德国罗莎·卢森堡基金会资助

中欧气候变化与社会生态运动比较

Climate Change and Socio-Ecological Movements Comparison between China and Europe

主编 周珂

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序

长期以来，我国在环境法制借鉴国外经验方面偏重于美、日、俄。1979 年制订的《中华人民共和国环境保护法（试行）》明显受美国和日本立法的影响，美国的《国家环境政策法》强调环境保护的国家职责和对政府环境行为的规范，这种强烈的行政主导色彩对后来中国环境法的产生和发展影响深刻；而苏联以自然资源保护法代替环境保护法的做法一直是我国自然资源部门立法的基本模版。2011 年中国社会主义法律体系将污染防治法归入行政法，而将自然资源法归入经济法就是这一历史进程的最终结果。欧洲在环境保护法制建设方面有自己独特的发展轨迹和成就，这与其深远而先进的社会生态文明底蕴是密不可分的，特别是工业革命以来，欧洲的社会进步往往是社会生态运动推动的直接结果。欧洲先进文化和思想通过启蒙者的传播，逐步为社会公众所认可，进而推动立法、司法和行政的制度确认。这种自下而上的社会生态运动效果虽然比美、日、俄的行政主导模式在初期效率上显得较低一些，但很快就显示出强大的生命力，成为举国上下的一致的、自觉的行动。目前欧洲一些重要的和先进的环境保护规范往往来源于民间和社会组织，例如 ISO 环境标准、电子废物循环利用立法等，这在中国是无法想象的，而我们移植的诸如循环经济促进法等立法，其实施效果往往差强人意，最重要的根源是缺乏公众的自觉参与和配合。中国正在大力推进的生态文明建设在环境法制领域的重要指向之一应当是社会生态理念的引入与强化，欧洲的经验是值得中国认真学习的。事实上，当代环境保护的全球合作方面欧洲的作用和价值更值得重视。美国传统的单边主义在环境保护的国际合作问题上表现得最为突出，合作的空间有限，而可持续发展、环境质量认证、绿色经济等一切重要的环境保护理念和重要的国际环境公约均起源于欧洲，中国与欧洲环境法制的合作与交流需要加强与扩大。

2011 年中国人民大学法学院与德国罗莎·卢森堡基金会建立起合作机制，首

届中欧社会生态与法律比较论坛于11月18日至19日在中国人民大学成功举行。“中欧气候变化和社会生态运动比较研究”(Climate change and Socio - Ecological Movements Comparison berween China and Europe)是本届论坛的一级主题,来自中国大陆与台湾地区、奥地利、德国、英国、法国、瑞士、瑞典、日本等国家和地区的学者、环保NGO团体代表、企业界人士、立法机关和政府人士、学术团体代表、媒体等近百人到会。论坛共收到三十多篇论文,一些成果在国内外的学术刊物上发表,一些重要观点对中国的环境法制建设产生了积极的影响。

感谢奥地利维也纳大学的鲍姆博士提出中欧社会生态与法律比较合作项目的动议,并推动这个合作项目成功的实施。感谢德国罗莎·卢森堡基金会对本合作项目的无私支持。感谢国内外与会者为论坛奉献出的优秀研究成果。感谢法律出版社为本书正式出版所做的高效率的工作。

祝愿中欧在环境资源保护、生态文明建设领域内的合作不断加强,祝愿中欧社会生态与法律比较论坛不断取得新的成功。

周珂于人民大学
2013年7月23日

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全球环境问题与社会生态运动

Paths to sustainability: Opportunities, problems, driving forces and the importance of environmental movements

Josef Baum *

Abstract: The highly unsustainable level of interaction between nature and society (metabolism: increasing input fro nature and increasing "output" to nature by emissions) in the developed countries together with the broad industrialisation and catch up of emerging countries cause new situations.

The essential news of the the 21st century: by climate change there are DEADlines, and by developments like uncurbed climate change also the "rich" (worldwide and regional) will have to lose a lot. And also this is new situation shifting the parallelogram of power.

