

On the Soft Law Governance of Environmental Rights

Protection in the Belt and Road Initiative

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Abstract: *Environmental rights are an important part of General Secretary Xi Jinping's important discourses on respecting and protecting human rights. Soft law has played a significant role in the integrated development of the theories of environmental rights and human rights. At the practical level, the soft law cooperation documents of the Belt and Road Initiative (BRI) have established general principles for the protection of environmental rights, policies for addressing climate change, standards for green investment and financing, and obligations for multinational corporations to protect the environment, making a contribution to the development and protection of environmental rights. In the future process of global environmental governance, it is necessary to start with the BRI's soft law documents to further clarify the specific protection standards for environmental rights and promote the transformation of soft law into binding bilateral or multilateral agreements at the international level. In addition, it is essential to urge governments and enterprises to fulfill their due diligence obligations for environmental protection and strengthen information disclosure by emphasizing public interest responsibilities. Efforts should also be made to improve the environmental compliance systems of "going global" enterprises and enhance government supervision over corporate accountability for environmental rights. A corporate environmental protection accountability mechanism should be established, so as to actively promote global environmental governance in a more just and reasonable direction.*

Keywords: co-construction of the Belt and Road Initiative ♦ environmental rights ♦ human rights ♦ soft law governance ♦ hard law

I. Introduction

At the 76th Session of the United Nations General Assembly in September 2021, Xi Jinping, general secretary of the Communist Party of China (CPC) Central Committee proposed the Global Development Initiative, providing strategic guidance for building a community with a shared future for mankind. The initiative emphasizes the harmonious coexistence between humanity and nature, further highlighting the critical role of environmental rights in global development.¹

Environmental rights are a fundamental right of the rights-holder to enjoy a

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¹ "Taking the Implementation of the Three Major Global Initiatives as a Strategic Guide: Promoting a Bright Future for the World Toward Peace, Security, Prosperity, and Progress," yidaiyilu.gov.cn, accessed May 17, 2024, <https://www.yidaiyilu.gov.cn/p/0HNSCOQD.html>.

sound living environment and rationally utilize environmental resources, constituting a human rights claim grounded in shared values.² Environmental rights represent an integral component of General Secretary Xi Jinping's important discourses on respecting and protecting human rights (hereinafter referred to as the "Important Discourses"). General Secretary Xi Jinping underscores that the principal contradiction in contemporary Chinese society lies between the people's ever-growing needs for a better life and unbalanced and inadequate development, wherein the people's demand for a beautiful eco-environment has become a critical dimension of this contradiction.³ To date, numerous scholars have substantiated the domestic and international legal theoretical foundations for elevating environmental rights to a fundamental human right,⁴ yet few have systematically summarized and analyzed China's concrete practices in advancing the transition of environmental rights into human rights within the international arena. Since its inception in 2013, the co-construction of the Belt and Road Initiative (BRI), as a practice guided by the Important Discourses, has enriched the conceptual dimensions of environmental rights protection. Its cooperative documents provide productive governance frameworks and models for safeguarding environmental rights, thereby practically guiding the implementation of related policies and regulations. China has proactively facilitated establishing the green, low-carbon development cooperation mechanisms under the BRI framework, signing the *Memorandum of Understanding on Building a Green Belt and Road* with the United Nations Environment Programme, and concluding multiple ecological and environmental protection cooperation agreements with relevant countries and international organizations.⁵ These documents — encompassing memoranda, joint statements, and investment guidelines — largely embody the nature of soft law. They propose preliminary principles and standards for protecting environmental rights during BRI implementation, advance the execution of landmark projects and "small yet smart" initiatives that benefit livelihoods, and guide and support governments, enterprises, and other stakeholders in safeguarding environmental rights throughout BRI cooperation. Furthermore, soft law demonstrates efficacy in coordinating multi-party interests and resolving confrontation and conflicts during implementation. Nevertheless, the non-binding nature and generalized content of soft law simultaneously pose substantial challenges to environmental rights governance within the context of BRI co-construction.

This paper centers on the protection of environmental rights as included in the Important Discourses. It summarizes the nature of BRI cooperative documents and

² Wang Yurong, "A Brief Discussion on Environmental Rights as Human Rights," *Law and Social Development* 4 (2023): 113.

³ Xi Jinping, *On Understanding the New Development Stage, Applying the New Development Philosophy, and Creating a New Development Dynamic* (Beijing: Central Party Literature Press, 2021), 253.

⁴ Tian Shiyu, "Environmental Human Rights from the Perspective of Fundamental Rights--Starting from the Dilemma of Legalization of Environmental Rights," *Human Rights* 3 (2018): 121-123; Zhou Ke and Luo Chenyu, "On the 'Incorporation of Environmental Rights into Law': From Human Rights to Human Rights," *Human Rights* 4 (2017): 90; Du Qun and Du Zhongqiu, "The Evolution of Environmental Rights as Human Rights and Its Implication for the Rule of Law — From the Perspective of International Human Rights Law," *Journal of China University of Political Science and Law* 6 (2023): 16.

⁵ "A Better World for All — A Think Tank Report on the Belt and Road Initiative Over the Past Decade from a Human Rights Perspective," Xinhua News Agency, accessed April 27, 2025, <https://www.xinhuanet.com/world/2023-12/07/c-1130013782.htm>.

their contributions to environmental rights protection practices, analyzes challenges confronting these documents in protecting environmental rights, and proposes methods to address such challenges.

II. The Role of Soft Law in the Development and Protection of Environmental Rights

The concept of soft law first emerged in the field of international law. However, whether at the international or domestic level, its definition remains consistent: soft law constitutes social norms whose implementation is not guaranteed by state coercive power but which possess practical efficacy to constrain human conduct.⁶ At the international level, soft law encompasses declarations, guidelines, opinions, and other instruments beyond legally binding documents such as treaties. Domestically, soft law includes normative documents formulated by state organs (excluding administrative regulations and rules), as well as various self-regulatory, mutually binding, and autonomous norms established by social organizations and communities.⁷ In contrast, hard law refers to norms enforced by state coercive power — at the international level, including treaties and binding UN Security Council resolutions; domestically, encompassing laws, administrative regulations, local regulations, departmental rules of the State Council, and local governmental rules.⁸

Soft law and hard law can mutually transform under certain conditions. Soft law gains formal certainty and predictability through transformation into hard law, while hard law enhances its flexibility in addressing volatile and progressive issues through conversion to soft law. If soft law precedes hard law, it may provide contextual frameworks for institutional arrangements for hard law. Soft law principles can be refined into hard law rules, as seen under the principle of sustainable development where robust hard law systems for environmental protection are established. If hard law precedes soft law, the latter may serve as subsequent legislation complementing existing hard law.⁹ By combining their respective natures, leveraging their complementary advantages and facilitating mutual transformation, integrated soft law and hard law frameworks can construct systematic, comprehensive, and effective legal regimes across diverse domains and developmental stages, thereby catalyzing synergistic forces of the rule of law.

