along the river? A hundred or what? What's the capacity of the river? What is the damage to the ecosystem? We need an EIA review of all of these. In this EIA process, we want to get the public involved. That's our plan but we haven't started yet."

- **Purposefully limited access to participation.** An NGO leader said that, "...in the past, most policies and decision made by the government are close door, um, process. So they wouldn't want to open this to the public, because they think they have so many people, so many concerns, and people opinions are different and we cannot accommodate everybody's opinion. So they would have this rather close-door decision making process, did not want the public to get involved. Because public want efficiency, for the sake of efficiency, they would not want to consult with the people who are concerned or people who will be affected... So only in recent years, recent 3 or 4 years there are some limited public consultant, consultations for them." As a result, "...for those more serious issues, they normally do not want to open to the public. So I think, I mean the government, they naturally want to be efficient and they don't want to invite anymore trouble. It's understandable they don't want to encourage people to participate."
- **Need for enhanced civil society.** One NGO leader described the important role that NGOs play in facilitating public participation. This person called on NGOs to actively recruit members. "Because the public may not know there is group exists there, may not know that NGO is in their own city, their own region. So at NGO, if they are ready, they should be actively recruiting public support so that the citizens know that there is a channel for them towards their concerns and to contribute their time and efforts and recourses for the causes that they believe in."
- **Lack of desire to learn and lack of incentives to share information.** "On one hand, this, I mean, individuals and organizations they should be learning organization," said an NGO leader. "They should keep learning new things. It's not very difficult for them to get information, but they have to have this willingness, and desire to learn. And for them when they are dealing with pretty good issues they should be acting and learning about the issue. On the other hand, I do think NGO should pressure the government to release some of the information; they should not just keep their research findings as files, just keep there. There should be a regulation, or there should be an incentive for government to release."
- **Lack of a sense of ownership.** "I think that it needs efforts to change people's mentality," said an NGO leader. "They should realize that they are the owner of this land, the owner of this country. If they have the sense of ownership, they wouldn't just passively obey whether comes out. They should know that. I think this sense of ownership, they should know that themselves to be active. That will really help promote the public participation." As a result, this leader's NGO is working to build capacity and "also part of our educational efforts to raise awareness among people because all people are tax payers, they know that they

are supporting the government, it's not government doing them a favor give salary to the people, but people are supporting the government. So they can change the mentality knowing that their benefits are not naturally coming from the government, they are supporting the government's operation and in return the government be able to support them. So if the people can understand this. I think it will definitely help.”

- **Lack of direct interest.** As one NGO leader noted, “Because the environmental awareness among Chinese it's not strong, that is to say, first if there is a channel, the public would not use it if the things were not related to them”. This means that, “to get the public involved in the participation, we should find a way for the public, the way which is in line with the public direct interest and rights.”

One NGO leader discussed the **lack of NGO capacity and interest in organizing people to participate**. “On one hand the NGOs don't have the capacity at the stage; on the other hand the willingness,” this interviewee said. “The willingness of this project or the government, whether they want to spend time organizing this. In most time, I think government agency those people who perform, you know you heard about the government do not perform, for those who wants perform, they work overworked. For any extra work, if you don't have extra funding or extra time, he would not want to invite some more work for themselves. And another challenge is that there are not enough NGOs who are utilizing, who are making use of this new law. Although it is there, but current groups and they are already occupied with existing projects. I think we do need more and more non-government organizations who are able to utilize these means. Use this as an enter point.”

In some areas, NGOs are making the effort to do this. “Beijing's NGOs they do reach out to the other regions and they can.,” said this leader. “They don't have any political or legal barrier in doing so. I think the problem is still the lack of resources: if these NGOs can be better powered, acquire the more staff, then they will be able to do more outreaching to reach out to these regional or local level organizations. It's sure that Beijing groups do have more capacity. But the capacity has not been adequate enough to be able to do nationwide campaign or nationwide training. But if they have more resources, you know, take more people or take more projects, they definitely can.”

