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References
Declaration

The thesis is absolutely the originality of my work. All of the references and materials of the thesis are depending on my own work and leaning on my own departure point. The cases I experienced took place in GuangZhou where I spent two months doing my fieldwork. And some of the conversation content in my thesis mostly derived from informal interviews with the EIA practitioners in Sun Yat-sen University during my fieldwork.

This discourse has not been submitted to any other universities than UMB for any type of academic degree.
Acknowledgement

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Abstract

China’s economic bloom during the past three decades is seen as a miracle. However, accompanying with the benefit form the economic prosperity, China is confronting more and more severe environmental pollution problem. EIA was introduced to China as an expected effective weapon to address environmental issues and to prevent further adverse impact.

Nevertheless, in some cases, EIA was apparently adopted as a shield to more big polluting plans. Contrasting to criticism, official statement regarding pollution-tackle had gained more and more achievement in spite of acknowledged deficiencies. Departing from the object to make a real, comprehensive, reliable cognition to the role of EIA in China, the author worked as a participant observer in an EIA team. Attempting to stand on a neutral standpoint, examined the EIA’s background and circumstances, significantly the the one-party dictatorship political system and traditional China’s covert system and hidden rules in ordinary daily life which definitely tagged EIA enforcement Chinese characteristics.

Focusing on the issue regarding the relationship between the EIA actors and the consequence, the EIA procedure appears two inconsistent aspects. On one hand, the seeming feature of the development of EIA and relative legislation is healthy as a developing country. Revised guideline introduced many advanced technical measures, and law-making is to seize time. On the other hand, the implementation of EIA faces various obstacles and deficiencies.

As a country ruled by man, not by law, both the treatment to the ordinary people and the attitude from the public to EIA is discussed. Freedom of expression is still another world far away from normal masses. Especially regarding sensitive projects, public participation is a selected involvement. Public still is a vulnerable group. EIA is consequently more like a doll in the hand of government in an autocratic society.

Emphasized the linkage between the technical EIA process and China’s macro-social system, especially the inevitable political system and covert system, EIA of China by and large is in a primitive stage. In spite of various struggle to promote and develop EIA to a advanced level, surrounded currently China’s macro-political system, the implementation and development of EIA is destined a malformation.
### Abbreviations

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<th>Abbreviation</th>
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<tr>
<td>CNY</td>
<td>China yuan</td>
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<tr>
<td>CPC</td>
<td>Communist Party of China</td>
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<td>EIA</td>
<td>Environmental Impact Assessment</td>
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<td>EIS</td>
<td>Environmental Impact Statement</td>
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<td>EPA</td>
<td>Environment Protection Administration (local)</td>
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<td>EU</td>
<td>European Union</td>
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<td>GDP</td>
<td>Gross Domestic Product</td>
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<td>KMT</td>
<td>Kuo Min Tang</td>
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<tr>
<td>NGO</td>
<td>Non-governmental Organization</td>
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<td>PBL</td>
<td>Planetary Boundary Layer</td>
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<td>RMB</td>
<td>RenMingBi yuan</td>
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<tr>
<td>SEA</td>
<td>Strategic Environmental Assessment</td>
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<td>SEPA</td>
<td>State Environment Protection Administration</td>
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1 Introduction

1.1 Objective

During the last three decades, almost all the world witnesses the unbelievable economic development in China as a miracle. Away from a closed-type of economic style, China has opened itself up to globalization, and has been working very hard towards the goal of improving its economic position in the world. Nevertheless, along with this terrific economic accumulation, the environment situation in China got an astounding deterioration. Compared with the more and more contaminated natural environment, some of the wonderful and beautiful scenes have been helplessly destroyed forever. Actually in 1980’s, Chinese people did plunge in a folk debate of the most vital needs between the economic growth and the environmental cost. However, finally, the dominating media and the government ignored the weak voice, and the ordinary people forgot it gradually to make every effort to “strive for a relatively comfortable life” (Ben Xiao Kang).

Fortunately, at present, with the waking up to the situation of environmental pollution and the kind of real meaning of “comfortable life” in China, both people and the governments have been aware that the cost of the rapid GDP growth just might be the environment and the sustainability of later generations which is affected by many projects and policies currently.

As a result, many measures and legislations have been dispersed officially or informally into China. Introduced in 1979, EIA has actually being adopted for near two decades in P. R. China to attempt to balance the need for economic growth and environmental protection as a potential weapon. Since then, after several impetuses and the efforts, China has established series environmental policies framework and seriously treats EIA legislation as a weapon to tackle the potential impacts and balance the two types of opposite needs to get ultimate sustainable development, EIA should play an important role in economic development (Therivel 2001).

As we know, in principle, EIA should lead to the abandonment of environmentally unacceptable actions and to the mitigation to the point of acceptability of the environmental
effects of proposals which are approved. EIA is thus an anticipatory, participatory environmental management tool. However, due to the conventions and the institutional circumstances as well as the policies background, EIA made less impact than people expected, and even in some regions, it seems many EIAs had been done in vain. EIA played an obviously unmatched role in its implementation with the government’s allegation. Nevertheless, some scholars in China could not conclude the realities to clarify the illegibility because of either their perspectives or their political considerations. After these years of economic development, even the government has to admit that China is facing more and more serious pollution threats, and therefore economic development spends more expense to counteract this kind of environmental cost. (Xinhua Sept. 24, 2007). It has estimated that between 8 and 10 percent of China's GDP is offset by environmental damage.

Harris (Harris 2002) insisted that legislation systems and consequences could only be analyzed and considered in relation to the other processes and institutions within the society context in which they are operated (K. 2003). Hence, in order to get a pervasive and reliable description of China’s EIA status, I manage to stand on a neutral position to observe the environmental control procedure, objectively record the detailed information and questions. From this material, as my master thesis, I attempt to assess this situation by comparing with developed country’s systems and analyzing the process as my objective, especially in public participation, which is one of the most crucial elements in EIA. Furthermore, analyze the reason for the weakness of current EIA in China.

1.2 Methodology
My main research method is ethnography, whereby I am a participant observer involving in some cases regarding EIA processes.

As an anthropology method, my thesis generally concerns the link between culture, which is named by the government as so-called Chinese Characteristics these years besides traditional Chinese folk conventions possess ancient history, and behaviors and how this kind of cultural processes develop over time. As an interpretive endeavor, the guiding question for this
ethnography method is exploration the real feature of EIA, discussing its pros and cons, and its successes and frustrations. Following this guiding question, participant observation and significant interviews were adopted as main approach as well as case study.

The involved approaches include:

● Document analysis. Regarding environmental issue, there are mass text and documents as well as other media. Following the threads, quantify the content in terms of above questions. In systematic and replicable manner, I examined and summarized the documental text of my interests to reveal the feature of EIA. These documental texts include academic reports of project, EIS, governmental regulation, and newspaper as well as other public publications. Here, I have to note that according to the publication circumstance in China associated with the issue of expression freedom, the reliability of the documents should be taken into account.

● Participant observer. I observed interaction between the objectives that I am interested in, listened to the conversations, examined documents, and wrote up my impressions and experiences. In this case, I acted as a member of an EIA project group in an extended period. Actually, I did more than just observation. Through practice, I managed to gather further data from interviews and collected documents. Hereby, the emphasis of my fieldwork was that all-inclusive observations entail a wide range of methods of data collection from the particular cases (Bryman 2004).

● Structured interviewing. As the major approach in quantitative research, it was employed to get the extreme original stuff in interviews without any embellishment or misinterpretation (Bryman 2004). The actual questions in this kind of interview should be designed when I take part in the particular case and carefully sampled.

● Qualitative research interviews. As the most widely employed method in the kind of qualitative research, it was adopted to get the pervasive and holistic understanding of the participant public associate with particular environmental assessment project. Taking the
advantage of the flexibility of this approach, I could talk with ordinary people; discuss some issue as an observer participant. Without the misinterpretation due to language problem, the topics of this kind of interviews could spread variously in order to get a relaxing conversation circumstance, and facilitated me to get the more detailed information.

- Case studies. Because the time of my whole fieldwork was just two months, while an EIA project usually lasts roughly three or more months in China. Fortunately, as a university institution, there were various projects in hand. As an alternative, I participated in different sectors in different cases and endeavored to consider them together as a virtual integrated case. Actually in the study, under the frame of a qualitative research design, different parts employed different research methods to collect data.

From October to December in 2007, I did my fieldwork in GuangZhou city (the capital municipality of GuangDong province in South China), China. The reason to adopt this city is the following.

GuangZhou, as my destination of my fieldwork, is the capital of GuangDong province, China. Since the economic reform in later 1970s, as the first line of economic reform, it has become the central zone of economic development not only in south China, but also in the mainland. GuangZhou is a city on a delta, and is dominated by the most major river in south China, Pearl River. The delta is very industrialized and has a high population density. Moreover, the relationship between the river system and the city is very significant and crucial. As a representative Chinese megalopolis, it is suffering severe environmental degradation during the course of achieving a spectacular economic boom, and confronting these serious pollution threats and the pressure for further deterioration. More important, the GuangDong government has underlined the urgent measures for greater consideration on pollution control and environmental protection, and it actually works as the best transparent province in China (Administration 2008).

During my fieldwork, I worked as a participant observer in an EIA group of Sun, Yet-sen
University, in which studied my questions from examining the documents, conversations, implements, the approaches of EIA, and the interactions of publics and the effects to the publics. In addition, I made some semi-structured interviews to listen to the interviewees, write up my impression and experiences in fieldwork. After that, quantitative and qualitative data were processed. Every effort was made to provide a panoramic vision of EIA in China from particular perspectives as I possibly can.

1.3 Brief description of my work

Resulting from unique context of Chinese bureaucratic system under the ideology background and alleged Chinese Characteristic circumstances, between the reality of experiencing such a sweeping reform and the relative law systems, EIA plays an interesting role in the struggle to control pollutions by the environmental watchdog in China.

Based on reviewing theoretical EIA procedure and comparing, this thesis focuses on analyzing the practical situation of EIA in China and particularly in public participation issue. I manage to trace a line through these fragments and attempt to combine them to spell out a panorama of China’s EIA actuality. Finally, through reviewing the development of measures of other countries, a series of suggestions of strengthening EIA’s functions and effects are illustrated.

In the first chapter, I would like to introduce the sorts of the society context of this issue which is employed above as Chinese Characteristics, including the political system and ideological background after 1949, the structure of bureaucracy system, and the conventions operated in real social status—the Covert System.

Secondly, after this background introduction, depending on my case experience, I manage to illustrate a real EIA procedure in China, including the history, the official process and methods as well as the legislations. In this chapter, I would like to narrate the issue painted with my case studies following the procedures inculcated in John Glasson, Riki Therivel, and Andrew Chadwick’s introduction (Chadwick 1999). And consequently comparing with
developed countries’ practices, and associated with the next chapters, which emphasizing on the public participation aspect as well as expert advising aspect, the paper endeavors to provide detailed exploration on EIA more pervasively and holistically, and hence to spell out the panorama of EIA in China’s mainland.

From this paper, we can find actually besides the involvers’ efforts, the EIA systems in China by and large are still quite primitive and there is a quite broad gap between the reality requirement and practical institutions as well as implementation. Meanwhile, as we also can see, in order to keep pace with the rapidly increased demand to deal with conflicts between them, China has started to strive to environmental pollutions, and gradually put EIA as a more and more effective instrument to prevent environmental problems and balance the conflicts between them. Nevertheless, because of the completely country-specific circumstances, in terms of political dimension, institutional dimension, and legislative dimension as well as rites, the lack of transparency and public consultation in the EIA process make the arbitrary mode of EIA implement status. As some experts pointed out (Lo CW-H 1997) (Wu 2004), this actually derives from not only the current macro-political governance style which affects different institutional contexts, but also an informal ruling systems as the substance of regulations.

Thus finally the question comes, the EIA in China, is it an effective weapon on pollution control or just a bare ornament of millennium, or a political show? I hope that from the analysis, the potential effects on EIA can be predicted accurately, and appropriate policies can by introduced, and EIA can be implemented more effectively to achieve what we expected in China, a real sustainable development.
2 Chinese characteristics

2.1 Political system and ideology

2.1.1 Ideology background

Generally, in People’s Republic of China’s sixty years history, as the domestic embraced ideology, Marxism plays a principal role over the period. Actually, after the end of culture revolution, the orthodox Marxism, which interpreted by the Communist Party of China (CPC) as Marxism-Leninism and Maoism, faded its sacrosanct halo (Wai-Chor 1997). At that time, associated with the economic reform was bloomed in the end of 1970’s, the rethinking of the meaning and sense on particular “humanism” and “alienation”, which spread over the mainland, triggered the Chinese official intellectuals’ reform of orthodox Marxism, and it became the leading theme among 1980’s until the Tiananmen crackdown on June 4, 1989. Thereby, adhering (Jianchi) and developing (Fazhan) Marxism became a new direction.

As a result, considering the particular Chinese situations, Deng, Xiaoping integrated Marxism with China’s practices and its willingness to present a new ideology theory, which is named as Deng, Xiaoping Theory (Daily 2002). Deng’s theory formulates the theory of building socialism with Chinese characteristics. Hence, China was ushered into a new period of vigorous development.

Deng’s theory affirms China is in the primary stage of socialism, and based on this fact, the emphasized central task for China is developing the productive force. Moreover, unlike orthodox Marxism and Maoism, Deng’s theory lays that socialism can coincide with market economy institution. In addition, the objective of China's economic reform is to establish a mature socialist market economic system. It alleges that the primary stage should last at least 100 years (Cao 2003).

Faithfully, this theory’s allegations, which treats the economic restructuring and development as the central vital position, lead China into a new period of vigorous development, and result in numerous accomplishments. As the world witnessed, it was even a miracle, as some would refer to it in the last half-century. According to World Bank statistics, for the past decade
alone, China GDP grew by an average of 6.4% (Group 2004). That laid the solid foundation for China's economy to sustain such a high growth despite negative international factors. Meanwhile, entirely there was tremendous progress on reducing poverty (Group 2008). In 2001, there were totally over 400 million fewer needy people than 20 years previously. In addition, China had met the foremost of the Millennium Development Goals 14 years ahead comparing with the original target for the developing world until 2015. This huge growth rate, and their ability to replicate and even exceed it year after year, is testament to the huge steps and leaps the Chinese are taking towards their goal.