Soft law has played a pivotal role in integrating environmental rights theory with human rights theory, which can be elaborated through the following three dimensions. First, the establishment and evolution of environmental rights at the international level have been realized through soft law. Internationally, environmental rights are primarily enshrined in soft law instruments such as general guidelines, exemplified by

⁶ Luo Haocai and Song Gongde, “Taking Soft Law Seriously: A General Theory of Soft Law in the Public Sphere and Its Practice in China,” *China Legal Science* 2 (2006): 4 and 8.

⁷ *Ibid.*, 8.

⁸ *Ibid.*, 4.

⁹ Luo Haocai and Zhou Qiang, “Multidimensional Reflections on Soft Law Research,” *China Legal Science* 5 (2013): 108; Luo Haocai, “The Rise of Public Governance Calls for the Rule of Soft Law,” *procedurallaw.cn*, accessed April 30, 2025, <http://www.procedurallaw.cn/info/1022/3640.html>.

the *Stockholm Declaration* (1972) and the *Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights* (1988).¹⁰ More significantly, given the intrinsic connection between environmental rights and human rights, the normative transition of environmental rights into the human rights framework has been accomplished through soft law. Historically, this evolution manifests in distinct developmental phases: Phase I constituted the formalization of the “environment-human rights” topic, represented by the *Draft Principles on Human Rights and the Environment* (1994), which recognized their interdependence; Phase II involved the institutionalization of environmental dimensions of human rights, marked by the UN Human Rights Council’s explicit affirmation of environmental protection as essential to human rights enjoyment in the *Framework Principles on Human Rights and the Environment* (2018); Phase III demonstrated the codification of environmental human rights through the *Global Pact for the Environment (2018 draft)*, which synthesized civil-political, socio-economic-cultural, and collective rights, embodying the trend of transformation from soft law to hard law; culminating in the universal recognition achieved through UN General Assembly Resolution 76/300 (July 28, 2022) acknowledging the independent human right to a clean environment.¹¹ The independent environmental human rights put forward through soft law can improve and break through the problem that environmental human rights clauses are expressed in vague and general terms, thereby better safeguarding them in judicial and law enforcement processes. In addition, soft law also guides the development of domestic environmental rights legislation. The evolution of environmental rights in a country’s constitution embodies the inherent political binding force and moral power of soft law.¹²

Second, at the domestic level, although environmental rights have not yet received formal recognition in the narrow legal framework of China, certain legal instruments — including hard law such as administrative regulations, administrative rules, and local regulations, along with corresponding soft law like guiding opinions and guidelines — have actively responded to environmental rights through legislative measures.¹³ Regarding the justification of environmental rights, some scholars contend that as rights constructed upon interests rather than will, environmental rights serve as foundational guarantees or preemptive protections for the right to subsistence, constituting entitlements that human beings deserve due to their inherent status as human beings. Recognizing environmental rights as human rights embodies the philosophical concepts of a “community of life for man and

¹⁰ He Zhipeng, “Reflection and Breakthrough in Climate Change Remedies: From the Perspective of Human Rights Law,” *Northern Legal Science* 5 (2021): 112.

¹¹ Du Qun and Du Zhongqiu, “The Evolution of Environmental Rights as Human Rights and Its Implication for the Rule of Law,” *Journal of China University of Political Science and Law* 6 (2023): 24-27; Du Qun and Guo Lei, “The Trend of International Unified Legislation in Global Environmental Governance — An Observation of the Preliminary Draft of *Global Pact for the Environment*,” *Journal of Shanghai University (Social Sciences Edition)* 5 (2018): 1.

¹² He Zhipeng, “How Is International Soft Law Possible: A Perspective from the Environment,” *Contemporary Law Review* 1 (2012): 40.

¹³ Wang Yurong, “A Brief Discussion on Environmental Rights as Human Rights,” *Law and Social Development* 4 (2023): 106.

nature” and “Unity of Heaven and Man” (Tian Ren He Yi).¹⁴ Some scholars further advocate incorporating rights and interests into a hybrid hard law-soft law environmental risk regulation system. Through the value-oriented guidance and interest-transformation functions of soft law, complemented by the normative analytical model of hard law, this approach aims to reconcile conflicting interests and reconstruct the legal relationships central to environmental rights protection.¹⁵

Finally, in the foreseeable future, soft law will continue to play a crucial role in safeguarding environmental rights. Unconstrained by mandatory enforceability, soft law can influence and promote international consensus on relevant issues, thereby even shaping the trajectory of hard law development. Scholars propose that while conventions or regional human rights instruments may still lack explicit articulation of environmental rights, formulating soft law norms specifically addressing environmental and human rights issues remains viable.¹⁶ Moreover, soft law demonstrates unique advantages in human rights protection.¹⁷ As action-oriented initiatives and programmatic frameworks for regional cooperation, the BRI cooperative documents manifest interstate consensus on environmental protection and shared recognition of the environment’s critical role in human development. Provisions within these documents concerning interstate or interregional environmental obligations represent significant agreements among diverse actors. Consequently, such cooperative documents furnish foundational references for BRI member states to formulate domestic environmental legislation or legal codes, and to comply with regionally enacted binding hard law instruments.¹⁸

III. The Soft Laws Concerning BRI Co-construction and Their Protection of Environmental Rights

Cooperative documents concerning BRI co-construction encompass both memoranda of understanding signed between China and foreign governments or international organizations, and non-binding normative and policy documents promulgated by China, as well as guidelines, declarations, and directives issued by international organizations and enterprises. These cooperative instruments possess the nature of soft law, enabling the integration of human rights concepts from the Important Discourses into mainstream global human rights governance discourse, thereby shaping international human rights norms that diffuse across the international community to influence and reshape the global human rights discourse system and international normative order on human rights.¹⁹ The white paper *The Belt and Road*

¹⁴ Ibid., 109.

¹⁵ Dong Zheng'ai, “Regulatory Approaches and Paradigm Reconstruction of Environmental Risks — Based on the Dual Structure of Hard Law and Soft Law,” *Modern Law Science* 2 (2023): 124.

¹⁶ He Zhipeng, “Reflection and Breakthrough in Climate Change Remedies: From the Perspective of Human Rights Law,” *Northern Legal Science* 5 (2021): 113.

¹⁷ Zhang Yonghe and Yan Dong, “On the Power of Soft Law — A Study from the Perspective of International Human Rights Conventions,” *The Ideological Front* 3 (2013): 58.