This NGO leader commented that **local governments present a challenge** in particular and that NGOs have a role to play as a result:

I do think Central Government has a strong interest to promote more public participation, because the Central Government they realize the importance of NGO and how NGO can help the Central Government to monitor the local government and the government officials as well. But the local governments are a little bit concerned about the involvement of NGO. Because they think NGOs can reach beyond, not just beyond their own region, can reach Beijing to higher official, they can also reach to international community. So they were very concerned these NGOs can constitute a threat to their wrong doings. For some local officials they are very supportive to NGOs because they feel that the citizen's participation is a way which is a very important way to promote some of their agenda. For their

environmental agenda, they do realize the value but they don't not want to let NGOs go out of control, especially if they feel that if the NGO is too well organized, and if they can mobilize too many people, and they will feel quite uncertain and not very comfortable.

Moreover, **registration of the NGO can be a barrier itself**. “So registration is very important because if you're not registered, it is illegal to organize or associate, raise funding or solicit membership unless you're registered but it is very difficult to register,” said this interviewee. “Only registered organization can recruit members. If you're not registered its illegal, underground, an underground organization.” As a result, “Most groups are registered alternatively. For example Global Village of Beijing is a registered as a company; they are registered as a business entity. So Friends of Nature is registered under culture, like China Writers' Association. So they acquire their legal status through other means. Because NGOs, there isn't a good law governing the NGOs, and to facilitate the registration process. And in China if you do good, for them the environmental work is regarded as charity work, it's a good thing.”

The process of registration for NGOs as described in this report “definitely can be improved,” said this NGO leader. “Even though now it's very open, because there is no such a law. So even you're a registered or not, although it's illegal, it is okay for those groups to solicit funding from individual member or donors from domestic or international sources. And there is a huge room: for example, these groups do not need to do auditing. They do not have to come up with an annual report or financial report because there is no requirement for them to do so.”

There also is a **tension between the public's voice and the desire for structure**. The Chinese government wants “to promote public participation but they want everything come orderly,” this NGO leader said. “They know that people do have their own opinion. Many expect that the government may be not right, not accurate. So they're all going to advise.”

As a result, protests may occur. “The people who protest have their own interest at the risk,” said an NGO leader. “These are the people who are more aggressive, because they safeguard their own interest. I would think people are concerned, definitely people are concerned. But most people want to take a free ride. They will think somebody else will do it and I just enjoy the benefits from few activities, from organizers' efforts. They are definitely against the power plant, against this and that project, but they themselves think that I should not be there, but I want to see change but it's not me who are going to take any action but somebody else. I just take a free ride. I think most people have this mentality. And that needs to be changed. They need to realize that if everyone thinks in the way of free-ride, then nobody wants to take action.

However, some incentives are emerging. Public participation enacted through the courts “has its significance: this is a great pressure on these polluting companies,” said an NGO leader. “In the past, if a company caused any pollution and no one sued them, they could get away with it. Now if the pollution happens the victims can sue the

company, the company has to pay for the compensation and also fixes the pollution. There's a price to pay for the company. This will add some pressure on to the company." As a result, "in China, we should encourage the public, to encourage of the pollution victims to take their cases to the court, this will be a very good public participation practice."

In such instances, working through the Chinese legal system can be tricky. "First in the environmental litigation, the public will find it hard to start the case. Quite often the alleged companies are harbored by the local government. When you file the case to a court, the court may quite often do not accept it," said an NGO leader. "The second difficulty is to collect the evidence." This is because "pollution victims have no legal rights to collect evidence; they should ask the government agency to have. But the government agency always refuses the requirement (request)." This also is due to the fact that "these factories are protected by the local government. The EPA is part of the local government." Other than lawsuits, engagement outside the courts can help "but it's rare in China at the moment. To solve the problem, sometimes we can ask people to write to or visit the government, but often the result is not satisfactory."

There are other risks to public participation today. "In China if you set your goal of participation to go against the government, your organization will probably not be around for long," said an NGO leader. "Because in China, people always think this kind of participation should be carried out under the leadership of the government or the party. It's not common for individual to take part in on his own initiative. Now the new wave of the public participation means that the public participates voluntarily." This NGO leader said, "we have to improve the legislation in China because the Chinese legislation does not provide many chances for the public to participate. By improving the legislation, we should write the public participation into the law. Thus we can see the real public participation taking place."

