



本项目由欧盟资助

环境公共治理
丛书



环境保护 公众参与的 国际经验

林卡 吕浩然○主编

中国环境出版社

环境公共治理丛书

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电子邮箱: bjgl@cesp.com.cn
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总序

生态文明建设是建设中国特色社会主义的重要内容，事关民生福祉和民族未来，党中央、国务院高度重视生态文明建设，先后出台了一系列重大决策部署，推动生态文明建设取得了重大进展和积极成效。但总体上看我国生态文明建设水平仍滞后于经济社会发展，资源约束趋紧，环境污染严重，生态系统退化，发展与人口资源环境之间的矛盾日益突出，已成为经济社会可持续发展的重大瓶颈制约。

当前，中国正面临环境与发展的新常态，即将到来的“十三五”是实现国家环境保护战略目标的关键时期，要破解发展中遇到的环境问题，既要我们腾笼换鸟，凤凰涅槃，推动经济绿色转型，更要强化国家环境治理体系顶层设计，给出中国环境治理体系和治理能力现代化的方向和路径。

中欧环境治理项目是中欧环境政策对话和欧盟中国战略文件确定的重点项目，项目由欧盟出资 1500 万欧元，支持中国政府在环境公共治理领域开展合作对话，环境保护部作为项目主管单位并授权环境保护部环境与经济政策研究中心承担项目管理与执行工作。项目聚焦环境信息公开、公众参与环境规划与决策、环境司法以及企业环境社会责任四个领域。旨在通过国家层面为中央政府直接提供政策支持，并在地方层面开展创新试点，从而推进中国环境治理体系和治理能力现代化。

作为中欧环境治理项目 15 个地方伙伴关系项目之一——嘉兴模式中的公众参与环境治理及其在浙江的可推广性项目（项目号：

EuropeAid/132-005/L/ACT/CN)，由浙江省环境宣传教育中心作为项目主要承担单位，浙江大学、浙江工商大学、英国格拉斯哥大学、英国利兹大学、荷兰国际社会质量协会等作为合作伙伴。项目实施期为2012年9月至2015年3月，共计30个月。项目通过分析“嘉兴模式”价值、特征，建立一套公众参与环境决策过程的新机制，并将该机制在浙江省或者全国推广。在中外项目执行团队成员的共同努力下，通过中欧互访、调研、讲座、培训、研讨会等形式，加强了中欧双边的合作伙伴关系，并形成了一系列成果，推动了“嘉兴模式”的传播和推广，提交的政策建议报告也为环境保护部和浙江省地方立法作出了贡献。

项目结束之际，我们将研究成果整理汇编成5册，分别是：《中国环境保护公众参与：基于嘉兴模式的研究》《环境保护公众参与：“嘉兴模式”调查报告》《嘉兴模式与浙江省公众参与环境保护的机制构建》《公众参与环境保护：实践探索和路径选择》《环境保护公众参与的国际经验》。这些成果通过中欧学者的合作研究，站在国际、国内两个视角下对“嘉兴模式”进行了全方位的解读，揭示了中国特色社会主义政治体制下，如何改变政府社会管理方式，实现各社会主体之间的利益协调，通过培育社会组织建立政府部门与民间力量的有效互动机制来化解环境利益的冲突，实现政府与公众良性互动的现实途径，这为研究当下中国地方环境协商民主进程和环境治理能力现代化建设提供了范例。

由于时间仓促和水平有限，不足之处敬请读者批评指正。

编者

2015年11月

前 言

随着经济的快速发展，环境问题正日益突出，有关环境参与的讨论逐渐流行起来，并成为公众关注的重点议题。人们开始不断批判以环境为代价追求经济成长而造成的恶果，把环境治理看成是与社会质量和生活质量紧密相关的问题。为此，中国政府强化了其在环境治理方面所作出的努力，并出台了一系列环境保护法律法规来应对由环境污染问题所带来的挑战。当然，环境问题不仅仅是政府治理的问题，更是社会管理的问题。这一问题的解决不仅仅要依靠政策制定和技术手段的采用，更需要公民的广泛参与。随着工业化的发展和城市化的推进，人们日益感受到生活环境与其切身利益息息相关，环境治理需要广大民众的介入和广泛参与。在此背景下，环境民主这一概念逐渐为民众所接受，并已投身到环境治理的事业中去探索各种参与途径，政府也在积极推进公众对环境治理的监督和社会创新活动。