¹⁸ Johanna Aleria P. Lorenzo, “A Path Toward Sustainable Development Along the Belt and Road,” 24 *Journal of International Economic Law* 3 (2021): 601.

¹⁹ Mao Junxiang, “The International Norm Diffusion of Xi Jinping’s Important Discourses on Respecting and

Initiative: A Key Pillar of the Global Community of Shared Future (hereinafter referred to as the “white paper”) indicates that China has worked with participating countries and international organizations to establish a multilevel policy coordination and communication mechanism for aligning development strategies, technological and economic policies, and administration rules and standards. Under this mechanism, plans and measures for regional cooperation have been formulated through joint efforts to facilitate and speed up cooperation.²⁰ Broadly, the BRI cooperation framework encompasses multilateral treaties, bilateral treaties, multi-level regional cooperation mechanisms, and relevant domestic legal systems of participating countries.²¹ While BRI implementation is constrained by legal principles and value norms established in international treaties, no legally binding laws or regulations specifically governing the initiative have been promulgated to date. Domestically issued regulations or guidance documents provide policy directions and overarching frameworks for the BRI; memoranda and other cooperative instruments signed between the Chinese government and host states concretely stipulate mutual consensus and expectations. Additionally, documents formulated by international organizations, professional associations, or international industry peers — including industry regulations, charters, professional standards, transactional practices, guidelines, and public policies — furnish crucial benchmarks for BRI implementation.

A. Categorization of cooperative documents concerning BRI co-construction

Some scholars have attempted to classify agreement types within BRI cooperative documents — such as memoranda of understanding — into primary agreements and secondary agreements.²² Primary agreements refer to non-binding instruments signed between China and other national governments or international organizations concerning the BRI. According to statistics, the majority of cooperative documents signed between China and other countries or international organizations constitute primary agreements.²³ Forms of such agreements include Memoranda of Understanding (MoU), Memoranda of Arrangement (MoA), framework agreements, joint communiques and statements, guiding principles, and consensuses. Among these, documents like framework agreements and MoA generally cover broad issues and aim to establish overarching frameworks, typically addressing China’s priorities or reflecting key concerns of international organizations as signatory parties. Primary agreements span highly diverse fields including environment, infrastructure, industry, trade and investment, inter-regional financial cooperation, and the digital economy.²⁴

Secondary agreements represent project-specific instruments developed under

Protecting Human Rights,” *Legal Forum* 1 (2023): 18.

²⁰ State Council Information Office of the People’s Republic of China, “The Belt and Road Initiative: A Key Pillar of the Global Community of Shared Future” (white paper), accessed May 18, 2024, <http://www.scio.gov.cn/gxzt/dtzt/49518/32678/index.html>.

²¹ Wu Xiaoguo, “The Need for International Soft Law in Constructing the Belt and Road Cooperation Mechanism,” *Journal of Hubei University of Police* 5 (2019): 97.

²² Heng Wang, “The Belt and Road Initiative Agreements: Characteristics, Rationale and Challenges,” 20 *World Trade Review* 3 (2021): 284.

²³ *Ibid.*, 284-285.

²⁴ “Cooperation agreements and MoUs under the Belt and Road Initiative,” accessed May 19, 2024, <https://www.bel-troad-initiative.com/memorandum-of-understanding-belt-and-road-initiative/>.

frameworks established through primary agreements, encompassing implementation agreements for ports, industrial projects, and other initiatives, alongside fundamental financing contracts. Secondary agreements may also involve private entities, as in Public-Private Partnerships. Beyond cooperation agreements, other BRI cooperative documents — including intergovernmental accords, guiding principles, and guidelines — stipulate more concrete implementation standards in environmental protection, energy, finance, and dispute resolution, while demonstrating human rights safeguards through economic development, environmental conservation, and green financing perspectives. Ultimately, the BRI has evolved into a centralized system comprising the aforementioned multi-tiered agreements and cooperative guiding opinions.²⁵

B. The form of cooperative documents concerning BRI co-construction

Cooperative documents concerning BRI co-construction are instruments involving foreign entities signed between China and other countries. Taking BRI memoranda as an example, their clauses explicitly state that such memoranda “merely represent mutual intent to strengthen cooperation and exchanges...”²⁶ without legal binding force, thereby not affecting signatory states’ existing rights and obligations under other treaties or as members of relevant international organizations. Additionally, they stipulate termination upon mutual consent.²⁷ This demonstrates that cooperative documents like memoranda are established through mutual agreement rather than state coercive power, thus aligning with soft law’s nature in international law.

However, China’s BRI cooperative documents exhibit unique characteristics bridging soft law and hard law. On one hand, BRI documents contain constitutive elements analogous to conventions under the *Vienna Convention on the Law of Treaties*.²⁸ Primary agreements specify “quasi-legal obligations or commitments” resembling legal norms, requiring that activities “must be implemented through separate legally binding instruments conforming to relevant provisions,”²⁹ indicating their potential transformation into hard law. On the other hand, most primary agreements share similar frameworks and interconnect with existing soft law instruments and their legal platforms — exemplified by the *China-New Zealand Memorandum of Arrangement on Strengthening Cooperation on the Belt and Road Initiative*³⁰ and the *China-New Zealand Free Trade Agreement*.³¹ Furthermore,

²⁵ Patrick M. Norton, “China’s Belt and Road Initiative: Challenges for Arbitration in Asia,” 13 *University of Pennsylvania Asian Law Review* 2 (2018): 84.

²⁶ “Memorandum of Understanding Between the Government of the People’s Republic of China and the Government of New Zealand on Strengthening Cooperation Under the Belt and Road Initiative.” Article 7, yidaiyilu.gov.cn, accessed May 19, 2024, <https://www.yidaiyilu.gov.cn/wcm.files/upload/CMSydy/gw/201703/201703301124050.pdf>.

²⁷ “Memorandum of Understanding Between the Government of the People’s Republic of China and the Government of the Republic of Poland on Jointly Promoting the Building of the Belt and Road.” Article 7(3), accessed May 19, 2024, <http://treaty.mfa.gov.cn/Treaty/web/detail.jsp?objid=1531877039572>.

²⁸ Johanna Aleria P. Lorenzo, “A Path Toward Sustainable Development Along the Belt and Road,” 24 *Journal of International Economic Law* 3 (2021): 604.

²⁹ “Memorandum of Understanding Between the United Nations Environment Programme and the Ministry of Environmental Protection of the People’s Republic of China on Building a Green Belt and Road.” Article 3.2 (b) (2016), accessed May 19, 2024, <https://wedocs.unep.org/bitstream/handle/20.500.11822/25336/MOU%20-%20Belt%20and%20Road%20Strategy%20-Dec%202016.pdf?sequence=20&isAllowed=y>.