However, on the other hand, under the pretext of economic development, according to people’s expectation, the progress on political and governmental institution reform was far less than the economic aspect. Actually, even the leadership generations has changed from Deng, Xiaoping to Jiang, Zheming, and Hu, Jingtao at present, both of them insist the mono-party political structure. In the next paragraphs, I will present the relationship between the CPC’s institution and the government’s institution, additionally how the former affects the structure and the characters of the latter. As the consequence, at this stage, in the name of economic development, democracy development is laggard, while law implementation is still difficult to approach (Li 2003). Meanwhile, after the ten years of culture revolution, as an ancient group, most social characters had unfortunately collapsed. Nevertheless, due to this alleged central task, also due to the insisted and strengthened monocracy system, there is no time to recover. Instead of the long history traditions, many sorts of “new era, new features” occurred as well adhering with (Xu 2003), and identified as the spirit of advancing with the times (Daily 2002).

Resulting from the high speed economic boom, according to the Australian Commodities journal (Jane Mélanie 2006), China is the second largest consumer of energy in the world. In this case, the pollution became more and more severe. The consequences influenced not only the human’s life, but also the ecology system. However, in order to keep the economic development from top government to inferior officers, additionally from the strange departure point of keep the CPC’s grandeur, most of them were attributed sophisticatedly to the natural
disasters and normal events during the approach to a developed country (Xinhua 2007). Therefore, situations changed little. Excused as primitive stage of socialism and Chinese characteristics, it became almost prevalent during the first several years, in some regions, until now, that local governments intended to give some projects particularly special treatment and privileges in this situation in spite of the absence of relevantly accordant pollution control measures (Yulinshi 2005). Hence, though there is an urgent need to change the direction of China's development and focus on more sustainable growth, this causes considerable inconvenience to spread pollution control measures. In a way, environmental protection measures are often implemented with difficulty due to lack of local official support or completely in vain.

2.1.2 Political system

Since People's Republic of China was found in October 1949, the country has turned its direction to socialism. China's political system here refers to the country’s political structure, fundamental laws, regulations, rules, and practices that are implemented in the mainland of China and regulate the state power, government, and therefore influences the various aspects of social life in terms of the relationships between the government and society (ORG).

Actually, under the entitled surface highlighted by vigorous economic development in China, the political system is still close to a party-dominated authoritarian oligarchy practically in spite of the allegation of cooperation with other apart parties which established consultant relations with the CPC to different extents (Records 2006). CPC continues to dominate government and society authoritatively in structure and ideology. On October 1, 1949, the People's Republic of China was proclaimed to be founded in Beijing. The new government assumed control of a people exhausted by social conflicts and wars. Consequently, since then, Chinese leaders quickly organized a new political and economic order modeled on the Soviet example. During the past decades, though many reforms were adopted or many social events as well as political turbulences were experienced, the basic core of the administrative jurisdiction system on China is the same until now. The authority’s strong, politically loyal security and military forces assures the CPC’s control reached into almost every phase of
Chinese life. In addition, the government apparatus should be responsive to the Party’s
directions and decisions in terms of every department of it and other mass organizations
(University 1984). The regime under the leadership of the CPC is therefore not only the
indispensable component, but also the key nucleus of the political system of China.

On one aspect, in order to seize power persistently, the CPC’s Party Congress is legalized as
the highest authority. In turn, it gives direction to the political, economic and the social
development, actually covering almost all aspects of social life, especially including all the
paper, broadcasting, and TV media, etc. At present, there is an increased tendency of the
influence from ordinary people and organizations outside the formal party structure,
especially in economic realm. Nevertheless, it is apparent that nowadays CPC’s control is still
tighter and tighter in all of important government, economic, and cultural institutions in China,
and nobody and non-entities can create autonomous organizations without the Party’s
permission to challenge the Party’s authority (University 1984). In another way, the CPC’s
decisions play the substituted role of legislations. Actually, there is a tradition of not very
much effort within the People's Republic of China to create a legal system, and China
officially reputes these kinds of decisions as a significant supplement part of formal legal
system (Chinalawinformation). Moreover, practically, holding 69.6 million members by the
end of 2004 (Records 2006), CPC established corresponding local committees at different
level administrative government apparatuses to direct and regulate the implement process of
the Party’s decisions, influence non-party members, and the population at large.

Because of the absence of mature democratic system form both inner CPC and outer society,
in contemporary China, it is very important to realize that it embody a top-down power
implement mechanism rather than a bottom-up administrative system which can lead to more
broad hearing and bringing centralized government much closer to people “under the County
level”. Central government continues to impose sophisticated top-down control form the
central to villages. Meanwhile the deserved mutual communication from bottom is weak.
Though this system has its own pros and cons, also it can approach development in another
way, for example in Singapore, unfortunately, the central government has little interest in
undertaking top-down democratization. The most crucial affair to them is economic development (Ma 2006). Both the officials and the Party members are also relying on top-down mechanism controls to deal with local governance affairs (Commission 2006). Due to this top-down mechanism, the outer oversight is weak while the inner control is strict. Hence, in this system, it became a sort of political system that restricts “critical thinking” or “thinking out of the box” unless the top political apparatuses turn there fouce to address particular problems.

As a highly centralized and hierarchical country, in spite of direct elections for village leaders, which was conducted since 1988, the National People's Congress (NPC) is still indirectly elected. Actually, nowadays the real functions and effects of the NPC in China are still dubitable and controversial. In this political system, all the key officers and functionaries for governmental organizations are appointed or directed by the Communist Party (Records 2006). When we reify this procedure, the superior’s purpose plays a subtle but acknowledged role in this process. Inevitably, as a physical member in this leadership system, his or her personal characters will practically significantly affect inferior decision-maker’s will and in turn the final decisions. Sometimes, the governmental prefects, sometimes show up as party’s chief, can officiate beyond normal procedures in spite of the anticipated adverse effect. Examining the mainstream media in present China, we can easily find some narrations as that various departments cooperate to meet the leader’s prescription once they point out the directions, etc.

On the other hand, CPC, unlike others before, is very receptive to alternative solutions to prove its legitimacy, representations and right of the control over China (Daily 2002). Herewith, besides promotion to economic development, governments also manage to construct people-regard projects and adopt measures to prevent proper environmental contamination. Nevertheless, most of the departures points are from the prefects’ will which depend on personal self-regard or the attempt to please his or her superior’s will.

As mentioned above, because the key officers and functionaries for governmental organizations are not elected but appointed by superior Party’s apparatuses, hence, the core
power structure is an upwardly responsible pyramid. During their tenures, in order to protect their bureaucratic future in officialdom, the only object they should respect in this arena is their superiors. In terms of, they only should be responsible to the feedback from superior departments, let alone constituency. Lacking of efficient mutual communication and scientific standard to evaluate the prefect’s competence, nowadays, the most effective, the best, and the most direct way to get superiors’ favour and praise is the grade on achievement in one's post. Actually, it has evolved to “image projects”, say, the huge block or construction projects, the big city square, etc. In fact, it has become a trend between prefects, and a competition between them. Due to the eagerness for quick success and instant benefit, the consideration on environment influence is little or barely takes it for grant.

Another adverse effect of this kind appointment procedure in the political system is that many officers come from political cadres, and most of them are short of relevant professional knowledge in corresponding realm, say, project layout, environment protection, etc. Even CPC calls for make the ranks of cadres more revolutionary, younger in averages age, better educated and professionally more competent; the approaching is still difficult barely because of the first standard. However, they do play the considerably vital role in the decision-making process, and their personal characters definitely influence the outlet of the process unless they do understand leadership skill. In this way, it becomes government of man instead of law.

Regarding the projects, when eco-engineering becomes an international dominant trend in city planning (Eco-engineering 2007), due to the insufficient relevant education to prefects in city planning, most cities in China still adopts traditional engineering to direct the planning procedures. Herewith, in some cases, even the departure points of the projects are people-regard or environment-regard, the real effect of plan is opposing. Indeed, some even extend to national projects, for instance, the Three Gorges Dam, and the imminent Nujiang-river Dam.

Furthermore, because the power is highly centralized in mighty CPC, and meanwhile the outer oversight is considerable weak, the corruption is inevitable. So-called inner power
oversight that named as “party supervises party” must become nonsense due to the vain efficiency. Hence to combat corruption and build a clean government, which called on by the Party, is more like a political show. In turn, prefects’ will always overtop normal legal procedures, and besides the personal wills, the launch of project in China has its diverse particular considerations vary from many aspects.

2.1.3 Socialism with Chinese characteristics
Actually, besides the sort of political system and highly political and contentious term as modernization and development in present China, depending on China’s reality and traditions, in the primary stage of socialism, two embedded Chinese characteristics should be taken into account.

Adhered to Marxism and integrated with Chinese realities, CPC advocates a kind of socialism with Chinese characteristics. When Deng first named the unique Chinese realities as Chinese characteristics in 1984 (Xiaoping 1984), the context was to stress the persistence on Marxism and Mao’s socialism after reformulated the social system from ten year’s terrifically chaotic culture revolution. Nevertheless, as time goes by, the conceptions there of Chinese characteristics are still tenable.

First, China owns the most population in the world, and the latent of the chaos is unbelievably awesome. Actually, as an ultimate fundamental problem facing the CPC that cannot be ignored by anyone willing to understand China today, it is also the excuse of CPC to insist the authoritarianism regime. In addition, base on the 1.4 billion populations, eighty per cent of the population lives in rural areas, and China’s both social and environmental stability definitely depends on the stability of those areas (Xiaoping 1984). According to the forecasted increasing population economic development, huge areas of former agricultural and natural land are currently turned into build-up-areas and traffic-ways. Furthermore, large sites occupied by old industry will be redeveloped, and approximately 40-50% of this area will be developed for industrial use. (Li 2005). However, because the rural people historically lack of fair and sufficient education, and some million of Chinese rural ordinary people are still poor
and needy (Adlakha 1998), the awareness of environmental issue is faint. They had put their faith in Deng's call to “modernized” China because they would like to see a strong and prosperous socialist China to reside, and the ambitions to them is mostly become richer and richer than anything else. At this stage, unless the pollution extremely affects their daily life, few of them will stand out forwardly to protest that kind of projects, let alone environmental participation. Actually, it is a usual attitude to public participation, and it will be discussed more in chapter 4 later.

Hence, in order to achieve “common richness” advocated by CPC, and under the principle as regard economic development is of overriding importance, the attention on rural environmental problems is far less than urban area from neither the peasants themselves nor the governments, and faithfully the pollution there is more acute and severe either. In fact, for all the ordinary people, in both rural and urban area, economic growth is viewed as the key of the country’s social modernization vehicle (Adlakha 1998), which in turn depends on political stability. And that, it takes it into granted to treat environment contamination as a temporary difficult and there is just a short-term effect on the environment, thus the assumed effect is ignored without saying. Actually, during my fieldwork in Guangdong, I witnessed hands of cases in rural areas which difficult to approach public awareness and participation either from local governments or from the people individually.

Secondly, for more than a century after the Opium War, China was subject to war and humiliation. By and large, during the period most ordinary people were comparably poor and needy. Actually, after ten-years absurdly maniac culture revolution, from the top leader to individual ordinary people was eager to restructure and live in an orderly society stably. Faithfully, Deng did understand the ordinary people’s concern; he stated that the stability factor was always his primary concern since he had turned China into economic high growth lane (Xiaoping 1984) and it really worked to influence people’s notion at large. Moreover, after Tiananmen crackdown on June 4, 1989, both the candid intellectuals and awaked people lost their trust and faith to democratization under the mono-party autocracy, and as political aliens, many of them escaped to western countries (Adlakha 1998). From then, to the ordinary
people, and in turn to the series levels governments, after long term falling in poor and the
dread for backwardness, nothing is more important than making money and becoming more
and more wealthy. In pop’s language, wealthy is the best drive to develop. Gradually, ordinary
people mostly concentrate on their own physical life quality modernization, and ignore other’s
business and environment’s improvement. In fact, until recently, shocked by various severe
environmental pollution events these years, for instance, Taihu Lake blue-green
algae-contamination event (Xinhua 2007) and the extinction of White-Flag Dolphin in
Yangtze River (Hankyoreh 2006), ordinary people started to turn their attention to
environmental issue more and more. And finally this kind of turning consequently influences
the governmental decision-making process little by little. In the followed cases, I will present
some instances regarding this changing.

In one word, as noted in the beginning of this chapter, the language of political discourse in
China is fundamentally different from western narrative. As consequence of this political
system cohered Chinese realities, the environment relevant management procedures, for
instance, environment impact assessment, has there particular Chinese tint.

2.2 Environment administrative structure and legislation

2.2.1 Environment administrative structure

As mentioned above, China nowadays spends nearly 10 percent of its GDP gross on cost to
environmental damage every year. Actually, Fryxell attributes the present China’s
environmental problems to the country-specific complex administrative structure and its
bureaucracy (Havely 2005).

First of all, as a highly centralized country, all the environmental issues including supervision
and management of nationwide environmental protection in China are subjected to the state’s
environmental administration system. This system mainly comprises with State
Environmental Protection Administration, which is directly administered under the State
Council, and subordinate branches in series provinces and municipalities and counties, etc
(SPEA 2007). Actually, in order to emphasize the decision to strive to environmental damages,
China has recently upgraded SEPA to ministerial level in 1998’s government administrative structure reform. Unfortunately, in spite of this change, SEPA remains far less powerful than some other key ministries or agencies. In addition, this reform in 1998 also dismantled the State Council’s Environmental Protection Commission in which the membership included thirty-one ministries and commissions and several representatives of large enterprises and media, and actually the Commission did play an active role in both policy-making and coordinating environmental efforts of ministries and assisting in resolving debates in the proposed laws related to the environmental issues (Michalak 2001).

Under this framework, the environmental administrators take charge of developing national policies, laws and regulations, and formulate administrative rules and regulations for environmental protection. In addition, conduct environmental impact assessment. Meantime, administrators draw up and organize the implementation of laws, rules and regulations on pollution prevention, and guide, coordinate and supervise marine environmental protection work as well, etc. Besides these, plenty of tasks and duties are belong to SEPA. Furthermore, the central government planed to embed more power to SEPA as a part of government reform to prevent environmental pollution.

