

Exploring the Optimal Path for Social Forces to Participate in Specialized Ecological and Environmental Prosecution

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Abstract: The overall layout of “five-in-one” in the new era has raised the standard of ecological civilization construction to a new height and established the basic framework of ecological environmental prosecution through the institutionalization of environmental public interest litigation. However, due to the late start and the lack of support systems, the eco-environmental prosecution work faces the challenges of confusion of roles and positioning, and misalignment of functions and effectiveness, which hinders the professionalization process. In addition to self-professionalization, prosecuting agencies should actively optimize the path of environmental protection social forces to participate in eco-environmental prosecution work from the perspective of modernizing governance capacity and system, and rapidly enhance professionalism with external forces. We should take primary-level social governance as a field, establish a positive interaction mechanism between the prosecution and the public at the macro level, build an institutional system for social forces to participate in eco-environmental prosecution work at the medium level, and promote the construction of environmental social forces themselves at the micro level.

1. Introduction

Since the 21st century, the rule of law in ecological and environmental protection has been an important issue in China's public life. The academic community has conducted various studies on it, roughly going through the phase from the introduction of overseas experience to the exploration of its path. In terms of domestic, the legislature established the environmental public interest litigation system with social organizations and prosecutorial authorities as the main bodies in 2015 and 2017 respectively. As the result, the academic research is based on this legislation, focusing on three major issues: the specialization of environmental justice, the linkage mechanism of environmental justice participants, and public participation in environmental justice. However, the progress of the legal institution and the enthusiasm for academic research have not effectively promoted the development of environmental public interest litigation. In practice, the number of environmental public interest litigations initiated by prosecutions is relatively small, and theoretical studies rarely cover ecological and environmental procuratorial issues.

For a long time, China's emphasis on the specialization of environmental justice was essentially a

court-centered path to rule of law of environmental protection. However, the courts are limited by their institutional role to passively coordinate with law enforcement agencies to take proactive measures to prevent environmental damage before or during the process. In 2017, the National People's Congress established an institution for prosecutions to initiate environmental public interest litigation. This poses a twofold challenge to prosecuting agencies: first, the trial-centered model of environmental judicial specialization will persist for a long time due to path dependence. Procuratorates must quickly promote their own environmental judicial professionalization to better adapt to the courts' specialized trials. Second, procuratorates must also improve the specialized level of environmental procuratorial to fully coordinate with law enforcement agencies and social forces to establish a more reasonable and improved mechanism for ecological environmental protection.

To meet the above challenges and to implement the policy requirements of the Party Central Committee on the modernization of governance capacity and system, the procuratorial organs should, in addition to improving their professionalism in terms of institutions, teams, and supervision, actively guide social forces to participate in ecological and environmental procuratorial work from the perspective of social governance in a gridded and flat social environment and optimize their participation paths. The final goal is to establish an “enforcement pyramid” with a multi-level regulatory approach, which is centered on the prosecutive agencies, with the participation of environmental law enforcement agencies and social forces.

2. The Development Path of Specialization of Ecological Environment Prosecution in China and Its Problems

2.1. The Connotation of Ecological Environment Prosecution Specialization

Specialization of ecological and environmental prosecution refers to the specialization of procuratorial institutions, mechanisms, rules, theories, and teams in the field of environmental resources. [1] It is an integral part of the specialization of environmental justice, an important element of the procedural rule of law of the environment, and the modernization of the judicial governance system and capacity.

The eco-environmental procuratorial practice has certain special characteristics. For example, the special nature of its protection of legal interests, the seriousness of the consequences of damage, the difficulty and even irreversibility of repair, and the difficulty of accountability of prosecution recommendations. In addition, environmental issues and their governance itself are very professional and complex. All of these require a high degree of professionalism in ecological and environmental prosecution. However, in reality, judicial and administrative powers are usually intertwined or even mixed, and thus cannot effectively respond to the challenges posed by environmental issues and the special nature of ecological and environmental procuratorial work. Because of this, the Supreme People's Procuratorate has actively promoted and established specialized environmental prosecution agencies in recent years in response to the demand for de-administration and localization of judicial reform. However, in general, existing theories and practices of environmental judicial specialization have largely ignored the issue of environmental prosecutorial specialization.

