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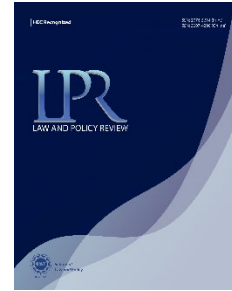
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# Constitution, Environment, and Global Challenges: A Study of Chinese Constitution and Environmental Treatment in China

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## Abstract

Studies have evidently shown that environmental disturbances cause existential threats for the entire global life. Diverse efforts have been made globally to preserve and sustain the environment and natural resources to ensure human existence. Various legal measures have been put in place at national, international, and regional levels which include constitutional provisions, environmental rules, regulations, and policies. China, being a major global producer, is one of the largest contributors of global warming and also faces a number of environmental issues domestically. Therefore, the current study aimed to explore the environmental treatment by Chinese Constitution along with an analysis of environmental legal mechanism of China. Moreover, it also provided a brief picture of environment-human rights relationship and the current status of environmental constitutionalization across the world. The greatest task for China is to overcome the environmental challenges without compromising its economy. China has yet to decorate its constitution with an express environmental right, however, it places considerable significance on its protection. Since 1970s, China has been placing a progressive environmental enforcement mechanism to ensure environmental protection. Moreover, it has also enacted multiple legislative instruments at different governance levels through various enforcement bodies. A recent example is the inclusion of concept of ecological civilization in the constitution. Still, it remains a mighty task to ensure environmental sustainability, both nationally and globally, especially in the context of Belt and Road Initiative (BRI).

**Keywords:** Belt and Road Initiative (BRI), China, constitution, ecological civilization, environmental rights, environmental law

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## Introduction

It is a well-known fact that human life requires a suitable environment to exist. Moreover, human beings have long enjoyed the natural environment without any effort and cost as well as without paying any attention to the delicate balances existing in nature. In recent past, the increase in economic activities has put a considerable pressure on the environmental elements which, in turn, has disturbed the environmental balance. Human beings have not shown much concern towards the sustainability of environment over the past few years. Resultantly, the most severe climatic imbalances of human history have surfaced and grown in seriousness. Additionally, if economic activities continue at the current pace without taking the environment sustainability into consideration, human life would be bound to face severe hazards that may lead towards the annihilation of biodiversity. It may also render human life unable to survive. This realization has resulted in global concerns pertaining to environmental issues. Efforts are being made at global level to control these environmental issues and to ensure sustainable development so that not only all the people in the world may be able to live peacefully but the future generations might also find this world an inhabitable place.

Presently, the global community is facing the most severe climate change issues. These issues not only pose a threat to the future of mankind, however, they have also put the survival of human life at a greater risk. Therefore, the global community needs to deal with this situation with a careful and wholesome collective approach. The nature of environmental issues is quite different from the other economic, political, and social issues. Its impacts are far-reaching and affect everyone everywhere. An environmental hazard occurring at one place has the potential to cast its effects on other people and places far beyond national jurisdictions. Environmental hazards are not localized and cannot remain localized which makes it quite difficult for any nation or group of people to deal with such issues. To mitigate the negative impacts of environmental problems, there is a need of a collective effort by all the people and nations across the globe. This situation demands a more responsible behaviour and attitude from strong and developed nations leading the world in comparison with those having less resources and potential to cope with the current environmental issues.

China has emerged as a leading global economic power during the last few decades and has achieved tremendous progress in almost every aspect of life. The country has not only increased its economic might, however, it has also strengthened its nation as a whole. There is a concerning factor attached with Chinese economic development which is the environmental cost of this rapid progress and development. The environmental degradation at national and global level is considerably obvious in recent times. Moreover, China is facing criticism from both within and outside of its national boundaries. It is one of the biggest contemporary challenges for China to sustain its economic development along with safeguarding the global environmental degradation (Liu et al., [2022](#)). This challenge has become exceedingly difficult with laying the cornerstone of the ambitious Belt and Road Initiative (BRI) project. BRI is primarily considered to be an investment and trade initiative (Cheng, [2016](#)) which raises numerous concerns pertaining to the environmental cost of these BRI projects (Harlan, [2021](#)). In the present era of environmental sensitivities, an analysis of Chinese environmental regime is significant to assess the global environmental future and the fate of sustainable development, especially in the BRI member states. Although, multitude of literature is available on the topic of environment governance and environmental challenges in China (Lo, [2015](#); Sam & Zhang, [2020](#); Wu et al., [2024](#); Zhang et al., [2017](#); Zhao, [2021](#)), the current study found comparatively less literature focusing on the constitutional protection of environment and environmental rights in China. Therefore, the current study aimed to fill this gap by providing an analytical study of Chinese Constitutions and its treatment of environment. It also provided a brief picture of the Chinese environmental governance and the environmental challenges of BRI project.

