**Judicial Protection of Biodiversity**

**in China**

**The Supreme People's Court of the People's Republic of China**

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# **Preface**

China has a vast territory, diverse landforms and rich ecological resources. The magnificent and colorful ecological environment has created and accommodated all life and contributed to the splendid Chinese civilization. As one of the most biodiverse countries in the world, China attaches great importance to biodiversity conservation. Under the scientific guidance of Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, China has brought biodiversity conservation to a national strategy. By prioritizing protection and pursuing green development, we have achieved remarkable results in biodiversity conservation. Report to the 20th CPC National Congress of the Communist Party of China clearly put forward that “Chinese modernization is the modernization of harmony between human and nature”, devoted a special chapter to “pursuing green development and promoting harmony between human and nature” and especially deployed “enhancing diversity, stability and sustainability in our ecosystems”, setting the course for the people’s courts to comprehensively conduct the environment and resources adjudication and strengthen the judicial protection of biodiversity.

The protection of biodiversity is the cornerstone of human survival and development and the sustenance of people’s well-being, and thus the duty of people’s courts to serve the interests of mankind and promote the harmony between human and nature with judicial power. In May 2021, President Xi Jinping sent a congratulatory letter to the World Judicial Conference on Environment, fully affirming that “China has kept deepening the reform and innovation of environment-related judicial practices and has gained useful experience in protecting the ecology and environment by judicial means”, which provided fundamental guidance for the people’s courts to comprehensively strengthen judicial protection for ecology and environment and escort the construction of a beautiful China. The people’s courts have thoroughly practiced Xi Jinping Thought on Ecological Civilization and Xi Jinping Thought on the Rule of Law, implemented the national strategy for biodiversity conservation, adhered to impartial justice, innovation on the basis of fundamental principles, protected biodiversity with the best institutional arrangements and the strictest rule of law, explored a path of judicial protection of biodiversity with Chinese characteristics, and formed a vivid judicial practice of biodiversity conservation.

# I. Give full play to the judicial function and strengthen the judicial protection of biodiversity comprehensively in the whole process covering the whole area

The people’s courts firmly uphold the concept of “Lucid waters and lush mountains are invaluable assets”, adhere to the holistic and systematic approach to conserving and improving mountain, water, forest, farmland, grassland, and desert ecosystems, and serve the implementation of major biodiversity conservation projects. We fully leverage the punishment and education function of criminal adjudication, and accurately crack down on crimes of destroying biodiversity by means such as judgement of actual sentence according to law, using probation with caution, and strengthening fines. We make full use of civil adjudication for relief and restoration, implement the principle of responsibility for damage and comprehensive compensation, apply punitive damages according to law, and fully investigate the restoration responsibility and compensation liability of perpetrators of biodiversity destruction. We give full play to administrative adjudication for supervision and prevention, and supervise and support administrative law enforcement of biodiversity conservation through a comprehensive use of litigation guidelines, non-litigation enforcement, and judicial suggestions. Since 2013, courts at all levels have concluded a total of 182,000 first-instance cases concerning biodiversity conservation, involving different types of cases such as protection of wild animals and plants and their living environment, protection of fishery and forestry resources, animal and plant inspection and quarantine, and new plant varieties, covering the core areas of biodiversity conservation such as species diversity, genetic diversity and ecosystem diversity protection. We have effectively safeguarded national ecological security and people’s lives and health by the rule of law.

## (1) Comprehensively strengthen the protection of species diversity.

**We strengthen the judicial protection of animal and plant resources.** The Supreme People’s Court and the Supreme People’s Procuratorate jointly issued the *Interpretation on Several Issues Concerning the Application of Laws in Handling Criminal Cases of Smuggling*, detailing criminal sanctions norms and sentencing standards for crimes involving smuggling of precious animals and plants and their products, and clarifying ways and means to crack down on new forms of crimes against biodiversity. We jointly issued the *Reply on the Application of Article 344 of the Criminal Law of the People’s Republic of China* to strengthen the criminal judicial protection of ancient and famous trees. We also jointly revised the *Interpretation on Several Issues Concerning the Application of Laws in Handling Criminal Cases involving the Destruction of Wildlife Resources*, adjusting the basic criteria of conviction and sentencing from quantity to value with a thorough consideration of the circumstances such as whether the animals involved are artificially bred and how endangered they are, so as to better reflect the essence of wildlife resource protection and principle of proportionate responsibility and punishment to the crime, and effectively address social concerns.

