

Advancing Global Governance: Integrating the Concept of a Shared Future for Humanity with International Environmental Rule of Law

Avançando a Governança Global: Integrando o Conceito de um Futuro Compartilhado para a Humanidade com o Estado de Direito Ambiental Internacional

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ABSTRACT

The concept of a community with a shared future for humanity represents China's vision for global governance in the new era of globalization, with a environmentally sustainable world as its central tenet. The international environmental rule of law is crucial for building a global ecological civilization. However, achieving this goal is hindered by significant challenges, including the fragmentation of international environmental law, weak implementation mechanisms, and insufficient frameworks for resolving environmental disputes. By leveraging its rich connotation, the concept of a shared future for humanity can be pivotal in advancing the international environmental rule of law. This includes strengthening the foundational principles of international environmental law, guiding the development of a more cohesive legal framework, enhancing enforcement mechanisms, and fostering international coordination in environmental dispute resolution. To that end, this study argues that the concept of a shared future for humanity is critical to incorporate alternative worldviews within the existing international order, reinforcing the international environmental rule of law. This involves translating the vision into the language of international environmental law and establishing innovative platforms to integrate the concept with legal and institutional approaches to global environmental governance.

Keywords: Community with a shared future for humanity; Ecological civilization; International environmental rule of law; Chinese approach

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RESUMO

O conceito de uma comunidade com um futuro compartilhado para a humanidade representa a visão da China para a governança global na nova era da globalização, tendo um mundo sustentável ambientalmente como seu princípio central. O estado de direito ambiental internacional é crucial para a construção de uma civilização ecológica global. No entanto, alcançar esse objetivo enfrenta desafios significativos, incluindo a fragmentação do direito ambiental internacional, mecanismos de implementação frágeis e estruturas insuficientes para a resolução de disputas ambientais. Aproveitando sua rica conotação, o conceito de um futuro compartilhado para a humanidade pode desempenhar um papel crucial no avanço do estado de direito ambiental internacional. Isso inclui o fortalecimento dos princípios fundamentais do direito ambiental internacional, a orientação para o desenvolvimento de um marco jurídico mais coeso, o aprimoramento dos mecanismos de aplicação e a promoção da coordenação internacional na resolução de disputas ambientais. Nesse sentido, este estudo argumenta que o conceito de um futuro compartilhado para a humanidade é fundamental para incorporar visões de mundo alternativas na ordem internacional existente, reforçando o estado de direito ambiental internacional. Isso envolve traduzir a visão para a linguagem do direito ambiental internacional e estabelecer plataformas inovadoras para integrar o conceito com abordagens legais e institucionais à governança ambiental global.

Palavras-chave: Comunidade com um futuro compartilhado para a humanidade; Civilização ecológica; Estado de direito ambiental internacional; Abordagem chinesa.

SUMMARY:

1. INTRODUCTION; 2. OBSTACLES TO THE INTERNATIONAL ENVIRONMENTAL RULE OF LAW; 2.1. THE PROBLEM OF FRAGMENTATION OF INTERNATIONAL ENVIRONMENTAL LAW; 2.2. CHALLENGES TO THE IMPLEMENTATION OF INTERNATIONAL ENVIRONMENTAL LAW; 2.3. THE CHALLENGE OF AN EFFECTIVE INTERNATIONAL ENVIRONMENTAL DISPUTE SETTLEMENT MECHANISM; 3. THE CONNECTION BETWEEN THE IDEA OF CSFM AND THE RULE OF LAW IN GLOBAL GOVERNANCE OF THE ENVIRONMENT; 3.1 CHINA'S ENGAGEMENT WITH INTERNATIONAL ENVIRONMENTAL LAW; 3.2 INCORPORATING THE CSFM TO THE INTERNATIONAL ENVIRONMENTAL RULE OF LAW; 3.2.1 The CSFM and the principles of international environmental law; 3.2.2 Environmental dispute Settlement under CSFM; 4. CONCLUSION; 5. REFERENCES

1. INTRODUCTION

Since the report of the 18th National Congress of the Communist Party of China proposed a community with a shared future for mankind (CSFM), the Party Central Committee and General Secretary Xi Jinping have explained and developed it on many occasions and fields.

From a domestic perspective, the promotion of building a community with a shared future for mankind has been written into the Party Constitution, the report of the 19th National Congress of the Communist Party of China, and the preamble of the Constitution, and has become an integral part of the theoretical system of socialism with Chinese characteristics in the new era. At the Fourth Plenary Session of the 19th Central Committee, General Secretary Xi Jinping once again emphasized the need to adhere “to the unity of independence and self-reliance and opening up to the rest of the world, taking an active part in global governance, and continuing to make contributions to the building of a community with a shared future for humanity.”²

On the other hand, from an international dimension, CSFM is incorporated into Chinese foreign policy, for instance, the International Cooperation Summit Forum,³ the World Political Party High-level Dialogue,⁴ the Boao Forum for Asia,⁵ and the Belt and Road Initiative (the flagship platform of Chinese international relations), which countries and international organizations have accepted.⁶

The CSFM is a political idea and an academic proposition of great value. The academic circle has carried out research from the perspectives of political science, economics, history, law, and other disciplines. Regarding the field of law, some scholars have conducted discussions from the standpoint of jurisprudence, while others have discussed in detail how the rule of law contributes wisdom to the construction of a CSFM (Wei et al., 2021). Some scholars debate the path of building a CFSM from the perspective of judicial protection of human rights (Liu et al., 2023).

Another stream of scholars has researched the CFSM application in international law, our focus in this work. The range of the analysis goes from the multiple dimensions and construction plans of understanding the CFSM in the context of global governance to the importance of the concept to the

² In http://www.xinhuanet.com/english/2019-10/31/c_138518832.htm. Last access: October 4, 2024.

³ In <http://www.beltandroadforum.org/english/>. Last access: October 4, 2024.

⁴ In <https://www.chinadaily.com.cn/a/202303/16/WS6412496da31057c47ebb4b23.html>. Last access: October 4, 2024.

⁵ In <https://aric.adb.org/initiative/boao-forum-for-asia>. Last access: October 4, 2024.

⁶ In <https://www.unep.org/regions/asia-and-pacific/regional-initiatives/belt-and-road-initiative-international-green>. Last access: October 4, 2024.

development of contemporary international law (Hui, 2019). In general, most current research results on the CFMS in the legal field explore the concept's legal path from the macro level and the need for more research in specific areas such as economy, culture, and ecological environment (Castro & Zhang, 2022). To that end, the environmental dimension is a prerequisite for realizing other aspects such as development, economy, and even law.

The existential threat that environmental challenges, especially climate change, pose to humankind has impacted developing countries and regions. As such, it becomes impossible for any country or region to stand alone in dealing with environmental crises. Given the critical position of China in international relations and its engagement with international institutions, the ecological dimension of the CFMS becomes vital for the effectiveness of the global governance of the environment. Therefore, this article explores the positive value of the concept of CFMS in promoting the policy and regulatory robustness of the international governance of the environment, opening alternative perspectives to address the challenges appropriately.

2. OBSTACLES TO THE INTERNATIONAL ENVIRONMENTAL RULE OF LAW

The rule of law is a core principle of global governance. Under this principle, all individuals, institutions, and entities, including the country itself, are responsible for publicly promulgated, equally enforced, and independently adjudicated laws that comply with international law. This means that international society operates under the principle of the rule of law, which consists of international law-abiding and global justice (McCorquodale, 2016).

Based on this, the international environmental rule of law is to build an international environmental order to deal with international environmental problems. The international environmental rule of law encompasses a framework of legal principles and agreements that promote environmental protection across borders by focusing on cooperation among state and non-state actors and establishing binding obligations to safeguard the environment (UNEP, 2017).