The socio-ecological approach can and should be integrated in the old issue of equal rights: the concern for stable ecological systems refers to the vertical equality between present and future generations needing sound fundaments, (the current distribution refers to the horizontal equality between classes, regions etc.).

When it is right that environmental issues basically are distributional issues (for the present and future) then environmental movements are near and similar to the historical forms of organisations of the working class movements with specific organisations like trade unions and parties.

But there are also differences. Especially because the environmental issues is much more complicated environmental movements currently are much more segmented

Stable solutions for the fundamental resource and emission problems are probably possible only by "fair" distribution (on global and various other levels) and solidarity. "Simultaneous" solutions for many problems-resources, emissions, distribution and development-are necessary, a new challenge for planning

Referring to Feuerbach Marx mentioned that philosophers interpreted the world in different ways but the point is to change it. The current imperative is not only to change the world but to protect it.

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* Josef Baum, University of Vienna-Department for East Asian Studies.

Currently the financial crises in Europe dominate the attraction of attention, and hundreds millions are scared understandably about the security of their livelihood. Other crises associated with environmental issues take somehow a backseat, although there are clear connections, and systemic causations are similar for financial and environmental crisis in the last resort.

Events like the floods at present in Thailand or last year Pakistan, growing hunger in East Africa, sweeping fires in Russia, the Fukushima accident or the price rallies for food and many basic commodities basically can be assigned (partly also) to climate change and announce a (future) fundamental crisis in the ecological basis of society.

Energy issues can be seen as pivot: E. g. the food sector is determined by energy development to a high degree-food prices are highly correlated to energy prices, because in food due the industrialized form of agriculture there is incorporated much fossil fuel, and because people feel changes at food more intensively.

Essential new coordinates:DEADlines

Environmental crises are no new phenomena; on regional levels they have existed for a very long time and also on global scales at least since decades. But there are essential news: by climate change there are DEADlines. They are discussed in science since about thirty years, since about twenty years there is a significant concordance in science about this, and since the last twenty years only the probability of dramatic consequences of a business-as-usual path has been increased (not to be confounded with uncertainty in the sense of high variance of concrete realisation).

Beyond "safe operating space" towards "unknown territory"?

There are a lot of other global environmental hot problems, somehow interconnected with each other, but also "independent". In the seminal work of Rockström et al (2009)[1] global problems are ranked: three fields (climate change, biodiversity and the phosphorus cycle) are ranked beyond of a "safe operating space". Maybe the biodiversity

[1] Rockström et al (2009): A safe operating space for humanity Nature 461, 472-475 (24 September 2009).

field in a very long run is even more severe; but evidently in the climate crisis we are very near to irreversible tipping points which question basics of existence of mankind. Also the Stern-report is illustrative about what would happen when the 2℃ limit would be passed.: "This would take humans into unknown territory".[2] And remind: the international community unanimously accepted the target of not transcending 2℃!

These irreversible tipping points change the rules of the game: Until know distributional conflicts often have been solved also at the cost of the environment or at the costs of future generations. Now(= in the next decades) the things are changing: not to consider future harms will hurt short and mid term assets.

Shifting parallelograms of power

There are complex patterns of many losers and only few winners of climate change and other environmental issues; and probably the "poor" are hit relatively stronger than the rich(although the poor hardly caused the mess) , but uncurbed climate change developments also will strike the "rich" (worldwide and regional) which will also absolutely have to lose a lot and they will only partly be able to shift this incidence.

This will be a new situation shifting the parallelogram of power.

There are further new conditions of the first decades of the 21st century.

The unsustainable level of social metabolism (input from nature and "output" to nature) in the developed countries together with the broad industrialisation of emerging countries and of big parts of the world with unprecedented increases of material flows and with unprecedented implications on the resource and emission side in a compressed catch-up process cause new situations. "China's industrialization is taking place in a highly compressed and accelerated timeframe when compared to that of Europe."[3] Currently we face peak oil, and we will face peak of almost everything on the input side of economy. On the output side there are emissions with various implications most important the green house gases causing climate crisis.