2.2 The Development Path of the Exercise of Procuratorial Power in the Specialization of Ecological Environment Procuratorship

According to *the Constitution, the Organic Law of the People's Procuratorate*, and other public laws concerning public power and its corresponding obligations, the jurisprudence of ecological and environmental procuratorial specialization is based on the state obligation of environmental protection and the state ownership of natural resources.

Article 136 of the current *Constitution* authorizes the people's procuratorates to exercise procuratorial power independently and “without interference from administrative organs, public organizations or individuals”. As the legal supervisory organ of the state, procuratorates play an important role in the governance of the state and society. In the context of the growing importance of the construction of ecological civilization and the increasing specialization of environmental justice, the greening and specialization of the exercise of procuratorial power have become a national governance capacity and the modernization of the governance system. To this end, the Standing Committee of the National People's Congress authorized the procuratorial organs of Beijing and other thirteen provinces, autonomous regions, and municipalities to carry out pilot public interest litigation initiated by procuratorates in 2015. During this period, people's governments at all levels and government departments such as environmental protection, water power, land resources, and forestry often became defendants in administrative environmental public interest litigation due to administrative inaction. After the pilot program, the National People's Congress, based on practical experience, amended Article 25 of the *Administrative Procedure Law* and Article 55 of the *Civil Procedure Law* in 2017, making procuratorate environmental public interest litigation a formal institution. In the same year, the Supreme People's Procuratorate and the Ministry of Land and Resources jointly issued the *Opinions on Strengthening Collaboration in Promoting Administrative Public Interest Litigation to Promote the Rule of Law in the Land*. In March 2018, the *Interpretation of the Supreme People's Court and the Supreme People's Procuratorate on Several Issues Concerning the Application of Law to Prosecution of Public Interest Litigation Cases* was promulgated, and the Supreme People's Procuratorate established the Eighth Procuratorial Office by the end of that year, which is specifically responsible for the prosecution of public interest litigation. As of 2018, procuratorates at all levels nationwide have handled 4,393 civil public interest litigations and 108,767 administrative public interest litigations, including 59,312 cases involving the ecological environment and resource protection. At the same time, the procuratorates thereof managed 5,521 cases in pre-litigation procedures. In the end, the rectification rate of administrative organs reached 97% after pre-litigation procedures. The practice of public interest litigation in China is developing in depth.

In short, in the context of the specialization of environmental justice, the procuratorial system has initially realized the specialization of ecological and environmental procuratorship through systematic and holistic changes in internal institutions, supervision mechanisms and procedures, and supervision teams. In addition, the implementation of prosecutorial public interest litigation has, to a certain extent, activated the function and role of procuratorial power as public, public interest, and dynamic in the context of ecological and environmental protection.

2.3. Problems in the Specialization of Ecological and Environmental Prosecution

Although the specialization of ecological and environmental prosecution in China has developed by leaps and bounds since the pilot work in 2015, many aspects of the system are still not perfect and need to continue to be standardized due to the short time. Thereinto, the unclear positioning of the role of procuratorial organs in ecological and environmental procuratorial work and the misalignment of powers associated with it are the most fundamental problems.

2.3.1. Confusion between the Role and Positioning of Procuratorial Organs in Ecological Environmental Public Interest Litigation

Firstly, the problem of confusion in the civil environmental public interest litigation brought by the procuratorate. According to the *Civil Procedure Law*, the main types of civil public interest litigation that can be brought by procuratorial organs include ecological and environmental pollution,

resource protection, and consumer rights protection. However, such institution design inevitably faces the following dilemmas: on the one hand, judicial remedies are used instead of efficient alternative dispute resolution mechanisms, which obviously contradicts the concept of judicial economy; on the other, it confuses the respective environmental obligations and legal responsibilities in civil law and administrative law. In short, the procuratorial organs use the environmental public interest litigation system to directly prosecute civil offenders and require them to fulfill their environmental obligations at the public law level, which will in fact hollow out the administrative organs' responsibility to protect the ecological environment, and even waste and deflate the advantages of administrative penalties and administrative compulsory measures of the administrative organs. In sum, the procuratorate's ease in bringing civil environmental public interest litigation could lead it to give up issuing procuratorial recommendations to administrative organs, including the environmental protection department, which should have been exercised by procuratorates based on environmental regulation power. In the end, this fact may disrupt, or even confuse the separation between state power, creating a situation where the administrative power of environmental inaction and slow action.