### **Environment and Human Rights Relationship**

The relationship between environment and human rights has remained under debate since long, however, now is an established fact that both are interdependent and have an intrinsic and compulsory relationship with each other. The debate on this environ-human rights relationship continued and Stockholm declaration became the first significant international instrument to mention and highlight this relationship. After that, further developments were also made to highlight this relationship and secure the attention of decision-makers across the globe.

The environ-human rights relationship was highlighted in 1994 in the United Nations (UN) Draft Principles on Human Rights and the Environment. All persons have the right to a secure, healthy and ecologically sound environment. This right and other human rights, including civil, cultural, economic, political and social rights, are universal, interdependent and indivisible (Ksentini, [1994](#)).

This relationship was further emphasised in 1997 by the Vice-President of the International Court of Justice (ICJ), Justice Weeramantry, in his separate opinion in *Gabcikovo-Nagymaros* case as follows:

The protection of the environment is likewise a vital part of contemporary human rights doctrine, for it is sine qua non for numerous human rights such as the right to health and the right to life itself. It is scarcely necessary to elaborate on this, as damage to the environment can impair and undermine all the human rights spoken of in the Universal Declaration on Human Rights and in other human rights instruments (International Criminal Court, [1997](#), p. 88).

## **Environmental Rights and Constitutional Treatment**

Constitution is the highest and supreme law of every nation. It holds fundamental importance in the structure of any country and also shapes the legal and political landscape of the nations. It embodies the broad principles and philosophies revered and cherished by a nation which they resolve to follow. Moreover, it reflects the values of the society. It protects the basic human rights of the citizens and creates state obligations by putting a positive restriction on the governments to operate for the welfare of people of that society.

## **Benefits of Constitutional Environmental Rights**

Those who support the constitutional environmental rights base their support on the following benefits:

1. The inclusion of environmental rights in the national constitutions would provide greater recognition to these rights and may result in the stronger environmental laws and policies. This initiative would also be helpful in safeguarding the rights of future generations. This is because if these environmental problems are not handled properly today, they may cause severe harm to the environment in the near future.

2. The constitutionalization of environmental rights would be helpful in the better implementation and enforcement of these rights.
3. This may also result in increased citizen participation in the environmental decision-making. The citizens would get a constitutional basis for their participation in the decision-making process which may result in better policies and effective implementation.
4. The constitutional right would result in an increased accountability of the government machinery pertaining to their duty towards safeguarding the environment.
5. Environmental injustices would be reduced to a reasonable extent as it would become a constitutional right of the people and duty of the state.
6. It would also provide a better chance to create a balance between social and economic rights along with the environmental protection. Environmental protection would be helpful in the creation of green, healthy, and safe social and economic development.
7. The inclusion of environmental rights in national constitutions would result in better and effective environmental performance thus, resulting in mitigating the environmental hazards and promoting environmental health.

### **Current Status of Environmental Constitutionalism**

Presently, environmental right has been recognized by the majority of nations in one way or another. An overwhelming majority of people on this globe live under a constitution that gives them environmental rights in varying terms and scales, which tend to promote a sustainable environment. In recent decades, the world has witnessed the incorporation of environmental rights in national constitutions, worldwide. It reinforces the significance of environmental rights in the society and resultantly makes them increasingly strong, effective, and difficult to violate. It is a result of the realisation of importance and need of a quality environment to ensure that basic human rights are available for everyone which is *sine qua non* for the very existence of mankind. There are about 177 national constitutions in the world which have adopted provisions related to clean and quality environment (Boyd, [2012](#)). These environmental rights are in different forms ranging from the guiding principles to recognizing a basic right to a clean and healthy environment (Daly & May, [2012](#)). This resulted in the

formulation of stronger environmental laws and provided with important court cases which have their long-lasting benefits for the cause of global environmental crises. The courts are further enforcing the implementation of these constitutional environmental human rights.