Nevertheless, as a hierarchy administrative system, the natural resource is only entitled to be possessed and developed by different level local governments. In this sense, even if SEPA now plays a key role in environment protection activities, its role in day-to-day implementation of the regulations is only limited in national significance undertaken by the sectored agencies at the national level. In all other cases, various local environment protection departments, which operationally work as the subordinate branches of SEPA, implement industrial pollution control rules and deal with enterprises on a daily basis (Michalak 2001). The hierarchical governments exclusively have the chief right to deal with the natural resource. Meantime, even the subordinate branches of SEPA are subject to the central government, the functionaries and cadres of them are appointed by the local governments. Hence, in these local administrative levels, the functions of SEPA seem to be limited to formalistic dogwatch. Facing the environmental issues, the series local governments
practically play the roles as player and judge at the same time (Chen 2007). Associating with the idiosyncrasy of natural resource possession right, as a result, the main body of the supervision is weak and incompetent when the local environmental protection administrative departments confront the environmental aggravation due to different industrialization projects by local governments. Actually the developers usually ignore the penalty punished by environmental departments, unless the stress imposed by higher hierarchical governments and fitful impetuses.

In another words, nowadays, after three decades continuous developments under the authoritarian system, both the governments and the public take it for grant that the central government should be not only the starter of economic reform, and meanwhile but also the solver of consequent problems as well (Times 2007). In addition, because traditionally the administration authority, including environmental administrative departments, in China has the exclusive idiosyncrasy, it forbids other hands in the dealing process of any events besides itself. Thus in some cases, it becomes normal that when an environmental pollution event emerges, every social aspects stand upon the government’s measures. At the same time, because of the hierarchy associated with centralization, under the harmoniously placid surface, the game incentive of the competition to benefit is intense between central and local governments, as well as between departments at this arena. Consequently, it always loses the best chance, even the possibility, to resolve the problems in this tangled relationship-net. Moreover, sometimes due to the complex benefit net, the environmental authorities always corrupt into it with other actors, and the deadlock is so difficult to break that it has to employ central powerful hand to intervene.

Actually, it is the main block for neutral EIA process in China. Considering this issue in this particular complicate relationship-net, EIA in China is affected by multi-faceted actors from many aspects. Sometimes, it extremely oversteps environmental protection implementer department self’s competence.

Honestly, as a supplement of official administrative system, there are also many NGOs
working on “environmental issues.” in China. In fact, NGOs can and should play a major role in helping communities understand the environment issues at hand and building participatory institutions that increase the ability of the residents to represent their own interests as well as help the governor building an overseeing mechanism regarding the environment impact of the project. Whereas, as the government regulated, to NGOs within the territory, “The major tasks, organizational setup and leading posts of these organizations are directly under the jurisdiction of the central departments in charge of organizational setups. Though non-governmental organizations, they, to a large extent, exercise administrative functions and powers.” (ORG) It makes it harder for vulnerable groups to become or stay in participant in the environmental issues’ procedures, unless they manage to adjust their relationship with the national environmental department from Non-Government Organizations to Affiliated-Government Organizations to work for them.

2.2.2 Environment policies regarding EIA

Before Deng’s era, China has no traditions of using dictates of law to govern (WANG 2000). When the economic reform started in the end of 1970’s, the Chinese government was well aware that without a more stable, transparent legal infrastructure, it could not attract foreign investment or as they advocated, develop a market economy with Chinese characteristics. Generally, the primary purpose of the legal reform was to support the domestic economic reform and reconstruction. This legal reform formally included a large body of environmental law, and at least six laws of it addressing pollution prevention and nine laws concerning natural resources protection. Besides 29 sets of environmental protection regulations, there are more than 70 statutes, and over 900 local regulations at present.

Many of these new laws are transplants of American and European models of environmental regulation, which incorporate modern public health and safety standards and regulatory methodologies. Introduced in 1979, EIA has been adopted for near two decades in P. R. China to attempt to balance the need for economic growth and environmental protection. Since then, after several impetuses and the efforts, China has established series environmental policies framework to keep pace with the economic development (Therivel 2001). Originally, facing
more and more severe environmental pollution issue, in order to ensure that decision-makers consider environmental impacts before deciding whether to proceed with new projects, some prominent intelligentsias seriously treat EIA instrument as a weapon to tackle the potential impacts and balance the two types of opposite needs to get ultimate sustainable development. Nevertheless, due to the meaningless waste in the verbosely demoded administrative structure system, also in the banner of economic development, the outcome is not as perfect as their expectation.

In fact, examining the China’s environmental legislation, we can find China did estimate wide-ranging laws due to the public and government awareness of environment issue, but some of them are unreasonably conflicted and too paradoxical to implement (Han 2001). For instance, in 2003, government enacted a law to require all construction project must pass an EIA process before they are allowed to launch. However, meanwhile, the government advocated that “special treatment to special affairs”. Actually, due to this excuse, the former law is implemented in vain from time to time.

Moreover, another same problem as emphasized above as weakness of China administrative structure to the environment legislation is that the enforcement is weak and lacking (Wang 2007). In this arena, the definition of supervisor player is vague, the subject is unclear, and object is indistinct either. Actually, the reason for the complex and bewildering legislations mentioned above is same. In addition, due to the lack of the tradition to adopt “positives” law to address problems, it had no laws to speak before Deng’s era and public are used to follow by the dictates of decrees (WANG 2000). Consequently, without lawful and powerful enforcement, polluters have little incentive to play by the rules. In China, usually the worst environmental offenders are those who should play as the enforcers, and the entities affiliated with powerful authorities (Li 2006).

For instance, the EIA law requires an environmental impact assessment to must be completed prior to project construction. However, the only penalty is that the environmental protection administrative departments require the developer to do a make-up environmental assessment
if they ignore this law’s requirement previously. If the situation repeatedly occurs again, the environmental protection administrative departments only can fine the developers a penalty at a maximum of about US$25,000, actually it is means nothing to a developer nowadays. Even so, as discussed in foregone paragraph regarding the weakness of China’s environmental administrative structure system, without the stable support from legislations and local governments, and due to the lack of enforcement ability from environmental administrative authorities, the penalty is still usually ignored by the developers.

Fortunately, the situation is changing. As reported, in July 2002, in order to implement and enforce the various environmental laws completely and efficiently, the Environment Supervision Bureau was created within SEPA (Wang 2007). And during the past few years, the achievements of ESB are really considerable. However, as I emphasized before, no matter what reform emerged within the system, the final effects is still controversial and questionable unless the administrative structure institution is reformed ultimately.

2.3 Covert system

2.3.1 Why and where covert system

As we can see, apart from mainstream of developed nations, as a closed-environment entity, Chinese environmental issues show many significant differences from western countries (Pan 2006). Besides the sorts of Chinese reality situations characterized by socialism institutions, physical Chinese inhomogeneous cultural and environmental rites also affect these issues. In order to unravel the tangled threads surrounding the environmental issues, as an empirical study, some aspects should be highlighted into taking account Chinese environmental issues. Wusi (Wu 2004) defined these aspects, which in fact truly influence Chinese culture stamps and in turn shape into China’s dualistic phenomena, as covert system. In another words, a series hidden rules stand behind formal documents, and consequently formed an independent comprehensive system to communicate each other from formal systems.

Apparently, as an old-age nation, China is a country has a long history and numerous traditions. This kind of unique culture did create brilliance glory and history, nevertheless, it
has its own cons influence. Comparing with western culture and other types of culture, Chinese culture is based on mass (collectivism) humanism and people rather than on individualism. For thousands of years, China is a land dominated by a kind of upwardly responsible pyramid core power structure, even in present republic China, which is based on human relationship rather than law. In order to resolve people and the relationship between them, Chinese used to uses ethics and tolerance. Moreover, it focuses on balance and mean. By this kind of “mean”, which means “middle way” or tolerant way, people do not go into extremism frequently. Actually, this middle ways are always honored and employed in not only ordinary daily lives, but also formal communications (Li 1999).

Meanwhile, since CPC seized the power in mainland China, at the same time undermining Chinese simon-pure traditional culture, CPC fill in their Communist Party’s Culture stealthily in the name of traditions renaissance (Chinaview 2007). Hence, after decades’ brainwash-like education and fabricated puff, nowadays, the so-called Chinese culture actually became hybrid anomalism. As a consequent creation of this situation, these covet systems, middle ways, have evolved to a highly complicated and interactive net associated with CPC communistic party culture, which only the things in CPC’s favors or useful for its ruling are acknowledged and promulgated, otherwise will be diminished or ignored. And these covert systems actually cover almost all the aspects of common social life and social cognition from ancient era until these days, including the official interaction relationships on the arena. These covert systems, as we identified, can be categorized to three parts, hidden rules, countermeasures vs. policies, and face issue. Faithfully, these covert systems are acknowledged comprehensively among ordinary daily lives and political lives.

2.3.2 Hidden rules
Due to the complicated benefit net, historically, China has many local domains in each realms, in different departments at different levels, one after another, play games within their turfs. Though from dynasties to republic China, the governors and present CPC’s discipline and national law may have rules; these local domains keep their own rules, similar to what officials call “hidden rules”. Even these hidden rules originally formed by the local domains,
as emphasized above, after long history’s evolution, these hidden rules are broadly acknowledged and followed (Wu 2004). Hidden rules exist prevalently between ordinary people’s daily lives, between bureaucracies, and between the businesspersons and officers. Usually as a substituted method to solve conflicts instead of formal legal system, they play a more crucial role in addressing different affairs than formal procedures.

Apparently, these hidden rules are based on benefit net echo to China’s power structure. Thus, corruption problem is difficult to negative. In fact, the problem in any society is that state regulators (officials) working closely with business are eventually “taken over” by them and have to follow their games. However, lean on China’s long history of hidden rules, these facts are prevalent. The difference here in republic China is the regulators are the constitutors of hidden rules due to the mighty CPC’s control over the territory. Due to the latent personal benefit consideration, the incentive of series level governments to launch projects is far much than the incentive to pause it in the name of environmental protection. At this stage, a “revolving door” between business and state undermines effective regulation, and actually lead to tremendous waste and cost in the process.

Actually, mostly the ordinary people are the final and direct victims of these hidden rules. Comparing with them, the governors barely care about their benefits and face. Facing the environmental pollution, due to the un-transparent information communication and sharing, the ordinary people are scattered and isolated to confront a straight line of power combined with benefits. Therefore, to them, if going to the local government does not work, they go to the courts; if the courts do not work, they have to go to their representative; if the representative does not work, the last way is the media. In fact, many environmental events in China are first exposed by media, not the responsible supervision departments. However, the greatest obstacle in media investigation usually comes from the local government, and normally only can be continued in virtue of anger of the higher-ups if the process is absent of intervention from them.

In addition, as I discussed regarding the environmental legislations, lacking of a series
effective legislation system, the political system is far away from the requirements of systematization. Though lots of progress have been made regarding formulization and systematization from the start of economic reform, this is only limited in middle-level and downside, the decision-making procedures in upper stratum are still highly informal (Han 2001). Furthermore, China’s lawmaking processes are destined historically to be influenced by ruling party factors profusely. As time goes by, many conventions formed in the history and the ruling parts interior regulations play a unimagined vital role in lawmaking procedures. These informal regulations are tagged as – confounding ruling party and government, governing by ruling party instead of government, and personal characterized administrative power as well. Even they cannot be named as hidden rules, the informal procedures and regulations practically have unmeasured influence in the formal law implementation, and in turn in administrative characters, apparently including environmental protection fact.

2.3.3 Countermeasures vs. policies

Coming from different hidden rules in different levels, the executants of different policies pay more attention to the concern of their own benefit. Additionally, because the administrative process in China has the exclusive idiosyncrasy, due to the lack of external supervision outside the closed system and top-down overseeing structure, the interior departments usually adopt a concealment way, which is spelled out as countermeasures vs. policies, to balance benefits and risks. Using this method, only the policies in the local department’s favor are adopted, and the rest are usually ignored or misinterpreted consciously (Yang 2006). Sometimes, the stress is so hard that local departments have to obey symbolically or formally, to express their regards on superior’s orders and decrees.

The distorted policy-implementation in nature is a kind of game process between the relevant actors based on the interests consideration, the effectiveness of policy implementation depends on the relevant players, choice of the strategy, which fundamentally depends on the game rules -- institutions. Additionally, this leads to some formalistic assessments. Considering the issue of socialism with Chinese characteristics, because of the eager to attract investigation and achieve the bureaucracy goal to a higher economic development, many local
governments sacrifice their environment fortune to lower the requirement of environmental protection. Hence the EIA contrary became a pretext of the pollution enterprises. Plenty of the EIA reports are formalized.

For instance, when I studied Three Gorges Dam issue of China, I noticed that as reported, many Chinese dam projects do not follow Chinese EIA laws, and many of them have no public participation, which is compulsory in EIA process by law (Buckley 2007). However, these projects were all approved, because the final documents they submitted are seemingly perfect. Alternatively, the projects took advantage of the rural residents’ unawareness regarding the public participation and exercising it.

2.3.4 Face issue
In fact, in a society with lack of ruling by law tradition and is governed more by dictates of decrees than law, this saponaceous and knowing is inevitable. Actually, also due to the man governing system, the influence on administrative produces by personal characteristics is extremely considerable. In the case, as the third covet system factors, the cultural and historical face issue shows off its inexpugnable influence when discuss about Chinese cases.

Here the concept of “face” roughly can be interpreted as “honour”, “reputation” or “respect”. Traditionally, growing in a society with long-history systemic hierarchy culture, people are used and sensitive to these subtle distances between each others. This face issue is composed of mainly four factors as: lose face, which means lose private veil in actions and deeds to public; give face, which means give place and respect in addressing affairs for both; keep face, which means showing wisdom and avoiding mistakes; and stand on face, which means increasing reputations (kwintessential 2006). It is very important to take this issue into account in China in almost every aspect. Consequently, addressing affairs, direct and strict instruments are consciously avoided by both sides and circumbendibus are employed broadly. Hence, due to the consideration of face issues, justness, fair and publicity inevitability have discount in their implement process.
In practice, another consideration of the balance in officialdom and benefit net, compared with the traditional face problem, tolerance and golden mean is adopted, and these considerations mostly lead to a compromised consensus.

In one EIA case in Guangzhou, China, which I participated, considering the face issue, the experts group finally compromised to admit and approve the EIA report. This will be narrated followed detailedly.
3 EIA in China

3.1 Development

Generally, the development of China’s EIA system can be divided into four phases: First is from 1972 to 1979, which is the preparation phase; followed by the preliminary implementation phase from 1979 to 1986; the sequent phase is overall implementation phase, which expanded from 1986 to 1990; and from 1991 till present is the intensification phase (University 2003).