Secondly, the problem of confusion in the administrative environmental public interest litigation initiated by the procuratorate. In addition to the uneven regional distribution of cases, the statistical analysis of administrative environmental public interest litigation cases filed by procuratorates shows that the following features exist in the litigation: (1) the jurisdiction of primary courts is the mainstay, and the supervision targets are mostly county-level environmental protection departments; (2) most of the cases are environmental pollution, of which water pollution is the most prominent, and very few involve ecological damage; (3) most cases are resolved according to pre-litigation procedures, correcting administrative inaction, slow action, and violations; (4) the procuratorate has a high success rate, and rarely loses or enters a second trial, potentially increasing the risk of abusive prosecution. [2] The reasons for the aforementioned phenomena are not only the improper positioning of the procuratorate in environmental public interest litigation, but also related to the procuratorate's preference for litigation-based case handling, the excessive pursuit of the winning rate, and the poor articulation of the system. [3]

2.3.2. Misalignment of the Function and Effectiveness of Procuratorial Power in Environmental Public Interest Litigation

The text of Article 55 of the *Civil Procedure Law* requires that the procuratorial authorities should protect the “social public interest” as a prerequisite for filing civil environmental public interest litigation. This is a subjective environmental litigation structure. In addition, the broad semantic meaning of “public interest” also plays a role in the judicial protection of objective environmental litigation to a certain extent. According to Article 25 of the *Administrative Procedure Law*, the procuratorial authorities file administrative environmental public interest litigation to protect the “national interest” and “social public interest”, which is an objective environmental litigation structure. Therefore, when the procuratorial organs initiate environmental public interest litigation, the interests they defend may be both the abstract objective legal order and the specific legal rights. This is basically in line with the legal supervision function of the procuratorial organs.

Although the above system design comprehensively reflects the institutional functions of the procuratorial organs, the effects of the implemented function, in practice, are misaligned with the original intention of the system design. There are two main reasons for this: firstly, the misalignment is caused by the unreasonable setting of the supporting system. According to the “*Interpretation of the Applicable Law on Public Interest Litigation Cases*” jointly issued by the SPC and SPP in 2018, the administrative environmental public interest litigation should be based on the premise that “the procuratorial authorities have carried out the pre-litigation procedure and the administrative authorities still do not perform their duties or correct the illegal acts”. This provision removes the

proof context of “significant risk of damage to the public interest”. As a result, not only do the procuratorial organs have to bear a heavy burden of proof in practice, but it also weakens the judicial function of the procuratorate to “prevent illegality” in civil public interest litigation. [4] Secondly, the misalignment caused by the competition between the systems of diversified environmental public interest protection paths. In practice, the protection of environmental public interest can be achieved either through “private environmental litigation” or through judicial advice or procuratorial recommendations. In a situation where social organizations, courts, and procuratorates are competing with each other, there is a real difficulty for procuratorates to stand out. For now, the procuratorate, filing environmental public interest litigation as a plaintiff, has a “learning-by-doing” nature, compared with the more specialized environmental social organizations and the courts. This situation can be described as a late start, the base is thin.

In summary, under the background of environmental justice specialization, China's ecological and environmental prosecution work has realized the professional change at the level of concept, theory, and institution. However, due to the late start, lack of supporting systems, and poor coordination mechanisms, there is confusion between the roles and positioning of the procuratorial authorities in environmental public interest litigation, which eventually leads to the misalignment of the functions and effectiveness of procuratorial power in practice. The root cause of the aforementioned problems is that the degree of specialization of ecological and environmental prosecution still needs to be further improved. In this regard, in addition to deepening their reform and improving the level of specialization of ecological and environmental prosecution from within, procuratorates should also look beyond the system and use social governance theory as a guide to actively bring in social forces to participate in ecological and environmental prosecution work, to rapidly improve the overall level of specialization in a short period.

3. The Necessity and Feasibility of Social Force Participation in Ecological Environment Inspection

3.1. The Connotation of Social Power

In modern society, the government is no longer the only center of power. With the advancement of technology and economic development, many social organizations, which possess professional knowledge and skills and provide professional services on this basis, have gradually become the center of power in the “regulatory space” with society as the field. In the context of ecological and environmental prosecution, the ecological prosecution power requires the participation of social forces. This is not only the need for the professionalization of environmental justice but also the requirement of the professionalism and complexity of ecological environmental protection work.