After the Stockholm Declaration, the recognition of this environmental right travelled worldwide and a number of countries accepted this right in varied forms and magnitude. Until 2012, the number of countries recognizing the environmental right reached to 177 out of 193 UN member states. This recognition emerged in different forms ranging from clothing it as a substantive constitutional right to policy directives, ratifying an international agreement, court decisions or other environmental laws. Some sub-national governments of the remaining 16 nations also recognized the right to a healthy environment. These include five Canadian provinces, six American states, and a number of cities.

Portugal and Spain were the first countries to provide a constitutional right to a healthy environment by making it a part of the national constitution. In 1976, Portugal included this right in her constitution and Spain did the same in 1978. The Article 66(1) of the Constitution of Spain, 1976 states, “Everyone has the right to a healthy and ecologically balanced environment and the duty to defend it”. Ninety-two (92) countries have granted an environmental right through their national constitutions since mid-1970s. It has been commonly observed by the constitutional experts that in the last 50 years no other human right has obtained more recognition than the environmental right (Law& Versteeg, [2012](#)).

The most recent and long-awaited development is the recognition of environmental right as a basic human right by the United Nations General Assembly in 2022(United Nations Development Program, [2022](#)). This universal recognition is important in many ways and is expected to further improve the status of environmental protection worldwide using the force of national constitutions. It would prove to be a catalyst to the global environmental protection efforts and maybe helpful in achieving the target of sustainable development.

### **Chinese Constitution and Environmental Treatment**

The Chinese Constitutions are briefly discussed here to determine the environmental treatment by them. Historically, China has had three

constitutions before adopting the 1982 Constitution which is in force presently. These constitutions were adopted in 1954, 1975, and 1978.

A brief analysis is given as follows:

### **Constitution of PRC 1954**

This was the first constitution adopted by the National People's Congress (NPC) after the emergence of People's Republic of China (PRC) as an outcome of liberation movement. This constitution does not speak about environment or its protection. One of the main reasons might be the non-emergence of environmental issues at the global arena. There has been no mentioning of the words environment, natural resources, habitat, ecosystem, ecology and pollution. Whereas, the words water and resources have been mentioned once and twice, respectively in connection with national resources and not for the explanation of environment.

### **Constitution of PRC 1975**

The second national Constitution of PRC was adopted in 1975. It also does not contain the words environment, natural resources, habitat, ecosystem, ecology, pollution and water. Therefore, there are no traces of the environment-related provisions in this constitution also, may be due to the same reasons as in the case of 1954 Constitution.

### **Constitution of PRC 1978**

The third Constitution of PRC, adopted in 1978, also remained silent on the issue of environmental rights. It does not explicitly speak of anything related to environment, however, it contained the commitment of the state to protect the environment, natural resources, and pollution. It also imposed a responsibility upon the state to try to eliminate pollution. These environment-related commitments are vague and unclear, however, it is good to see them as a part of constitution since the previous constitutions remained silent on this topic.

**Article 11** does provide that

*"[t]he state protects the environment and natural resources and prevents and eliminates pollution and other hazards to the public,"*

This commitment of the state to strive for a better environment was implemented in a way that the emergence of some legislation was seen on these issues in the years that followed the adoption of this constitution.



## Constitution of PRC 1982

This constitution contained the same provision related to environment as was included in the 1978 Constitution. It changed the wording of the provision in a way that it seemed to have the same meaning, however, its analysis might indicate a sort of shift in the environmental philosophy.

### *Article 9 [Resources]*

*Mineral resources, waters, forests, mountains, grassland, unreclaimed land, beaches, and other natural resources are owned by the state, that is, by the whole people, with the exception of the forests, mountains, grassland, unreclaimed land, and beaches that are owned by collectives in accordance with the law.*

*“The state ensures the rational use of natural resources and protects rare animals and plants. The appropriation or damage of natural resources by any organization or individual by whatever means is prohibited”.*

### *Article 26*

*(1) “The state protects and improves the environment in which people live and the ecological environment. It prevents and controls pollution and other public hazards”.*

*(2) “The state organizes and encourages afforestation and the protection of forests”.*

It is evident that the commitment to improve the environment and ecological environment was included in the constitution which is a good move. The commitment regarding the prevention of pollution remained the same, while it was said that the state would try to control pollution instead of the difficult task of pollution elimination, as stated in the previous constitution. An important inclusion was the commitment to increase forests and the commitment to protect them along with the existing forests.