The implications of accumulation of greenhouse gases parallel to accumulation of capital will cause the most heavy challenges for mankind in history till now in this century.

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[2] Stern Review: The Economics of Climate Change(2006) p. iv.

[3] UNDP(2011): Human development report-sustainability and equity: a better future for all. P. 106.

Actors of socio-ecological transformation

A weak point is the identification of the subjects of the socio-ecological transformations. Is there a revolutionary subject of socio-ecological transformations like the working class in historical materialism? Or more simply: Who is the subject of concrete alternatives and who are the agencies of real paths of transformations?

The concrete alternatives and real paths of transformations are weak points in new environmental theories: "… the problem of 'transformation agency' is far from resolved."[4] So the offer of plausible concepts and transformational paths towards has to be improved by reasoning on the subjects of change.

Basically parties and other institutions can bemedia of change to sustainability. But they are not automatically actors of socio-ecological transformation.

On the other side basically stakeholders are all men. They are collective users and owners of many environmental "commons" like the atmosphere.

Between institutions and all mankind there are environmental movements. In Europe they have been important structures of formulating common interest. And there have been much success.

But what is the fundamental issue of environmental movements?

The key seems to be the asymmetric structure of the stakeholders. And more generally: Environmental issues basically are distributional issues. The causation mostly is asymmetric. Basically more rich have caused much more pollution. The vulnerability and affecting mostly is inverse: the poor are hit relatively stronger.

So wee can ask for power and domination, and inequality in the environmental space. We can see causations, impacts, and contributions for solutions differentiated along classes and other distributional criteria.

In the framework of historical materialism there is a dialectical relationship between productive forces and relations of productions. Increasing division of labour means socialisation of work (opposite to privatisation of profits-because of property

[4] Huan Qingzhi: Eco-socialism in an era of capitalist globalization bridging the west and the east. In: Huan Qingzhi (ed) (2010): Eco-socialism as politics-rebuilding the basis of our modern civilization. P. 4.

rights). This dialectical tension implicates a revolutionary transformation of the relations of production.

But what about "productive forces"? Sometimes they produce some surplus but are very destructive. Is it necessary to have a more comprehensive view of socialisation?

What about the implications of the commodification on commons, property rights on the atmosphere? -In a new view the pressure of a deadline enforces a new paradigm of development-or a regression to past obsolete models.

In former times frequently in the framework of a schematic historical materialism seen interpretations of strict deterministic "laws" of development firstly are at odds with reality and do not reflect dialectics, complexity and systems theory. Therefore interpretation in the sense of possibilities and probabilities basically are more. The concepts of innovation (connected with uncertainty and risk) and the dynamic Schumpeter-entrepreneur should also be integrated.

And now the central conclusion: When it is right that environmental issues basically are distributional issues (for the present and future) then environmental movements are near and similar to the historical forms of organisations of the working class movements with specific organisations like trade unions and parties.

But there are also differences. Especially because the environmental issues is much more complicated environmental movements currently are much more segmented.

Crisis,Innovation and encouraging evidence

In the economic and financial crisis climate change and environmental issues-unfortunately-often have lost relevance in the public and political agenda. As Chinese know better crisis is challenge and opportunity. The current crisis could (and should) be used to make fundamental necessary changes towards sound and sustainable economic structures, saving fossil energy and costs for imports by investments in more energy productive technology, attractive public environmentally friendly transport. And the banks in Europe can-forced by stricter public control-transform their focus from speculation to financing the accelerated turn to sustainability

To put another hypothesis, paraphrasing a famous saying: the competition of systems will be decided by the ability to organize this radical improvement of resource productivity

in a comprehensive sense: Which system can mobilize innovation and participation, implement a radical decrease of emissions, simultaneously secure livelihood and structure of production and consumption?