In 1972, the preparations for the United Nations Conference on the Human Environment in Stockholm gave an important impetus for organizing environmental management within the Chinese government. And consequently, the first country-wide discussion on environmental protection was launched at the first National Conference in 1973 (Michalak 2001). But apparently, at that time, due to the weak economy status, the environmental issue did not become a public hotspot, and only some professional experts and scholars under the State Council expressed their further analysis of limited anticipated environmental consequences of economic development. As a result of the discussion, a report entitled as Key Points in the Environmental Protection was issued in 1974. As time goes by, with the accumulation of different environmental management approaches experience, the National People’s Congress Standing Committee enacted a provisional version of China’s basic environmental law The PRC Environmental Protection Law for Trial Implementation in 1979. This law established EIA as a compulsory environmental management program and marked the beginning of the preliminary implementation phase. As introduced in chapter one, this promoted final EIA as a vital weapon to balance the need of environmental protection and economic development latterly in P. R. China (Therivel 2001).

In 1981, the State Construction Commission, State Planning Commission, State Economic and Trade Commission, and the Environmental Protection Committee of the State Council (a comprehensive entity crossing almost all the ministers which was unfortunately dismantled 1998’s state organizations reform) issued “Management Procedures for Environmental Protection of Capital Construction Projects” which outlined the requirements for EIA system (University 2003). After decade trial period of the first environmental protection law, the
formal Environmental Protection Law of the P. R. China came into effect in 1989. And this legal decree nowadays actually constitutes a legislation basis for China’s environmental protection system. Meanwhile, during this period, the National Environmental Protection Agency (NEPA, which was transformed into the State Environmental Protection Administration (SEPA) in 1998) and other government bodies issued a number of administrative regulations related to EIA, including procedures for issuing licenses to organizations qualified to conduct EIAs.

For more than two decades, the practice of implementing EIAs in China was a subset of the nation’s larger Environmental Protection Law. Responding to the EIA Directive (EU legislation) which introduced in 1985 and was amended in 1997, China government promulgated the Regulations on Environmental Management of Construction Projects in 1998. In this regulation, the clear conception of environmental impact assessment was put forward, and it required relevant environmental protection facilities should be constructed along with the process of design, construct and put into use of the projects at the same time (Council 2006). Sequentially, the Law of the People's Republic of China on Environmental Impact Assessment was enacted in 2003, which extended the affected realm by EIA practice from construction projects to various development construction programming. Additionally, Strategic Environmental Assessment complements the current project-oriented EIA process. In general, notwithstanding the new law does not attempt to modify the existing EIA system in any radical ways, suggesting that the government consider current practices satisfiability (Wang 2003), according to this law, the central government and relevant administrative departments treat it as a crucial part to feasibility investigation of development and construction projects. Since then, the related laws and framework has been legislated and promoted progressively.

According to the statistics, environmental assessments for construction sites exceeded 90% since 1998, and the rate increased to 98.3% in 2002. And till 2005, there was total 1.46 million projects enforced EIA, and consequently the investment environmental protection increased to 1230.6 billion CNY (Council 2006). In fact, considering the above discussed
Chinese characteristics, this group data is really questionable. If these statistics are accurate, apparently we can consequently deduce that almost all EIA have been conducted and approved by the appropriate departments. Actually, some reports indicated 99% EIA were approved in some region, and even the authorities questioned the reliability of the official statistics (Wang 2006).

In 2006, SEPA ratified a regulation intended to strengthen public participation in the EIA process. It marked the first time that SEPA, or the Chinese government as a whole, had opened the doors to widespread public input into national development initiatives. A much fuller discussion will be presented in next Chapter. Faithfully, EIA did contribute to protect environment and avoid new ecological exploitations. And at present, EIA in China has academically and practically developed to many conceptions and scopes.

However, in spite of the achievements, due to the superficial enforcement and lack of effective public participation of environmental mechanisms as whole (Wang 2007), there is still a long way to get to a maturely effective environmental protection system.

3.2 Procedures

3.2.1 Normal procedures

Article 17 of Law of the People's Republic of China on Environmental Impact Assessment specifically lists the required elements for environmental impact assessment. Essentially, EIA is a systematic process (Therivel 2001). As we know, EIA should be cyclical activities with feedback and interaction between its various steps. Thought there are no strict regulated steps of EIA from any official documents and laws, as the Guideline of Environmental Impact Assessment which was ratified by SPEA in 1993 suggested, the main steps are mostly following developed countries. Nevertheless, because of the immature system at that time, the guideline is not as perfect as practices desired. In fact, during the last few years, before the new guideline is enforced, many methods have been adopted according to the laws system’s emendations and the enhanced edicts. Thus I summarized them from both the guideline and my cases studied in Guangzhou. Figure 1 shows the typical EIA procedures in China which
includes three main stages. In addition, depending on different characteristics of different projects and from region to region in China, the process actually has its own emphasis.

As the law regulate, once a project is planed, an EIA must me made before its construction plan is approved. However, practically EIAs always have been conducted well into the development stage long after the project decisions have been made. In some cases, EIA is barely a supplement stage to satisfy the EIA law. In fact, the guideline (1993) requires the EIAs can be conducted only no other than the projects are approved. The failure to conduct EIA prior to the design makes it difficult to adopt better mitigation measures for cleaner production approaches into the project’s overall development (University 2003). The conductor of EIA here is a third party except local environment protection administrative departments and developers. Meanwhile, all the procedures are subjected to SEPA or its various subordinate branches as local EPAs. Nevertheless, most assessment conductors have every close relationship with local EPAs, and some of them are affiliated to EPA without further ado.

Actually, as I experienced, the EPA only take supervision on the final environmental impact assessment report statement (EIS) unless a furious feedback or dispute emerges. Here, in order to satisfy EPA to get the approval of EIS and consequently the final completion of the EIA as whole, as regulate, the EIA procedures must follow the direction of the guideline at first, including the assessment models and formulations. Depending on experience, unless some extremely special sensitive projects regarded by superior governments or other mighty bodies, for instance, the foreign media, all the EIAs have to follow the guideline in spite of its timeliness.

As one of the first environmental protection instruments adopted in mainland of China, the guideline has important significance in China’s EIA development. Here the guideline acts as the general syllabus of the EIA process. In 1993, SPEA ratified the first version *Environmental Impact Assessment Technical Guideline* as the chief standard to direct EIA conducts. It regulates the universal principia, methods, contents, and requirements in different
stages of EIA process. Since then, all the conducts of EIA must follow the guideline, otherwise none of them will be approved by EPAs and consequently developers cannot get relevant final permission. Nevertheless, nowadays, the 93-version guideline is antiquated including valid scopes, technical criteria and technical methods that cannot meet new science
trend and requirement. Actually, according to the *Law of the People's Republic of China on Environmental Impact Assessment* which was ratified in 2003, the guideline apparently is not suited. As I can see in fieldwork, some senior EIA conductors admitted, comparing with developed countries' regulations, it became demoded long before, they actually have adopted advanced technologies somewhere in spite of the guideline, but the essential factors including mathematic models and methods must follow the old direction. Unfortunately, before the amended new version is authorized, at present thousands of EIAs have to following this old guideline carefully to avoid rejection by local administrative departments. The fortunateness here is a new amended guideline has been amending in its consultation period.

For instance, I select the atmosphere factor of the two versions as example to figure out the differences. Table 1 is the detailed comparisons.

<table>
<thead>
<tr>
<th>Comparisons</th>
<th>93-version</th>
<th>03-version</th>
</tr>
</thead>
<tbody>
<tr>
<td>evaluation scope and gradation methods</td>
<td>Three grades depending on pollutant emission, terrain, and local quality standard.</td>
<td>Take weather into account, and grade basing on emission’s potential impact to environment.</td>
</tr>
<tr>
<td>Investigation, observation methods</td>
<td>Only non-point source pollutant source are took into account.</td>
<td>Consideration including point source, line source as well as non-point source.</td>
</tr>
<tr>
<td>Terminology and definitions</td>
<td>Some regulations are redundant. None regulations regarding consider long term ready data.</td>
<td>More detailed regulations of the layout of detector and the use of related information at hand.</td>
</tr>
<tr>
<td>Prediction methods</td>
<td>Depend on 60’s～70’s theory of atmosphere boundary layer</td>
<td>Depend on 80’s～90’s theory of atmosphere boundary layer</td>
</tr>
</tbody>
</table>

Table 1
As it showed, the most primary amendment is the part of recommended prediction mathematic model. In Dec. 30, 2006, as an inner document, SEPA issued an explanation of the draft of 03-version technical guideline. It explained the difference between the two versions and the incentive to amend the older version in greater detail. As it said, the 93-version employed 60’s~70’s theory of planetary boundary layer (PBL) as the theory ground floor, assuming that pollutant dispersion in space follow Gauss distribution. Meanwhile, because it considers both the ground and admixture layer as an impenetrable surface, and classify the stability of atmosphere boundary layer to inconsecutive six kinds according to Pasquill method, hence the parameters of classification and diffusion are discontinuous. All of these abstractly differ from the earmark that the turbulent flow changes consecutively. In addition, these are not accordant with recent decades’ research production, especially under the convection condition. As a result, the recommended modes have consequent deficiencies. The formula is following:

\[ c = \left( \frac{Q}{2\pi \sigma_z \sigma_z} \right) \exp \left( - \frac{y^2}{2 \sigma_y^2} \right) \cdot F \]

Here the

\[ F = \sum_{n=1}^{N} \left[ \exp \left( - \frac{(2nh - H_c)^2}{2\sigma_i^2} \right) + \exp \left( - \frac{(2nh + H_c)^2}{2\sigma_i^2} \right) \right] \]

On the contrary, attempting to keep up with present research production, generally the latest version amends the weaknesses and introduces Non-normal PDF model to predict atmosphere status under concurrent condition with moderate buoyancy flux. Meanwhile, the turbulent dispersion is figured out by parameterization equation in which the stability parameter is described continuously based on the conception of scaling and the atmosphere turbulent structure. Furthermore, the new guideline does consider the interaction between buoyancy plume and the mixed top layer under convection condition, and the structure downwash can also be calculated out. Thus, the new guideline looks can keep pace with the oversea main
prediction models.

At the same time, unlike the 93-version, the new guideline acknowledges the mainstream regulatory prediction software in the world and directly introduce their modes as guideline’s recommended modes. The recommended prediction model list includes AERSCREEN, AERMOD and CALPUFF, and the instructions, execute files, and users’ handbook as well as technical files are also provided broadly. In addition, the free software AERSCREEN, AERMOD and CALPUFF has gotten the approval from U.S. Environmental Protection Administration and can be downloaded in mainland China; ADMS also got its authorization for free use by Cambridge, UK.

But another point here I have to stress is that all these software actually is still seldom used by ordinary projects because these software is belong to the new guideline which has not been approved by SEPA formally. And nowadays the projects have to follow the 93-version guideline all the same. In many conversations with particular practitioners in EIA realm in my fieldwork, as I can see, they actually realized the deficiencies of 93-version, nevertheless as I mentioned above, at present they have to follow it without other alternatives.

More significant, the new version guideline introduces public participation in its strong mood. Actually, due to the Chinese domestic macro-political circumstance, the part of public participation traditionally is weak. I will discuss this issue more broadly in my fourth chapter. Here I just emphasize the new unprecedented factor in the amended version. And the following discussion is based on the 93-version guideline.

3.2.2 Steps
Depending on the definition, apparently from Figure 1, we can find that like the planning control list in mature system, due to the China domestic EIA regulations, the projects which have significant environmental impacts and consequently should conduct EIA have been narrowed. As the law states, all the construction projects regarding region layout design and exploitation of relevant governments which are superior beyond municipality administrative
hierarchy level must conduct EIAs during their layout process. Additionally, the construction projects regarding specially classified layout of relevant governments which are superior beyond municipality level must conduct EIAs before they submit layout draft to administrations. Those projects without EIA conduct will not get examination and approval by authorities. In this sense, the project screening process and scoping process actually is narrowed by regulations as developed countries.

Nevertheless, upon this regulation, only the sorts of big projects have the compulsion to conduct EIA. At present, most small industrial pollution projects escape from this regulation and consequently emit considerable pollutant. Actually, these small-scale projects cumulatively become one of the main polluting sources, especially in rural area where the environmental overseeing is lack (University 2003). Furthermore, the narrowed projects list is still vague, and leads to some controversy and finally failed to conduct EIA.

According to the steps illustrated in Figure 1, there are totally three main steps in EIA process. The first step is preparation. During this stage, the studying relevant documents, regulations and primary analysis as well as environment investigation is conducted. Meantime, it should define the project grade, and compile the implementation syllabus of assessment. As we compared with Therivel’s description, the alternative consideration, description of development action and environmental baseline investigation are belong to the preparation process as same as mainstream abroad. From these, EIA seeks to ensure that the proponent has considered other approaches and establish of both the present and future state of the environment

Before the second step starts, the implementation syllabus must be examined and evaluated by EPAs. Actually during all the EIA process, the EPAs oversee each step of the procedures including the examination of syllabus and approval of final EIA report. Notwithstanding, this kind of oversee is limited to literalness examination. Depending on my cases observation, this literalness examination more like just satisfies the written regulations step by step, for example, the EIA procedures statement, the employed prediction model, and reference of
relevant regulation and decrees. As I mentioned, all of these should be narrated in the syllabus before the main body of EIA is conducted, and the EPAs just examine whether it follows the guideline or not.

The second step is the main body of the whole EIA process in which the material work is expanded. During this period, the key impacts should be identified and farther analysis on projects and environment should be completed to predict the latent environmental impact and evaluate the significance. At this stage, EIA seeks to assess the relative significance of the predicted impacts to allow a focus on key adverse impacts and measures to avoid, reduce, remedy or compensate for those significant adverse impacts should be introduced to mitigate the impacts.

The cheering progress of the EIA development in China is the recognition and introduction of public participation. As a crucial weapon to safeguard and assure the quality, comprehensiveness and effectiveness of EIA, thought no public participation in 93-version is outlined, public participation was employed compulsorily and practically with the law system development. Nevertheless, regarding this issue’s implement, there are lots of controversies, and a pervasive discussion will be expanded depending on my experience and observation in the next chapter.

Finally, after the EIA main process is complete, the EIS should be compiled by the conductor. During this period, the main task is to collect all the data from the second step and analyze them. Sequentially, make the final conclusion and complete the EIS as well. At last, EIS should be submitted to administrations to get examination and approval. For some projects with moderate and big scale, normally the EIS must be examined by expert inspection meeting. Actually, EPAs examine and evaluate these projects’ EIA implementation syllabus in this scale grade also through expert inspection meeting (Ye 2002). Obviously, the object of EIS is the administrative authorities and experts in inspection meeting.

