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Disclosure of environmental information in China

This article contains information about the availability of information on the State of the environment for the citizens of China. Access to environmental information was officially guaranteed in China in 2008, «the interim order the disclosure of environmental information, and since then efforts of many environmental NGOS aim to make this mechanism work. Institute of public policy collects official information on enterprises-pollutants and impurities and represents it on the site map pollution». In this organization now more than 80000 records, they also publish a variety of analytical work.

Key words: information, commercial secrets, administrative organ, pollution information transparency index (PITI), political, production technology.

May 1, 2008, «Information Disclosure Ordinance of the Government of the People's Republic of China» and «Disclosure of Environmental Information (Trial)» went into effect. «Disclosure of Environmental Information (Trial)» encourages all businesses to disclose environmental information and provides the information that made or received, and saved and recorded in some form when the departments are in the process of fulfilling environmental protection responsibilities as government environmental information. And then the environmental information of the enterprises can be converted into government environmental information that the individuals can get with the application to the environmental protection departments. In this way, the public have the opportunity to obtain information of pollutant emissions, and thus can be able to monitor the behavior of pollution from the enterprises effectively. At the same time, the public can also promote the use of cleaner production technology for the enterprises and reduce emissions of pollutants from the source.

It is consistent on the no-public information that mainly involved state secrets, commercial secrets and personal privacy information in these regulations. Moreover, the environmental information involved state secrets, commercial secrets and personal privacy information can be made public if rights holders agree to open or the administrative organ consider there will be a significant impact to the public interest without disclosing information. Therefore, citizens can apply for all the government Information except the information involved state secrets, commercial secrets and personal privacy information.

The status of environmental information disclosure Since the implementation of «Information Disclosure Ordinance of the Government of the People's Republic of China» and «Disclosure of Environmental Information (Trial)», the awareness of the public's right of government departments around has improved. There is a significant improvement for the disclosure of environmental information. Many regional environmental protection departments can open the 17 kinds of information that listed in Article 11 from the «Disclosure of Environmental Information (Trial)». However, there are a number of local environmental protection departments open the information actively involved in aspects of rules and regulations, environmental planning, environmental quality, administrative bodies and functions set, procedures and so on. The disclosure of information on pollution emissions has some reservations. In particular, some departments don't disclose environmental information in the name of trade secrets and easy to cause social panic, such as the information of the lists of the enterprises that with excessive pollution emissions or major pollution accidents.

The reason why these places do so, first they are afraid to cause trouble to themselves, because the enterprises in the lists are likely to be the local taxpayers. The enterprises may have to stop production, be bound to reduce the output and impact of local GDP and government revenue. Second, information disclosure may cause the pressure of public opinion especially once eyed by the media or superior environmental protection department. July 3, 2010, the Ting Jiang was polluted heavily because Zijin Company. Both the company and local government chose to be concealed and unreported, and published relevant information under the pressure of public opinion until nine days after the accident.

February 20, 2012, the CASS released «Annual report of the transparency of the Chinese government (2011)». The report evaluated the progress in the implementation of the government information disclosure in 2011 based 59 State Council departments, 26 provincial-level administrative units and 43 large cities as the object. The survey results show that the quantity of information disclosure increased in large number, but there are still various limitations and obstacles as before. The report disclosed that the administrative organs illegally check the identity of the applicant with the process of the application information for the citizens. In addition, a growing number of government departments require the applicant to detail the purposes for the application to limit the application.

January 16, 2012, a Chinese NGO released a report called «Pollution Information Transparency Index (PITI) of 113 cities 2011 annual evaluation results». PITI is developed by the Institute of Public & Environmental Affairs (IPE) in cooperation with Natural Resources Defense Council (NRDC), and evaluating the status of information disclosure in 113 cities for three consecutive years. The baseline level of information disclosure was confirmed in PITI evaluation of 2008; It confirmed that the information disclosure continued to improve among the wandering; In the 2011 annual evaluation, the general of pollution information disclosure continued to improve. It can be found that the information disclosure as an innovative system has been initially established in China, although the overall level is still at a preliminary state (Fig. 1).

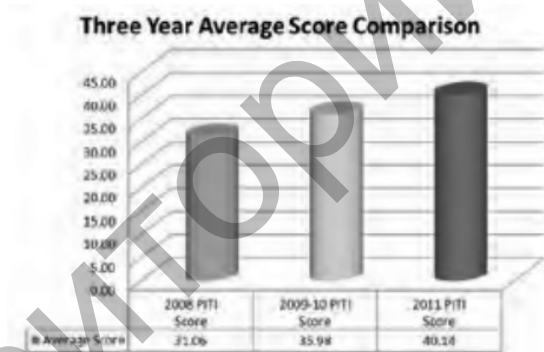


Figure 1. Three years PITI sub-average contrast 2008–2011

Problems and recommendations:

- Government environmental information emphasis on confidentiality and has low openness Although there is already a legal system in environmental information disclosure legislation, there are some problems and one is that state secrets and business secrets are defined generally so there is no list about which are state secrets and business secrets. We can find the definition of the state secrets in the «Secrets Act», but there is no special legal requirement that provides trade secrets. So many enterprises make the governance of pollutants facilities emission of pollutants as secrets. The executive authorities shall not endanger national security, public safety, economic security and social stability when they open government information. The parties may refuse to open the information for this reason sometimes.

- Whether there is interest to become a stumbling block In 2010, China's State Council stipulated that the executive cannot supply the information which has no need in the production, life, scientific research of the applicant, and also regard clearly that an application just corresponds to a government information program. This gives some excuse for the Government's refusal to citizens and civil society organizations and limits the right of citizens to apply for information disclosure in a large extent.