要推进这一过程，我们需要强化公民环境参与意识和相关实践，也要积极学习欧美国家环境治理的经验。这些国家工业化进程历史悠久，环境污染问题出现得较早，从而针对环境污染所采取的社会行动发生得也较早。在其后推进现代化的进程中，这些国家也在环境治理方面积累了许多成功经验。学习这些经验对中国的环境治理的发展具有积极意义。中国工业化、城市化进程起步较晚但推进速度很快，是在一个压缩了的时空中追求现代化。这使得欧美国家在工业化早期中遇到的一些问题和后工业化时代中所出现的问题可能在中国会同时出现。这种特点意

味着欧美国家在环境民主进程中的早期和近期所取得的不同经验，对于中国目前应对环境挑战都会具有借鉴作用。通过对欧美国家经验的学习和讨论，可以帮助我们寻找中国应对环境问题的解决途径。

同时，环境治理不仅是各国各自面临的问题，同时也是一个全球问题。环境治理是一项基于人类共同使命的全球化事业。在我们共同居住的地球村上，一地发生的生态灾难会影响到地球的其他角落。为此，强化国际交流，进行研究互动并把环境治理作为一个全球化议题来讨论势在必行。通过国际交流去寻找环境治理的有效方法以解决我们所面临的共同问题，是应对环境问题全球化的客观要求。为此目的，本书将围绕环境治理的公众参与问题，并对欧美各国所取得的经验展开讨论，也回顾这些国家在环境参与方面的一些理论、观点和政策。全书由以下论文所构成：

在《公众环境参与的欧洲经验》一文中，Guanli Zhang、Ka Lin 和 Neil Munro 界定了欧洲公众参与环境治理的理论、概念、途径和方法等概念，从而为全书的展开提供了理论基础。它也为本书界定公众参与所涉及的议题领域提供了一般框架和基本范围。在这一讨论中，作者涉及了有关欧洲环境民主议题讨论的核心议题，如参与途径、实践经验以及政策模式等，并强调影响这些进程的政府和社会的关系。

随后，Sander Chan 《环境保护的自愿参与视角：来自欧盟的经验》的研究讨论了如何通过政府法规推进企业进行环境保护的自愿行动。该研究针对环境保护的自愿行动展开，从政策研究的视角讨论了欧盟的环境政策相关议题及如何通过各国政府立法和政策制定来推进公民的环境参与。Hinrich Voss 的《英国的环境公众参与概况》则力图展开个案研究。它以英国为例，讨论了环境问题中公众参与的核心问题，这些讨论具有较强的理论内涵，通过对个案的讨论来阐发公众参与的过程、关键问题和社会影响力。

Juha Kaskinen 教授对芬兰的环境规划和决策中公众参与的影响的研究也为我们提供了研究环境公众参与的范例。在此研究中作者描述了芬兰环境保护政策的制定及其机制,并倡导通过信息网络和以众包的形式来强化环境信息的披露及其环境信息的传播,并把众包这一形式作为公众参与环境的重要途径。由斯德哥尔摩国际水研究院的学者提供的研究论文《水资源管理中的公众参与——欧盟水框架的实践与经验》,关注水环境保护的公共参与问题。该研究以公众参与的各种途径和方法强调了利益相关者在公众参与的治理中所扮演的作用。该研究特别讨论了三个个案:一是瑞典等波罗的海国家的水资源保护个案,二是德国莱茵河的水资源保护,三是苏格兰的个案。这些研究强调了公众在水资源保护方面的作用及其影响。

Kai Wang 和 Laurent J.G. van der Maesen 关于海牙公众参与环境治理的经验和 Gentian Qejvanaj 与 Ka Lin 所提供的中意环境治理的比较研究则蕴含了国际比较的视野。Wang 和 Maesen 倡导基于社会主体的分析视角对环境公众参与展开研究,强调在此过程中分析政府、学界、社会网络和私营部门各方所具有的参与动机及其互动的结果。这一研究基于荷兰海牙的公众参与经验来展开,并在分析的过程中揭示公众参与的社会基础和政治驱动力。Gentian Qejvanaj 和 Ka Lin 的论文则讨论了欧盟环境决策和欧盟各国对该环境政策的执行状况。通过对意大利的中央、地方和欧盟这三者关系的分析,揭示了意大利作为欧盟国家在执行和推行环境保护政策方面所面临的问题和政策驱动力。通过与中国体制的比较,意大利体制所具有的这些特征能够更为清晰地体现出来,从而反映了欧盟各国在执行欧盟的法令中所面临的矛盾。

在欧盟国家之外,本书也涉及美国的环境治理和公众参与。Tseming Yang 的论文讨论了美国的环境信息披露制度及其对公众参与的激励作用研究。它倡导信息公开、环境教育,并注重利益相关者的利益协调等