³⁰ “Memorandum of Understanding Between the Government of the People’s Republic of China and the

BRI-related documents enable Chinese financial institutions and multinational corporations to self-regulate, granting them substantial leeway for pursuing and realizing economic goals in foreign jurisdictions. For instance, the 2017 *Belt and Road Ecological and Environmental Cooperation Plan* by the Ministry of Environmental Protection characterizes cooperation as “government guidance, enterprise undertaking, and societal involvement,” assigning primary responsibility to businesses while ensuring markets fulfill due functions.³²

Moreover, BRI documents focus on holistic project lifecycles, demonstrating broader applicability than ordinary soft law by clarifying obligations in interstate economic cooperation while promoting bilateral cooperation. Consequently, some scholars note that unlike traditional soft law, BRI cooperative documents constitute a distinct category of legal instruments in terms of substantive content and normative form.³³ Regardless, they remain consistent with soft law’s general definition.

C. Contributions of cooperative documents concerning BRI co-construction to environmental rights protection

Soft law instruments such as memoranda, guidelines, policies, and guiding opinions primarily regulating BRI co-construction adhere to established international environmental law conventions, including global sustainable development goals and sustainability principles in international legal instruments.³⁴ Simultaneously, as cooperative documents possess greater contextual specificity than ordinary soft law and exhibit a hybrid nature bridging soft and hard law, they enable analysis and assessment of their applicability within environmental human rights protection mechanisms, thereby forming more effective environmental governance and oversight policies than conventional soft law. Overall, these documents contribute to environmental rights protection practices in the following aspects.

1. Establishing generalized principles for environmental rights protection

Through soft law cooperative documents — including guidelines and guiding opinions formulated by governments and enterprises, as well as cooperation agreements signed with other nations — China has established generalized principles governing environmental rights protection within the BRI framework. These documents encompass the *Guidelines for Environmental Protection in Foreign Investment and Cooperation* of 2013, the *Guidance on Promoting Green Belt and Road* of May 2017, the *Green Development Guidelines for Foreign Investment and Cooperation* of July 2021, and the *Guidelines for Ecological and Environmental Protection in Overseas Investment and Cooperation Construction Projects* of 2022 (hereinafter referred to as the “*Protection Guidelines*”) alongside the *Opinions on*

Government of New Zealand on Strengthening Cooperation Under the Belt and Road Initiative.” Article 7, yidaiyilu.gov.cn, accessed May 19, 2024, <https://www.yidaiyilu.gov.cn/wcm.files/upload/CMSydy/gw/201703/201703301124050.pdf>.

³¹ “China-New Zealand Free Trade Agreement.” Ministry of Commerce of the People’s Republic of China, fta.mofcom.gov.cn, accessed May 18, 2024, http://fta.mofcom.gov.cn/newzealand/newzealand_special.shtml.

³² “Cooperation Plan for Ecological and Environmental Protection in the Belt and Road Initiative,” yidaiyilu.gov.cn, accessed May 19, 2024, <https://www.yidaiyilu.gov.cn/wcm.files/upload/CMSydy/gw/201705/201705140541054.pdf>. Part II, section (2).

³³ Heng Wang, “The Belt and Road Initiative Agreements: Characteristics, Rationale and Challenges,” 20 *World Trade Review* 3 (2021): 291-293.

³⁴ Johanna Aleria P. Lorenzo, “A Path Toward Sustainable Development Along the Belt and Road,” 24 *Journal of International Economic Law* 3 (2021): 601.

Jointly Promoting Green Development of the Belt and Road. These guidelines transcend the traditional “host country principle,” which required enterprises to comply with host nations’ lower environmental standards to obtain local permits and licenses. For instance, the *Protection Guidelines* of 2022 explicitly endorse international environmental practices, stipulating that “enterprises are encouraged to refer to internationally accepted practices,” thereby directing firms to adopt standards from international organizations or stricter Chinese benchmarks when host countries or regions lack or maintain inadequate regulations.³⁵ Furthermore, the *Protection Guidelines* clarify corporate responsibilities in BRI projects — including conducting environmental due diligence per international standards and enhancing internal environmental management systems — thus mitigating adverse effects on residents’ environmental rights along BRI routes under the host country principle and incentivizing proactive environmental accountability as we go global.

2. Clarifying the policy basis for climate change response

General Secretary Xi Jinping emphasizes that mankind shares a common future in confronting climate challenges and must uphold multilateralism; China has made significant contributions to the adoption of the *Paris Agreement* and will guide efforts through the new development philosophy, promoting the comprehensive green transformation of economic and social development via high-quality development.³⁶ Regarding climate response standards and policies, BRI cooperative documents further stress compliance with the *Paris Agreement*, pledging to align BRI climate standards with the Sustainable Development Goals.³⁷ China implements the South-South Cooperation Initiative on Climate Change for the BRI, signing 47 climate cooperation MoUs with 39 partner countries and undertaking over 70 mitigation and adaptation projects with more than 30 developing nations. In May 2023, the Export-Import Bank of China joined over 10 financial institutions — including China Development Bank and China Export & Credit Insurance Corporation — in launching the *Green Finance for BRI Energy Transition Initiative*, calling for increased support toward green energy and low-carbon transitions in partner countries.³⁸ Commenting on China’s climate contributions under the BRI, UN Secretary-General António Guterres specifically noted that China’s leadership in climate action is showing the way: the number of new jobs created in China’s

³⁵ Ministry of Commerce, Ministry of Environmental Protection, *Guidelines for Ecological and Environmental Protection in Overseas Investment and Cooperation Construction Projects*. Article 3, accessed May 19, 2024, https://www.mec.gov.cn/xxgk2018/xxgk/xxgk05/202201/t20220110_966571.html.

³⁶ CPC Central Committee Party History and Literature Research Institute, *A Compilation of Xi Jinping’s Discourses on Respecting and Protecting Human Rights* (Beijing: Central Compilation and Translation Press, 2021), 186-187.

³⁷ “Memorandum of Understanding Between the Government of the Italian Republic and the Government of the People’s Republic of China on Cooperation within the Framework of the Silk Road Economic Belt and the 21st Century Maritime Silk Road Initiative.” Preamble, available at https://www.governo.it/sites/governo.it/files/Memorandum-Italia-Cina_EN.pdf; “Memorandum of Understanding on Collaboration on Matters of Common Interest Under the Belt and Road Initiative Between Ministry of Finance of the People’s Republic of China and the Asian Development Bank,” accessed May 19, 2024, <https://thedocs.worldbank.org/en/doc/412261495119092544-0260022017/original/OfficialDocumentsMemorandumofUnderstandingbetweentheMinistryofFinanceofthePeoplesRepublicofChinaandADBAlBEBRDEIBNDBWBGoNCollaborationundertheBeltandRoadInitiative.pdf>.