There is also **a need for more distinct knowledge "in specialized areas" among NGOs, as China's democracy develops further.** "Like those environmental NGOs, it's not good enough for them to just yell out some slogans, plant some trees and watch the birds, they should have more specialized knowledge i.e. environmental science, environmental engineering, environmental law and even environmental aesthetics, and a lot of specialized experts." Financial stability is key for the NGOs to support the development of civil society capacity. "The reason why those environmental NGOs' capacity in environmental protection is so weak, because they do not have a steady funding," said the NGO leader. "Without a steady funding, those able men would not like to work at a NGO. In this situation, it makes it hard for them to have specialized skills to participate in environmental protection." Despite this, these organizations cannot "get the money from the government. With these financial problems they cannot attract very professional experts." While this interviewee agrees that in theory that the Chinese "government should support the NGOs' development," the truth of the matter is that "now the government doesn't like the development of grassroots NGOs."

“We say in China, the communist party’s stand is to represent the widest range of the working people,” said this person. “So its suggestion or view should be supported by the public. But in reality, sometimes its policy was not supported by the public. This is the gap between the theory and practice.” Further complicating matters, from the government’s perspective, “sometimes, the public’s view is opposite to government’s view. For example if the government wants to do something that public may not like, but the government insists on doing it, wants to do it. In this situation, they would not like to listen to the public.”

Our interviewer asked about the use of protests as an expression of the public’s wishes or needs. “Protest? You cannot see many people in China demonstrate, can you?,” said the NGO leader. “**Even you want to protest, you cannot make a big impact.** How do you protest? If you want have a demonstration, I don’t issue a permit. Ha ha.” Even so, “There are lots of people do the fake sit-down protest in front of the government’s building. Yes it happens but it doesn’t work.” This person also said that “If some people came to Beijing to have a sit-down in front of a government. They will tell their local government to take them back.”

There are other **practical challenges** to consider, according to the NGO leader. “For example, if a local government wants to do build a large square of several hundred mu. In fact the square is not necessary to be built. The purpose of the square is to show how much the leader of the government has done for the local, and please the leader from the higher government leader when he visits here. The government has no money. They just take back the land without any cost. If they asked the public about the building of the square, the public would of course say no. But they have to build the square. Would you think that they will listen to the public?” This means that, “...in an ideal world: your decision will be better if you listen to the public, then the public would like to follow you. The problem is, quite often, the decision is opposite to the public’s idea. In this scenario, if he listens to the public, his decision cannot be carried out.” Further, this interviewee said, “The local government has no money to give the owner of the land. If they hear to the idea of the people, they can do nothing.” The situation is compounded at Central government level; “SEPA [the Chinese federal agency responsible for EIA regulations] is the least powerful agency in the government” the NGO leader said. “That’s why it needs the public support to enhance its power.”

More needs to be done to enhance public participation in China, this NGO leader said. “I feel that in China the terms of public participation especially to public participation in environmental protection has been around for many years. There are also some regulations in the Chinese legislation. But if we just look at the depth and the range of the public participation, there should be a lot to catch up.” Specifically, the situation calls for “some people with vision to keep pushing it and working on it” in conjunction with other reforms; “...the real establishment of the public participation needs a political system reform in order to thoroughly implement it.”

A federal administrator agreed about the need for more public involvement in Chinese society. “I think, personally, I think there should be more public participation conducted

by the government. If we do like the American government do, the project owner might think they must to do more public participation before they submit their EIA report.” Moreover, this interviewee said, the Chinese public “should have more power to determine if they want to get involved or not. I think it's not very difficult for the general public to give their opinion if they want.”

The role of the public in Chinese government decision making is important, said an NGO leader. “So my perspective on public participation is that: it has to be, for any environmental work, for them the policy the decision making process of the government, there should be, in some way, that the public should be able to contribute.”

### Research Question 3

**What positive and negative outcomes occur as a result of public participation/deliberation in government decision-making processes?**

This question sought to examine the results of participatory or deliberative processes and associated accountability mechanisms. The goal was to isolate what interviewees and their respective organizations saw as beneficial and also not beneficial as a byproduct of such efforts. The ethical dimension of engagement was also considered.