The fundamental principles of international environmental law conducive to the rule of law are: 1) International environmental law has developed distinct norms prioritizing ecological sustainability over traditional state sovereignty, facilitating more effective environmental governance (Bodansky, 2011); and 2) The role of international courts and tribunals is crucial in enforcing

compliance with environmental obligations, as they adjudicate disputes and contribute to the evolution of environmental law (Stephens, 2009).

Its implementation and effectiveness rely on transboundary cooperation, as environmental issues often transcend national borders, necessitating collaborative legal frameworks (Garver, 2013; Randers, 2012).

Despite the challenges we face today related to anthropocentric interventions, we must admit that since the weakening of environmental concerns with the publication of *Silent Spring* and the 1972 United Nations Conference on the Human Environment in Stockholm,⁷ humankind has made specific achievements in international environmental protection, such as the elimination of certain greenhouse gases by the Montreal Protocol (Carson, Lear, and Wilson 2002).⁸ As such, the persistent global environmental problems have not been contained (Mertz et al., 2009). The Global Environment Outlook 7 issued by the United Nations Environment Programme (UNEP) indicates that most global environmental problems are still deteriorating:

Current policies cannot keep pace with the rate of environmental degradation we face today...With current policies, none of the environmental Sustainable Development Goals (SDGs) will be achieved, and none of the leading internationally agreed environmental goals (e.g., the Paris Agreement, Aichi Targets, etc.) will be completed.⁹

Therefore, an important gap exists between international environmental goals and environmental reality, as international environmental law has not played its ideal role. Implementing the international environmental rule of law faces numerous obstacles, mainly as follows.

2.1. THE PROBLEM OF FRAGMENTATION OF INTERNATIONAL ENVIRONMENTAL LAW

The so-called fragmentation refers to the increasing phenomenon of specialization in various fields of international law. Under normal circumstances, special legislation in the field of international environment can better deal with specific problems. However, sometimes it is not conducive to the overall coordinated solution of international environmental problems. Fragmented international environmental law does not face up to this objective connection, leading to legislative conflicts or

⁷ In <https://www.un.org/en/conferences/environment/stockholm1972>. Last access: October 4, 2024.

⁸ In <https://ozone.unep.org/treaties/montreal-protocol>. Last access: October 4, 2024.

⁹ I <https://www.unep.org/geo/global-environment-outlook-7>. Last access: October 4, 2024.

overlaps in the field of international environmental law, wasting legislative resources, and affecting environmental governance and its effectiveness (Young, 1989; Krasner, 1983). As such, the relationship between environmental protection and trade is complex and characterized by both synergies and conflicts. As globalization intensifies, integrating trade and environmental policies has become crucial for sustainable development. For instance, the European Union established the EU carbon emission reduction trading system based on the "Kyoto Protocol."¹⁰ It imposed carbon emission reduction taxes on aircraft entering and leaving the EU. Other countries strongly oppose this, believing the measure violates relevant international civil aviation and WTO agreements (Copeland, 2013). Regardless of whether or not the EU's actions are appropriate, reflecting the conflict and lack of coordination between international environmental law and other areas of international law. Although fragmentation is an inevitable result of the development of international environmental law, it does challenge the international environmental law system and, to a certain extent, hinders the realization of the international environmental rule of law (Sands et al., 2018).

2.2. CHALLENGES TO THE IMPLEMENTATION OF INTERNATIONAL ENVIRONMENTAL LAW

The implementation of environmental treaties is the core issue of international environmental law. Both theories and practices of international law emphasize the principle of *pacta sunt servanda*, which is regarded as the fundamental principle for realizing the effectiveness of international law (McCarthy et al., 2012). The compliance theory believes that the state's compliance with international law results from many factors, including interests, reputation, sanctions, norms, national capabilities, domestic political structure, and social environment (Krieger et al., 2019). The prerequisite for a country to comply with international environmental law is careful consideration after a rational analysis of the complexity of the variables involved, which, by the end of the day, are mediated by the national interest (Coicaud & Wheeler, 2008; Anghie, 2007; Putnam, 1988). When the cost of environmental compliance is high, the contracting parties will think that the treaty's implementation will harm their national interests or cause an excessive burden on them, thus refusing to implement the multilateral environmental treaties (Keohane & Jr, 2011). The most typical example is that the United States insists on withdrawing from the Paris Agreement despite the international

¹⁰ In [https://climate.ec.europa.eu/eu-action/eu-emissions-trading-system-eu-ets_en#:~:text=Set%20up%20in%202005%2C%20the,phase%20\(2021%2D2030\)](https://climate.ec.europa.eu/eu-action/eu-emissions-trading-system-eu-ets_en#:~:text=Set%20up%20in%202005%2C%20the,phase%20(2021%2D2030)). Last access: October 4, 2024.

community's opposition (Cozier, 2017). For the contracting states of environmental treaties, there is an external temptation to fail to fulfill their obligations, causing them to violate international environmental obligations actively, especially when facing treaties that do not conform to their national interests (Zhang et al., 2017).¹¹

The implementation of international environmental law is also related to national capabilities, especially the ability of developing countries to implement contracts, including talents, technology, and funds. Developing countries are often in short supply in these areas, which fundamentally restricts fulfilling obligations. Many developing countries lack alternative technologies and financial resources, making implementing the convention or other international obligations challenging, as is the case of the push of international institutions for energy transition (Castro, 2024; Hickel & Slamersak, 2022). In addition, some developed countries are unwilling to provide support or assistance to developing countries, making the full implementation of the treaty even more impossible (Alam et al., 2015).

Implementing international environmental law relies mainly on the contracting parties' environmental awareness and enthusiasm rather than a solid and effective implementation mechanism. No restrictive methods are available when a contracting party is unwilling to participate in international environmental governance cooperation (Hovi et al., 2009).

Modern international law originated in Europe and has been maintained under the leadership of the Western world (Koskenniemi, 2004). Taking national sovereignty as the starting point and national interests as the ultimate pursuit have been the basic norms in the field of international law for a long time. International environmental law follows the framework system and basic values of international law. Although it is the field that best reflects the common interests of the international community, it still cannot break through the shackles of national interest (Krasner, 1999).

With the deepening of globalization, the interests of various countries are intertwined, and a global community of interests has gradually formed. More and more voices call for a new perspective to solve international problems (Keohane & Jr, 2011).

The overall interests of the international community are to promote the development of

¹¹ Another instance of this argument is the Whaling in the Antarctic Case (Australia v. Japan) in the International Court of Justice. See <https://www.icj-cij.org/case/148>. Last access: October 4, 2024.

international law in the direction of the international society. A country's implementation of international environmental law originates from the consideration of national interests, which is connected to rational calculation, which compromises long-term interests as a community (Boucher, 2018).

2.3. THE CHALLENGE OF AN EFFECTIVE INTERNATIONAL ENVIRONMENTAL DISPUTE SETTLEMENT MECHANISM

International environmental disputes refer to conflicts and disputes arising from pollution and destruction caused by various man-made causes in transnational settings. Similar to the resolution of other international disputes, international environmental ones are mainly resolved through political and legal channels. Political channels include negotiation, mediation, consultation, mediation, etc., and legal channels include court trials and arbitration by arbitration institutions (Stephens, 2009). Whenever an international environmental dispute arises, it is generally resolved by the parties through peaceful means such as negotiation. If it fails to be resolved, it will be resolved through court trials or arbitration with the consent of all parties. The *Vienna Convention for the Protection of the Ozone Layer* stipulates in Article 11 that countries must seek resolution through a neutral third party when they cannot agree on a solution.¹² The *United Nations Convention on the Law of the Sea* in Part XV creates a dispute resolution mechanism that leads to compulsory arbitration when the parties cannot agree on a dispute settlement venue.¹³

The two instances of dispute resolution cited above do not represent the overall engagement of states to submit to dispute resolution mechanisms, mainly because states are unwilling to lose in part their sovereignty power in which national interest plays a critical role in the engagement in international relations (Peel & Osofsky, 2020).