The so-called social force refers to the basic units that can participate and act in social development, including popular organizations such as people’s groups, NGOs, enterprises and institutions, private non-enterprise units, public welfare organizations, etc. [5] China's laws and regulations do not provide a clear and unified definition of social forces. However, the scope of social forces can be roughly determined through a series of regulations and documents issued by government departments. The General Office of the State Council issued the *“Guiding Opinions on the Government's Purchase of Services from Social Forces”*, which stipulates that social forces include “social organizations registered with the civil affairs department or exempted from registration by the State Council, as well as enterprises and institutions registered with the business administration or industry authorities according to the law”. In the *“Opinions on Mobilizing and Organizing Social Forces to Support Village Construction in Dabie Mountain Area”* issued by the Ministry of Housing and Urban-Rural Development, social forces include state-owned enterprises, private enterprises, financial institutions, research institutes, social welfare organizations, charitable organizations, international organizations,

etc. It can be seen that the scope of social forces engaged in the relevant business will change accordingly with the different fields to which they belong.

In the field of environmental protection, Article 53 of the *Environmental Protection Law* provides that “citizens, legal persons, and other organizations have the right to participate in environmental protection activities”. Since eco-environmental resources are a product of extremely public nature, many of their elements, such as air, sunlight, and water, have non-exclusive and non-confrontational characteristics that not only do not prevent common use by all but the consequences caused by pollution of the environment are instead borne by society as a whole. The externality, extreme extensiveness, and universality of environmental problems make it necessary for governments and markets to face the issues of high costs and insufficient power, in carrying out environmental management. Therefore, legal persons and other organizations with a large number of resources and expertise have certainly become the backbone of social forces involved in environmental protection. Among them, legal entities generally refer to environmental service companies. They are entrusted by sewage companies or the government to use professional technologies to handle environmental pollution and charge corresponding fees according to the effect of pollution control. [6] According to the “*Guidance of the Ministry of Environmental Protection on Fostering and Guiding the Orderly Development of Social Organizations for Environmental Protection*”, other organizations usually refer to social organizations other than legal persons, “are non-profit social organizations that are engaged in various environmental protection activities for the harmonious development of people and the environment and provide environmental public welfare services for society, including environmental protection associations, environmental protection foundations, environmental protection private non-enterprise units and many other types.”

In sum, the social forces involved in ecological and environmental prosecution should refer to citizens, legal persons, and social organizations engaged in environmental protection activities. Among them, legal persons and social organizations are the backbones of the social forces involved in ecological and environmental prosecution, as they often possess a large number of professional resources and knowledge related to environmental protection activities.

3.2. The Necessity for Social Forces to Participate in Ecological and Environmental Prosecution

As mentioned above, the participation of social forces in ecological and environmental procuratorial work is an inevitable requirement for the professionalization and standardization of eco-environmental procuratorship. According to the current system design, the procuratorial organs exercise their power mainly through two ways: making procuratorial recommendations and filing public interest litigation. However, in practice, the procuratorate, as a national legal supervisory body, does not have enough resources and staffing to cope with the detailed and professional implementation of supervision. At last, the effect of procuratorial recommendations is much less effective. As the result, procuratorates have to turn to public interest litigation to effectively perform their duties. This not only deviates from the role of legal supervision of the procuratorial organs but also affects the actual effectiveness of eco-environmental procuratorial power.

To solve the above problems, the procuratorial organs should start from the following two aspects. Firstly, the procuratorate should maintain modesty and restrained principle in their eco-environmental work and avoid “litigation”. In China's legal system, the procuratorate's duty must protect the state and social welfare, which is a “bottom-up” protection function. In essence, the public is the “final initiator” in most environmental public interest litigations. The procuratorate should maintain modesty and not interfere with the public's right to sue. Its early intervention will exclude the private remedy of environmental disputes, which will lead to the “disorderly competition” of litigation. In short, in terms of litigation procedures, it is not appropriate for the procuratorial authorities to

intervene in environmental public interest litigation with organs or social organizations that are required by law to “steal the credit”. [1]

Secondly, the procuratorial authorities should make procuratorial recommendations and supervise the implementation of the law, supplemented by direct prosecution. The procuratorial organs should give full play to pre-litigation procedures, especially the role of procuratorial recommendations, to avoid the administrative organs can perform their duties before the prevention and control of pollution, natural resource protection, ecological disaster prevention, and mitigation and relief work judicially, thus appearing to overhead environmental administrative regulation. In the grassroots ecological environment and resource protection work, there is a particular need to avoid the procuratorial authorities single-handedly or rashly rushing to sue.