Recently encouraging important analytic evidence based on comprehensive data about positive correlation of innovation in the field of resource productivity and economic performance on the company level is given.[5]

The essence of socio-ecological transformation

There is some literature on analysing environmental issues from the view of political economy or political ecology in the last twenty years: James O'Connor, Foster, Burkett, Benton, and others. In Germany the debate began earlier in the beginning eighties. Economic accounting on material and energy basis could be found more earlier at Otto Neurath. Also Bogdanov and Bukharin belonged to an almost forgotten strand of socialist thinking; not to forget the seminal Podolinsky in the eighties of the 19th century. Many regions have their specific discourses, also in China there has been an broad tradition little known in the West[6].

And there is an interesting rather new book of Huan Qingzhi (2010)[7]. Basic features are "Recognition of the inherent value of nature" and the "adoption of economic

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[5] Rexhaeuser Sascha, Rammer Christian (2011): "Unmasking the Porter Hypothesis: Environmental Innovations and Firm Profitability". Paper, ZEW, Germany http://www.zew.de/en/publikationen/publikation.php3? action = detail&nr = 6257.

[6] *Also Chinese Ecological Economics is hardly known in the West. The Chinese Society for Ecological Economics (CSEE) was founded* 1984, *four years before the, ,International Society for Ecological Economics" (ISEE). Also the assigned journal" Ecological Economy" ("Shengtai Jingji") started four years before the ISEE-journal" Ecological Economics".*

One specific Chinese background is a long historic tradition and experience of" social metabolism" or social ecology with" Chinese characteristics" which in essence are high density of population and economic activities on big areas combined with" social capital" in relation to" social metabolism". "Chinese written record on environmental matters is probably unique in its continuity and depth in time" (Elvin, Mark and Liu Ts'ui-jung (eds) (1998): The Sediments of Time. Environment and Society in China. The Chinese History. Two parts. Cambridge University Press).

The conclusions ofEcological Economics currently are not implemented in China (as in the west), on the other side there has been a mainstreaming of the issues of Ecological Economics. Most important is the adoption of basic rationales of Ecological Economics by the 17^{th} *congress of CPC* 2007.

[7] Huan Qingzhi (2010): Eco-socialism as politics-rebuilding the basis of our modern civilization).

limits to large scale material production and consumption"[8]. Leading principles are "concern for long-term species survival" and the "assumption that no portion of the human race is entitled to deny any other portion of it, on any pretext, the conditions for a decent life."[9]

The socio-ecological approach can be integrated in the old issue of equal rights: the concern for stable ecological systems refers to the vertical equality between current and future generations needing sound fundaments, and the current distribution refers to the horizontal equality between classes, regions and other dimensions.

Only fair solutions are stable solutions

In this context the experiences of the climate change issues (see Copenhagen) are obvious. Solutions for the fundamental resource and emission problems are only stable by "fair" distribution (on global and various other levels) and solidarity.

"Common but differentiated responsibility" was agreed by the international community in Rio 1992 and probably will be agreed again in Rio conference 2012, but the interpretation of this principle is very different. The "grandfathering" strategy to integrate developing countries on the basis of similar reduction rates in the Kyoto mechanism hardly recognizes the development issues and the historic realities. The "Brazil proposal" considers the historical emissions per capita and takes account of justice much more.

Anyway "Simultaneous" solutions for many problems-resources, emissions, distribution and development-are necessary and possible[10].

When distributional conflicts will only decreasingly be able to be postponed and offset the core issue of justice, fairness and solidarity is back.

So to put a hypothesis: In the 21st century there will fair solutions for climate change and other environmental issues or no solutions, because of the necessity to se-

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[8] Huan Qingzhi: Eco-socialism in an era of capitalist globalization bridging the west and the east. In: Huan Qingzhi (ed) (2010): Eco-socialism as politics-rebuilding the basis of our modern civilization. P. 6.

[9] Wallis Victor: Socialism and technology-a sectoral overview. In: Huan Qingzhi (ed) (2010): Eco-socialism as politics-rebuilding the basis of our modern civilization. P. 60.

[10] UNDP (2011): Human development report-sustainability and equity: a better future for all.