**We strengthen the judicial protection of terrestrial species.** We have strengthened the judicial protection of wild animals and plants typical and unique to China, such as Tibetan antelope and *taxus chinensis*, and defended the safety of wildlife communities. We have made clear through judicial cases that the place where any act of hunting, killing, selling, purchasing, using, transporting, carrying and delivering wild animals occurs shall be the locality of occurrence of ecological destruction, so as to the cross-jurisdiction mass crackdown on acts endangering wild animals. A court in Qinghai Province prosecuted and tried the defendant who had absconded for 26 years for illegally hunting Tibetan antelopes, safeguarding wildlife and the environment on the Qinghai-Tibet Plateau. A court in Guangdong Province heard the case of the illegal sale of electric earthworm fishing tools, and gave a negative evaluation to the use of natural resources by “draining the water to catch all the fish” and “killing the chicken to collect the eggs”. A court in Hubei Province tried a case regarding the destruction of *taxus chinensis*, a key state-protected plant, to promote the species back to nature. A court in Gansu Province cracked down on the crimes against state-protected plants in the Yellow River basin in an effort to strengthen the defense line for the protection of flagship species of biodiversity.

**We strengthen the judicial protection of aquatic species.** We have severely punished crimes that endanger representative species of aquatic ecosystems. From perspectives of prohibited fishing periods, prohibited fishing areas and prohibited tools or methods, we have cracked down on illegal fishing of aquatic products and other illegal and criminal acts along the whole chain, thus effectively protecting the safety of aquatic species. A court in Shanghai Municipality tried a civil public interest lawsuit attached to the criminal case of illegally hunting and killing of Chinese sturgeon, so as to protect Chinese sturgeon, the “king of fish in the Yangtze River”, and its habitat according to law. A court in Chongqing Municipality tried the case of the death of China’s unique freshwater species of *Myxocyprinus asiaticus* by illegal fishing with the fixed shore trap, and the more severe punishment was imposed according to law, which reflected the clear direction of severely cracking down on illegal fishing and protecting the unique freshwater species. A court in Jiangsu Province tried the case of enormous illegal fishing of elvers in the Yangtze River, ordering the elvers buyers, sellers and fishermen to bear joint and several liability for compensation, which cracked down on acts endangering the ecological safety of the Yangtze River throughout the chain. A court in Hunan Province heard the case of illegal river snail fishing in Dongting Lake, which prompted several tons of river snails back to nature and maintained the food chain safety and ecological balance of water bodies. A court in Fujian Province tried the cases of illegal purchase and sale of tooth products of great white sharks and red coral products, providing strong judicial protection for precious and endangered marine species.

## (2) Comprehensively strengthen the protection of genetic diversity

**We ensure the genetic safety of germplasm resources.** We have severely punished crimes that endanger the safety of germplasm resources, and make every effort to protect the safety of natural germplasm resources and gene treasury by establishing the mechanism of key inspection, rescue and regular publicity, and the cooperation mechanism for biological and habitat protection, and ecological protection legal service stations. A court in Liaoning Province severely punished the illegal purchase, transportation and sale of spotted seals, a national first-class protected wild animal, rescuing nearly 100 seal pups, effectively safeguarding the safety of China’s unique marine sub-species. A court in Hunan Province tried the public interest litigation case of indiscriminate catching of *Rana chensinensis* and *Rana nigromaculata*, and protected the genetic diversity of the terrestrial wild animals with important ecological, scientific and social values. Courts in Fujian Province and nature reserve management agencies jointly established the cooperation mechanism for Xiamen Chinese white dolphin and habitat protection. Courts in Yunnan Province built legal service station in mountain villages along the ancient Silk Road for China Hornbill Valley ecological protection to safeguard the treasure house of germplasm resources at zero distance.