In short, the specialization and standardization of ecological and environmental prosecution require that procuratorial organs remain modest and return to their institutional role as legal supervisory organs. It also requires procuratorates to adopt supervising enforcement as the main regulatory tool, supplemented by public interest litigation. In areas, such as evidence collection, environmental assessment, and litigation support, beyond its reach, it is needed the participation of social forces with specialized knowledge.

3.3. Feasibility of Social Forces Participating in Ecological Environment Prosecution

The feasibility of social force participation in ecological environment prosecution is mainly reflected in two aspects: normative and theoretical. The former is the basis for the legitimacy of social force participation, while the latter is the basis for rationality.

Firstly, the feasibility at the normative level. Laws and regulations, as the formal institution of the state, actually solve the problem of the legitimacy of social forces' participation in ecological and environmental prosecution work. In terms of the current status of legislation, the feasibility at the normative level is mainly reflected in three aspects, including empowering rights, guaranteeing the path of participation, and promoting the development of social forces. First of all, the norm of empowerment refers to legislation that defines the scope of social forces that can participate in eco-environmental protection activities. For example, Article 53 and Article 58 of the *Environmental Protection Law* respectively give social forces the right to participate in environmental protection activities and to file public interest litigation. Secondly, the norms that guarantee the path to participation provide legal ways for social forces to take part in environmental protection activities. For example, the *Measures for Public Participation in Environmental Protection* formulated by the Ministry of Ecology and Environment provides for the participation of social forces in environmental protection activities, such as arguments, hearings, media and social supervision, respectively. Finally, the norms for development aim to promote the development of social organizations involved in environmental protection activities. For example, the *Ministry of Environmental Protection's Guidance on Fostering and Guiding the Orderly Development of Environmental Protection Social Organizations*, developed by the Ministry of Environmental Protection, rules that government authorities should both strengthen policy support efforts to improve the external situation for the development of environmental protection social organizations and heighten capacity building to guide the healthy and orderly development of them. Therefore, China's legislation has affirmed the significance of social force to take part in environmental protection and even environmental justice, at the value level. Besides, the legislation also has established a relatively sound framework for participation at the institutional level. However, the norms of the participation of social forces in ecological and environmental prosecution work are less clear.

Secondly, the feasibility at the theoretical level. The current environmental justice model in China is summarized as “professional legal supervision + restorative justice practice + integrated social

governance”. [1] In essence, it is the “regulatory governance” in the “regulatory space” under the background of the modern regulatory state. According to the theory of regulatory space, the possession of regulatory power and the ability to implement regulation require the availability of relevant resources, which are decentralized or fragmented. These resources are not limited to formal state power evolved by legislation or contracts, but also include information, wealth, and organizational capabilities. At the same time, these resources are dispersed among various governmental subjects and between governments and non-governmental subjects. [7] In short, in the regulatory space, regulatory authority and responsibility are often scattered among public and private organizations. And in a given regulatory field, authority is not the only source of power. “Regulatory governance” emphasizes the use of multiple governance actors, the introduction of multiple governance tools, and the achievement of regulatory tasks through a better, more efficient, and more participatory governance system.

In the process of primary-level environmental governance, power is configured in multiple centers, ranging from administrative agencies responsible for law enforcement to courts responsible for justice, and procuratorates responsible for legal oversight. In addition, social organizations, mastering environmental expertise and skills, also have the power of governance. These agencies and organizations coexist in a flat, grid-based social “regulatory space” and use their power to “regulate” ecological and resource protection issues. In reality, effective “regulatory governance” necessarily follows a hierarchical order from lenient to strict, namely the so-called “enforcement pyramid”. As legal supervisors, procuratorial authorities should focus on the relatively flexible regulatory means of supervision and enforcement in the eco-environment regulatory governance network. In other words, procuratorates should urge public and private subjects to fulfill their duties or obligations utilizing procuratorial recommendations, and actively make use of social power to develop an effective performance evaluation system to ensure the implementation of supervision and recommendations.