Here, the EIS presentation is a vital step in the process for all these three parties. In China, the
The relation between them is very subtle, especially for some sensitive projects. In fact, there was a long story of how to invite, alternatively in Chinese characteristic word as select, “right” experts to attend “right” inspection meetings (Wang 1993). Considering the narrative of China socialism characteristics and covert system in my second chapter, the expert inspection meeting plays a crucial but weak role in this procedure.

3.2.3 Expert inspection

In principle, China practically has strict clarifications of so-called expert from either technical aspect or political aspect who can express their advice in sort of expert inspection meeting (Li 1996). Earnestly, besides some so-called experts for use of autarchy government, most experts are guileless senior professional engineers or scholars in homogeneous realms after decade years practice. Personally they can keep up with the advance development in the world and actively involve in many projects. Hence, they are really significant to the quality control and adequate prevention measure of latent environmental destruction. Actually, in present China, compared to other alternative instruments for quality management, this kind institution of expert inspection is employed widely in different scopes. According to the concerned law and guideline, the conclusion of their evaluation to the assessment is vital to the EIA. As regulated, no EIA can be approved without the permission from expert inspection meeting.

Normally, the expert inspection group includes one group leader and several members varying from 4 to 6. During the inspection, before the presentation, there is a small expert inner meeting. In this meeting, they first examine the assessment report together or individually, and generally express their advice and suggestions. Sequentially, they discuss these issues with EIA conductor and developer in the environmental impact assessment presentation. Concerning the reply and relevant measures as well as amendment, they take an inner meeting again to discuss their evaluation of the particular EIA statement, and make the final appraisal. At this time, they give out their expert advice as the final document with the EIA to submit to EPA, also revision suggestions are expressed in the document as reference to the administrative approval department.
Actually, as I mention above, the selecting of which relevant experts to take part in the inspection is a knowledge and skill. Let alone the tremendous projects like Three Gorges Dam (Wang 1993), many smaller EIA prefer waltzing through the experts’ inspection. Depending on my experience from various conversations with practitioners, according to the EIA conductor and developer’s behooves, in order to reduce unwanted trouble and labor, some experts are technically and practically excluded from the expert group list. Hence contrasting to some unwelcome and vacant critics, some experts are so popular that they have to keep up with different inspection meetings one by one very busily. As a result, sometimes the time left for them to examine the EIA report is so much limited as one night, or just look through it briefly. In this case, the adequately critical review is more like as double-dutch, actually only some fade suggestions can be questioned.

On the other aspect, traditionally the developer should pay honorarium to the experts. Usually, depending on my experience, for a moderate scale project, the honorarium to the group leader is RMB2000, and other members can get RMB1000 individually. Compared with the ordinary living standard in mainland China, the honorarium to the experts is very considerable. Thus, considering this fortune, experts tend to adopting milder manner to express their point of views and address the bifurcation.

In addition, the face issue is another influencing factor in the conclusion making process concerning expert inspection meeting. According to statistics, there was total 1.46 million projects enforced EIA from 1998 to 2005, (Council 2006). On the contrary, contrasted to large numbers of EIA projects, the experts are scarce so that it meantime becomes another reason of insufficient examination time left to the busy experts. Due to this lack, most experts are very familiar with the not only the EPAs, but also the EIA conductors as well as some developers. At this stage, all actors in fact are in a small scope. The relationship between them is so closed that few of them would like to criticize relevant projects aloofly and sternly. Usually, as the result of the face issue, the expert inspection meeting barely gets a compromised consensus.

In deed, the three threads above regarding expert are tangled together. In a Shantou case in my
fieldwork, I participated a typical this kind of expert inspection meeting.

Chaonan is a comparably underdeveloped district of Shantou municipality in Guangdong province. The local government planed to cooperate with Shenzhen municipality which is the first special economic zone after the economic reform. After decades’ development, Shenzhen attempt to improve its industry from labor intensive and high-pollution structure to a higher level. Meanwhile Chaonan local government was seeking possible investment on its new industrial zone. Hence, the two local governments collaborated to construct the Industry Transformation Zone. This zone is mainly used for the development of electronic production supporting industries such as circuit board. Before the conduct of EIA, the zone administrative committee has permitted 27 factories’ enter. Because the zone locates along a coast, the wastewater treatment process of circuit board production became the main focus of both the EIA and their discussion in that expert inspection meeting.

Regarding this expert meeting, the present people included five experts, three presenters of EIA conductor, two clients from developer, and two engineers from the third party, the local environmental administrative department.

Actually, among these five invited experts, only one of them had visited the project spot. Moreover, as they introduced informally before the inspection meeting, only the group leader had time to examine the whole EIA report four days before, and the rest expert members just started their look through from one previous night.

As the project’s layout displayed, most of the waste water will be discharged into the ocean from sub-sea outlet pipe equipment. Generally, considering a neighboring petrochemical ethylene industry zone which leads to severer coast pollution even after wastewater treatment process, definitely it is another latent serious polluting source of ocean environment. However, if it had introduced intervention from relevant ocean administrative department, the project should make an additional oceanographic oceanic environmental impact assessment. As the developer, the local governments, admitted, it would cause unwanted complicated and fussy
procedures. Of cause, additional expense should be charged. As their edge ball solution, none of the invited experts is professional in ocean realm.

Apparently, even the present experts acknowledged that the assessment and inspection of ocean is insufficient both from the wastewater treatment process and from the employed prediction model. And the controversy is really obvious. Nevertheless, this construction project actually had gotten the approval from the two local governments, and 27 factories and companies had signed the contracts with them to enter the zone to start their construction projects. Thus the EIA seemed like a supplemental procedure to fulfill the corresponding regulations.

At last, as a compromised solution, two main mitigation suggestions are put forward. The first measure was that the developer should change the waste water outfall from sub-sea to the shore. As we can construe, the departure points of this measure were based on two factors. One is to avoid the intervention from ocean administrative department. The other is the misgivings of direct pollution to the ocean area. The second suggestion was that degrade the ocean baseline to a lowered grade so that to fulfill the relevant regulations regarding wastewater discharging.

Faithfully, no matter what degree the pollutant of the project will make, both of the measures were lip-deep and lack of ultimate instrument to prevent possible pollution.

Regarding the employed prediction model, there was a debate between the experts and the EIA conductor. The expert group considered the EIA employed prediction educed a lower value of contaminated degree. And the conductor insisted their exactness. However, as I mentioned about the face issue, on the table, the expert group gave up their insistence, otherwise the conductor have to rework the whole EIA. And actually on the table, the conductor expressed their concern, in turn only a inessential suggestion was issued to suggest the EIA conductor review the process carefully to avoid possible mistake. In addition, some considerable diction was changed because of the face issue.
In fact, for this project, because of the significance of industry transfer status, the cumulative environmental effect assessment is absent and no body expressed their concern about it at least in that inspection meeting.

Actually the experts did complain the situation and government’s modus operandi. However, they can do nothing to change it but follow it. No wonder the group leader tried to explain things away in playful tone in a conversation with me that they have to play expert because they were able to do nothing else but so-called expert left.

3.3 Practice and deficiencies

As we can see above, technically the main steps are almost as same as mainstream EIA procedures in developed countries (represented by EU). Even in the era directed by 93-version, the main incentive is still to attempt to keep pace with the most advance technology. For more than twenty years, the EIA practitioners in China have accumulated a lot of experiences on itself and developed a comprehensive methodology of it. Actually, the EIA Law does strengthen trends towards higher technical standards and require increased attention to compliance by investors, business operators, construction companies, technical consultants and governmental departments. During the past years, many new technology and methods have been involved into the EIA’s development in China both from decrees issued by lawmakers or SEPA and from practical implements.

For instance, as I can see, over the last several years, because of the systematic, reliable manner and less time-cost, the physical hi-tech instruments such as GIS, remote sensing (RS) is widely used in the data analysis process and in assessment presentation, especially the aerial photography and satellite imagery. With the development and access to internet, in many documents I examined in fieldwork, I spot that Google Earth played a valuable role in their data collective process. But by and large, these images they captured from Google Earth are barely used to describe the general information such as locations or the layout. Few accurate corrected satellite images or GIS data analysis are used to calculate the possible
predicted factors due to their high cost.

Seemingly, current EIA has developed to a quite comprehensive level in China from both the legislation and the implementation. However, due to the Chinese circumstance, the implementation of EIA has its own characters. Besides the discussion along with the description of the steps, there are still some serious deficiencies.

First of all, actually both the Environmental Protection Law of the PRC (1989) and the “Management Procedures for Environmental Protection of Capital Construction Projects” (1986) does not specifically require the use of cleaner production. Although in 1998, this situation has improved with renewed revision of the management guidelines, which now include some industry construction projects, the effects of those revisions will not be fit immediately. The project proponents overwhelmingly still choose EOP treatment facilities to satisfy EIA requirements. This in fact occurs at all levels of investment (University 2003).

Secondarily, as I discussed in the second chapter, amid the China’s political structure atmosphere, considering the surrounded political institution environment I described in second chapter, the government’s attitude to the project which is going to be conducted the EIA is crucial in the process, sometimes the attitude is decisive. This attitude defined here includes either government’s decision as a real department of corresponding governmental level or an administrative officer’s personal human favor from time to time. At present China, notwithstanding this kind of intervene has its positive as well as negative influence, the latter has significant effect on practice. In turn, not only the projects developed by governments and the private projects have definitely different treatments and possible results, but the same projects sometimes have the different treatments in front of different officers and different inner departments within the government. Actually, many cases about this issue can be examined from various media stuff in China.

As a result, at present even the SEPA has escalated to a higher authority level as ministry department in China administration series, the embedded inspection capacity and jurisdiction
is still limited and in turn the strength is weak, especially in water contamination prevention, ocean environmental protection, biodiversity protection and natural protected area management. (Xie 2008). So that in some way the enforcement of relevant legislation is ineffectual and helpless. For instance, as reported, dealing with cage fish farming in Pearl River area, Guangzhou, the aquaculture administrative departments consider it as an environment-friendly agriculture, and call for this kind of fish farming with the supporting from local governments. Nevertheless, the EPAs insist on its contamination to water environment and try to reduce and ban this kind of fish farming. Depending on different perspectives, the conflicts between the two departments is obvious. Notwithstanding the EPAs possess plenty of technical evidence to prove the consequent pollution, the local governments always ignore their suggestions, and in order to get a higher GDP achievement, many policies were issued to encourage the farmers enlarge their farming size. Only in municipality urban scope, the fish farming cages were demolished or diverted in the banner of urban landscape construction which derives from the Guangzhou municipality exclusive administrative government, not the EPA’s suggestions. As I interviewed in this city, the practitioners also complained that their suggestions always be ignored unless the particular officers put their favour on particular realm. In fact, due to the vain enforcement of environmental protection legislation, as mentioned before, it is still a system by man, not by law. In turn, the particular EIA procedure sometimes easily affected by officer personal wills.

Thus, followed this government’s direction from administrative perspective despite technical consideration, some EIA approaches have to satisfy the superior administrative guideline at first in spite of factual status. Here a case I experienced can illustrate this dilemma. Zhuhai is the third biggest city in Guangdong province. Because of its close geographical location with Macao, Zhuhai became the first 14 open-up cities in 1980’s and gets number of special policies to develop as special economic zone. At that time, in answer to the province EPA’s requirement, the Zhuhai EPA determined to launch its new function division layout. As the conductor of this layout’s environmental impact assessment project, the Sun Yat-Sen University, where I made my fieldwork, made some necessary interviews with local EPA before start. During the interview, the first requirement is called as putting emphasis on
overall situation. It apparently means that all the inferior decisions should follow the superior demand in spite of local reality. As it required, the local function division should base on the superior division from province EPA to classify new functions and protection level. In case of the disagreement between the levels, the rearrangement should be made to satisfy the higher administration requirement and local government’s demand for economic development. Say, there is a new construction project has been past to launch in a particular area (obviously it is a project developed by government or advocated by government), so the corresponding function division should be arranged so that this particular project can fulfill the relevant requirements of particular function-classified area. As we can see, here the relationship between primary and secondary is really considerable.

Meanwhile, the function division should take into account other parallel administrations’ demands, for example, the ocean bureau, water resource bureau, development committee, soil bureau, and bureau of urban layout as well. Depending on individual departure point, the demands are miscellaneous and some of them are conflicted at all. For instance, during the later experts inspecting of the function division syllabus, the comments from Doumen district, which is one of the underlying districts of Zhuhai city, are considerable. They suggested to attempt to abrogate the function classification of Nanmen drinking water intake point because the local economic development had faced lots of restriction due to the compulsory protection area of drinking water intake point.

In fact, it is impossible to make a perfect plan to take every aspect into account evenly. Frequently the final decision must become a tradeoff between departments and the embedded entitlement is weak. And in turn no aspects can be respected well. Actually, in this Zhuhai case, the waster aspect is the most controversial due to its huge land area occupation. Although the apparent process introduces various advanced methods such as quantification control management, dynamic control management and step control etc., the conductor admitted that the final layout and relevant assessment is a de facto consequence of compromise inevitably, and the main procedure is more like an ordinary routine.
Third, as discussed earlier, EIAs have primarily been conducted for large industrial projects. At the same time, most small industrial pollution projects have been ignored by EIA requirements. There are three main aspects of this situation. One is that the fact failure to conduct EIAs prior to the design and facility of a project development makes it difficult to enforce cleaner production approaches into the overall development of the project. As a result, because of the disability to predict later EIA result, enterprises that actually cannot afford to operate treatment facilities continue to receive EIA approvals (University 2003). On the other hand, the reality of duality society structure makes the environmental management system in rural area presents distinct characteristics from urban cities. At there, the legislative flaws, the rural environmental administrations are scarce, the environmental protection jurisdictions do not match with pollution characters, and the environmental inspection and statistic system is still dim. Actually, both Environmental Protection Law and Water Pollution Prevention and Control Law put far insufficient emphasis on rural area (Su 2006). However, almost all small industrial pollution projects and enterprises actually locate in rural area. The inconsistent between the severe pollution and weak inspection becomes the second reason. In addition, the absence of cumulative environmental impact assessment is another cause of this situation. At present, the area-pollution sources are mostly ignored because the institution of gross control barely affects on point pollution sources. Furthermore, due to the high cost, the inspecting over large numbers of small industry enterprises is difficult to implement completely. Actually, because of the insufficient EIA requirements on most small industrial pollution projects, EIA in a way becomes a limping giant.