There are also cases where sovereign states do not enforce judicial decisions, such as the *Gabcikovo-Nagymaros* Case between Hungary and Slovakia in 1993. Although both parties voluntarily handed the case to the jurisdiction of the International Court of Justice, the verdict has not been enforced.¹⁴ In addition, the judgments of the International Court of Justice will also be

¹² In <https://ozone.unep.org/treaties/vienna-convention/vienna-convention-protection-ozone-layer>. Last access: October 4, 2024.

¹³ In https://www.un.org/depts/los/convention_agreements/texts/unclos/part15.htm. Last access: October 4, 2024.

¹⁴ In <https://www.icj-cij.org/case/92>. Last access: October 4, 2024.

affected by international politics (Johns, 2022). For instance, the *Corfu Strait Case* has been criticized for this.¹⁵ Effectively playing the role of legal means in the settlement of international environmental disputes is an inevitable choice for enhancing the authority of international environmental law and realizing the rule of law in the international environment. It is imperative to enhance the status of the International Court of Justice and international arbitration institutions in settling international environmental disputes.

3. THE CONNECTION BETWEEN THE IDEA OF CSFM AND THE RULE OF LAW IN GLOBAL GOVERNANCE OF THE ENVIRONMENT

The unprecedented escalation of non-traditional security threats, such as climate change, poses an existential challenge to the international community (Barnett, 2009).

In this context, Chinese leaders have incorporated the traditional approach of seeking harmony as the core, Marxist community theory, Kantian cosmopolitanism, and other ideological resources that combine the theory and practice of new China's diplomacy to propose the concept of CSFM. The concept of CSFM contains rich ideological connotations, and a civilizational approach originated from the in-depth thinking of Chinese leaders on the complex situation of the world (Ding & Cheng, 2017). According to the report of the 19th National Congress of the Communist Party of China:

The dream of the Chinese people is closely connected with the dreams of the peoples of other countries; the Chinese Dream can be realized only in a peaceful international environment and under a stable international order. We must keep in mind both our internal and international imperatives, stay on the path of peaceful development, and continue to pursue a mutually beneficial strategy of opening up. We will uphold justice while pursuing shared interests, and will foster new thinking on common, comprehensive, cooperative, and sustainable security. We will pursue open, innovative, and inclusive development that benefits everyone; boost cross-cultural exchanges characterized by harmony within diversity, inclusiveness, and mutual learning; and cultivate ecosystems based on respect for nature and green development. China will continue its efforts to safeguard world peace, contribute to global development, and uphold international order.¹⁶

¹⁵ In <https://www.icj-cij.org/index.php/case/1>. Last access: October 4, 2024.

¹⁶ In https://www.chinadaily.com.cn/china/19thcpcnationalcongress/2017-11/04/content_34115212.htm. Last access: October 5, 2024.

The CSFM implicates the ideal vision in which countries in the world respect each other and cooperate, abandoning the outdated concepts of the absolute supremacy of national interests, zero-sum games, and mutual confrontation to build a new type of international relations (Marcelli, 2019). It reflects the pursuit of a constructivist perspective in which the developing countries' shared experiences, values, and ideas are considered, or in other words, it is what Castro and Denny (2020) called the Bandung spirit.¹⁷

3.1. CHINA'S ENGAGEMENT WITH INTERNATIONAL ENVIRONMENTAL LAW

China's engagement with international environmental law reflects a complex interplay between domestic priorities and global responsibilities. While the country actively participates in international bodies like UNEP, its leadership role in global environmental governance is crescent. First, China focused on resolving domestic environmental issues and then exporting via the BRI and other platforms, using its greener vision of the development process (Shapiro, 2016; Heggelund & Backer, 2007).

China's engagement in international environmental protection began in 1972 with its participation in the United Nations Human Environment Conference (Stockholm) as it was:

[...] the first major UN environmental event that China participated in as a permanent member. It was also the starting point for China to critically look at global environmental issues. The conference, happening at a time of heightened Cold War tensions, for the first time presented to China's leaders the challenges of environment and development, environment and ideology, environment and future generations. It spurred them to look at China's own emerging environmental problems when the country was still mired in Cultural Revolution chaos. The seed of post-Cultural Revolution environmental efforts was planted then and there.¹⁸

Since then, along with its participation in several international organizations (and created some, such as the Asian Infrastructure Investment Bank and Shanghai Cooperation Organization),

¹⁷ Refers to the Bandung Conference held in 1955 in Indonesia that brought 29 countries to "... discuss peace and the role of the Third World in the Cold War, economic development, and decolonization". In <https://history.state.gov/milestones/1953-1960/bandung-conf>. See also: Eslava, Fakhri, and Nesiah (2017), and Suzman (2023).

¹⁸ In <https://dialogue.earth/en/nature/stockholm-1972-chinas-environmental-journey/>. Last access: October 5, 2024.

China has signed many international environmental treaties. For instance, in 1989, China proposed amending the Montreal Protocol on Substances that Deplete the Ozone Layer, seeking to protect the environment and, at the same time, ensure the right to development (Yang, 2023). In 1991, the Chinese government initiated and held the *Ministerial Conference on Environment and Development of Developing Countries* and passed the *Beijing Declaration*, in which we found the five Chinese propositions on development issues.¹⁹ Also, it is worth mentioning as a representative stance of China's engagement in the signing of the Convention on Biological Diversity, the United Nations Framework Convention on Climate Change, and the Convention to Combat Desertification.²⁰

More recently, China's intervention in helping developing countries with their needs generated more traction in this process with the BRI. The platform was launched in 2013 by President Xi, reflecting Hu Jintao's "Go West" policy.²¹ It possesses five significant goals related to cooperation with the participating countries: 1) Policy coordination, 2) Facilities connectivity, 3) Unimpeded trade, 4) Financial integration, and 5) People-to-people bonds.²²

Since the election of President Xi Jinping as General Secretary of the Chinese Communist Party (CCP) and China's President in 2012, he has been promoting the need to incorporate the ecological dimension into the development process. In the meeting of the Political Bureau on May 24, 2013, he uttered: "We must raise awareness of the need to respect, protect, and accommodate ourselves to nature, follow the basic state policy of resource conservation and environmental protection, and give high priority to conserving, protecting the environment and promoting its natural restoration." (Jinping 2018, p. 239).

At the constitutional level, China has made significant changes to incorporate the environmental demands (internal and external).

¹⁹ In <https://digitallibrary.un.org/record/128750?ln=en>. Last access: October 5, 2024.

²⁰ For a complete inventory of treaties related to environmental governance signed by China, see: <https://www.iea.ulaval.ca/en/agreements>. Last access: October 5, 2024.

²¹ See [Communique of the Fifth Plenum of the 17th Central Committee of the Communist Party of China - \(mofcom.gov.cn\)](http://mofcom.gov.cn). Last access: October 5, 2024. In this sense: "Since 1999, China has been pursuing the state program "Go West", aimed at smoothing interregional imbalances. The BRI is obviously important as an additional lever for its implementation: investment in infrastructure and foreign economic cooperation should create new sources of economic growth in XUAR and other outlying provinces. And the acceleration of development, according to this logic, will contribute to the stabilization of domestic situation, and bring a calm on the Western borders of China." (De Conti and Mozias 2020, p.213).