因素的重要性。由于信息披露是公众参与环境治理的前提条件之一，该研究说明了美国在信息披露方面所制定的规则对环境治理行动的影响。最后，Peter Herrmann《环境民主——新的挑战》一文从理论的视角把公众参与环境治理与社会质量的考察相结合，讨论了环境民主对于全球可持续性发展所具有的重要意义。该论文强调环境民主与全球问题的关联和经济发展与社会质量问题的关系。同时，该研究也反思了人类进步、人的权利（包括环境的权利）以及应对全球挑战的策略。这些讨论从宏观角度阐述了相关议题，强调了本书的主旨并进行了理论升华，为全书的讨论提供了很好的结论。

在本书中，我们可以看到许多研究都是通过欧洲学者和非欧洲学者或中国学者和外国学者合作研究的方式形成的。因而本书的成果不仅会让中国读者受益，也会给国际读者以启发。鉴于此，为便于中国学者和外国学者方便使用这些研究成果，本书用中英双语形式编写。我们期望该书作为欧洲学者和非欧洲学者互动的成果，能够对推进公众参与环境治理的理论作出一定的贡献，也为中国学者了解欧洲经验提供参考。

Preface

In recent years the Chinese government has paid increasing attention to environmental problems. Along with the fast pace of economic development, environmental problems have become more pressing by the day, and environmental participation has gradually become a popular topic for discussion including by the general public. People have begun to criticize the negative consequences of the pursuit of economic growth at the cost of the environment, and to regard environmental governance as a problem which is closely connected to social quality and the quality of life. To deal with this, the Chinese government has strengthened its efforts in environmental governance and a series of environmental protection laws and regulations have been passed in order to deal with the challenge posed by environmental pollution. Of course, the environmental problem is not only a governance problem, it is also a problem of social management. Solving this problem requires not only policy making and the application of technical solutions but also citizens' participation. In pace with industrial development and the progress of urbanization, people are increasingly feeling the close connection between the environment they live in and their own interests. Environmental governance requires the involvement and broad participation of the population. Against this background, the concept of environmental democracy has gradually been accepted by the population, it has been introduced into the conduct of environmental governance as a way of creating various paths for participation, and government has also enthusiastically promoted public supervision of environmental governance and activities relating to social innovation.

In order to drive this process forward, we need to strengthen citizens' awareness

of environmental participation and related practices, and also to enthusiastically study the experience of European and North American countries in environmental governance. These countries have a long history of progress with industrialization, the problem of environmental pollution appeared relatively early, and therefore social actions directed against environmental pollution also occurred relatively early. In the subsequent process of modernization, these countries also accumulated a great deal of successful experience in environmental governance. Studying these countries' experience has great relevance to the development of China's environmental governance. The process of China's industrialization and urbanization began relatively late, but has progressed very fast, involving the pursuit of modernization within a compressed time frame. This means that certain problems encountered in the early stages of industrialization in European and North American countries and problems which appeared in the post-industrial period may in China appear simultaneously. This means that both early and recent diverse experiences in processes of environmental democracy in Europe and North America can provide lessons for China in meeting its present environmental challenges. Studying and discussing European and American experience can help us to find ways to solve environmental problems in China.

At the same time, environmental governance is not just a problem which each country faces individually, but rather it is a global problem. Environmental governance is a globalized enterprise, based on humanity's common purpose. In the global village which we inhabit together, an ecological disaster in one place can affect other parts of the globe. For this reason, it is imperative to strengthen international exchange, carry out research cooperation and to discuss environmental governance as part of a globalized agenda. With this recognition, this research will initiate a discussion of international experiences in environmental governance, and recall the theory, perspectives and policies of European and American experience of environmental participation. The research is composed of the following sections:

In "European Experience of Public Participation in Environmental Governance", Guanli Zhang, Ka Lin and Neil Munro outline the theory concepts, paths and methods

of European public participation in environmental governance, and in this way provide a theoretical foundation for the book. They also define the general framework and scope of the areas involved in citizen participation. In this discussion, the authors touch on the core concepts involved in European discussions of environmental democracy, such as channels of participation, practical experience, policy models and so on, whilst emphasizing the government-society relationship which influences these processes.

Next, Sander Chan's "Voluntary Environmental Approaches – Experiences in the EU" discusses how to promote enterprises' voluntary environmental protection actions by means of governmental regulations. This research concerns voluntary environmental protection activities; it discusses the relevant European Union environmental policies from the point of view of policy research as well as how to promote citizens' environmental participation by means of legislation and policy-making in each member state. Hinrich Voss's "Environmental public Participation in the UK" presents a case study. Taking the UK as an example, it discusses core questions of public participation in environmental governance. His discussion has quite strong theoretical implications, and by means of individual examples illustrates processes of public participation, key problems and societal influence.