³⁸ State Council Information Office of the People’s Republic of China, “The Belt and Road Initiative: A Key Pillar of the Global Community of Shared Future” (white paper), accessed May 18, 2024, <http://www.scio.gov.cn/gxzt/dtzt/49518/32678/index.html>.

renewable energy sector has surpassed that in the oil and gas industries. The advancement of the BRI is accelerating the achievement of the SDGs, which will benefit the whole world.³⁹

3. Clarifying standards for implementing green investment and financing

Green investment and financing established under the BRI concretely embody environmental rights protection. For example, the China-Italy BRI MoU explicitly references “green development cooperation,” stipulating that investment activities must ensure social and environmental sustainability alongside economic viability.⁴⁰ Additionally, Chinese governmental bodies, banks, and enterprises have promulgated policies effectively safeguarding environmental and resource protection during investments. The Export-Import Bank of China, through its *White Paper on Green Finance* of 2016, commits to sustainability initiatives by requiring loan projects to comply with relevant environmental policies, laws, and regulations while obtaining approvals from competent authorities. When host countries lack environmental and social impact assessment standards, BRI projects adopt Chinese or international benchmarks.⁴¹ The Industrial and Commercial Bank of China formulates environmental and social risk management frameworks based on “international standards and domestic green credit taxonomies,” classifying projects’ environmental impact levels during lending.⁴² The *Sustainable Infrastructure Guidelines for Chinese International Contractors* directs firms to prepare feasibility reports to learn and assess environmental risks in investment, identifying and mitigating any “current and future” environmental and societal impacts of investments.⁴³ In 2020, five ministries—including the Ministry of Ecology and Environment and the National Development and Reform Commission — issued the *Guiding Opinions on Facilitating the Investment and Financing on Climate Change Adaptations*, facilitating the integration of investment and finance into BRI development while encouraging enterprises to participate in formulating and revising international climate standards, promoting the application of Chinese standards in overseas investment and development.⁴⁴ By the end of 2022, over 40 large-scale global institutions had signed the *Green Investment Principles for the Belt and Road*.⁴⁵ The

³⁹ Diane A. Desierto, “The Complexities of Democracy, Development, and Human Rights in China’s Belt and Road Initiative,” 35 *Connecticut Journal of International Law* 3 (2020): 348.

⁴⁰ “Memorandum of Understanding Between the Government of the Italian Republic and the Government of the People’s Republic of China on Cooperation within the Framework of the Silk Road Economic Belt and the 21st Century Maritime Silk Road Initiative.” Paragraph II, Subparagraph 6, accessed May 18, 2024, https://www.governo.it/sites/governo.it/files/Memorandum-Italia-Cina_EN.pdf.

⁴¹ *Export-Import Bank of China: White Paper on Green Finance*, accessed May 19, 2024, <http://m.tanzai.fang.com/article/58551.html>.

⁴² Industrial and Commercial Bank of China Limited, *Corporate Social Responsibility Report 2018: Environment, Society, Governance*, <https://v.icbc.com.cn/userfiles/Resources/ICBCLTD/download/2019/2018csrCN.pdf>; see also Environmental Paper Network, “Industrial and Commercial Bank of China (ICBC),” accessed May 18, 2024, <https://environmentalpaper.org/industrial-and-commercial-bank-of-china-icbc/>.

⁴³ China International Contractors Association. *Guidelines for Chinese Enterprises’ Overseas Sustainable Infrastructure Projects*, accessed September 20, 2023, <https://www.chinca.org/cica/info/17111313415011>.

⁴⁴ Ministry of Ecology and Environment of the People’s Republic of China, *Guiding Opinions on Facilitating the Investment and Financing on Climate Change Adaptations* (Huan Qihou [2020] No. 57), accessed May 19, 2024, https://www.mee.gov.cn/xxgk2018/xxgk/xxgk03/202010/t20201026_804792.html.

⁴⁵ State Council Information Office of the People’s Republic of China, “The Belt and Road Initiative: A Key Pillar of the Global Community of Shared Future” (white paper), accessed May 18, 2024, <http://www.scio.gov.cn/gxzt/dtzt/49518/32678/index.html>.

policy guidelines and standards formulated by the aforementioned entities can be embedded into the legal and regulatory framework for environmental rights protection under the BRI, which reflects the important role of soft law in safeguarding environmental rights.

4. Strengthening transnational corporate responsibility for environmental protection

Soft laws at international and domestic levels provide crucial guidance for BRI-related enterprises in fulfilling environmental protection duties as human rights responsibilities. As per the *Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework* (hereinafter the “*Guiding Principles*”), businesses bear obligations to respect human rights, avoid infringing upon others’ rights, and address adverse human rights impacts.⁴⁶ Soft laws such as social responsibility guidelines issued by the United Nations (UN), the Organization for Economic Cooperation and Development, and the International Organization for Standardization mandate corporate responsibility to respect human rights — including proactively publishing reports on rights fulfillment and collaborating through mutual understanding.⁴⁷ Domestically, both the third and fourth *National Human Rights Action Plans* stipulate enterprises’ obligation to comply with host country laws and respect human rights during foreign investment. Notably, the fourth Action Plan designates “Environmental Rights” as a standalone chapter, placing it alongside economic, social, cultural, civil, and political rights — thus recognizing environmental rights as an independent human right at the national policy level.⁴⁸ The Chinese government further provides comprehensive recommendations on corporate compliance frameworks, scopes, and procedures through documents like the *Compliance Management System Requirements and Guidelines for Use* (GB/T 35770-2017) issued by the National Standardization Administration of China, and the *Guidelines for Outbound Investment Compliance Management in China* jointly released by multiple ministries.⁴⁹ These instruments preliminarily establish fundamental standards and obligations for multinational corporations regarding social responsibility implementation and environmental rights protection.

IV. Challenges in Protecting Environmental Rights through Soft Law in BRI Co-construction

While soft law governance in BRI co-construction has achieved notable progress

⁴⁶ *Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework* (hereinafter “*Guiding Principles*”), Article 11.

⁴⁷ Li Linfang and Xu Yawen, “The Belt and Road Initiative and Strategies for Chinese Enterprises to Undertake Human Rights Responsibilities,” *Northern Legal Science* 2 (2020): 135.

⁴⁸ Government of the People’s Republic of China, *Human Rights Action Plan of China (2016–2020)*, accessed May 19, 2024, https://www.gov.cn/xinwen/2016-09/29/content_5113376.htm; Government of the People’s Republic of China, *Human Rights Action Plan of China (2021–2025)*, accessed May 19, 2024, https://www.gov.cn/xinwen/2021-09/09/content_5636384.htm.