## Environmental Governance in China

The NPC has established the environmental policy in China, which is overseen by the Ministry of Environmental Protection of the PRC. China's environmental policy has been characterised by the Centre for American Progress as bearing resemblance to that of the United States, prior to 1970. In this context, it may be observed that while the central government establishes stringent rules, the responsibility for monitoring and

enforcement primarily rests with local governments, which prioritise economic growth. Government's restrictions impose limitations on the environmental efforts of the non-governmental entities including attorneys, journalists, and non-governmental organisations (Hart & Cavanagh, [2012](#)). The Department of Policies, Laws and Regulations, under the Ministry of Environmental Protection of the PRC, is responsible for the establishment and improvement of fundamental laws and policies including environmental laws, administrative policies, and economic regulations. Furthermore, it assumes the responsibility for framing the national environmental protection policy and macro-level strategies.

The combination of China's swift economic development and its soft environmental framework has resulted in several ecological issues. In light of mounting public pressure, the central government has implemented several initiatives aimed at mitigating pollution in China and enhancing the nation's environmental conditions (Lim, [2007](#)). Nevertheless, the government's response has faced criticism for being insufficient. The application of national policy, which evaluates regions based only on their economic performance, has been hindered by corrupt and uncooperative local administrations (Kahn & Yardley, [2007](#); Silk, [2013](#)). However, in 2014 and 2018, the government revised its environmental legislation to combat pollution more effectively.

### **Ministry of Ecology and Environment (MEE)**

China's Ministry of Ecology and Environment (MEE) is the main body responsible to overlook and implement the environmental laws and policies of the government. It was officially inaugurated in 2018 (Ministry of Ecology and Environment [MEE], [n.d.-a](#)). Previously it was known as the Ministry of Environmental Protection, since 2008, and it was the main body of the State Council to oversee the environmental matters.

The mission statement of MEE is "to improve environmental quality and build a beautiful China which enjoys blue sky, green land, and clean water" (MEE, [n.d.-b](#)). The mission statement is an ambitious and daring task which needs a comprehensive approach at various levels and in multiple dimensions.

### **Historical Evolution of Ministry of Ecology and Environment (MEE)**

The history of institutional mechanisms in China, to manage the environmental protection may be traced back to October 1974, when an

official leading team was formed under the State Council to administer this duty. In 1982, the Environmental Protection Bureau was established as an internal agency of the newly formed Ministry of Urban and Rural Development and Environmental Protection. In May 1984, the State Council established an Environmental Protection Commission, led by a vice premier, to coordinate, organise, and lead the national initiatives for environmental conservation. This move significantly strengthened the commission's authority. In December 1984, it underwent more restructuring and was renamed as the National Commission for Environmental Protection. In 1988, a distinct National Environmental Protection Agency was established to separate the responsibility of environmental protection from the Ministry of Urban and Rural Development and Environmental Protection. In 1998, the department became an attached agency of the State Council and was given the name "State Environmental Protection Administration". It evolved into a governmental organisation at the ministerial level, responsible for overseeing and implementing environmental protection initiatives. Eventually, in 2008, it was transformed into the Ministry of Environmental Protection, which has been referred to as the Ministry of Environment and Ecology (MEE) since April 2018 (MEE, [n.d.-a](#)).

### **Environmental Policy of China**

China prioritises the environmental legislative initiatives and has effectively established a legal framework for environmental protection. This framework is based on the Constitution of the PRC and is primarily regulated by the Environmental Protection Law (EPL) of China, which serves as the main legislation, governing environmental protection in the country. The Act has established a basic paradigm to achieve the synchronisation of economic development, social progress, and environmental conservation. It has also established clear guidelines for the rights and obligations of governments at different levels, as well as all organisations and individuals, regarding the preservation of the environment (Jiang & Lu, [2018](#)).

The EPL was first introduced as a pilot programme in 1979 and was later revised and extended in 1989. Under this Act, seven new specific regulations have been put in place to govern the industrial pollution which are aimed to prevent and control atmospheric pollution, water pollution, environmental pollution by solid waste, marine environment,

environmental impact assessment, pollution from environmental noise and promotion of clean production.