In addition, Juha Kaskinen has provided us with a fine example of how to study environmental public participation with a study on the influence of public participation on environmental regulations and policy-making in Finland. In this research, he describes Finland's environmental protection policy-making process and institutions and advocates the use of the internet and crowdsourcing to strengthen environmental information disclosure and dissemination, making crowdsourcing an important path of citizens' environmental participation. The paper "Public Participation in Water Management—EU Practices and Experiences" by scholars at the Stockholm International Water Institute focusses on public participation in protection of the aquatic environment. Through an exploration of the water governance agenda, this research emphasizes the roles played by stakeholders in participatory governance through diverse methods and channels of public participation. Moreover, this research explores three particular cases:

the first is the management of aquatic resources by Baltic countries like Sweden; and the second is the protection of aquatic resources in the Rhine River in Germany, and the third is the case of the North Sea and Scotland. This research emphasizes the role and influence of the public in protecting aquatic resources.

Comparative research by Kai Wang and Laurent J.G. van der Maesen on experience with public environmental participation in the Hague and Gentian Qejvanaj and Ka Lin's comparison of Chinese and Italian environmental governance bring an international comparative perspective. Wang and van der Maesen advocate an approach to analyze from the point of view of social subjects, emphasizing motivations for participation and the interactions of government, academia, social networks and the private sector. This research is based on the experience of the Hague in the Netherlands, and in the course of the analysis it uncovers the social basis and political drivers of environmental participation. Gentian Qejvanaj and Ka Lin's paper discusses European environmental policy and its implementation in different countries. Through an analysis of central government, local and European Union relations in Italy, it uncovers the challenges and policy drivers faced by Italy as a European Union member state in implementing and promoting environmental protection policy. Through a comparison with the Chinese system, the features of the Italian system are revealed more clearly, reflecting the contradictions faced by all countries in implementing European Union laws and regulations.

Apart from European Union countries, this book also touches on American and Thai experience with environmental governance and public participation, specifically through Tseming Yang's "The US System of Environmental Information Disclosure and its Role in Encouraging Public Participation". Yang's paper explains the benefits of information disclosure regulations for environmental governance. It advocates information openness, environmental education, as well as the importance of such factors as the harmonization of the interests of stakeholders. Since the availability of environmental information is one of the preconditions of public environmental participation, this paper discusses the influence of establishing the rules about

information disclosure in US on people's actions of environmental protection. Finally, Peter Herrmann's "Environmental Democracy—New Challenges" investigates from a theoretical perspective public participation in environmental governance and social quality, and from the point of view of development studies discusses the importance of environmental democracy for global sustainable development. This research emphasises the linkages between environmental democracy and global issues and the relation of economic development to social quality. At the same time, this research reflects on human progress, human rights (including environmental rights) and strategies for dealing with global challenges. The discussion sets forth the relevant agenda from a macro perspective, emphasising the purport of this book and distilling relevant theory to provide a very satisfying conclusion.

In this research, we can note that a great deal of work has been done on a cooperative basis: European scholars with non-European scholars, scholars from developing countries with scholars from developed countries, and Chinese and foreign scholars have pushed the research forward through common efforts. As a result, the fruits of this research will not only benefit Chinese readers, but also give inspiration to international readers. With this in mind, this book has been edited in two languages so that Chinese scholars and foreign scholars can both use it. We hope that this research, as the fruit of joint efforts by both European and non-European scholars, can make a certain contribution to the theory of public participation in environmental governance, and can provide basic knowledge for Chinese scholars to understand European experience.

目 录

公众环境参与的欧洲经验..... 张冠李 林卡 尼尔·曼路	1
European Experience of Public Participation in Environmental Governance Guanli Zhang, Ka Lin, Neil Munro	25
环境保护的自愿参与视角：来自欧盟的经验..... 陈文山	69
Voluntary Environmental Approaches—Experiences in the EU..... Sander Chan	89
英国的环境公众参与概况..... 辛里奇·沃斯	123
Environmental Public Participation in the UK..... Hinrich Voss	141
实践中的环境民主——芬兰环境规划及决策中的公众参与 尤哈·卡斯基宁	165
Environmental Democracy in Practice—Citizen Participation in Finnish Environmental Planning and Decision-MakingJuha Kaskinen	172
水资源管理中的公众参与 ——欧盟水框架的实践与经验..... 斯德哥尔摩国际水研究院	183
Public Participation in Water Management—EU Practices and Experiences Stockholm International Water Institute	210
海牙公众参与环境治理的“波德模式”..... 王恺 劳伦特·冯·米森	250
The “Polder Model” of Public Participation in Environmental Governance in The Hague..... Kai Wang and Laurent J.G. van der Maesen	263