²² See The Report of the National Development and Reform Commission, 2015 in [National Development and Reform Commission \(NDRC\) People's Republic of China](#). Last access: October 5, 2024.

The preamble of the Constitution brings additional concepts that are connected to the ecological civilization such as "new development," "beautiful China," "a great modern socialist country," and "realize the great rejuvenation of the Chinese nation." It belongs to the part of China's national tasks which embodies China's value goals and plays a commanding role in the articles of the Constitution.²³

Articles 9, 10, and 26 refer to the "General Principles" of the Constitution related to macro-control of the ecological environment. From the perspective of the structure of the legal norms, these articles are programmatic in the sense of incentivizing the behavior of people, legal entities, and government (reflecting the spirit of the preamble) as follows:

- 1) Article 9 states that "the state shall ensure the rational use of natural resources and protect rare animals and plants."
- 2) Article 10 prescribes that "all organizations and individuals using land must use it in an appropriate manner."
- 3) Article 26 utters that "the state shall protect and improve living environments and the ecological environment, and prevent and control pollution and other public hazards. The state shall organize and encourage afforestation and protect forests."²⁴

Article 89 is a mandatory norm for the functions and powers of the State Council in the form of positive enumeration. It is the specific form in the state institutions of the state's obligation of "ecological civilization development" in the preamble of the Constitution, stating the duty in "(6) directing and managing economic work, urban and rural development and ecological conservation."²⁵

This vision is reflected in the *Vision and Actions on Jointly Building Silk Road Economic Belt and 21st Century Maritime Silk Road*:

The Initiative is harmonious and inclusive. It advocates tolerance among civilizations, respects the paths and modes of development chosen by different countries, and supports dialogues among different civilizations on the principles of

²³ In <http://www.npc.gov.cn/englishnpc/constitution2019/201911/1f65146fb6104dd3a2793875d19b5b29.shtml>. Last access: October 5, 2024.

²⁴ In <http://www.npc.gov.cn/englishnpc/constitution2019/201911/1f65146fb6104dd3a2793875d19b5b29.shtml>. Last access: October 5, 2024.

²⁵ In <http://www.npc.gov.cn/englishnpc/constitution2019/201911/1f65146fb6104dd3a2793875d19b5b29.shtml>. Last access: October 5, 2024.

seeking common ground while shelving differences and drawing on each other's strengths, so that all countries can coexist in peace for common prosperity.²⁶

In addition, the recent white paper *China's International Development Cooperation in the New Era* presents the most updated vision in the future of the countries' action regarding development initiatives that incorporate the ideational factors we have been discussing in the context of the BRI.²⁷ As the document poses:

The Silk Road Economic Belt and the 21st Century Maritime Silk Road are significant public goods China offers to the whole world and a major platform for international development cooperation. China has joined hands with other countries to promote policy, infrastructure, trade, financial and people-to-people connectivity, to build the Belt and Road into a path towards peace, prosperity, opening up, innovation, green development, cultural exchanges, and clean government.

In order to adapt to the ecological demands in the global arena, China has incorporated the notion of Green BRI, which refers to a set of guidelines and principles aimed at making the BRI more environmentally sustainable.²⁸ The idea of the Green BRI was first introduced by China's President Xi Jinping in 2017,²⁹ and it is permeated by the pursuit of building an ecological civilization that goes beyond the sustainable use of natural resources to close the gap existing between humankind and nature, as stated by Weins et al. (2023: 4):

Eco-civilization is thus unique as a *global* environmental discourse because it is presented as a largely non-Western response to the global environmental crisis [...] placing China in a leading role in navigating global issues such as climate change [...] starting to reach far beyond the borders of China. This is the first time that a deliberately non-Western environmental discourse is making its way to the global level.

²⁶ State Council. "Vision and Actions on Jointly Building Silk Road Economic Belt and 21st-Century Maritime Silk Road," 2015. https://www.fmprc.gov.cn/eng/topics_665678/2015zt/xjpcxbayzlt2015mh/201503/t20150328_705553.html. Last access: October 5, 2024.

²⁷ The full text can be downloaded from http://english.www.gov.cn/archive/whitepaper/202101/10/content_WS5ffa6bbbc6d0f72576943922.html. Last access: October 5, 2024.

²⁸ Conservation International. 2022. "Green Belt and Road Initiative and Policy Advocacy." 2022. <https://www.conservation.org/china/projects/green-belt-and-road>. Last access: October 5, 2024.

²⁹ Conservation International. 2022. "Green Belt and Road Initiative and Policy Advocacy." 2022. <https://www.conservation.org/china/projects/green-belt-and-road>. Last access: October 5, 2024.

The Green BRI promotes sustainable development by encouraging projects prioritizing environmental protection, energy efficiency, and clean energy sources. It also emphasizes the importance of social and economic sustainability, including poverty reduction and community development; thus, principles, goals, policies, and mechanisms are incorporated into the BRI framework.³⁰

Also, the *Guidelines for Ecological Environmental Protection of Foreign Investment and Cooperation Construction Projects* issued by the Ministry of Commerce and the Ministry of Ecology and Environment, which presents guidelines for foreign investments that reflect the internal pressure by the central government to accommodate the new development model that considers higher environmental protection standards.³¹ In addition, the *Guidance on Promoting Green Belt and Road* entered into force to ensure that all involved actors “[...] share the ecological civilization philosophy and achieve sustainable development ... is an essential effort to participate in global environmental governance and promote green development.”³²

According to the findings in the *China Belt and Road Initiative (BRI) Investment Report 2022*, the implementation of the Chinese greener vision is in progress: 1) no investment in coal projects in 2022 (same as 2021); 2) 50% increase in green energy engagement (solar, wind, and hydro); and 3) major beneficiary countries for the investments in 2022 were Global South countries.³³ This trend has continued to a point in which “China’s energy related engagement in 2023 were the greenest in absolute and relative terms in any period since the BRI’s inception reaching USD7.9 billion.”³⁴

These activities have greatly enriched China's experience in participating in global environmental protection. After entering the 21st century, with the rapid increase of China's comprehensive national strength, especially in the economic dimension, China is no longer an

³⁰ Ministry of Ecology and Environment. 2017. “Guidance on Promoting Green Belt and Road.” 2017. https://english.mee.gov.cn/Resources/Policies/policies/Frameworkp1/201706/t20170628_416864.shtml. Last access: October 5, 2024.

³¹ In <https://asiasociety.org/policy-institute/navigating-belt-road-initiative-toolkit/laws/chinese/guidelines-ecological-environmental-protection-foreign-investment-cooperation-and-construction>. Last access: October 5, 2024.

³² In <https://asiasociety.org/policy-institute/navigating-belt-road-initiative-toolkit/laws/chinese/guidance-promoting-green-belt-and-road>. Last access: October 5, 2024.

³³ In <https://www.bu.edu/gdp/2023/09/18/promoting-sustainable-development-the-role-of-innovative-financing-mechanism/>. Last access: October 5, 2024.

³⁴ In <https://greenfdc.org/china-belt-and-road-initiative-bri-investment-report-2023/>. Last access: October 5, 2024.

"outsider" in international environmental affairs and has gradually become a deep participant and promoter of global environmental governance (Freeman, 2020).

In this context of China's growing influence in the global arena related to environmental protection, the CSFM meets with the international environmental rule of law. The push for the adoption of CSFM is not a subversion of the existing international environmental law and order or a revisionist positioning of China, as some point out, but an alternative perspective that goes beyond the national interest standard to promote the continuous evolution of the international environmental rule of law in a more just and reasonable direction under a civilizational approach (Coenen et al., 2021; Hansen et al., 2018). However, the question remains: how can the CSFM be incorporated into international environmental law to achieve a more robust and just international rule of law for protecting the environment?