⁴⁹ *Compliance Management System Requirements and Guidelines for Use* (GB/T 35770-2017), accessed May 19, 2024, <https://www.sohu.com/a/249778120-678267>; National Development and Reform Commission of the People’s Republic of China, *Guidelines for Outbound Investment Compliance Management in China*, accessed May 19, 2024, <https://www.gov.cn/xinwen/2018-12/31/5353734/files/c75caa6935204a6b9db03e250231081e.pdf>.

in protecting environmental rights, it continues to confront challenges including undefined concrete standards for environmental rights protection in soft law instruments; absence of clauses mandating disclosure of environmental rights safeguarding information; incomplete corporate compliance systems and governmental oversight mechanisms for environmental rights protection; and lack of multinational corporate human rights accountability and dispute resolution frameworks.

A. Persisting ambiguity in concrete standards for environmental rights protection

Although China's *Protection Guidelines* stipulate that when host countries' laws inadequately protect the environment during BRI cooperation, investing entities should adhere to international rules or China's stricter standards for investment activities, the scope of "international rules" and the specific content of "China's stricter standards" remain undefined. Moreover, relevant cooperative documents lack clarity regarding the relationship between environmental rights and other rights categories under the BRI framework. For instance, international mainstream standards for human rights responsibilities of operating entities encompass labor rights protection, fair operations, consumer rights safeguards, and anti-corruption measures; however, the *Guidelines for Environmental Protection in Foreign Investment and Cooperation* of 2013 appear to treat labor and other social issues merely as ancillary aspects of environmental impact assessments rather than establishing them as independent human rights obligations.⁵⁰

Comparative analysis of China's BRI soft law instruments — particularly corporate environmental rights due diligence standards — reveals significant disparities in the interpretation and implementation levels of environmental rights obligations across sectors. Presently, while mining, photovoltaic industries, and others emphasize environmental rights protection and transparency in supply chain due diligence guidelines, most sectors lack direct provisions on corporate environmental rights protection in policy documents.

Additionally, BRI implementation substantially impacts host communities' living environments, potentially affecting indigenous peoples' rights to land, resources, and cultural heritage.⁵¹ Nevertheless, participation in BRI international legislative processes remains confined to states, enterprises, and financial institutions, with no mechanisms for host country citizens or community groups to engage in formulating environmental rights protection. Consequently, adverse human rights impacts of the initiative may predominantly be imposed on host populations and communities, ultimately undermining China's and host states' capacity to fulfill

⁵⁰ Ministry of Commerce, Ministry of Environmental Protection, *Guidelines for Environmental Protection in Foreign Investment and Cooperation*, Government of the People's Republic of China, Article 3, accessed May 19, 2024, https://www.gov.cn/govweb/gongbao/content/2013/content_2427290.htm.

⁵¹ United Nations Economic and Social Council, *General Comment No. 24: State Obligations Under the International Covenant on Economic, Social and Cultural Rights in the Context of Business Activities*, E/C.12/GC/24, Paragraph 17, accessed May 19, 2024, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW1aOSzab0oXTdImnsJZZVQcIMOUuG4TpS9jwIhCJcXiu3Wsm%2BZGTeDm%2FyVeB7B%2BtSNWO1LutsZldZ3RnqhUmVHIUQg6JDHmM5NdGH4BhyHOY>.

environmental protection obligations under human rights treaties.⁵²

B. Imperative need for enhanced transparency provisions in environmental rights safeguarding

China's BRI cooperative documents still require provisions that elevate transparency in environmental rights protection. Current documents generally lack clauses mandating disclosure of project information potentially causing adverse environmental impacts and fulfillment status of environmental responsibilities, particularly omitting requirements for disclosing environmental impact data and safeguarding affected local communities and residents during large-scale infrastructure development. This omission stems from non-transparent drafting and negotiation processes, wherein negotiating parties exhibit minimal awareness of incorporating human rights protection into cooperative instruments, and even less specification of environmental rights-related content.⁵³ Given that such documents constitute soft law — establishing no legally enforceable rights or obligations — their approval processes face insufficient scrutiny and remain unaffected by public consultation.⁵⁴ Consequently, cooperative documents cannot enforce information disclosure or accountability for environmental rights violations by states or relevant actors. Moving forward, China must explicitly stipulate disclosure requirements and environmental rights fulfillment obligations through soft law provisions, while advancing their transformation into hard law to enhance BRI projects' transparency.

C. Necessity for improved corporate environmental rights compliance and regulatory systems

Enterprises serve as critical actors in BRI co-construction, and strengthening corporate compliance systems for environmental rights protection remains urgently needed. On one hand, while documents like the *Guidelines for Outbound Investment Compliance Management in China* stipulate corporate social responsibilities, they contain oversights regarding human rights risks — such as failing to clarify the relationship between environmental rights and human rights, or distinguishing these from corporate social responsibilities. Provisions concerning corporate obligations also suffer from incomplete standards, abstract content, and ambiguous stipulations.⁵⁵ Simultaneously, Chinese enterprises lack a fundamental, framework-level understanding of human rights compliance and remain unfamiliar with basic norms in the business and human rights domain. Concurrently, soft law relevant to human rights protection under the BRI lacks enforcement and monitoring mechanisms. Consequently, Chinese enterprises engaged in global operations generate adverse environmental rights impacts during business activities.⁵⁶ Furthermore, certain

⁵² Diane A. Desierto, "The Complexities of Democracy, Development, and Human Rights in China's Belt and Road Initiative," 35 *Connecticut Journal of International Law* 3 (2020): 327.

⁵³ Diane A. Desierto, "The Complexities of Democracy, Development, and Human Rights in China's Belt and Road Initiative," 35 *Connecticut Journal of International Law* 3 (2020): 319.

⁵⁴ Johanna Aleria P. Lorenzo, "A Path Toward Sustainable Development Along the Belt and Road," 24 *Journal of International Economic Law* 3 (2021): 604.

⁵⁵ Sun Meng, "Practice and Prospects of China's Regulation of Transnational Corporations' Extraterritorial Human Rights Responsibilities," *Human Rights* 3 (2023): 136.

⁵⁶ Liu Ying and Wang Chunrui, "A Brief Analysis of the Impact of Chinese Multinational Enterprises on Human Rights Development — Taking the Belt and Road Countries as an Example," *Special Zone Economy* 9 (2021): 108.

enterprises operating overseas — particularly in mining development and processing — exhibit workplace pollution and potential health hazards,⁵⁷ indirectly infringing upon workers' environmental rights.