As far as the current environmental justice model is concerned, every aspect needs the full cooperation of public and private organizations to achieve the value pursuit of the system more effectively. China is a populous country with relatively poor resources per capita. The environmental pollution problem is very complicated, which means that the task of environmental management is quite arduous. Therefore, how to play social participation in environmental governance is the right thing to do. At a time when the Party and the State are vigorously promoting the modernization of governance capacity and system, it is clear that, based on the established judicial model, it is both institutionally and theoretically feasible to build an eco-environmental procuratorial model led by procuratorial organs and involving social forces.

4. The Role of Social Forces in the Ecological and Environmental Prosecution

Legal supervision is the fundamental duty assigned to the procuratorial organs by the *Constitution* and is the most essential feature of the procuratorial functions within the procuratorial power. This means that the exercise of all procuratorial functions should adhere to the functional positioning of legal supervision organs. Therefore, filing environmental public interest litigation should not be the primary pursuit of ecological and environmental procuratorship. So, the key question is how to ensure the effectiveness of ecological procuratorial work in a context more focused on supervision and enforcement.

The report of the 19th National Congress of the Communist Party of China put forward: “Create a social governance pattern of joint construction, co-governance, and sharing. Strengthen the establishment of social governance systems, improve the party committee leadership, government responsibility, social coordination, public participation, and legal guarantees, and improve the level of socialization, rule of law, intelligence, and specialization of social governance.” In ecological and

environmental inspections, procuratorial organs shall follow the aforementioned guidelines, actively introduce social forces, build a reasonable “pyramid of enforcement”, and form a more complete ecological and environmental procuratorial work mechanism. According to the relevant laws, there are two main ways of ecological and environmental procuratorial work, namely pre-litigation procedures with supervision as the core, and procuratorial environmental public interest litigation. In the application, they are not juxtaposed but have successive relationships. Accordingly, the role that social forces can play in ecological and environmental procuratorate is mainly shown as follows.

4.1. Support the Implementation of Prosecutorial Supervision and Enhance the Effectiveness of Pre-Litigation Supervision Procedures

The “*Understanding and Application of the Interpretation of Several Issues on the Application of Law in Public Interest Litigation Cases*”, issued by the Supreme People's Procuratorate, clearly states that “the procuratorial organs, based on their legal supervision authority, shall urge the administrative organs to perform their supervisory duties to protect public interests; if the procuratorial supervision recommendations are not accepted by the administrative organs or if the correction of the law does not meet expectations, a lawsuit will be filed and be adjudicated by the court and even be delivered for execution. This will finally give legal coercive power to ensure the effectiveness of procuratorial supervision. In other words, procuratorial authorities should issue ecological and environmental recommendations as a regulatory measure that takes precedence over public interest litigation. In practice, the pre-litigation procedure with supervision as the core has also achieved good results. Since the launch of the pilot project of public interest litigation by the procuratorial organs, more than 80% of public interest disputes have been resolved by the pre-litigation procedure, which has greatly improved the efficiency of dispute resolution. [8]

As a relatively flexible means of regulation in the “enforcement pyramid” of ecological and environmental prosecution, the above pre-litigation procedures are highly consistent with the institutional role of the procuratorial organs. As legal supervisors, procuratorates cannot and should not interfere with or even replace administrative enforcement, whether in terms of organizational structure or resource allocation. Even if the intervention is required, the procuratorial authorities should adopt a gradual approach, using relatively flexible means of supervision first. Only when flexible supervision fails to solve the problem will a lawsuit be directly filed as the last resort. In short, legal supervision is a line of defense to maintain social justice, with a dual dimension of complementarity and security.

However, the procuratorial authorities often face the dilemma of lacking an effective performance evaluation system when they intervene with relatively flexible means of supervision. In practice, procuratorial organs usually urge administrative organs or relevant social subjects to fulfill their obligations in the form of “Procuratorial Proposals”. Still, when it comes to evaluating the results of rectification, the procuratorial authorities can only make qualitative evaluations, but it is difficult to make quantitative evaluations. The reason for this is that eco-environmental protection work is highly complex and specialized, and the procuratorate can only judge whether the target has fulfilled its obligations in nature, but cannot grasp more precisely the extent to which the target has fulfilled its obligations, that is, how well it has performed. In this regard, the procuratorial organs can purchase services to introduce professional social forces into the ecological environment procuratorial supervision work, using their professional personnel, knowledge and skills, combined with the needs of ecological environment procuratorial work, to develop suitable performance evaluation standards, quantitative analysis, and evaluation of the ecological environmental protection behavior of the target of supervision, to achieve fine governance and promote the restoration of the ecological environment.