3.2. INCORPORATING THE CSFM TO THE INTERNATIONAL ENVIRONMENTAL RULE OF LAW

In today's world, the realization of the international environmental rule of law faces multiple obstacles due to the ontological difference between the transnational ecological phenomenon and the limitations imposed by the state's sovereign power. As I argue in other writings:

Although there is a massive consensus concerning the importance of preserving and protecting the environment for the present and future generations, its epistemology and ontology are relegated to a second tier of concern due to the fact that political rhetoric of fear is introduced as the natural justification for states to apply extreme measures as pleased. (Castro, 2017: 169).

The contribution of the CSFM to the international environmental rule of law goes beyond providing a specific system or new regulations to present alternative guidance for environmental policy and decision-making processes at the level of values and methodology. The development of international law has been remarkable (if considered other branches of international law) by incorporating into the making-law process, which is predominantly political, scientific knowledge, and civil society participation through NGOs (Davies, 2014).³⁵ As such, the objective formulated in

³⁵ For instance, the CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora). It was written following a resolution passed in 1963 during a meeting of IUCN (The World Conservation Union) members. The Convention's wording was ultimately ratified during a meeting of representatives from 80 nations in Washington,

this paper is to present the CSFM as an ontological and epistemological lens through which the principles of international environmental law become more robust by incorporating the Chinese ontological and epistemological stances of environmental protection, thus, making international environmental law more equitable and participative (Alam et al., 2015).³⁶ The incorporation of the Chinese vision through the CSFM can happen at two levels considering the increasing positioning of China in global environmental governance: shaping the principles of international environmental law and dispute resolution.

3.2.1. The CSFM and the principles of international environmental law

The basic principles of international environmental law are based on the principles of international law and the state of the international environment and reflect the general theories of international law and the reality of the international environment. For international environmental law that lacks authoritative legislative bodies and core legal documents, basic principles are the foundation for creating and developing modern environmental governance mechanisms (Sands et al., 2018). Although many international agreements have been signed and ratified by countries (and constitute the most important source of international law according to article 38 of the Statute of the International Court of Justice),³⁷ principles are critical for shaping their behavior, especially considering their preference for adopting resolutions and other soft law instruments (Nasser, 2006).

For instance, national environmental sovereignty, sustainable development, common but differentiated responsibilities, risk prevention, a duty not to cause harm, and international environmental cooperation, among other principles, are the essence of making international environmental law and sustaining the rule of law in this regard. Let us take the first two as a presentative stance of analysis regarding the incorporation of CSFM to them.

D.C., on 3 March 1973, and CITES came into effect on 1 July 1975. See <https://cites.org/eng/disc/text.php>. Last access: October 5, 2024.

³⁶ In this regard we agree with Mutua (2000: 31) in the sense that the “[...] regime of international law is illegitimate. It is a predatory system that legitimizes, reproduces and sustains the plunder and subordination of the Third World by the West. Neither universality nor its promise of global order and stability make international law a just, equitable, and legitimate code of global governance for the Third World. The construction and universalization of international law were essential to the imperial expansion that subordinated non-European peoples and societies to European conquest and domination. Historically, the Third World has generally viewed international law as a regime and discourse of domination and subordination, not resistance and liberation.”

³⁷ For an inventory of treaties in international environmental law see: <https://www.iea.ulaval.ca/en/agreements>. Last access: October 5, 2024.

Permanent sovereignty over natural resources within the country is the starting point for dealing with all international issues and is the prerequisite and basis for a country to participate in international activities.³⁸ However, absolute sovereignty might not excuse a country from refusing to undertake its environmental obligations. In this sense, Article 21 of the *Declaration of the United Nations Conference on the Human Environment* in 1972 stated that “States have the responsibility to ensure that all activities under their jurisdiction or control do not cause damage to the environment of other countries or areas beyond their national jurisdiction.”³⁹ In other words, it advocates reasonable restrictions on the principle of sovereignty as severe harms to the environment by nature are transboundary (direct or indirect) and, thus, able to generate various degrees of environmental insecurity that could compromise stability and peace (Hough, 2021).

When we turn our attention to the CSFM and its relation with the sovereignty principle applied to ecological governance, it becomes clear that a country must not harm the interests of other peoples while pursuing the interests of its people and take into account the reasonable concerns of other countries when pursuing its interests; while focusing on the global justice of all mankind, it challenges the absolute sovereignty of the country (Marcelli, 2019).

As President Xi Jinping exposed, the CSFM is a comprehensive concept that deals with the complexities of social and natural world interactions, emphasizing that it includes aspects of partnership, security architecture, economic development, cultural exchanges, and ecological systems.⁴⁰ In that regard, looking into the sovereignty over natural resources and the duty not to cause harm through the lens of these five indicators of CSFM increases the understanding of the process of using natural resources and how to regulate it correctly according to the different expectations and degrees of development of each country, which has the potential to increase the regulatory efficiency of the international environmental law, and by consequence, the rule of law. As presented by Hui (2019: 200):

³⁸ See the United Nations resolution 1803(XVII) of 1962: <https://www.ohchr.org/en/instruments-mechanisms/instruments/general-assembly-resolution-1803-xvii-14-december-1962-permanent>. Last access: October 5, 2024.

³⁹ In <https://legal.un.org/avl/ha/dunche/dunche.html>. Last access: October 5, 2024.

⁴⁰ In https://www.mfa.gov.cn/eng/zy/jj/2015zt/xjpdmgjxgsfwbxclhgl70znlfh/202406/t20240606_11381584.html. Last access: October 5, 2024.

As an idea, the community of shared future for mankind is inspiring. Against the general background of the current reform of the international system, China is actively becoming integrated into the international system and is becoming a responsible world power. China takes the idea of a community of shared future for mankind as an important contribution in its participation in the reform of the global governance system. China actively appreciates, advocates and promotes the protection and realization of common international values and interests; observes international law and promotes its development; seeks to win the commanding heights of morality and discourse rights under international law; and aims to build a clean and beautiful world that enjoys lasting peace, universal security, common prosperity, and openness and inclusiveness.

The principle of sustainable development has been widely recognized and accepted by the international community, which I argue has reached the status of *jus cogens*.⁴¹

The dimensions of time and space, justice, and benefit for all contained in the community of human destiny are highly compatible with the connotation of sustainable development (Xiaochun, 2018).

As I pointed out elsewhere, the concept of sustainable development is ambiguous, and it is contingent on the interpretation disputes between Global North and South, permeated by

[...] the dominance of business interests in shaping sustainable development agendas may perpetuate inequalities and marginalize the voices and perspectives of marginalized communities, particularly in developing countries. Therefore, it is crucial to incorporate diverse perspectives and ensure that equity, social justice, and inclusivity principles are central to sustainable development policies and practices (de Castro & Yu, 2023: 16).

As we indicated above, one of the pillars of the CSFM is development, which is at the core of sustainable development; however, it is embedded with the business-as-usual development ontology that leads us to the ecological crisis we live in today. One of the alternatives for this model is proposed by Hickel (2021: 1) called degrowth that

⁴¹ According to Article 53 of the Vienna Convention on the Law of Treaties (1969), *jus cogens* is a peremptory and general norm of international law: “A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. For the purposes of the present Convention, a peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character.” See https://treaties.un.org/pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XXIII-1&chapter=23&Temp=mtdsg3&clang=en#EndDec. Last access: October 5, 2024.