Fourthly, examining the all the actors involved in environmental administrative system, we can find out actually not only EPAs enforce their authority in particular territories, many other governmental entities jump in environmental administrative management over the same turf. In some realms, due to the concern of consequent benefit, these governmental entities issue numerous decrees and orders again and again. This kind of management of multi administration in fact leads to tangled statute in practice and unnecessary cost on administrative process. For instance, when an EIA project starts to evaluate environment baseline, original data about environment are required. Nevertheless, a study revealed that
actually different governmental department has different data source. EPAs have their pollution resource inspection data, while statistic sectors have their own statistical pollutant emission data, meantime the supervision sector can issue their data regarding pollution resources collected from applications for pollutant emission. In fact, besides above data resource, water contamination prevention administration, ocean environmental protection sector, biodiversity protection and natural protected area management sector also possess their individual data (Niu 2006). These multi data resources do confuse not only the EIA conductors, but also both law enforcers and law objects. Furthermore, departure from different benefit concern, this confusion alludes to inevitable fake during the environmental impact assessment.

Fifthly, the public participation is lack. As a powerful toll to safeguard EIA and improve relevant efficiency, public participation has developed maturely in many developed countries. However, in China, this issue is still a long story standing on its dilemma situation. These will be discussed more comprehensively in the forth chapter.

At last, actually who play the disburser role in the EIA process is influential to assessment’s justice. As the conversation with the practitioners, they illustrated out the relation of the developer and them. Normally, the cost of the EIA conduct is covered by particular developer. Nevertheless, currently, as informal regulation in this scope, the EIA conductor should ensure their success to get the EPA’s approval of particular project impact assessment; otherwise the developer will not defray the expense for the EIA project. In another way, in order to avoid that kind of unwilling consequence, the conductor will dedicate themselves in every method to get their goal. As I mentioned above, the EPA barely examine the EIA literally form the original syllabus to the final report, hence the conductor in fact put more emphasis on literalness than practical work. Associating with the issue I mentioned before about the confusing environmental pollution resources, the literal game is inevitable. Thus the relationship between these three parties, especially the EPA and the conductor, is extremely considerable. In additional, actually, the experts group here also plays a subtle role among the process. As I mentioned above, depending on my experience, for a moderate scale project, the
honorarium to the group leader is RMB2000 and RMB1000 to other members individually. Considering the normal life expense in China, it is difficult to convince us that some critiques can be heard in relevant inspecting meetings.

Amid these whole environmental dealing collaboration relationships, in a way, the real reliability of EIA is doubtable. As I stressed again and again in my previous content, in relation to the surrounding political atmosphere and consequent so-called Chinese characteristics, the responsibility, functions, and its external objective are not matched well with its deserved operations.

3.4 Further Questions

United Nations Environment Programme endowed EIA with three core values. They are integrity, utility, and sustainability (UN 2002). As it explained, EIA should be balanced, fair, objective, and should provide corresponding information so as to result in environmental safeguards. Considering China’s situation, the EIA in China is still immature. This kind of immaturity is illustrated out from not only the legislation and related applicative technique, but more significantly from the construction of its enforcement policy institutions and surrounding political and social systems.

A study by Ye, Wenhu revealed (Ye 2002) the deficiencies of EIA’s practices in China. It used scoping, alternative analyses, cumulative impact analyses, public participation, monitoring management, and clean production analyses six indexes to establish an evaluation system of EIA efficiency. After examined 36 EIA reports during the past decade, as it said, from the perspective of technology, the deficiencies of EIA policy system are still apparent compared with China’s struggle to establish a satisfying environmental legislation system. Some of the implementations were not as strict as regulated, and the standardization of the technical methods in the guideline is unsound to operate in practices. Furthermore, the study showed the coordination between the actors is still weak, and the administrative management of EIA is inefficient.
Actually, the technology deficiency is easy to catch up. When we deepen the question of why the deficiencies behind the surface, the political and culture circumstance become obvious. Due to the strict political atmosphere, the most important but most scarce core is the spirit of freedom and independence in both operation and public opinion. Bona fide, the wisdom “Independent Spirit, Liberal Thoughts” is not only the appeal in political realm, but also the core value in natural science scope, say, EIA.
4 Public participation

4.1 Understanding

Thomas characterized five principal criteria as good public participation (Krueger 2001). One is acquirement and maintenance of popular legitimacy, a second criterion sees a good process as one that facilitates an ideological discussion, the third focuses on the fairness and transparency of the process. Additionally, the fourth perspective conceptualizes public participation processes as a power struggle in which instance a power play between local authorities interests and outsiders. A fifth perspective highlights the need for leadership and compromise. Considering China present characteristics, I would like figure out public participation in China from above five perspectives as whole.

As I illustrated before regarding present China’s social and institutional context, in fact, the total society possesses the structure as an army. Depending on China’s decade’s experiences in planned economy and the caused traditional legacy, the national space and social space still united together. Within it, all lawful groups and persons are put in one-dimension order, and personally the “Centralized leadership” can command everyone outright. Based on it, there exists no civil society corresponding to the government (Li 2005). Actually, the concept of “people” is always separated from the concept of “masses” and “citizens” consciously by government. Since CPC seized mainland power in 1949, the conception of “people” has been used to represent the masses been ruled and followed. Nevertheless, on official narrative, here “people” are members of the leading class of P. R. China. In that dictionary, none and less, in spite of absence of election system and corresponding democratic context, the “people” means the host of the country, in which the right of so-called people is legally protected by alleged the people’s government.

Hence, on every case and arena, the individual identified person should keep pace with central government policies consistently and conformably, otherwise, individuals would be put on the opposite side against “people” so as to drop into an extremely anguished situation in both daily life and political rights. Traditionally, only the alleged people have right to represent and being represented, express themselves, notwithstanding literally. In this way, for past decades,
strictly speaking, there was no formal public participation in administrative realms until the recent reform era. In fact, due to the strict political circumstance, nowadays the representation of so-called public is still the focus of various discussions (Meng 2007). Especially, after crackdown of June 4, 1989, the government’s control of public’s individual right regarding representation and participation in public events was increasing consistently (Hay 1995).

Gradually experienced on environmental protection practices, witnessed the benefits of the EIA systems in developer countries, on 29 November, 2002, the specific *Environmental Impact Assessment Law* was passed by the Chinese national Congress, which mandates that EIA requirements are enforced on development projects, programs and plans, either departmental or regional. In order to put EIA systems into practice efficiently in the hope of minimizing adverse environmental costs associated with rapid development and industrialization, on the whole, the main principal aspects are all introduced to China’s practices. Though the public participation was not compulsory requirements in 93-version guideline, as a powerful and efficient safe guide of EIA, public participation is encouraged explicitly in the EIA law’s statement in the General Rules in the environmental impact assessment process.

As it regulates ultimately in article 5 (SPEA 2003), government encourages relevant units, experts and public participate in environmental impact assessment from appropriate methods. And article 11 states, for planning which has the potential possibilities to generate adverse environmental impact and directly affect the public environmental benefits, the EIA report draft should consulted with concerned units, experts and public in form of seminar, hearing or other appropriate forms before the planning submitted for permission. Furthermore, in article 21, the law regulates the EIA report draft of relevant construction project which has the potential to generate adverse environmental impact to or affect the public environmental benefits should consulted with concerned units, experts and public in form of seminar, hearing or other appropriate forms before the construction application submitted for permission. But, remarkable, the both of the articles also stresses exception of above is that for national secrecy reason. In this way, it means that these articles will be invalid in front of the entitlement as
secrecy. Actually, this exclusion leads to various dilemmas of environmental assessments.

Currently, shocked by several severe environmental pollution events occurred ultimately associated with people’s daily life, the ordinary people enthusiastically pay more attention on environmental quality. With the wake up from the bottom class, the environmental issue became more and more popular in ordinary life. Responded to this trend, in March 18, 2006, as a supplement part of Environmental Impact Assessment Law, Provisional Measure of Public Participation in Environmental Impact Assessment was issued by SEPA (SPEA 2006).

As it alleged, government encourages public to participate EIA process. The method emphatically regulated in article 6, those EPAs will not accept the EIA submission without the presentation of public participation. Following, the detailed regulations regarding requirements, forms and procedures of public participation were stated. Besides the general regulations, the corresponding technical procedures are illustrated in a supplemented technical guide line to 03-version regarding public participation which will be issued soon as planned. It seemed that the central government legally put this instrument as a powerful weapon to safe guide EIA. Additionally, serial edicts were issued to stress the regards on this instrument. Actually, practically, as I experienced, each project must have this aspect in its procedures and finally in its assessment statement. Public participation bona fide has become a compulsory part in China’s EIA conducts legally.

However, as I discussed before, surrounding with the context of China’s political system which shaped with its unique bureaucracy institutional system, and social covert system among each other, the gaps between law and practice are apparent. Gradually, the public participation in China also shaped to a creation with Chinese characteristics.

At first, in the language of decades China’s socialism ideology, historically, China has its own definition about “public”. For decades, there are traditionally distinct differences between the two definitions of people and messes, and China has been used to distinguish “people” from masses according to their standpoint and pedigree. Nowadays, with the reform and open, pedigreeism had been abandoned. Nevertheless, the judgment standard base on standpoint is
still adopted by official documents and bureaucracy system. Here, an individual only that who by and large follow the government can be categorized as member of sort of “people”, and consequently enjoy sorts of rights and obligations. As a result, “public” is exclusively appointed from the scope as people cluster. On the contrary, the opposite critics to central government, and extreme environmentalists, as well as some other absolutely different voices are obviously excluded from the people cluster. For instance, regarding the high controversial project as Nujiang River Dam, not only were villagers excluded from participation, but also the EIA conductors were kept from the public scope (Buckley 2007). Hence, the requirement is implied. These allude to that the sort of public should insist on “fundamental principles”, and “put emphasis on overall situation”. In practice, as I can see, this became the initial awareness to the particular public in various cases. In a way, public participation is barely implemented within the political institutions system scope to satisfy the whole system.

Examining the current environmental administrative institution, we can easily find the strong government-dominated characteristics in the system. The relationship between the process of environmental policies-making, policies-enforcement and the governmental effects is extremely tight (Li 2006). Actually, under the whole political institution system as I illustrated before, running short of relevant support from legislations and institutions, here the so-called overall situation usually is bare a personal will defined by a few material governors and officers, mostly is the exclusive supreme governor in different regions. Depending on particular situations, at present blooming era, due to the lack of whole scientific and efficient administrative chain, this kind of instrument in fact has its own positive as well as negative effect in China. Notwithstanding, because of this, the implementation of public participation actually attaches governmental will, hence more and less lost it own sense as democracy and safe-guide. Sometimes, this kind of consultation to public is overbearing and ill-mannered, the public’s wills are misinterpreted intentionally and consciously. Actually, following hidden rules, governments are adept at dealing with these situations. In some cases, they overstep authority and get involved in different affairs, and even substitute physical public to present (Heima 2008). In this case, facing the conflicts between economic development and environmental protection, the policies of local authority always swing unstably, and
significantly influence the public’s participation. Moreover, currently, China is involved in a movement which is advocated by CPC to build a harmonious society. Depending on this ultimate guideline, citizens should cooperate with government harmoniously to keep society balanced and stable. In a way, under the banner of constructing harmonious society, as a black humor, all methods can adopted to calm down the potential unrest. Facing various high pressures from authorities, the selection of public is really considerable.

Actually, unlike western developed countries, though the wake-up to environmental issue is a bottom-up process from ordinary people and intelligentsia, the environmental protection is a top-down process which is promoted by governments from central to local authorities (Pan 2004). However, the two main streams are lack of sufficient interaction, mainly because environmental protection authority is a vertical management system in China administrative bureaucratic hierarchy serial list. In this kind of system, EPAs only take charge of supervision and management. In case of lawbreaking, environmental department can barely table a proposal to relevant departments, but have no capability to execute the law and enforce the related regulations and governmental orders (Zhang 2008). While traditionally public are used to appeal for their supreme administrator (Fumu guan) who has the direct power to tackle conflicts. Actually, due to the lack of interaction, the main understanding of public participation of government is the top-down type awareness (SPEA 2006). The main content of this awareness is education so that let the public understand the government’s policies. On one hand, this measure does improve the public’s awareness on environmental issue. On the other hand, this one-voice advocacy easily weakens the public’s struggle and appeal to intervene decision-make process. As a result, the public participation practically became a one-direction implement. In most of my cases experience, currently, main operation of public participation is publicity announcement and collecting questionnaire of investigation.

At last, another problem regarding China’s understanding of public participation is the abuse of the excuse of keeping secret. As I emphasized above, both the Environmental Impact Assessment Law and Provisional Measure of Public Participation in Environmental Impact Assessment regulate the exclusion of public participation in case of the demands of keeping
secrecy. However, what kind of secrecy in it and how to conduct this regulation is still not spoken in detail. In practice, most important environment information is regarded as sensitive information and consequently is classified as secrecy. And the promulgation right of environment information is monopolized by environmental authority departments (Ze 2004). Moreover, under the excuse of avoiding public panic, this scope of important environment information should be secured has been enlarged to pollution data and almost all so-called negative information. As I was told in a conversation with an EIA conductor in my fieldwork, in 2001, when the professors of Tsinghua University which is the best university in China want to get the hydrological data of Kunyu river so as to implement their EIA project to assess the pollution degree, both local environmental authority and water resource units rejected their requirement in the excuse of secrecy. Actually, some argued that this kind of secrecy derives from the consideration of Chinese political environment to maintain CPC’s positive image. In front of this situation, the public’s right of awareness is damaged without an opened information environment, let alone effective and critical public participation.

4.2 Enforcement

4.2.1 Forms and methods

Provisional Measure of Public Participation in Environmental Impact Assessment is the first canonical decree regarding public participation within environment protection realm. Actually, it is also the first regulation regarding public participation among central government ministries and commissions. As it regulated, except secrecy, all the EIAs must publicize related information about environmental impact assessment, and consult with public. Hence, public participation became a compulsory aspect of EIA, and is a necessary condition of EIA as whole to get approval. The formal forms of public participation include seminar, argumentation meeting, and public hearing. More practically, questionnaire is adopted as a doable method.

Regarding questionnaire, it requires how to address the potential problem of misunderstanding, and how questionnaire should be designed in order to make answering easier for respondents. As it regulated, this questionnaire should be finished during the
process of editing the EIA report.