The EPL has also given rise to other autonomous legislation pertaining to the safeguarding of wildlife and the preservation of forests. Furthermore, the State Council has implemented a multitude of administrative regulations to enhance the effectiveness of environmental legislation, in addition to the aforementioned individual laws. There are three distinct categories of regulations which are mentioned as follows:

- (1) By-laws are formulated to supplement the existing individual laws.
- (2) Ordinances, provisions, and notifications are established to address the areas that are not explicitly addressed by other laws.
- (3) Decisions and decrees are issued to provide guidelines and principles for specific initiatives aimed at safeguarding the environment.

The implementation of “the Law of the People's Republic of China on Atmospheric Pollution Prevention and Control” and “the Law of the People's Republic of China on Water Pollution Prevention and Control” are two by-laws that pertain to industrial environmental regulations. Environmental ordinances include the “Ordinance on Levying for Discharge”, whereas environmental decisions include the “Decisions of the State Council on Several Issues Concerning Environmental Protection”.

Chinese Government has come up with more than 30 administrative decrees pertaining to environmental issues. They address the issues of water pollution, noise pollution, nature reserves, chemicals and other dangerous materials, as well as radiation from radio isotopes and radioactive devices, terrestrial wildlife, wastes dumping, and offshore oil exploration and development.

Furthermore, the concerned departments have also promulgated several administrative regulations and decrees pertaining to environmental preservation.

Local people's congresses and governments have written and issued over 600 local legislations on environmental protection to ensure compliance with National Environmental Protection Laws and Regulations, considering specific circumstances within their respective jurisdictions. China's environmental legislative system also places significance on ‘environmental standards. The criteria encompassed in these standards

consist of environmental quality, pollutant discharge or emissions standards, fundamental environmental factors, as well as sample and methodological standards. State values and local values are the two main categories of the environmental quality standards and pollutant discharge or emission requirements. China had established state environmental standards for 364 substances by the end of 1995. According to Chinese legislation, the environmental quality standards and pollutant discharge regulations are mandatory requirements. Individuals failing to comply with these mandatory environmental standards are held accountable legally.

China equally emphasizes the enactment and enforcement of environmental laws as a part of its efforts to develop and enhance the environmental statutory framework. China has also implemented a series of inspections at national level for four consecutive years to effectively address the environmental pollution while also imposing stringent penalties for the breach environmental rules. China significantly emphasizes the supervision carried out by the public and media in relation to environmental violations. It has created channels for the public to report on environmental concerns and has also implemented measures to ensure that the media exposes such violations.

However, it is important to note that there is still a room for further improvement in China's environmental legislative efforts. For instance, certain areas are still unexplored, certain contents have not been modified or reviewed, and there still exist instances of inadequate enforcement of laws. Hence, there remains an important strategic task to consistently enhance and improve the environmental legislation and its implementation.

The construction of an environmental administrative structure is given great importance in China. A system has been established wherein the NPC is in charge for the enactment of laws. Governments at various levels are responsible to enforce these laws, the concerned administrative departments manage the affairs, and the relevant bodies follow the law when it comes to administration and monitoring.

The Environment and Resources Protection Committee has been established by the NPC. The primary responsibilities of this committee include organising the development and evaluation of proposed legislation pertaining to environmental and resources protection, preparing relevant reports, and overseeing the implementation of environmental and resources

protection laws. Moreover, the responsibilities also include proposing motions on environmental and resources protection matters and engaging in international parliamentary exchanges on environmental and resources protection. Environmental and resources protection organisations have been founded by the people's congresses of some provinces and towns. The Environmental Protection Committee, which operates under the State Council, comprises top-level officials from concerned ministries under the State Council. It acts as the consultancy and coordinating agency of the State Council for activities related to the protection of environment. The primary responsibilities of this organisation include analysing and evaluating the principles, policies, and measures pertaining to the coordinated progress of the nation's economy and preservation of environment. Moreover, it provides guidance and coordinates efforts to address significant environmental problems, oversees and monitors the enforcement of Environmental Protection Laws and regulations by different localities and departments, and encourages the initiatives nationwide to protect the environment. The provincial, city, and county administrations have formed committees to look after the environment-related issues at grassroots level.

The National Environmental Protection Agency is an official agency tasked with supervising and administering the country's environmental protection initiatives, functioning under the jurisdiction of the State Council. Provincial, municipal, and county governments have formed the environmental protection administration agencies to supervise and manage the environmental conservation initiatives within their respective jurisdictions. Presently, there are more than 2,500 county-level environmental protection administration departments nationwide, with a total workforce of 88,000 persons. These departments are responsible to carry out a range of activities including environmental administration, monitoring, inspection and control, statistics collection, scientific research, publicity, and education.