[...] calls for rich nations to scale down throughput to sustainable levels, reducing aggregate energy use to enable a sufficiently rapid transition to renewables, and reducing aggregate resource use to reverse ecological breakdown...Degrowth is, in other words, a demand for decolonization. Southern countries should be free to organize their resources and labor around meeting human needs rather than around servicing Northern growth.

The other option is to combine the decolonial rationale of degrowth with the CSFMA to reach a consistent interpretation of sustainable development and reduce differences between countries in their pursuit of development according to their expectations (Chimni, 2017). It places the focus of sustainable development is to coordinate the relationship between economic development and environmental protection and the sustainability of the global natural ecosystem, emphasizing the significance and value of sustainable development based on natural conditions for each country and region.

China's incorporation of high-quality development significantly contributes to the understanding of sustainable development and connects with degrowth theory. High-quality development is a strategic idea proposed by China as an essential component of its economic modernization and transformation initiatives. It arose during the 19th and 20th Party Congresses⁴² as a response to the acknowledgment that the nation's prior paradigm of accelerated expansion, which depended significantly on substantial investment, resource consumption, and export-oriented industry, was no longer viable. The transition to high-quality development prioritizes sustainable growth that is balanced, environmentally sustainable, innovation-oriented, and inclusive.

This strategy corresponds with China's long-term objectives of mitigating environmental degradation, fostering technological innovation, enhancing social welfare, and narrowing income disparities. High-quality development emphasizes enhancing the efficiency and quality of economic production over simply augmenting its quantity. It also incorporates essential policy frameworks, such as the "dual circulation" strategy, which emphasizes augmenting domestic consumption and improving global competitiveness.⁴³ China's high-quality development model embodies its

⁴² In http://english.www.gov.cn/news/top_news/2017/10/24/content_281475919786014.htm, and <https://www.csis.org/analysis/unpacking-20th-party-congress>. Last access: October 5, 2024.

⁴³ In <https://euobserver.com/eu-and-the-world/ard959f28c>. Last access: October 5, 2024.

aspirations to shift from an industrial economy to one that prioritizes innovation, advanced technology, and sustainability, while promoting equitable growth across all regions and societal sectors:

High-quality development means a change from merely seeking growth to seeking better growth and seeking quality over quantity. In Xi's view, high-quality development can meet people's ever-growing desire for a better life. It reflects the new development philosophy featuring innovative, coordinated, green, open and shared development. High-quality development means shifting the growth model from crude to intensive, with a focus on innovation. It will no longer be mainly driven by traditional factors such as labor, capital and land but by new innovative factors such as information technology, big data and artificial intelligence. High-quality development aims to achieve greater efficiency, equity, sustainability and security.⁴⁴

As defined by President Xi Jinping at the Central Economic Work Conference in 2021, China “[...] enter into a new stage of development, China’s internal and external environment for development has undergone profound changes, and there are many new major problems that need to be correctly understood and grasped.” In this pronouncement, the president indicated that understanding the imperatives of development needs to take into consideration 1) correctly understand and grasp the strategic goals and practical ways to *achieve common prosperity*; 2) correctly understand and grasp the characteristics and behavioral laws of capital; 3) correctly understand and grasp the supply guarantee of primary products; 4) correctly understand and grasp the *prevention and resolution of major risks*; and 5) *correct understanding and grasp of carbon neutralization*.⁴⁵

3.2.2. Environmental dispute Settlement under CSFM

According to the *Global Atlas of Environmental Justice Report*, 4.182 cases involve environmental disputes at national and transnational levels, thus becoming a factor of instability in

⁴⁴ In https://subsites.chinadaily.com.cn/Qiushi/2024-03/18/c_971711.htm. Last access: October 5, 2024.

⁴⁵ In <https://interpret.csis.org/translations/the-correct-understanding-of-major-theoretical-and-practical-problems-of-chinas-development/>. Last access: October 5, 2024.

the international community.⁴⁶ The Global Climate Litigation Report: 2023 Status Review points out 2.180 climate-related cases across 65 jurisdictions (international, regional, and national levels).⁴⁷ The cases related to the nexus trade-environment are adjudicated in the WTO's dispute settlement system, which amounts to eight cases so far.⁴⁸ Environmental issues related to the utilization of the sea are being adjudicated by the International Tribunal for the Law of the Sea, including climate change.⁴⁹ The European Court of Human Rights has in its dockets more than 300 cases related to human rights and the protection of the environment.⁵⁰ Upon these examples, Stephens (2009: 21) confirms the trend:

Adjudication was used very rarely during the early development of international environmental law, with states preferring other mechanisms for resolving disputes over natural resources or transboundary pollution. This situation has changed substantially in recent decades and environmental matters are now routinely litigated in a growing array of international courts and tribunals.

As much as the cases reaching international tribunals are considered modes of peaceful resolution of conflicts, some issues regarding this venue are crucial for its effectiveness *vis-a-vis* the damages to the environment that need to be addressed as quick as possible. First, the national interest dimension is the wild card that can be played as even if states are part of the court's system they can refuse to comply with the decision. Second, as observed in the inventory of cases that we made in the first paragraph of this part, the fragmentation is an obstacle to effectiveness of the decisions as environmental issues are usually mingled with others, including national security topics, which justify states to refuse jurisdiction. Third, as occurs in damages to the environment, after the fact punishment usually does not bring the ecosystems to the *status quo ante*, thus, making precautionary and preventive measures more efficient (Boyle, 2006).

Therefore, it is imperative that in the face of the principles of risk prevention and effectiveness of

⁴⁶ In <https://ejatlas.org/>. Last access: October 5, 2024.

⁴⁷ In <https://www.unep.org/resources/report/global-climate-litigation-report-2023-status-review>. Last access: October 5, 2024.

⁴⁸ In https://www.wto.org/english/tratop_e/envir_e/edis00_e.htm. Last access: October 5, 2024.

⁴⁹ In <https://www.itlos.org/en/main/cases/list-of-cases/>. Last access: October 5, 2024.

⁵⁰ In https://www.echr.coe.int/documents/d/echr/FS_Environment_ENG. Last access: October 5, 2024.

dispute resolution in environmental protection, dispute avoidance mechanisms be developed and established, as well as an *ex-ante* dispute avoidance mechanism and *ex-post* dispute settlement mechanism. This approach has the potential to minimize the occurrence of international environmental disputes, which is in the common interest of mankind.

As such, the CSFM approach refuses unilateralism regarding the utilization of natural resources by one country that might cause harm (even diffuse harm) to others. As pointed out by Gao (2023: s.d.):

The CCP has combined the basic principles of Marxism with China's specific conditions and excellent traditional Chinese culture, forming a series of significant theoretical achievements that guide Chinese people of all ethnic groups to create a harmonious development of material, political, spiritual, social, and ecological civilizations, providing valuable experience and helpful reference for the revitalization of other countries' civilizations...Unlike some Western scholars and politicians who vigorously promote the theory of civilizational conflict in international society, the Chinese people deeply recognize the differences between their own civilization and other civilizations and are committed to promoting a broader and higher level of civilizational dialogue, striving to transcend civilizational conflicts through mutual learning.

In addition, an important source within the CSFM's toolbox is the *Five Principles of Peaceful Coexistence* as emerged in the Panchsheel Treaty (1954) signed by China and India, which contributed to the development of international law and diplomacy by enacting.⁵¹ These principles aimed to promote amicable relations and harmonious cohabitation among the nations, especially during a period characterized by Cold War tensions and aspirations of Global South countries for independence from colonial powers.

The *Five Principles of Peaceful Coexistence* are:

1. Mutual respect for territorial integrity and sovereignty.
2. Mutual non-aggression.
3. Mutual non-interference in internal affairs.
4. Equality and mutual benefit.
5. Peaceful co-existence.