**We strictly prevent and control the invasion of alien species.** To serve biological safety management, we accurately grasp the legislative purpose of “the crime of illegally introducing, releasing and discarding alien invasive species” added in the *11th Amendment to the Criminal Law of the People’s Republic of China*, correctly apply the provisions of the *Biosafety Law of the People’s Republic of China*, strengthen the connection between judicial justice and administrative law enforcement in environmental criminal cases, explore and promote the mechanism of “prevention and early warning, detection and monitoring, suppression and interception, joint control for disaster reduction”, intensify the crackdown on illegal and criminal acts of smuggling and trafficking of overseas animals and plants, and build a strong judicial great wall to protect local natural ecosystems and prevent the invasion of alien species. A court in Shandong Province tried the case of illegal sale of rare wild animal species from abroad through online platforms, cracking down on the crime of trafficking alien species, and safeguarding the national ecological security.

**We put up a defense line for animal and plant inspection and quarantine.** The judicial system has safeguarded the building of the prevention and treatment system and emergency response capacity for major epidemics. Illegal and criminal acts of the sale and transportation of infected animals and plants have been severely punished in accordance with the law, so that the animal and plant inspection and quarantine mechanism has become a rigid line of defense. A court in Sichuan Province tried the case that the transshipment of wood in forest-infected areas hindered animal and plant quarantine, seized and destroyed pine wood carrying nematode pathogen known as pine “cancer”, dismantling the “ecological bomb”. A court in Yunnan Province tried the case of an epidemic caused by the import of breeding sheep, convicted and punished the breeding sheep providers who failed to declare quarantine vaccination according to law, serving as an alert for the industry to raise awareness of abiding laws on biological safety. A court in Shandong Province tried the case of the sale of poultry products with unknown causes of [mortality](https://www.bing.com/ck/a?!&&p=ca817997f39dfeddJmltdHM9MTY4NzgyNDAwMCZpZ3VpZD0yMjA0ZjY0Ny0yZjY2LTZiZmQtMjRhNS1lNGM5MmViNDZhODYmaW5zaWQ9NTM3MQ&ptn=3&hsh=3&fclid=2204f647-2f66-6bfd-24a5-e4c92eb46a86&psq=poultry+products+with+unknown+causes+of+death&u=a1aHR0cHM6Ly93d3cucG91bHRyeXdvcmxkLm5ldC9oZWFsdGgtbnV0cml0aW9uL2hvdy10by1pZGVudGlmeS1jYXVzZS1vZi1tb3J0YWxpdHkv&ntb=1" \t "https://cn.bing.com/_blank), cutting off the illegal interest chain with an output value of thousands of tons, and eliminating the risk of animal epidemics. Many courts across the country have tried cases of illegal trafficking in pigs with swine fever and carcasses from abroad, preventing the spread of the epidemic to China and safeguarding people’s lives, health and safety.

## (3) Comprehensively strengthen the protection of ecosystem diversity

**We strengthen the judicial protection of wetland ecosystem.** Wetlands, known as the “kidney of the earth”, being one of the three major ecosystems of the earth alongside forests and oceans, are of special significance for maintaining biodiversity. In his address to the 14th Meeting of the Conference of the Contracting Parties to the Ramsar Convention on Wetlands, General Secretary Xi Jinping proposed to cherish wetlands and called for the promotion of high-quality development of wetland protection. In the strict implementation of the requirements of the *Law on the Protection of Wetlands in the People’s Republic of China*, the people’s courts have intensified the trial of cases concerning damaging the natural environment of wetlands, with a focus on the protection of biological habitat space, protected migratory birds’ migration stations and biological breeding homes, and ensured the safety and stability of the ecological functions of wetlands. A court in Jiangxi Province has set up an environment and resources division and a biodiversity conservation base in Poyang Lake, the largest freshwater lake in China, which is on the List of Wetlands of International Importance, to comprehensively protect rare migratory birds and wetland ecosystems. A court in Chongqing Municipality built the “ecological restoration+rural revitalization” base in the Three Gorges Reservoir area of the Yangtze River, the Hanfeng Lake wetland and bird judicial protection base and other judicial restoration bases. A court in Jiangsu Province tried the case of hunting night heron eggs in a wetland park, and investigated the illegal hunters for criminal responsibility and the liability for compensation for the loss of ecological service function, maintaining the integrity of the food chain of wetland ecosystem. A court in Henan Province tried the case of forced demolition of the illegal expansion of the fish pond in the Yellow River wetland, and dealt a heavy blow to the phenomenon of disorderly occupation, mining, stacking and construction in the Yellow River Basin, effectively restoring the wetland function and maintaining the ecological security of the mother river.