Additionally, as per the UN *Guiding Principles*, governments must not only formulate and implement legal policies to oversee corporate respect for human rights but also establish supervisory systems addressing human rights impacts and policy implementation — including environmental rights within regulated rights categories. Currently, China has not established such a national-level system. Governmental departments neither monitor nor report on corporate human rights impacts, nor supervise enterprises to initiate human rights due diligence when establishing new business relationships and sustain safeguarding measures. Citizens and local communities affected by BRI implementation should also participate in monitoring mechanisms, yet no rules currently incorporate them into decision-making processes.

D. Persistent need for constructing multinational corporate human rights accountability and dispute resolution mechanisms

Due to insufficient awareness of human rights risk management, some Chinese multinational enterprises have inflicted adverse impacts on environmental rights enjoyed by host country populations, causing significant economic losses and even jeopardizing normal overseas operations. Consequently, China must prioritize addressing transnational corporate human rights responsibilities.

To date, China has not enacted corresponding laws, regulations, or policies establishing authoritative mechanisms to resolve environmental rights-related disputes in BRI projects. Recent arbitrations between China and host countries primarily address contractual disputes, whereas no clear accountability mechanisms exist for citizens or communities affected by project-related environmental, climate, or personal rights violations. Although the China International Commercial Court was established to adjudicate BRI disputes and the Asian-African Legal Consultative Organization established its Regional Arbitration Centre in Hong Kong in May 2022 to provide diversified dispute resolution pathways for BRI co-construction,⁵⁸ specific normative documents must clarify whether these bodies' jurisdiction extends beyond contractual claims to encompass tort-based compensation claims grounded in environmental rights or climate impacts. Furthermore, some scholars question whether courts comprised entirely of Chinese judges can ensure neutrality in cross-border disputes between China and host nations.⁵⁹ Therefore, refined rules delineating procedures for appointing presiding judges and handling environmental rights-specific legal issues remain imperative.

V. Pathways for Optimizing Soft Law Protection of Environmental

⁵⁷ Li Linfang and Xu Yawen, "The Belt and Road Initiative and Strategies for Chinese Enterprises to Undertake Human Rights Responsibilities," *Northern Legal Science* 2 (2020): 129.

⁵⁸ State Council Information Office of the People's Republic of China, "The Belt and Road Initiative: A Key Pillar of the Global Community of Shared Future" (white paper), accessed May 18, 2024, <http://www.scio.gov.cn/gxzt/dtzt/49518/32678/index.html>.

⁵⁹ Diane A. Desierto, "The Complexities of Democracy, Development, and Human Rights in China's Belt and Road Initiative," 35 *Connecticut Journal of International Law* 3 (2020): 356.

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To address challenges in environmental rights governance within BRI co-construction, environmental rights protection standards should be clarified through a soft law-hard law integrated approach, while advancing the transformation of soft law rules into hard law to further integrate environmental and human rights. Additionally, transparency provisions for environmental rights protection must be developed and implemented, enterprises must be urged to enhance environmental rights compliance systems with strengthened state supervision, and accountability mechanisms alongside dispute resolution frameworks should be established to reinforce corporate responsibility for environmental rights protection.

A. Defining environmental rights protection standards and promoting their transformation into hard law

China should explicitly stipulate minimum human rights protection standards aligned with international human rights law, international economic law, and international environmental law obligations within BRI soft law instruments. Memoranda of understanding or other cooperation agreements signed with host countries must likewise be negotiated, interpreted, and applied under rules established by these international standards. Some scholars note that such standards may draw from multilateral development banks' environmental and social safeguard measures, where issues particularly requiring standard-setting include environmental impact assessments, minority (indigenous) rights, involuntary resettlement, and the extent of stakeholder participation and consultation in due diligence processes.⁶⁰ Furthermore, participation channels for non-state actors in BRI international legislation should be expanded to ensure respect, protection, and promotion of citizens' environmental rights in host countries, guaranteeing that any environmental rights violations arising from BRI implementation may be redressed through domestic legislation, social mechanisms, or international human rights law.

To address deficiencies in sector-specific environmental due diligence standards, China should develop specialized soft law instruments for environmental rights protection across industries under the BRI framework, refine relevant rules within soft law, and facilitate their transformation into hard law norms, thereby achieving synergistic governance of hard and soft law to guide and support enterprises in respecting environmental rights. A dedicated business and human rights action plan for implementing and disseminating the *Guiding Principles* must be formulated, prompting governmental departments to develop corresponding regulations and rules to ensure enterprises comprehend and operationalize the *Guiding Principles* alongside measures for corporate environmental rights protection. When formulating and enforcing BRI environmental rights legislation, the government must ensure the scope of environmental rights aligns with internationally recognized parameters under international law while maintaining policy coherence across diverse social needs and stakeholder interests.

⁶⁰ Johanna Aleria P. Lorenzo, "A Path Toward Sustainable Development Along the Belt and Road," 24 *Journal of International Economic Law* 3 (2021): 606.

With deepening BRI cooperation, feasibility assessments for transforming cooperative documents into hard law, or binding bilateral/multilateral agreements under international law, are necessary to enhance the determinacy and implementation efficacy of environmental rights protection rules. Upon achieving fundamental consensus on objectives and interests among participating states, transitioning soft law into hard law should be advanced. During bilateral/multilateral hard law formation, international legal standards for environmental rights protection must be integrated within unified framework agreements to provide binding safeguards for cross-border economic activities like foreign-funded infrastructure projects. This legal architecture should be construed and implemented as an integral component of the international legal system, emphasizing solidarity and international cooperation toward shared development objectives.

B. Promoting the formulation and implementation of transparency provisions for environmental rights protection

To ensure sustained cooperation with BRI host countries, provisions must mandate BRI actors to disclose environmental responsibility fulfillment status and risks of adverse impacts while enhancing transparency in consultations and participation, specifically identifying potential environmental rights infringement areas in cooperative documents and proposing countermeasures. Concretely, China may commit to prioritizing public interest responsibilities within BRI financing contracts, conduct environmental protection due diligence investigations on relevant governmental agencies of host nations with information disclosure, thereby elevating transparency to ensure all affected parties clearly comprehend environmental rights protection circumstances. Based on comprehensive due diligence, China must realistically assess host countries' capacity for environmental protection and consult potentially affected stakeholders to guarantee responsible pre-and-post assessments of all potential environmental rights impacts. Beyond disclosing in-country due diligence requirements, host governments and enterprises should periodically publish reports detailing their initiatives to mitigate environmental harms and compliance with international human rights law, securing enhanced external oversight.