The introduction of social forces in the supervisory and oversight process is also crucial to the

specialization of the procuratorial organs themselves in ecological and environmental prosecution. In addition to consolidating the entity responsibility, the introduction of social forces can effectively reduce the pressure on the procuratorate, thus giving it the energy to establish a sound professional training mechanism and strengthen exchanges and cooperation with social expertise and other professional organizations.

In addition, the procuratorial authorities “shall guide, support and suggest eligible social organizations to file public interest litigation as plaintiffs on time, and provide professional support and assistance in legal consultation, evidence collection, and court appearances.” [9] Maximize the subjectivity and initiative of social forces in eco-environmental protection work, ensure that the procuratorial organs abide by their role, and do not intervene or prematurely intervene in the resolution of ecological disputes.

In short, the procuratorial authorities, in the discovery of clues, should at first take a pre-litigation procedure, of which the core is supervision and oversight. So, procuratorial organs can not only curb and solve environmental infringement problems in the shortest possible time in a relatively gentle and flexible way, minimize the consequences of ecological damage and environmental pollution, [8] but also promote their professional construction.

4.2. Support for Prosecutorial Environmental Public Interest Litigation

Public interest litigation is another way of handling cases in the overall ecological and environmental prosecution work. In contrast to the way of supervision and oversight, prosecutorial public interest litigation guarantees the implementation of ecological prosecutorial authority rigidly and makes it the final barrier to effectively safeguarding the public interest in the environment. However, in reality, the procuratorial environmental litigation process itself, and its post-facto implementation, still face obstacles.

The professionalism and complexity of environmental cases dictate that the procuratorate must rely on social forces. Environmental protection cases are highly specialized than other types of cases, often involving environmental pollution damage causes, environmental damage determination, environmental pollution prevention and control, and many other aspects of professional and technical issues. In other words, it is difficult to make accurate judgments based on the legal knowledge of prosecutors alone. [10] In recent years, although the procuratorial authorities have made great efforts to enhance the professionalism of ecological and environmental procuratorial work, they have, after all, started late and objectively lagged behind both environmental trials as a whole, and some professional environmental protection organizations.

In China, environmental social organizations began to emerge on a large scale in the 1990s. In 1995, the “*Friends of Nature*” launched a campaign to protect the Yunnan snub-nosed monkey and the Tibetan antelope, which triggered the first development climax of environmental protection social organizations, many of which carried out a large number of conservation and advocacy activities. [11] After more than 40 years of development, environmental social organizations have gradually matured and expanded to all provinces and municipalities, expanding in size and number, and gradually increasing the impact of their advocacy of equitable development and environmental justice on the economy and society. [12] These environmental social organizations have long been engaged in environmental education, environmental research, and policy advocacy, have accumulated considerable expertise and professional skills, and are deeply involved in China's environmental legislation. In addition, with the development of society and the economy, there are now a large number of environmental service companies in China. Therefore, in environmental public interest litigation, the procuratorial authorities can obtain the help of the aforementioned professional social forces by assigning, hiring, and purchasing services for professional and technical issues such as the

causes of environmental pollution damage, environmental damage identification, and environmental pollution prevention and control, to better carry out litigation activities.

5. Conclusions and Policy Recommendations

In the new era, the Party and the state have focused on promoting the modernization of governance capabilities and systems. The ecological and environmental procuratorial work should respond positively and build a governance-oriented environmental work model that emphasizes the participation of social forces. Governance-oriented eco-environmental procuratorial work requires procuratorates to coordinate social relations, regulate social behavior, resolve social conflicts, deal with social risks, and maintain social stability based on their functions as legal supervisory organs, and play the role of an institutional pivot to adjust social interests and maintain a social life. This requires procuratorial authorities to “implement and shape rules, strengthen linkages, and assume responsibility for governance” in eco-environmental protection work. In China today, the most efficient way to meet these requirements is to optimize the path of social forces’ participation in ecological and environmental procuratorial work, with the ultimate goal of establishing a governance-based eco-environmental procuratorial work model.