Regarding seminar, *Provisional Measure* regulates the process of the organization, the term to convene and coordinate with related actors. More detailedly, it constitutes almost every procedure and details of public hearing, including the invitation of public media, how to select the public deputy as well as the amount of deputy, how to organize the hearing, and even the practical steps in the hearing. Mostly the reason of the detailed regulation regarding public hearing is that nowadays public hearing has become the most directly and effective method to communicate between public and decision-makers. More important, these articles regarding public hearing of *Provisional Measure* actually result from the public hearing's implementation and discussion of lakebed water-tight membrane project of Yuanmingyuan Park in April 13, 2005.

All in all, the authority acknowledged the public’s vital contribution to promoting China’s environment protection (Pan 2004), and would like to perfect this instrument as their design. *Provisional Measure of Public Participation in Environmental Impact Assessment* faithfully gives detailed instruction of different kind forms of public participation, how to devise and use measures for public, and approaches to a scientific conclusion from these measures.

However, as I said again and again, due to the political environment and unique hidden rules, the sorts of Chinese characteristics stand out in particular. Based on the interested consideration, many distorted policy-implementation in nature which are not satisfied to legal policies occurred. Between the relevant actors, the game rule is still dominated by governmental decision-makers. Due to the absence of independent supervising entities, the final operation of the measures ultimately lie on the relationship between developers and governments, and at last inevitably stand out the hidden rules behind the “revolving door”. In some cases, the government actually chooses the final favored public opinions as their fruit of public participation practices. These informal mechanisms have been observed by general public and intelligentsia, and unfortunately makes trustless to the environmental agency and the reliability of public participation. In fact, compared with large numbers of EIA projects in
economic blooming China, since the Environmental Impact Assessment Law was enacted in Sept. 2003, there was an only one national grade public hearing, Yuanmingyuan Park event.

In addition, not only the independent supervising entities are absent, but also relevant law-enforcement support is weak. Panyue, vice-director of SEPA, admitted that the though China has established public participation legislation construction, the democratic legal system institution is still insufficient. And this frustrating discouragement to public participation actually became the most significant reason for the Chinese environmental law’s situation, which was depicted as phenomenon as “no laws to abide by, failure to observe the law, no strictness in enforcing the law, refraining from punishing law-breakers” (Pan 2004). In this case, frequently, the public didn’t get fully consultation before the construction of the project, and the requirement of the public to get the due information was delayed and overlooked to some extent. In fact, these are also the deficiencies of environmental laws as whole in China (Wang 2007). On the other hand, the result of particular public participation itself is not the precondition of the project to get approval. Actually, in a way, as long as the public participation is conducted, the law’s requirement is fulfilled.

Because of the halfhearted attitude of the real public result from the above reason, and insufficient domestic democratic environment in the context of China background, usually these kinds of methods are barely mechanical way. As a result, as I experienced, no matter the scale of the construction project, the most practical method is publicity announcement and questionnaire of investigation. Actually, unless there is a severe conflict between the public and developer as well as the local authorities, few of this kind of method can really impel the public to participate particular issue.

For instance, the case of widening project of Guangzhou Grand Bridge is very representative in our discussion. Guangzhou Grand Bridge is an extra big bridge constructed in 1980s locates on Pearl River in Guangzhou municipality which is the most prosperous city in south China and one of the biggest cities in China. For twenties years, it is the most important bridge to connect south and north parts of Pearl River, and busily faces ten thousands vehicles
every days. However, with the development of modern Guangzhou city, the big bridge is becoming more and more congested with its 6-lane design which is lack of sufficient trafficable lane and capability. In this case, the infrastructure bureau of local government determined to widen the bridge and related roads to 14-lanes.

Currently, there are several big high-level residential districts with hundreds thousand residents. The design of widening project just simply penetrates through the several residential districts in order to get most efficient budgets. At first, the controversy of the projects is very drastic. The focuses are not only the project’s environmental impact itself, but also the potential degrades of the life quality. Actually, the latter is the residents’ emphasis of the dispute. They ultimately do not desire the layout of the project. Originally, a public hearing was going to be taken to impel public awareness. Nevertheless, the public mood was so boiling that the actual relationship between the original project and public could not be harmonized. None of the both sides wanted to stand back a little.

Because this project was advocated and promoted by Guangzhou government as a main project of their achievement, in a way, no matter how drastic of the opposite voice this widening project must be constructed completely. In this case, the public participation part just adopted public announcement as well as public consultation and questionnaire. During the past seven days after they determined Environmental Science Institution of Sun Yat-sen University as the EIA conductor, they issued the announcement in the infrastructure bureau website. In addition, when conductor finished their investment, the environmental impact assessment report was publicized. Meanwhile, questionnaires were hand out to collect public opinions.

As I experienced, the infrastructure bureau required that the public consultation simply focused on environmental issues narrowed in project pollution, and consciously ignore the public appeal for the consideration on life quality. Additionally, in a way, in order to weaken the opposite voice, only 100 questionnaires were hand out. Even though authority adopted various methods to persuade and direct the public will, big percent of the population showed
out their point views to oppose the project design. There were 11 persons expressed their opposite standpoint compared with 92 responded questionnaires, and only 64 supported the design.

At last, in spite of the high percent of public’s opposition attitude, the project finally was approved, and the mitigation measure was barely adding noise-obstructing walls.

Considering the Guangzhou Bridge case, actually the public did not realize that the life quality also can be one of their appealed options in reason. Furthermore, there is an appropriate corresponding channel to express their reasonable requirement. And because of their messy organization and some extreme actions, they were repeated as unrest so as to make real struggle in vain.

4.2.2 Outcomes and effects

Nowadays, because the result of public consultation itself is not the precondition of approval of the particular project, unless the conflict is so extremely drastic that it let government difficult to calm down situation, public participation really seldom influences the decision-making process and the original layout. But mostly, such projects are just halted, not outright stopped. Actually as long as the project still gets the supports from government, the public voice by and large is ignored.

On the other aspect, at present, usually the public still need a particular prominent person to stand out to show their colors. And it’s seemed to be the only and trusting way for the public to struggle for their participation in particular project. For instance, in the famous Xiamen PX case in China, an academician of Chinese Academy of Science named Zhao, Yufen and a member of The Chinese People’s Political Consultative Conference became the representative of the local residents to express their opposition to the PX project. Both of them are big names, so the PX project finally suspended in Xiamen. However, compare with Xiamen PX case, Qingdao case figured out a completely different result (Heima 2008). Facing homologous virulent industrial construction project, because lack of not only the famous public
intelligentsia like Zhao, Yufen, but also the member of CPPCC to expound for public, the public finally failed their appeal for rights in Qingdao case.

Another reason for the people adopting such method is the mistiness of the mechanism for public participation (Niu 2006). In fact, due to the lack of expedite communication between actors and public, this is also the most reliable way to express their opinions in many cases.

I experienced in a small EIA project for assessment of environmental impact of Boluo-Shenzhen part of Guangdong-Hunan expressway. Without official appointment, the affected people chose teacher Su as their representative to expound their appeal for rights. Considerably, meantime the people showed little interest in questionnaires that were handed out by EIA conductor, while pin their hope on teacher Su. During the all period of public consultation, only two responses were received including the response of teacher Su. Actually, the alternative of the project was various and conflicts between the public and the developer was not so intense. At last, as a successful response to the public suggestions, the mitigation was adopting an alternative layout of original design to avoid destroying protected land.

Actually, it is not a rationally and normally substantial method to stick up for their rights from pinning hope on individual intelligentsia or some public prominent figures. Faithfully, only is the systematized and institutionalized public participation the groundwork of effective environmental protection. Otherwise, public participation is a bare political show as an autocratic government’s benefaction.

Moreover, the main studies currently in China just focus on the public participation to some preventive institution systems regarding environmental management, while the studies on the public participation in the process of environmental management have not evolved yet (Niu 2006). In this case, it seems that the public is more passive to involved in participation by government to follow designed channel, contrarily, the originally desire of the public to attach themselves to environmental management and supervision is active and eager. In fact, associated with institutionalization of public participation, as long as the management process
is open for public’s participation, the people’s rights can highly get protected.

4.3 Freedom of expression

4.3.1 Channels

In the context of China’s institutional system and the reality of experiencing huge reform, actually there are gaps between law and practice. As a whole, there are three main channels for them to struggle for their benefit.

The first one is appeal (Shangfang). This actually is a traditional way to seek a higher administrative power to overwhelm particularly present authority. Civilized by this kind of the socialism of rule of man and society leaded by CPC which as alleged is a people’s party and work for people from everlasting to everlasting, some of the people traditionally possess independent personality. They are aware of yearning for honest cadre and actual privilege of right and duty. In this case, they believe that the superior CPC’s government will not let those situations on. In fact, they do used to this kind of government by man, and pin their hope on a desired “upright official”.

When China is now situated in social transformation, because most environmental issues are related to rural land use which is crucial to rural residents, the conflict between the economic development and the environment protection as well as the environmental protection and land use, at the historic moment, the conflicts are outstanding. Also because of the education background, as well as diverse interest entities, relativity of judicial justice, difference in individual awareness of law, most appealing people are from rural area in China. Due to the practical commonplace phenomenon, those rural appellants have no faith in the judgment from the local authorities and consequently appeal to the higher authorities for help (Tian 2006). Nevertheless, in principal, the superior government (particular governor) usually just reading over marginalia and sending back for retrial. Hence this method actually does not work as well as expected. In some extreme case, some people appealed level by level up to the central government.
Nowadays, environmental issues attract ordinary people more and more significantly. Due to the intangibility of public participation mechanism and opaque operation procedure, once the public find the normal procedure does not work, they will soon lose their patience and trust in the government, and turn their direction to their own capability. Besides appeal, usually they start to seek help from public media and worldwide web to vindicate their rights. With the wake up to environmental pollution and sustainable development, these methods easily win their desired attention and response. In a way, there will be no attached importance and command to modification without the attention from public media and tremendous cyber-people. In fact, all in all, this still depends on the top-down mechanism bureaucratic institution and a government by man.

Notwithstanding, there are two aspects of the discussion regarding these methods. The first is the issue of the media’s independence. In China, there is no any independent media at all. As I discussed before in my second chapter, CPC imbues every aspect in our daily life, definitely including the media to propagandize, to educate, to strengthen their control. As soon as CPC seized mainland’s power, in 1951, CPC issued a decree to strengthen the management of education and propagandizing of communist party, complete the organization of all levels of propagandizing and education departments (Min 1951). As it said, all the media web should be leaded by CPC and service for sorts of state construction which stand out in particular as the Party’s leadership and control. Since then, corresponding organizational structure were established and hence media work became imbued with the Party’s will everywhere.

Currently, all media enterprises are subject to board of publicity in series Party committee in China hierarchy system. And as a result, the content to be published should be examined in advance to avoiding staining the image of CPC and the country under its leadership. In this way, the different media’s point of views and standpoints must correspond with CPC, and carry out CPC’s polities and wills. Even nowadays with the open to outside, any contributions for erosion of the Party’s power and ideological control are absolutely forbidden (Chu 1994).

The second aspect is the discussion of the freedom of media and Internet. As I said above, all
media enterprises are subject to board of publicity in series Party committee. Media is ultimately treated by the government barely as an arena to show China’s thriving and prosperous features under the lead of CPC. Only is followed priority reporting daily life as well as domestic and international situations, but all in all is that the report should insist on right guide to consensus, and repute the correct politic standpoint as the all-important position above else (Xie 2001), in this way, actually all the media agencies are official medias. Hence under high politic pressure, the so-called freedom is extremely limited. In case of the events which properly result in any negative effect to government’s image, the media report will be managed to montage or edited and rearranged consciously to minimize the negative effect, even be kept silent. Alternatively, the media outright ignores those issues. Particularly, the specified administrative department will inform the relevant media to forbid reporting, even interviews or to change the report way (Barbrook 2004). Depended on particular situation, these so-called negative effect are defined including various means derives from the consideration of benefit and might. And all of these expression rights are dominated by the government. As a result, unless gaining attention from high level, most of these help asked for media ends up with nothing definite. Even if it does work, how can we gain a higher might entity than a country’s supreme ruler?

For instance, still the Nujiang Rive Dam case (Shui 2006), the environmentalists and voices opposite to the dam are crustily viewed as pseudoscience that want to block China’s development, and want to confuse the people’s minds. While meantime no any other opposite messages and news about the Nujiang Rive Dam is reported. Meanwhile, as this report said, the EIA of Nujiang River Dam is reputed as a state secrecy, so media have no way to interview the big project at all, let alone public participation. In fact, not only the Law of State Secrecy itself develops behind practice requirement, and becomes an obstacle to social open, but also abusing the name of state secrecy is the important way of China government to avoid public’s supervise and participation. In this way, the law becomes the pretext shield to exploit the environment to maximize the benefit.

Of cause, considering China’s political background, lack of restriction mechanism and
democracy institution system, the conception of both CPC and government is merely a generalized narrative and nihility idea. The concretized embodiment is a particular person and related interest groups. As I mentioned, it is a government by man.

As same as the media, the internet in China also confronts its political dilemma. The Internet could undermine authoritarian states and facilitate greater political participation by reducing the costs of entry, promoting both policies criticism and political unexpected participation. Supporting from China public security department, China government has established a complete set of measures of Internet control from legal, economic, social, and technical perspectives (Tsui 2003). Generally, it made various methods used to selectively filter internet content, and bar to Internet access through networks in China. Hence, in the name of avoiding possible politic mistakes as well as other adult content, some words are defined as sensitive words to be filtered from the technical system. Thus, people have to carefully select other words to substitute these particular sensitive filtered words to express their opinions. Otherwise all of the article which includes those words will be filtered and deleted automatically by technical measure officially embedded in China network system. Depending on particular circumstance, the scope and depth of these sensitive words varies from time to time, including not only political words, for example, the name of CPC or 64, 1989, etc., but also those words properly can be used to embed negative dissemination to deface government’s image or lead to deeper discussion, for example, democracy, Three Gorges Dam, and etc.

In addition, resulting from the same consideration, many websites run abroad are forbidden to access from legal perspectives as well as technical measures (news 2001). The list also depends on particular circumstances. For example, during my fieldwork in China, YouTube’s website cannot be viewed at that time, actually as I can see, for a long time. And BBC, only the branch named Learning English is still available, but the news website had been filtered and cannot be browsed.

Back to the discussion of the channels for public’s expression, furthermore, in some extreme
cases, public adopt demonstration as their final method to stick up for their rights. However the government absolutely does not allow any challenges to its authority. In this meaning, the protestatory demonstration itself is so sensitive that actually the authority usually will not allow it come true, or the demonstration will be treated as an social accident instead of environmental issue and consciously ignored by the mainstream media and authority besides strict treatment, for example, the peaceful anti-PX demonstration march in Xiamen, 2007 (Kennedy 2007). At that time, the march was nervously supervised by more soldiers and police present than protesters. At that time, all of mobile network has definitely been shut down, and no other information sources can get from normal news or report of any official media agencies, whole was sealed off.