Outcomes of public participation and deliberation in China include:

- **Problem-solving.** “In the past normally if there is more than 70% of the public against the project, the authority should consider if they pass the project. Maybe they will ask applicant or the owner of the project to make more communication with the local public. To find out what kind of issues local public considered, to find a solution to solve that problem,” said a federal administrator.
- **Greater interest in environmental quality.** “I think that they will be very interested in involving, although they are considered more about compensation,” said a federal administrator. “Now because the environmental awareness of the Chinese people are increasing, so there are more and more people concerned the environmental quality. So I think there will be more and more people interested in the involving in the environmental impact process.”
- **Understanding of the value of public participation/deliberation.** “I think there's one thing which it's very encouraging: that the environmental authority has already realized that public participation is very useful and very important for the environmental protection,” said a federal administrator.
- **Desire for building the capacity of civil society and for realizing impacts at a societal level.** “And we think everyone is important,” said an NGO leader. “And collectively, NGO's power lies in people. Only collectively you can make an impact. So we do value these individual volunteer who comes to help.”
- **Interest in mitigating personal or individual impacts.** For example, pollution victims: “Because after he has suffered, he can take the case to

the court and get compensation for it or stop the pollution. And thus he can protect his interest directly,” said an NGO leader. “The effectiveness of this case is that: through the litigation and the court trial, the victims won the case; the pollution from the factory was stopped; the victim's loss was recovered.”

- **Societal pressure on companies.** “And also this kind of the participation has its significance: this is a great pressure on these polluting companies,” said an NGO leader. “In the past, if a company caused any pollution and no one sued them, they could get away with it. Now if the pollution happens the victims can sue the company, the company has to pay for the compensation and also fixes the pollution. There's a price to pay for the company. This will add some pressure on to the company.”
- **Pressure exacted through the media.** One NGO assists pollution victims with filing court claims. “Sometimes we help them to appeal to a higher court,” said an NGO leader. “But sometimes we let the media--- news reporter to report the case. The local court is afraid of the criticism and they will accept the case.”
- **Use of public participation/deliberation outside of environmental protection and economic development projects alone.** Such processes exist “in other areas as well. It is better in the environmental protection area,” an NGO leader said. “For example, in the water resource management, the water authority has pushed to set up some water usage committees for the farms.”
- **Public accountability.** An NGO leader described how public participation/deliberation has played a role in empowering Chinese people to speak up about wrongdoing: “Initially the member of the public discovered something illegal; they then notified the government and the media to report. Then the government held a public hearing to listen to the public. The public applied to attend the hearing to have their say. Finally the government made the decision. The government agency made the decision.”

### **How is feedback provided?**

Feedback loops in China include postings on government websites at the time Environmental Impact Assessments are “submitted to the authority for approval,” according to a federal administrator. This interviewee called for more disclosure than was presently required. Awareness and involvement are essential. Said this person later in the interview, “individuals and organizations they should be learning organization. They should keep learning new things. It's not very difficult for them to get information, but they have to have this willingness, and desire to learn. And for them when they are dealing with pretty good issues they should be acting and learning about the issue. On the other hand, I do think NGO should pressure the government to release some of the information; they should not just keep their research findings as files, just keep there. There should be a regulation, or there should be an incentive for government to release.” This disclosure is important because “People do have right to know about this.”

## **Efforts to balance opinions**

As noted previously, there are efforts to balance opinion between differing interests. As one NGO leader described, “there's a conflict between the local interest and the Central governmental interest. Say I sit in Beijing, I might say no to the Nujiang river project because it may damage the environment; but the locals might put their hopes on the project: be the new development, extra money and new houses.” As a result, “the two interests are different. So who can make the decision on the basis of the weights of two interests? If Yunnan province can decide, they will think of its own benefits and be in favor of the project; on the other hand, I sit in Beijing, thinking from the central government's point of view, may say no to the project. So in terms of public participation, the EIA does not solve this kind of problem--- who has the final say of yes or no.”