Governments have formed environmental protection organisations at different levels within their jurisdictions to oversee the environmental and resources protection efforts. The majority of China's major corporations have established environmental protection organisations to oversee their own efforts in reducing pollution and promoting cleaner production. Currently, the aggregate number of various categories of environmental

protection personnel engaged in employment across many offices and organisations surpasses the figure of 200,000.

### **Recent Development**

China has introduced the Environmental Protection Tax (EPT) law. It was formally implemented on January 1, 2018. This tax law in China is the maiden legislation explicitly designed to address environmental preservation.

The EPT statute possesses a strict legal, executive, and binding authority in comparison with the conventional pollutant discharge tax. As emphasized by President Xi Jinping, individuals in China are obligated to adhere to legal regulations, and it is imperative for the Chinese government to ensure rigorous enforcement of these laws. Implementing this legislation is the initial and significant measure for the country to regulate its environment-related challenges. The successful enforcement of the EPT law necessitates the collaboration of individuals, businesses, and governmental entities across several domains and tiers. In accordance with the EPT law, firms and organisations operating within China and other regions under its control are obligated to remit tax payments for the direct release of taxable pollutants into the environment (Jiang & Lu, [2018](#)).

### **Future Targets and Insights**

The severe environmental conditions exert a significant influence on the Chinese economic and social progress. The enhancement of an individual's quality of life is impacted by several environmental issues. The problem of air pollution and water contamination in China is of significant concern. Such type of an atmosphere not only significantly influences the well-being of individuals employed and residing in such areas; however, the successful development and utilisation of national resources is also impacted by these environmental issues. The over release of waste water, residue, and gas not only has detrimental effects on the environment; however, it also results in the wastage of valuable resources. Instances, such as illicit exploitation, disordered development, and careless fishing have contributed to environmental degradation which significant impacts the Chinese international trade growth. More rigorous environmental standards for imports have been put in place globally to ensure the environmental conservation which is a big challenge for Chinese businesses. China's delicate ecological systems, characterised by inadequate exploitation and

use, are susceptible to deterioration and provide significant challenges for restoration. Hence, it is imperative to avoid a progressive approach of prioritising pollution over governance in industrialised nations. In that wake, it is imperative for China to adhere to the trajectory of sustainable development (Feng, [2019](#)).

### **Ecological Civilization (shengtaiwenming) (生态文明)**

Chinese Constitution incorporates ecological civilization (eco-civilization) as an ideological foundation for nation's environmental roadmap, regulations, and learning. Furthermore, this is progressively being portrayed as a reaction to environmental deterioration in China as well as a blueprint to secure the global environmental future (Geng & Lo, [2023](#)). The purpose of the concept of ecological civilization is to achieve cultural and national coherence, positioning China as a global leader by leveraging its extensive traditional philosophical heritage spanning over 2000 years. It envisions a new ideal led by the Communist Party, characterised by a thriving market economy and increased consumption, as well as the resolution of pollution and environmental degradation through technological advancements and scientific solutions (Hansen et al., [2018](#)).

New changes were adopted to the 1982 Constitution of PRC by NPC on 11<sup>th</sup> March, 2018 which brought a number of changes in the constitution. A significant amendment is the inclusion of “ecological civilization” in the Article number 32. The annotated translation of the 2018 amendment is given below:

**(Article 32:** In the Seventh Paragraph of the Preamble to the Constitution)

Promote the coordinated development of the material, political, and spiritual civilizations, to turn China into a socialist country that is prosperous, democratic, and culturally advanced” *is amended to read* “promote the coordinated development of the material, political, spiritual, social, and ecological civilizations, to turn China into a strong modern socialist country that is prosperous, democratic, culturally advanced, harmonious, and beautiful, and to realize the great rejuvenation for the Chinese nation (Wei& Hu,[2019](#), section article 32).