C. Improving corporate environmental rights compliance systems and strengthening governmental oversight

During the Third Belt and Road Forum for International Cooperation, General Secretary Xi Jinping announced eight major steps to support high-quality Belt and Road cooperation, explicitly requiring businesses to safeguard human rights in green development.⁶¹ Specific compliance mandates include implementing the green investment principles for the BRI, building upon existing responsible investment initiatives to ensure new BRI investments demonstrate environmental sustainability, climate resilience, and social inclusiveness through corporate governance, project management, and green finance instruments, while advancing Sustainable

⁶¹ Ministry of Industry and Information Technology of the People's Republic of China, "Xi Jinping Attends the Opening Ceremony of the Third Belt and Road Forum for International Cooperation and Delivers a Keynote Speech," accessed May 19, 2024, <https://www.miit.gov.cn/xwdt/szyw/art/2023/art-1d3150e727f743ffb712ea697168e5d6.html>.

Development Goals and fulfilling *Paris Agreement* commitments.⁶²

Human rights compliance management and due diligence constitute essential risk identification and response mechanisms, wherein corporate implementation of human rights due diligence serves as a core metric for assessing compliance system efficacy.⁶³ In executing China's high-quality BRI human rights requirements, environmental rights compliance — as an integral dimension of human rights compliance — must embed due diligence procedures and standards into multinational corporations' compliance frameworks. Enterprises operating overseas should implement environmental rights compliance through four key actions: first, cultivating accountability awareness and enhancing risk perception; second, rigorously studying international conventions and norms on environmental rights protection, particularly domestic legal applications and transnational litigation mechanisms concerning corporate human rights obligations — especially public-interest litigation related to environmental rights; third, strengthening industry self-regulation through voluntary publication of corporate governance and environmental rights fulfillment reports; and last, improving supply chain management mechanisms with mandatory adherence to environmental due diligence procedures.⁶⁴

Additionally, the *Guiding Principles* stipulate states' oversight obligations regarding business respect for human rights, including environmental rights supervision. When states contract with enterprises or legislatively authorize services potentially impacting environmental rights, independent monitoring and accountability mechanisms must be established alongside corporate training and support to ensure compliance with state human rights obligations.⁶⁵ China may draw from EU-level legislation to enact laws requiring corporate disclosure of non-financial information — encompassing environmental rights risks and mitigation measures — while supervising businesses' reporting on approaches addressing adverse environmental rights impacts. Chinese and host governments should continuously strengthen guidance and regulation of corporate environmental rights obligations through specific legal application; independent accountability mechanisms must also be instituted to monitor corporate fulfillment of environmental rights duties and oversee disclosures on eliminating, mitigating, or preventing adverse impacts. Law enforcement requires establishing national supervisory systems and corporate grievance mechanisms to periodically assess and provide feedback on environmental rights protection, preventing selective or arbitrary enforcement.

Another concrete state oversight measure involves implementing BRI environmental rights impact assessments.⁶⁶ One methodology embeds comprehensive

⁶² Ibid.

⁶³ Li Zhuolun, "Models, Orientations and Inspiration of the Implementation of Corporate Human Rights Due Diligence," *Tribune of Social Sciences* 3 (2022): 140.

⁶⁴ Tong Lihua, "Research on Human Rights Compliance Issues in Overseas Operations of Chinese Enterprises," *Human Rights Studies* 3 (2021): 38-39.

⁶⁵ *Guiding Principles*, commentary to Art. 4; *Guiding Principles*, Article 5.

⁶⁶ United Nations Economic and Social Council. *General Comment No. 24: State Obligations Under the International Covenant on Economic, Social and Cultural Rights in the Context of Business Activities*, E/C.12/GC/24. Paragraphs 17 and 38, accessed May 19, 2024, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmlBEDzFEovLCuW1aOSzab0oXTdImnsJ>

pre-and-post rights audits within project implementation, evaluating regulatory shifts in host countries concerning environmental, social, and other human rights impacts from projects alongside their potential adverse effects on projected investment returns. China should jointly monitor BRI projects' environmental rights impacts with host countries and affected local communities, taking necessary measures to substantively fulfill rights protections in climate change and other domains.

D. Constructing diversified accountability mechanisms for transnational corporate human rights violations

For multinational corporations causing adverse environmental rights impacts during BRI project implementation, China may establish and refine accountability mechanisms by referencing the World Bank Inspection Panel or other compliance procedures within independent accountability mechanism networks. Additionally, accountability can be pursued through arbitration avenues such as applying *The Hague Rules on Business and Human Rights Arbitration*,⁶⁷ creating corporate accountability clauses for environmental rights violations affecting individuals or communities within BRI contracts. For host countries' civil organizations, local communities, and indigenous peoples, an open "Monitoring-Accountability" system should be designed to predict potential corporate environmental rights impacts in advance, enable immediate reporting of post-violation incidents, and activate accountability procedures. Stakeholders may directly resort to this channel for remedy. Accountability clauses and mechanisms must enhance information accessibility and transparency while ensuring project-affected citizens have avenues to publicly challenge corporations.

Conclusion

General Secretary Xi Jinping's important discourses on respecting and protecting human rights, with the ultimate goal of jointly building a community with a shared future for mankind, underscore the critical role and strategic significance of ecological civilization advancement in the cause of Socialism with Chinese Characteristics for a New Era. Building a clean and beautiful world constitutes not only a shared aspiration of humanity but also aligns with humanity's fundamental interests. Environmental rights governance under the BRI adapts to the global trend of environmental rule of law evolving toward universal environmental human rights, contributing valuable insights to the connotation interpretation and practice of environmental human rights while demonstrating China's commitment to environmental obligations as a responsible major country, thus holding great significance to the environmental rule of law worldwide. Cooperative documents in the forms of guidelines and policy directives have preliminarily established environmental rights protection principles for participating governments and enterprises; cooperation plans and memoranda have clarified policy foundations for climate action; while MoUs, white papers, and similar instruments have promoted green investment standards and reinforced multinational

ZZVQcIMOUuG4TpS9jwlhCJeXiu3Wsm%2BZGTeDm%2FyVeB7B%2BtSNWO1LutsZldZ3RnqhUmVHIUQg6JDHmM5NdGH4BhyHOY.

⁶⁷ "The Hague Rules on Business and Human Rights Arbitration," Permanent Court of Arbitration, accessed May 19, 2024, <https://docs.pca-cpa.org/2019/12/The-Hague-Rules-on-Business-and-Human-Rights-Arbitration.pdf>.

corporations' human rights due diligence obligations for environmental protection, thereby advancing a more dynamic, inclusive, and sustainable process of economic globalization. In the future, BRI soft law should serve as the foundation for enhancing synergistic governance of soft and hard law in environmental rights domains, promoting the formulation and enforcement of transparency provisions for environmental rights protection. Enterprises must improve environmental rights compliance systems, and governments must strengthen supervision over multinational and overseas-operating corporations while jointly establishing effective accountability mechanisms. Thus, through further deepening, opening, and development, the BRI co-construction will make substantial contributions to advancing global human rights progress.

(Translated by *CHEN Feng*)