There are also effects on the capacity or potential for public participation/deliberation. For many Chinese, the existence of such processes has created a focus on compensation. As a federal administrator said, “For the construction projects, the information disclosure for the public just means that there is a project and they know to be built. For the people who maybe are affected they want to know whether they can get any compensation for being affected by that project. Especially for some poor people, they don't really concern about if there is any significant environment impact, they concern more about how much compensation they can get.”

For these individuals, “I think that they will be very interested in involving, although they are considered more about compensation,” the interviewee said. “Now because the environmental awareness of the Chinese people are increasing, so there are more and more people concerned the environmental quality. So I think there will be more and more people interested in the involving in the environmental impact process.”

An NGO leader emphasized that the economic dimension of proposed projects is central today to public participation/deliberation in China. In the view of this person, people overseas “have better capacity and background than the capacity and the cultural background in China,” this interviewee said. “That is to say they know better than us. For example, when building a dam, they know where to approach if there is a problem; whereas in China which is development-oriented, more people are concentrating on the economical development.” This emphasis is because of a weak sense of community in China, the NGO leader said. “In the US or overseas, there are much more community activities than here in China. The sense of community is very strong. But in China the sense of community is very weak. All activities are to be carried out within the Chinese governmental administrative areas. However in overseas, activities are more community-based, people can have their say. So the public participation is much easier in overseas than it in China.” [Editor's note: the emergence of EIA regulations in the West and their subsequent use in China may be a significant factor here in that Chinese practitioners may be less familiar with its form and function than their Western counterparts.]

A second NGO leader concurred that the effect of the growth in public participation requires a growth in the capacity of Chinese organizations to participate. “Now in China, the capacity of the public participation is not very strong, and that includes some non-governmental environmental protection organizations. For example, once I was in charge of the drafting the amendment of the [name of law]. We invited the two largest environmental NGOs. One didn't show up, the other one just gave some very simple suggestions. They cannot provide any sound advice when it comes to legislation. So the level of the participation is low.”

The lack of knowledge and technology also contribute. “Sometimes, you know I heard that citizens are very emotional about, but they do not come up with scientific evidence, or the information that does be able to back them,” said an NGO leader. “I think that's very important, that's for individual concerned citizen and organization to acquire more technology.” This leader's NGO works to build the capacity of civil society to participate in public processes and deliberations.

## **Expectations**

Expectations for public participation are emergent. “I think the public participation just started in China,” said a federal administrator. “We cannot do very satisfactorily that the people hope. So we need some times to make progress. But I think because the different situation in different country is different. There is some kind of problems in China that we cannot solve at this stage. There are some institutional problems. The whole society of China they need to understand the public participation, and change the whole institutional mechanism. So now we think, at least, in the environmental protection sectors, we have to try our best to do, to improve public participation.”

Establishing a greater sense of community will be instrumental for facilitating greater involvement. “I think if China can promote the concept of community to a wider extent, then the public participation would become much easier,” said an NGO leader. “At the moment, that concept is quite blurring among Chinese, so there isn't much public participation because he doesn't think that community is his environment. He should have the responsibility to participate to protect or to develop his community in certain way. I think this is the most difficult thing which is different from that in overseas. The sense of community is very weak.”

There are also expectations for the continued role of NGOs in Chinese society. An NGO leader said, “...we also think that public participation is the key for many NGOs to be able to make an impact. Because NGOs they are representing the people opinion and also their power lies in the people's power. If without the public support; without participation from the fellow citizens; then they wouldn't be able to make an impact that everyone wants to see.” However, as another NGO leader explained, “The government should support the NGOs' development. But now the government doesn't like the development of grassroots NGOs.” [See the China section in Question 2 for more information about NGOs and the view of them by the Chinese government.]

There does appear to be some movement, or interest in some movement, towards a more organized structure in support of public participation and deliberation that achieves political or administrative outcomes as well as those traditionally accomplished through voluntarism. "...I think, the public is actually organizing themselves, um, they should organize themselves, and be able to form an institution that would serve as a channel participating in some of decision making process of government," an NGO leader said. "That needs the effort from the organizers."