### **Environmental Dimension of Belt and Road Initiative (BRI)**

The Chinese President, Xi Jinping, unveiled the ambitious BRI in 2013 which includes a number of economic ventures in an attempt to restore and modernize the old Silk Route. It has involved more than 140 nations (Tsuji, [2024](#)) across the globe, encompasses more than 40 % of global GDP, and 63% of global population (Sacks, [2021](#)). This makes it an important and critical initiative in shaping the future of global trade and economy. BRI includes huge infrastructure and energy-focused projects in different jurisdictions with a great potential of environmental impact. The environmental responsibility in the execution of these projects has to be shared by different stakeholders as the projects take their shape. The environmental governance across the BRI member states varies greatly as the member states have different natures of environmental legislations and approaches in responding to the environmental challenges. Constitutional environmental treatment is not the same, and same is the case with the implementation mechanism of environmental policies. The environmental standards are not equal and adherence to these standards is also an issue of deep concern. The regulatory mechanism of environmental management is also different in different jurisdictions. This situation makes it imperative to have a careful and efficient standardized mechanism for environmental protection for all the member states and projects. Environmental protection is quite concerning in the wake of BRI projects and activities. The BRI member states must try their best to minimize the environmental effects of these projects through harmonization of environmental standards and by increasing the efficiency of sustainable environmental policy implementations. Resultantly, maximum benefits of the initiative may be achieved with least damage to the environment. It is important to come up with an effective and efficient monitoring body which has the power and prowess to conduct environmental impact assessment and oversee the implementation of minimum basic environmental standards and regulations in BRI projects.

BRI projects are getting considerable attention to remain green. Moreover, the green BRI is also a need according to the concept underlining eco-civilization and also to ensure the realization of Sustainable Development Goals (SDGs) (Belt and Road Portal, [2017](#)). China has already expressed its commitment and pledge to make BRI projects green and to stop financing coal-fired power plants which is a welcoming decision

(Tsuji, [2024](#)). Moreover, China has shown commitment to ensure low-carbon and green development which is pleasing (United Nations [UN], [2021](#)). One aspect remains important in BRI context that strict environmental standards at home may result in pushing Chinese entities to pursue projects outside China in the jurisdictions with relaxed environmental standards and rules which makes it more important for other BRI member states to put cautious and strict checks in place in order to avoid non-environment-friendly projects (Ranjha, [2022](#)). The important thing is that these pledges and commitments need to be honoured and implemented in true spirit.

### Conclusion

The current status of environmental treatment by the Chinese Constitution seems to be far behind the global trend of clothing environmental rights with constitutional safeguards. However, the nature of concern shown in the constitution pertaining to environmental degradation is quite noticeable. This concern and seriousness towards the environmental problems has been depicted in a number of environment-related laws and policies. The implementation of these environmental laws, rules, policies, and standards is improving time to time. The recent amendments in the Chinese Constitution and Environment Protection Laws of China are seen as a reiteration of its commitment towards improving the environmental governance and to pursue sustainable development, especially the inclusion of eco-civilization concept which has its own philosophical background. Additionally, it would help in increasing the focus on environmental issues along with achieving the goals of environmental protection. It is imperative for the world generally and China specially to include environmental right in their national constitutions in accordance with the essence of UN recognition of environmental right as a basic human right and to ensure the availability of this basic human right for everyone everywhere. Moreover, there is an urgent need to have a strong environmental legal mechanism, coupled with implementation mechanism, to ensure the realization of safe and healthy environment to achieve UN Sustainable Development Goals. It is also important to ensure that the BRI projects remain green and do not disturb the environmental balance to cast negative impacts on the communities and regions. An important task in this respect is the sharing of environment-related information and data between the member states and an immediate necessity to seek harmonization of environmental standards

in the BRI member states. The environmental impact assessment for the BRI projects is pivotal and a decisive factor towards the environmental safety. It is quite a tough and daring task, however, it has to be looked after in order to ensure environmental safety. There is a great fear that the majority of BRI member states might ignore these environmental sensitivities due to their much needed economic gains and also giving way to the increased economic influence of China. These circumstances make it increasingly important for the BRI member states to take extra caution in their economic endeavours, giving due attention to the environmental cost of all the economic ventures. Environmental health is sine qua non for human life to flourish in its entirety. Taking care of environmental standards, ensuring the implementation of environment-friendly policies, and penalizing the environmental culprits is the way to ensure a healthy environment for present and future generations.

### **Conflict of Interest**

The author of the manuscript has no financial or non-financial conflict of interest in the subject matter or materials discussed in this manuscript.

### **Data Availability Statement**

Data availability is not applicable as no new data was created.

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