- Political achievements > Environmental protection investment Some of China's local governments pay little attention on supervision of environmental information considering the investment performance.

In that case, the majority of enterprises (including some well-known large and medium-sized state-owned enterprises and multinational corporations) choose to keep Silent or be an evasive attitude.

- The silent majority Pollutant information disclosure is a powerful tool to promote enterprises to implement cleaner production. «Disclosure of Environmental Information (Trial)» provides the environmental information that the enterprises open voluntarily and necessarily. Article 20 provides: «enterprises that shall open environmental information to the public in Article 20 should publish their environmental information on the local major media and record the information in the local environmental protection department within 30 days after the departments publish list». October 12, 2011, the Heilongjiang Provincial Environmental Protection Bureau announced «The list of key enterprises that will conduct cleaner production audits in Heilongjiang Province 2011» which listed 53 first-category key enterprises. And it provides that the local environmental departments publish their environmental information on the local major media and subject to public supervision within 1 month after the departments publish list. Moreover, the enterprises must begin to clean production audit within 2 months and finish within one year after the departments publish list. December 2011, Green Longjiang investigated these 53 enterprises and found that there was only one enterprise that published their environmental information on the local major media within 1 month. And there were two enterprises which information was published on the local department official website. According to the survey, most departments and related enterprises in Heilongjiang do not disclose environmental information in accordance with the provisions. Anyway, the right of know of enterprise pollution information in China can still not be guaranteed (Fig. 2).



Figure 2. The Splash figure for the PITI index score of 113 cities

Proposal on the disclosure of environmental information in China

1. Improve the legal system on the disclosure of environmental information and develop comprehensive high-order legislation. The legislation should definite the national security, public safety, economic security and social stability strictly so that real environmental information disclosure can be achieved.
2. Formulate accountability system of corporate environmental information disclosure. Put the environmental impact assessment of construction project together with disclosure of environmental information after the enterprise built.
3. Establish emissions inventories of the pollutant information and related system. Chinese government should public environmental information strictly such as the address of the polluting enterprises, types of pollutants, whether the discharge meets the standards and so on.

4. Public participation promotes the disclosure of environmental information. Enterprise pollution information is crucial to the public. On the one hand, it is closely related to the local people's quality. On the other hand, local residents can supervise the enterprises well by using the environmental information.

The actions of civil society organizations

- NGO collects the Information from to force the enterprises to fulfill their environmental responsibility. In recent years, the public information of government provides a possibility of promoting the public deeply involved in the environmental governance system. IPE collects environmental information from environmental protection departments' website and the media and builds database of polluting enterprises information. After nearly eight years' collection, the records has increased from the initial 2500 to 79,000 which are important tool for a supply chain management. Because its presence in China, it is no longer an oral empty promises for not use pollution as a supply chain for large multinational. They can simply enter a keyword in the database to check their supply chain whether have pollution problems. The enterprises in the database can feel the pressure and have communication with the NGO in order not to lose orders. They also need to explain for excessive violations records and the records can't be removed only if the enterprises accept thirdparty audit.

- «China's environmental information public test» tests and activates the existing regulations. July to October in 2010, Green Beijing, Friends of Nature and other NGO texted the environmental information of the local environmental protection departments and large enterprises and released the report in May 2011. The report showed that the public of government environmental information had a significant progress and most cities can open the information listed in the Article 11 in Disclosure of Environmental Information (Trial). However, the information publicly from the enterprises was very limited and is still in its infancy.

- NGOs jointly sent a letter to Shenzhen Stock Exchange to promote the environmental information disclosure of enterprise. April 1, 2011, Green Longjiang found that the media report «Beingmate will go public illegally without environmental verification». Green Longjiang collected relevant environmental information and communicated with Heilongjiang Provincial Environmental Protection Department, IPE and other NGOs. April 13 and 22, Green Longjiang united 14 other environmental organizations to send a letter to the Shenzhen Stock Exchange twice, urging the SZSE to investigate the matter. April 25, Zhejiang Provincial Department of Environmental Protection had interviews with person in charge and ordered deadline to complete the environmental verification and make a full review.

Ланг Дечжун

Қытайдың қоршаған ортасының жағдайы туралы ақпаратты ашып көрсету

Мақалада Қытай азаматтарына арналған қоршаған ортаның жағдайына байланысты мәліметтердің қолжетімділігі туралы айтылған. Қытай Халық Республикасында 2008 жылы экология жайында ақпаратты ресми түрде алу мүмкін болды және сол уақыттан бастап көптеген экологиялық ғылыми-өндірістік бірлестіктері бұл механизмнің жұмыс істеуіне бар күштерін салды. Көпшілік экологиялық саясат институты қоршаған ортаны ластайтын кәсіпорындар және ластанулар туралы ресми ақпараттар жинап, оларды «Ластанулар картасы» сайтында көрсетті. Қазіргі уақытта бұл сайтта 80000 астам жазба бар және мұнда түрлі аналитикалық жұмыстар нәтижелері жарияланды.

Ланг Дечжун

Раскрытие информации о состоянии окружающей среды Китая

В статье приведены данные о доступности информации по состоянию окружающей среды для граждан Китая. Доступ к экологической информации был официально гарантирован в КНР в 2008 году «Временным порядком раскрытия экологической информации», и с тех пор усилия многих экологических НПО направлены на то, чтобы заставить этот механизм работать. Так, Институт публичной экологической политики собирает официальную информацию о предприятиях-загрязнителях и загрязнениях и представляет ее на сайте «Карта загрязнений», где сейчас более 80000 записей, а также публикуются разнообразные аналитические работы.

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