This interviewee said that there was "Definitely a huge interest from public to engage in the process." Although "Some people are more interested in making money; they probably don't have time to engage," this NGO leader said that there still was interest among many. "I also think there are enough people in China who is interested in public participation, decision-making process. Each time the government wants to organize this opportunity to participate, there are more candidates applying for it. They had to turn down, have to delete many people from the list, because there are not enough seats." These participants who do get a seat are vocal about their concerns. "During this occasion, they are not scared. Because people are there who are willing to be there, they are the people who will speak up their opinion," the NGO leader said. "They will not be there if they will not speak up honestly. So I think this occasion is very open."

Other outcomes included political pressure on the government. "Because in a lot of cases, the pollution was the result of the soft approach adopted by the government," said an NGO leader. "If the public participates in the environmental protection, they can even take the government to the court. This will force the government to carry out its duty properly."

Likewise, there is a shift underway towards individual action. "Because in China, people always think this kind of participation should be carried out under the leadership of the government or the party," said an NGO leader. "It's not common for individual to take part in on his own initiative. Now the new wave of the public participation means that the public participates voluntarily." This leader believes that "Currently the public participation is at its promoting stage towards a good direction." However, it is incremental. "In China the wheel of the change is moving relatively slow. You cannot expect a perfect public participation in a very short time frame." As an interpreter attending this interview [at the invitation of the NGO leader] said, "It's impossible to achieve this very soon." Rather, the NGO leader said, it must take place "Step by step."

## Summary

<b>China</b>	
<b>Common Terms For P2</b>	<ul style="list-style-type: none"> <li>• Information disclosure (federal administrator)</li> <li>• Volunteerism “Some people think that the public participation is a new concept in China (NGO leader)</li> </ul>
<b>Conceptual Definition For P2</b>	<ul style="list-style-type: none"> <li>• <b>Information gathering.</b> "opportunities to get some information"</li> <li>• <b>Decision-Making Process.</b> “This actually is the realization of the public participation in the decision-making process.”</li> <li>• <b>Volunteerism.</b> “public participation can be a volunteer to offer service"</li> <li>• <b>Stakeholders.</b> Public as “shareholder” when there is interest on the part of the public</li> <li>• <b>Engaging in environmental activities.</b> Taking part in some of "physical activities in the context of the environmental protection but not the management of the state.”</li> <li>• <b>Working collaboratively.</b> Working together with the government, or "working against the government if the government does not apply the laws strictly enough."</li> </ul>
<b>Select Barriers To Participation</b>	<ul style="list-style-type: none"> <li>• <b>Lack of general understanding.</b> The general public does not know about local projects or participation opportunities in their area. Another interviewee explained that the government needed to invest more time in education regarding public participation.</li> <li>• <b>Institutional challenges.</b> Environmental consultants are responsible (contractually) for carrying out public participation activities, but many consultants feel that they don't have the staff or the capacity to carry out the activities. "So now we think, at least, in the environmental protection sectors, we have to try our best to do, to improve public participation.”</li> <li>• <b>Weak sense of community.</b> "In China the sense of community is very weak."</li> <li>• <b>Project resistance.</b> Some project managers don't see the value of public participation</li> </ul>
<b>Select Examples Of</b>	<ul style="list-style-type: none"> <li>• <b>Brochures</b> are provided to the public, which</li> </ul>

<p><b>Best Practices</b></p>	<p>introduce the Environmental Impact Assessment process and the public involvement process to local residents</p> <ul style="list-style-type: none"> <li>• Public participation as volunteerism - <b>online applications</b> for large events such as the Olympics</li> </ul>
<p><b>Select Outcomes</b></p>	<ul style="list-style-type: none"> <li>• Problem-solving</li> <li>• Greater interest in environmental quality</li> <li>• Understanding of the value of public participation/deliberation</li> <li>• Desire for building the capacity of civil society and for realizing impacts at a societal level</li> <li>• Interest in mitigating personal or individual impacts</li> <li>• Societal pressure on companies</li> <li>• Pressure exacted through the media</li> <li>• Use of public participation/deliberation outside of environmental protection and economic development projects alone</li> <li>• Public accountability</li> </ul>