⁵¹ In <http://www.commonlii.org/in/other/treaties/INTSer/1954/5.html>. Last access: October 5, 2024.

The *Five Principles* guidance becomes a stronghold in a contemporary world characterized by growing disorderly behaviors and “changes unseen in a century.”⁵² To that end, incorporating the *Five Principles* into global environment governance provides solid and stable normative and prescriptive stances, while Western approaches to development and environment protection, mainly as they emerged after the Second World War, decline in many aspects.

4. CONCLUSION

The concept of CSFM plays a pivotal role in shaping a new framework for international cooperation and governance, particularly in environmental protection. The international community faces unprecedented challenges as climate change and other non-traditional security threats escalate. Through the CSFM, China proposes an alternative vision, grounded in its philosophical traditions and modern diplomatic strategies that fosters mutual respect, cooperation, and sustainable development. This vision aims to transcend the limitations of the traditional international system, which often prioritizes national interests and zero-sum games, in favor of a more equitable and inclusive global order.

China’s growing engagement in international environmental law reflects its commitment to integrating these values into global governance. By participating in key international environmental agreements and institutions, China not only addresses its domestic environmental challenges but also contributes to shaping the future of global environmental governance. Through the BRI (that later became the Green BRI), the Global Development Initiative, the Global Security Initiative, and the Global Civilization Initiative, and the incorporation of the ecological dimension into its development strategies, China is positioning itself as a leader in the promotion of sustainable development and environmental protection.

The CSFM’s emphasis on collective security, development, and environmental sustainability aligns closely with key principles of international environmental law, such as sustainable development and the duty not to cause transboundary harm. By incorporating CSFM into the international legal framework, these principles can be strengthened to create a more just and

⁵² “China now finds itself in the best period for development it has seen since the advent of the modern era; [simultaneously], the world faces great changes unseen in a century. These two [trends] are interwoven, advancing in lockstep; each stimulates the other. Now, and in the years to come, many advantageous international conditions exist for success in foreign affairs.” In <http://www.cnfocus.com/key-concept-changes-unseen-in-a-century/>. Last Access: October 22, 2024.

participative global rule of law that addresses the complex and interconnected challenges of the 21st century.

Moreover, China's concept of high-quality development—prioritizing sustainability, innovation, and inclusiveness—resonates with global efforts to reimagine growth and development in an era of ecological crisis. This approach reinforces the need for international law to evolve in a way that harmonizes economic, environmental, and social objectives, ensuring that environmental governance is effective and equitable across different regions and developmental contexts.

In conclusion, integrating the CSFM into international environmental governance presents a valuable opportunity to enhance the rule of law in addressing global ecological challenges. It calls for a shift in perspective, moving away from unilateralism and toward collaborative, inclusive, and sustainable approaches that reflect the shared destiny of humanity. Through this lens, the rule of law in global environmental governance can evolve better to meet the needs of both present and future generations, guided by principles of cooperation, mutual benefit, and ecological civilization.

5. REFERENCES

- Alam, S., Atapattu, S., Gonzalez, C. G., & Razzaque, J. (Eds.). (2015). *International Environmental Law and the Global South*. Cambridge University Press.
- Anghie, A. (2007). *Imperialism, Sovereignty and the Making of International Law* (1 edition). Cambridge University Press.
- Barnett, J. (2009). Environmental Security. In R. Kitchin & N. Thrift (Eds.), *International Encyclopedia of Human Geography* (pp. 553–557). Elsevier. <https://doi.org/10.1016/B978-008044910-4.00774-4>
- Bodansky, D. (2011). *The Art and Craft of International Environmental Law* (Reprint edition). Harvard University Press.
- Boucher, S. (2018). Stances and Epistemology: Values, Pragmatics, and Rationality. *Metaphilosophy*, 49(4), 521–547. <https://doi.org/10.1111/meta.12317>
- Boyle, A. E. (2006). Globalising environmental liability: The interplay of national and international law. In G. Winter (Ed.), *Multilevel Governance of Global Environmental Change: Perspectives from Science, Sociology and the Law* (pp. 559–586). Cambridge University Press. <https://doi.org/10.1017/CBO9780511720888.024>
- Carson, Rachel, Linda Lear, and Edward O. Wilson. 2002. *Silent Spring*. Anniversary edition. Mariner Books Classics.
- Castro, D. (2017). The Colonial Aspects of International Environmental Law: Treaties as Promoters of Continuous Structural Violence. *Groningen Journal of International Law*, 5, 168–190. <https://doi.org/10.21827/5a6af9c46c2ff>

- Castro, D. (2024). *The Implications of Chinese Investment on Latin America's Energy Transition*. Associação de Estudos Brasileiros Em Macau. <http://aebm.mo/en/list-38/207>
- Castro, D., & Denny, D. M. T. (2020). Economic Relationship between Brazil and China: An Empirical Assessment Using Sentiment and Content Analysis. *Beijing Law Review*, 11(1), Article 1. <https://doi.org/10.4236/blr.2020.111016>
- Castro, D., & Zhang, S. (2022). ECOLOGICAL CIVILIZATION AND BELT ROAD INITIATIVE: A CASE STUDY Civilização ecológica e iniciativa do cinturão e rota: um estudo de caso. *Cadernos Do CEAS Revista Crítica de Humanidades*, 47, 218–239. <https://doi.org/10.25247/2447-861X.2022.n255.p218-239>
- Chimni, B. S. (2017). *International Law and World Order: A Critique of Contemporary Approaches* (2nd ed.). Cambridge University Press. <https://doi.org/10.1017/9781107588196>
- Coenen, J., Bager, S., Meyfroidt, P., Newig, J., & Challies, E. (2021). Environmental Governance of China's Belt and Road Initiative. *Environmental Policy and Governance*, 31(1), 3–17. <https://doi.org/10.1002/eet.1901>
- Coicaud, J.-M., & Wheeler, N. J. (Eds.). (2008). *National Interest and International Solidarity: Particular and Universal Ethics in International Life*. United Nations University Press.
- Copeland, B. R. (2013). Trade and the Environment. In D. Bernhofen, R. Falvey, D. Greenaway, & U. Kreickemeier (Eds.), *Palgrave Handbook of International Trade* (pp. 423–496). Palgrave Macmillan UK. https://doi.org/10.1007/978-0-230-30531-1_15
- Cozier, M. (2017). The US withdrawal from the Paris Agreement: A global perspective. *Greenhouse Gases: Science and Technology*, 7(5), 774–777. <https://doi.org/10.1002/ghg.1736>
- Davies, T. (2014). *NGOs: A New History of Transnational Civil Society* (1 edition). Oxford University Press.
- de Castro, D., & Yu, Z. (2023). Unpacking the interplay of class, production, and sustainable development in international environmental law through the lens of Evgeny Pashukanis' commodity theory. *Cogent Social Sciences*, 9(1), 2238457. <https://doi.org/10.1080/23311886.2023.2238457>
- De Conti, Bruno, and Petr Mozias. “‘BELT AND ROAD INITIATIVE’: CHALLENGES AND OPPORTUNITIES FOR CHINA AND FOR THE WORLD.” *AUSTRAL: Brazilian Journal of Strategy & International Relations* 9 (July 7, 2020). <https://doi.org/10.22456/2238-6912.96646>.
- Ding, J., & Cheng, H. (2017). China's Proposition to Build a Community of Shared Future for Mankind and the Middle East Governance. *Asian Journal of Middle Eastern and Islamic Studies*. <https://www.tandfonline.com/doi/abs/10.1080/25765949.2017.12023314>
- Eslava, Luis, Michael Fakhri, and Vasuki Nesiah, eds. 2017. *Bandung, Global History, and International Law: Critical Pasts and Pending Futures*. New York: Cambridge University Press.
- Freeman, C. P. (2020). An Uncommon Approach to the Global Commons: Interpreting China's Divergent Positions on Maritime and Outer Space Governance. *China Quarterly*, 2020, 1.
- Gao, X. (2023). Unveiling the Laws of the Rise and Fall of Civilizations, and Mapping the Path of Civilizational Development—The Theoretical Implications and Practical Value of the Global Civilization Initiative. *Interpret: China*. <https://interpret.csis.org/translations/unveiling-the-laws-of-the-rise-and-fall-of-civilizations-and-mapping-the-path-of-civilizational-development-the-theoretical-implications-and-practical-value-of-the-global-civilization-initiat/>
- Garver, G. (2013). The Rule of Ecological Law: The Legal Complement to Degrowth Economics. *Sustainability*, 5(1), Article 1. <https://doi.org/10.3390/su5010316>
- Hansen, M. H., Li, H., & Svarverud, R. (2018). Ecological civilization: Interpreting the Chinese past, projecting the global future. *Global Environmental Change*, 53, 195–203. <https://doi.org/10.1016/j.gloenvcha.2018.09.014>

