NRDC Builds Public Capacity: Involving China’s People is Essential For Effective Environmental Enforcement

China has an urgent need to improve enforcement of its environmental laws and regulations—and public participation is a critical complement to government initiatives. Open information laws, rules allowing public input into government decision-making, and public interest litigation are essential to the solution to China's environmental challenges. NRDC is working with China’s leading government agencies, lawyers, environmental groups and the public at large to build the capacity to use these tools effectively and create a greener future for China.

Public involvement in environmental protection is recognized globally as a necessary ingredient of effective environmental enforcement. Public engagement in environmental protection played a crucial role in countries that had dramatic improvements in their environmental conditions in the last century, such as the United States, Japan, and England. Recognizing the importance of public participation, dozens of countries in recent years signed onto a groundbreaking international treaty on environmental public participation, known as the “Aarhus Convention,” which set forth a broad range of rights to environmental information, participation in environmental decision-making, and access to judicial and administrative relief. China, too, understands that no country can protect its environment through government efforts alone, and has begun to experiment with a variety of measures to involve the public in the areas of access to information, participation, and justice.

Encouraging Open Environmental Information
Accurate information concerning environmental quality, illegal factory emissions, government plans, and private development projects is a necessary prerequisite to public engagement in
NRDC is working with local partners to develop national procedures to allow the public to submit written comments with respect to development projects that may have significant impacts on the environment. We have also held a series of environmental law trainings with leading Chinese academics and environmental groups to educate the public on the opportunities for participation provided by Chinese law.

Seeking Relief from Environmental Degradation

Environmental laws and the rights to environmental participation are meaningless without an ability to appeal to a court or other body for relief when laws or rights are violated. Frustration over the lack of effective official channels for relief has arguably led to the 29% average annual increase in “mass incidents” attributed to environmental pollution in recent years. The push for new solutions has never been more important. Chinese lawyers are beginning to play a greater role in taking polluters to court and seeking other ways of resolving environmental disputes. Government officials and environmental law experts are actively discussing proposals to create a “public interest litigation” system in China that would expand the public’s role in using law and the courts to vindicate environmental rights.

NRDC is introducing international experience in environmental public interest litigation to help Chinese experts develop a system that works for China. We are also collaborating with local partners to train lawyers and judges in environmental legal advocacy and have supported the publication of a citizen’s guide on environmental rights.

China’s framework for public involvement in environmental protection expands with each passing year, but much still needs to be done to make the system work effectively. NRDC is proud to work with China’s environmental leaders on this important issue.

1 Zhou Shengxian: Promoting a Historical Transformation in Environmental Protection Work with the Greatest Determination and Courage,” Xinhua Net, April 26, 2006.