4.3.2 Mutuality

Nowadays, more people believe that the freedom of the media is an essential prerequisite of a modern democracy, also a crucial precondition of them common people’s participation in social affairs as well. It is broadly acknowledged that the most important precondition of successful and effective participation for public is the open and free access to environmental information (Caddy 2001). This actually is a mutual dimensions to approach, one is the to-down directional information awareness, which means the government should have the obligation to inform people of the necessary environmental information, especially in case of construction planning and environmental accidents; the other one is the ordinary public has the capability to access all the environmental data from enhanced transparency and generated public debates, moreover be able to express their opinions and consequently get corresponded outcome without delay and neglect. In this way, both public and government can share the same environmental data from the same resources to approach information symmetry.

However, under the strict ruling regarding expression, broad public involvement in China's EIA process has virtually been limited. For the two sides of same information, the access is asymmetry. Due to the dominating discourse right, the sharing of information is unfairly controlled by the government. Both the information released from authorities and access to information is often insufficient or even blocked (Caddy 2001; Li 2008). As I said, nowadays,
responding to public’s wake up to the environmental issue, the sort of public participation has become a unilateral puff and adopted by the government as opportunities to show its advancement into the modern world.

For instance, though promise to host a green Olympics, Beijing still face with persistent severe air pollution. For decades, Beijing is planning to reduce its pollutant emission by half to improve its air quality during the Games. During the past years, through the city’s “Blue Sky” air quality monitoring programme which indicate the air quality from the amount of blue sky per year, not only the local government, but also the central government has taken various measures to try to achieve the goal. But, even the officials alleged there is a reported steady progress in air quality, due to the redundant institutional obstacle and mayor human factors, the outcome is not as good as expected. As reported from an American environmental consultant, the air quality has not improved in the past nine years (Yardley 2008). In order to refute doubt of the progress from western countries, the government released well-founded data as they said. The perfect data issued by local environmental protection department shows the steady improvement of air quality. And the report finally declared that the expected target has been successfully achieved under the leadership of local government. However, the validity of the data caused broad doubt from ordinary people to professional experts. After examined the locations of monitors, and the mathematic model of the calculation, they found that when the governmental environment protection department issued the report, some negative data were deleted consciously, and actually number of monitors which originally emplaced in area facing serious pollution were moved. As the result, the achievement of the pollutant control brought out in front of the public was so perfect. In fact, if there were no any uncover by the professional experts outside the institution system, as an ordinary people, absolutely they would have no opportunity to confirm their doubt and realize the truth. And also we can image, without their professional evidences, all the doubt from rock-bottom class public would be blamed as vilification and be ignored without saying.

On the other hand, blocking access to necessary information became a normal situation. Actually in some sensitive economic projects which have adverse impact to the environment,
not only the relevant information released is selective, but the access to the project is limited. As revealed before with the example as Nujiang River Dam, especially in the name of secrecy, unless some ordinary projects, the and consequently discourage the enthusiasm of public to involvement. Actually, contrasting to desire, nowadays keeping secrecy became normal, while opening information became exceptional. For instance, due to the consideration and conflicts of each individual particular benefit, the articles regarding rights of public to access to information have been deleted in the latest draft of *Environmental Impact Assessment Regulation of Planning* (Liu 2008).

In addition, according to Krueger’s five criteria (KRUEGER 2001), the transparency of public participation is still unclear. Though China has established series regulations to insure the involvement of public, weeding out homogenous prevalent deficiencies of public participation as other countries, black-box operation are still a normal phenomenon ranging from the public hearing to the consensus conference due to the benefit interest from different actors and the conflicts between them. During them, the exposed public is excluded from the game. The operation of the process is grasped tightly in the hands of the government. Actually, the authorities play the roles as player and judge at the same time in the game.

For instance, normally, deriving from strange consideration of authority and face issue, in order to keep distance from ordinary masses, the process of selecting people who are supposed to take part in public hearing is cryptic from masses (Li 2004). Sometimes, even the representatives list is concealed as secrecy. All in all, in the dictatorial hierarchy structure system, the authorities privilege themselves higher than ordinary people. The sorts of rights are more like their benefaction than people’s deserved from struggle.

**4.3.3 Attitude of public**

Back to the criterions of a good public participation, as we know generally, the conception of public which is particularly used in this discourse includes three main collectivities (Bank 1993). These are, the first group is the directly affected people, including those affected organizations. They commonly live in the area directly impacted by the particular project. The
second group is the representatives of impacted entities. This group can present relevant information and act as spokesmen of impacted organizations. Both public representative, for example, local officials, state or government representatives and folk organizations as well as other associations can be viewed in this group. The last one is the interested organizations, for example, NGOs.

Examining the current literatures regarding the study of public participation, we can find the most literatures focus on the political attitude or democracy issue. Actually, particularly in China, besides the political factor, the China’s history and characteristics should also be taken into account. In this case, the response from benefit gainer will not be discussed in my paper because of their universality in any other countries and era. Considering China’s latter-day history and present characteristics, the attitude from the first group is the emphasis of my discussion. Moreover, I would like to clarify the whole public participation to an integrated image from this special perspective.

In my experience of public attitude investments, normally the question regarding the attitude of affected people in questionnaires simply had three options. There are support, objection, and whatever as well. Actually this distribution reflects not only the attitude of the mainstream conductors to the public, but also actually more reflects the real attitude amid masses.

In fact, most of the ordinary public does not have sufficient understanding on sort of public participation. Mostly they ask for help from their representatives who regarded as possessing good education and spokesmen for them. Relevant case can be viewed above. Nevertheless, besides rational reason, due to China’s reality, some situations display interesting features.

For some significant projects with especially adverse environmental impact, since practically most of them are run by state, the consensus always leans to one side, and in a way the attitude of the ordinary people often sways irrationally according to the consensus which dominated by official media. For example, as we know very well of the controversial Three
Gorges Dam, the attitude of the people changed interestingly. At the first, the various consensuses definitely lean to one side to support the huge programme, and the opposing voice was so weak that few of the ordinary people cared about the consequences, and treated the big programme as an opportunity to show China’s development and mightiness. And at that time, all the opposing voice was treated as challenge to authority and people’s benefit by not only the media and ordinary people. Until current years, with the awaked attention to environmental impact, also with the loose control of this issue’s discussion from government, the people started to criticize the project and the controversy at meantime can be presented to public. Interestingly, some of the people themselves played the positive side and negative side at different eras while used the same irrationally styled language which absolutely is not a democratic attitude to dispute.

Actually as early as one hundred years ago, Sun Yat-sen, has pointed out the dilemma of the struggle to a democratic society in China (Dong 2001). As he said, it was impossible to leap forward to a democratic society form a country possessing its millions of people who received thousands-year monarchy autocratic education in a limited period. As he suggested and designed, without democracy tradition, he would established a constitutional government country from temporal military government at that time. But between them, there is an extremely crucial period named as allocutions politics, which means a training government. According to Sun Yat-sen’s theory, during this period, Kuomintang (KMT) should take some gradual steps and every policy to train and educate ordinary to realize themselves democratic rights and obligations, and consequently make a perfect social foundation to sequent constitutional government. Though his design was interrupted by civil war between CPC and KMT and CPC’s occupation, this process was achieved in Taiwan. And Taiwan had become a region adopts democratic regime and one of the most democratic region in Asia. However, his narrative still has the realistic significance to current situation in mainland of China.

In fact, for the past sixty years, indoctrinated, brainwashed and growing up under this kind of CPC’s autocratic enslavement education system, the ordinary people have lost their consciousness to distinguish and appeal for their deserved rights and freedom. Actually as the
same situation of Sun Yat-sen’s age, most of them were used to this situation and enslaved under strict political coercion. Meanwhile, confronting heavy living pressure and lack of democratic knowledge makes the ordinary people insensitive to politics or extremely enthusiastic to left politics and political violence. To the former, they only focus on their immediate interests, usually can not contribute valuable suggestion to environmental issue in participation, even short-sighted behaviors are presented; to the latter, they prefer to adopting an extremism politic top-down mechanism to implement policies. As I can see in cases, compared with these two sides, the voice of normal involvement is weaker. As a description to the latter, they used to borrow patriotism to substitute their real core as Nationalism fanaticism, and even can not receive helpful and correct suggestions from outside of the social and politic system. These behaviors are viewed as typical symptoms of Stockholm Syndrome.

On the other side, another attitude also exists among public, passive participation (Hu 2006). Like the former group above, frequent frustrated by their involvements, these people gradually lost their trust in the government. Also concerning the cost-benefit analysis, people will turn to a passive participation attitude to public involvement.

Hence on earth, the public opinion upon this situation actually is an expression of individually personal emotion. Lack of broad democratic foundations and transparent mechanism, somewhat the public opinions are mostly still serial transformative wills from top level. Actually as I said before, almost all the official understanding and measures about public participation focus on the education and indoctrinization on ordinary people.

4.4 Role of public participation
Currently, according to guideline, the construction projects which are considered in public participation are mainly classified to three categories. For the projects have latent significant environmental impact, detailed and particular public participation must be conducted with integrated EIA process. Followed, regarding some projects have possible slight adverse influence to environment, only specialized EIA and fractional public participation is required. And that projects without adverse environmental impact or barely has infinitesimal impact,
just need to fill out registration form for environmental impact, and public participation is also needless (Li 1999).

Apparently, from literal narrative, public participation owns high attention. According to guideline, the procedures of formal public participation can be illustrated as following figure.

![Diagram of public participation procedures](image)

**Figure 2**

Considering the three types of affected public, however, as described above, due to the domestic politic coercion, the living environment of critical NGOs is severe unless they change their policies to cooperate with potentate and authorities. As the same reason, the voice from the first is also weak compare with the expected level. As the result, the more often presented and taken into account response is from the second group which is the representatives of impacted entities. As I said, the representatives are usually constituted with local officials, state or government representatives and folk organizations as well as other associations. As a result, the response is more like the conflicts between the interest groups. Nevertheless, the voice from the bottom ordinary people is always being ignored, unless the particular event is exacerbated to a high unrest to a so-called event.
Sometimes, as the Beijing Baiwangjiayuan case regarding High-Wire Act, 2004 showed (Allison Moore 2006), despite the residents apparently succeeded to expressed their opinions in public hearing and bring public’s attention to their environmental impact from the project, the Beijing relevant authority finally decline to take public’s opinion into their account. The authority’s decision actually relied on Beijing local People’s government prior approval of the power construction project, without directly addressing the content of public participation.

Actually, as the same dilemma as EIA in China, the embedded inspection capacity and jurisdiction to environmental authority is still limited and in turn the strength is weak. As a department is subject to the same tiptop leadership apparatus as other departments, the environmental authority apparently does not have independent competence to completely address public opinions and implement its mitigation. In this case, even the magnanimity are expressed by the government more and more to show its improving open and democracy, because the principally essential politic environment and mentioned covert system in China, the public participation on earth is still a political game amid the players who is the benefit gainer in the institution system.
5 Conclusion

For thousands years, including current regime dominated by CPC, as traditional agricultural society, China people have been suffering autocracy constantly. In addition, after CPC seized mainland power, especially after the notorious Culture Revolution’s destroy to moral system, the autocracy ideology and phenomena made the absence of traditional Chinese public morality. Consequently, the traditional autocratic system and agricultural society psychology have inevitably influenced the growth of the awareness of the obligations and rights of citizens (Liao 2005), and even made the absence of people’s basic individual personality.

Upon this environment without mature democratic political system and society atmosphere, the degree of any struggle to an unbalanced, objective EIA and independent, democratic public participation is limited. And the significance is restricted. I believe, since EIA was introduced to China, the number of official summarizes of EIA as well as public participation must be perfect apparently. Filled with series of ideal data, the report might achieve a considerable step and catch up with advanced level in the world. However, are we walking on a right way? As I can see, in China, as long as the foundational political institution is maintained, the attempt to establish the alleged fair, justness must result in castle in the air in spite of perfect plan and vista.

In China, the government authority actually is the administrative tool of CPC to implement CPC’s will. In fact, traditionally there is non-distinction between the Party and government, and usually the government is replaced by the Party. And the leaders in different lays of governmental authority are dominated by the members of the Party. The mixed relationship between the CPC and government inevitably leads to lack of efficient supervisory system. Because of the implied dictatorial characteristics of CPC’s rule by man leadership, the implement process of decision and policy making consequently embeds rule by man factor.

Since the political system which mixes the Party dominated system and government system actually does not match the appeal for more independent and democratic public involvement to inspection in various aspects of state administrative management, in order to maintain the
ruling, numbers of so-called Chinese characteristics basing on China it self’s cultural background emerges. For instance, information blockage, the most frequently used instrument, is in the name of state security. According to many experiences, this kind of ruling idea to block information actually is an arbitrary administrative instrument to manage, also a babyish measure to address possible rumor due to unpublicized information. As I discussed above, under the coercion, it is destined that the public can not enjoy a complete participation, and indeed it is impossible to enjoy a complete participation.

Earnestly, only publicizing the information is the first precondition to a complete public participation, and consequently a transparent, fair EIA. In addition, publicizing information is the best measure to avoid corruption. Resulting from China’s characteristics and convert system, the more state secrecy, the more monopolized information, and the more vulnerability for power rent seeking. In addition, due to the benefit chain between the governors and developers as a result of black box operation, publicizing the information absolutely is the first precondition to solve these kinds of problems.

Moreover, a democratic mechanism for free expression and efficient feedback must be established. An effective supervision mechanism is a guarantee to safeguard EIA, and an efficient feedback institution for democratic participation is the necessary condition to a successful EIA.

However, all the appeals listed above must root in a stable country with mature political environment of democratic legal system and ideological environment of justice. Hence, a country ruled by law is a sufficient condition to successful EIA. Unfortunately, unless China changes its foundational political system, those conditions cannot be achieved, and a balanced, fair, objective EIA cannot be realized.

As a result, currently the EIA itself is more like a bare ornament of millennium to express CPC’s great and wise leadership. In a way, it more likes a political show than a stable decision for people's welfare. As I can see, the EIA itself in China is quite primitive, and there a quite
broad gap between the reality requirement and practical institutions as well as implement. And it will be primitive for a quite long period.
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