- He, G., Lu, Y., Mol, A. P. J., & Beckers, T. (2012). Changes and challenges: China's environmental management in transition. *Environmental Development*, 3, 25–38. <https://doi.org/10.1016/j.envdev.2012.05.005>
- Heggelund, G., & Backer, E. B. (2007). China and UN environmental policy: Institutional growth, learning and implementation. *International Environmental Agreements: Politics, Law and Economics*, 7(4), 415–438. <https://doi.org/10.1007/s10784-007-9053-3>
- Hickel, J., & Slamersak, A. (2022). Existing climate mitigation scenarios perpetuate colonial inequalities. *The Lancet Planetary Health*, 6(7), e628–e631. [https://doi.org/10.1016/S2542-5196\(22\)00092-4](https://doi.org/10.1016/S2542-5196(22)00092-4)
- Hough, P. (2021). *Environmental Security: An Introduction* (2nd edition). Routledge.
- Hovi, J., Sprinz, D., & Underdal, A. (2009). Implementing Long-Term Climate Policy: Time Inconsistency, Domestic Politics, International Anarchy. *Global Environmental Politics*, 9, 20–39. <https://doi.org/10.1162/glep.2009.9.3.20>
- Hui, Z. (2019). A Community of Shared Future for Mankind—The Contemporary Development of the Social Foundations Theory of International Law*. *Social Sciences in China*. <https://www.tandfonline.com/doi/abs/10.1080/02529203.2019.1556489>
- Jinping, X. (2015). *Xi Jinping: The Governance of China*: Shanghai Press.
- Johns, L. (2022). *Politics and International Law: Making, Breaking, and Upholding Global Rules* (New edition). Cambridge University Press.
- Keohane, R. O., & Jr, J. S. N. (2011). *Power & Interdependence* (4 edition). Pearson.
- Koskenniemi, M. (2004). *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960*. Cambridge University Press.
- Krasner, S. D. (1983). *International Regimes*. Cornell University Press.
- Krasner, S. D. (1999). *Sovereignty – Organized Hypocrisy*. Princeton University Press.
- Krieger, H., Nolte, G., & Zimmermann, A. (Eds.). (2019). *The International Rule of Law: Rise or Decline?* Oxford University Press.
- Liu, N., Yasin, M. A. I., Alsagoff, S. A., Ng, C. F., & Li, M. (2023). A Community of Shared Future for Mankind: A study on the news discourse of environmental cooperation in countries along the Belt and Road Initiative. *PLOS ONE*, 18(10), e0293296. <https://doi.org/10.1371/journal.pone.0293296>
- Marcelli, F. (2019). *A Shared Future of Mankind: A New Concept and its Paramount Pedagogical Importance*. 9–15. <https://doi.org/10.2991/icpcs-19.2019.2>
- McCarthy, N., Winters, P., Linares, A. M., & Essam, T. (2012). *Indicators to Assess the Effectiveness of Climate Change Projects*. <https://publications.iadb.org/publications/english/document/Indicators-to-Assess-the-Effectiveness-of-Climate-Change-Projects.pdf>
- McCorquodale, R. (2016). Defining the International Rule of Law: Defying Gravity? *The International and Comparative Law Quarterly*, 65(2), 277–304.
- Mertz, O., Halsnæs, K., Olesen, J. E., & Rasmussen, K. (2009). Adaptation to Climate Change in Developing Countries. *Environmental Management*, 43(5), 743–752. <https://doi.org/10.1007/s00267-008-9259-3>
- Mutua, M. (2000). What Is TWAIL? *Proceedings of the ASIL Annual Meeting*, 94, 31–38. <https://doi.org/10.1017/S0272503700054896>
- Nasser, S. H. (2006). *Fontes e Normas do Direito Internacional. Um Estudo Sobre a Soft Law*. Atlas.

- Peel, J., & Osofsky, H. M. (2020). Climate Change Litigation. *Annual Review of Law and Social Science*, 16(1), 21–38. <https://doi.org/10.1146/annurev-lawsocsci-022420-122936>
- Putnam, R. D. (1988). Diplomacy and Domestic Politics: The Logic of Two-Level Games. *International Organization*, 42(3), 427–460.
- Randers, J. (2012). *2052: A Global Forecast for the Next Forty Years* (Illustrated edition). Chelsea Green Publishing.
- Sands, P., Peel, P. J., Fabra, A., & MacKenzie, R. (2018). *Principles of International Environmental Law* (4th Revised ed. edição). Cambridge University Press.
- Shapiro, J. (2016). *China's Environmental Challenges* (2nd edition). Polity.
- Soft Law Governance: Towards an Integrated Approach*. (2013). William S. Hein & Co., Inc.
- Stephens, T. (2009). *International Courts and Environmental Protection* (1st edition). Cambridge University Press.
- Suzman, Mark. 2023. “The Roots of the Global South’s New Resentment.” *Foreign Affairs*, September 8, 2023. <https://www.foreignaffairs.com/africa/roots-global-souths-new-resentment>.
- UNEP. (2017). *Environmental Rule of Law*. UNEP - UN Environment Programme. <http://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/promoting-environmental-rule-law-0>
- Xi, Jinping. *The Governance of China*. 2nd edition. Beijing: Foreign Languages Press, 2018
- Wei, F., Cui, S., Liu, N., Chang, J., Ping, X., Ma, T., Xu, J., Swaisgood, R. R., & Locke, H. (2021). Ecological civilization: China’s effort to build a shared future for all life on Earth. *National Science Review*, 8(7), nwaa279. <https://doi.org/10.1093/nsr/nwaa279>
- Xiaochun, Z. (2018). In Pursuit of a Community of Shared Future: China’s Global Activism in Perspective. *China Quarterly of International Strategic Studies*, 04(01), 23–37. <https://doi.org/10.1142/S237740018500082>
- Yang, S. (2023). Growing Apart: China and India at the Kigali Amendment to the Montreal Protocol. *Global Environmental Politics*, 23(2), 74–101. https://doi.org/10.1162/glep_a_00698
- Young, P. O. R. (1989). *International Cooperation: Building Regimes for Natural Resources and the Environment*. Cornell University Press.
- Zhang, H.-B., Dai, H.-C., Lai, H.-X., & Wang, W.-T. (2017). U.S. withdrawal from the Paris Agreement: Reasons, impacts, and China’s response. *Advances in Climate Change Research*, 8(4), 220–225. <https://doi.org/10.1016/j.accre.2017.09.002>