Firstly, the establishment of a positive interaction mechanism between the procuratorate and the people. Governance-oriented ecological environment prosecution is not only an important part of environmental governance in the new era but also one of the main ways to promote the construction of ecological civilization, the value of which is to pursue the formation of a mutually linked governance network with administrative organs and social forces. It is worth emphasizing that the procuratorial organs, as legal supervisors of China, should exercise procuratorial powers independently. This is also the meaning of building a rule-of-law China, a rule-of-law government, and a rule-of-law society. Therefore, in the process of establishing a benign interaction mechanism, the procuratorial organs should adhere to their independent status and uphold the unity of procuratorial functions, political will, and public interest. The so-called political will is not a narrow localism or the will of the governor, but the vision of citizens and the state based on environmental affairs and social governance. Besides, public opinion is not an irrational or confrontational expression of interests, but the interests of the public on the basis of reason, consensus, and communication.

Secondly, establish an institutional system for social forces to participate in ecological and environmental prosecution. The first, strengthen the openness of the access of social forces to procuratorial channels so that they can participate in ecological and environmental procuratorial work as individuals or organizations. The final goal is to form the highest level of procedural consensus. The second, clearly regulate the scope of public interest litigation on the environment, that is, to clarify the types of cases that should be prosecuted first by the procuratorial authorities. As the strongest public interest representative, environmental public interest litigation filed by the procuratorate should focus on safeguarding the substantive environmental public interest and emphasizing the preventive and restorative effects of the ecological environment, rather than just focusing on prosecutorial supervision and litigation itself. Therefore, the scope of environmental public interest litigation mainly includes pre-litigation supervision of environmental administrative acts and environmental administrative public interest litigation, criminal incidental civil environmental public interest litigation, support for environmental civil public interest litigation and ecological damage compensation, cases transferred by relevant environmental administrative departments or reported by the public, supervision of moral hazard of environmental public interest litigation filed by social organizations, and supervision of the use of ecological restoration costs. Only in this way can we improve the professional level of ecological and environmental prosecution work

of procuratorial organs in a more targeted manner, and build a reasonable participation space for social forces, to clarify the methods and roles of their participation. The third, optimize the way to achieve procuratorial supervision of the state environmental administration. Primary-level prosecution should join with social forces with professional capabilities to establish a sound performance evaluation system for environmental administrative performance in their administrative areas, and to comprehensively supervise administrative behavior. In addition, it is also possible to unite social forces to establish a procuratorial supervision information-sharing platform to optimize the linkage of cross-regional supervision, to avoid the illegal transfer of ecological and environmental harmful behaviors.

Finally, promote the construction of environmental protection social forces themselves. The first, improve the ability of environmental protection social organizations to participate in ecological environmental protection. This can be done in two ways: (1) Strengthen industry self-regulation and linkages. The credibility of environmental protection social organizations is fundamental to their activities. The effective way to ensure the credibility of these organizations is to strengthen industry self-regulation. Environmental protection social organizations should be encouraged to establish their industry associations, federations, etc., promptly disclose information such as the structure, activities, and use of funds, and increase the transparency of environmental protection social organizations. In terms of strengthening the linkage of environmental protection social organizations, it is necessary to change the current situation of environmental protection social organizations being separate, establish various types of environmental protection social organization cooperation mechanisms, and form a full-chain environmental protection social organization action network from funders to implementers. (2) Clarify organizational goals and provide professional services. After 40 years of development, there are many categories of environmental organizations in China, covering a wide range of fields. In this regard, we can make full use of the characteristics of environmental social organizations for the public good to attract environmental professionals to join; use the government to purchase services to ensure the organization's operating funds, and purchase or lease appropriate professional environmental monitoring instruments; broaden the channels of funding sources, contracting environmental standards identification matters, and providing enterprises with a true and reliable list of environmental compliance. The second, clarify the identity of environmental social organizations involved in ecological and environmental prosecution. In the ecological and environmental prosecution work, social forces, mainly social organizations, are leading service providers. Environmental protection social organizations should make full use of their advantages to provide professional support to the procuratorate in environmental procuratorial supervision, evidence collection in environmental public interest litigation investigation, as well as eco-environmental protection and restoration. The third, construct a special eco-environmental procuratorial agency to interface with social forces. Within the existing institutional framework, the procuratorial authorities should first further rationalize the linkage mechanism with administrative organs and social forces to build a reasonable institutional space for social forces to participate in ecological and environmental procuratorial work. Then, they should continue to optimize and refine the process of purchasing social services to reduce the interaction costs of social forces to participate in ecological and environmental procuratorial work.

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