**We strengthen the judicial protection of forest ecosystem.** Forests are water reservoirs, treasure-houses, grain depots and carbon pools. Forests and grasslands play a fundamental and strategic role in national ecological security. The people’s courts serve to promote the scientific development of large-scale land greening actions, and constantly improve the pertinence, rationality and enforceability of forest restoration programs in ecological and environmental protection litigation. We have deepened judicial protection for the reform of collective forest rights system, promoted the establishment of a mechanism to realize the value of ecological products, and helped realize the sustainable utilization of forest resources. Courts in Heilongjiang Province and Hainan Province issued special opinions on forest resources and wildlife protection joint with other agencies, increasing the responsibility for damage to the forest ecological environment. Based on the local resource endowment, courts in Zhejiang Province have explored the grid governance model of “a judge for a division at a town (township, street)”, and designated a “forest judge” point-to-point to every village and community, so as to guard the forest and bamboo forest round-the-clock. Courts in Jiangsu Province tried the case of forest fire caused by tomb-sweeping at Qingming Festival, and courts in Sichuan Province tried the case of grassland fire caused by throwing cigarette butts. The perpetrators in these cases have been held accountable for the legal responsibility, thus promoting the good practice of civilized ancestor worship and prudent use of fire, and raising the fire-prevention awareness of the public.

**We strengthen the judicial protection of marine ecosystems.** People’s courts underline the significance of marine ecological security to biodiversity conservation and the healthy and stable development of marine economy. The Supreme People’s Court has formulated the *Provisions on Several Issues Concerning the Trial of Cases Occurred in the Waters within China’s Jurisdiction (II)* to crack down on illegal acts against the marine ecological environment according to law. A court in Guangxi Zhuang Autonomous Region tried the administrative punishment case of illegal reclamation in Beibu Gulf, accurately identified the nature of the illegal subjects’ unauthorized reclamation, defending the authenticity and integrity of the natural coastline, and safeguarding the safety of the marine ecological environment. Courts in Fujian Province carried out the “*Hai Si Lan Ping* (Blue Marine Shield)” protection act. They formulated the Blue Ocean Convention jointly with administrative departments, put up on local fishing boats the convention boards which declare the protection of marine resources and coastline environment, so as to enhance the awareness of coastal fishermen to protect the marine ecological environment and ensure the healthy development of marine ecological economy.

# II. Uphold the concept of green justice, and build a strict and dense judicial protection network for biodiversity

The People’s Courts fully, accurately and comprehensively implement the new development concept, by striking a balance between ecological and environmental protection, economic and social development and people’s livelihood, coordinate high-quality economic and social development and high-level protection of the ecological environment, in an effort to felicitate harmony between humanity and nature. Based on judicial practice, we have consolidated the understanding of the regularity of environmental resources trials, established the principles for ecological environmental protection in the new era, such as prioritizing protection and prevention, responsibility for damage, and systematic protection, aiming to build a strict, rigorous, pragmatic and effective system of adjudication rules for environmental resource, enrich the toolkit of preventive, punitive and restorative measures, and provide clear judgment guidance and explicit value orientation for judicial protection of biodiversity.

## (1) Adhere to the principle of prioritizing protection

**We establish the judicial concept of ecological priority.** We hardly notice ecology and environment when we have them, yet they are essential to human survival with no substitute. We must adhere to sustainable development, with a focus on conservation, protection and natural restoration, and protect the natural ecology and environment as we protect our eyes. The Supreme People’s Court has strengthened the top-level design, and issued 15 judicial policy documents, such as the *Opinions on Strengthening and Innovating Environmental and Resource Trials in the New Era to Provide Judicial Services and Guarantees for the Modernization of Harmony Between Human and Nature,* guiding courts at all levels to embrace the concept of respecting, adapting to and protecting nature. We have cracked down on crimes of illegal hunting, trading and eating wild animals, tried cases involving endangered species, ecological damage and loss of biogenetic resources according to law, so as to safeguard national ecological security, biological security and public health security. We adopt a scientific and accurate approach to understanding the harmonious symbiosis between man and nature. Instead of simple anthropocentrism or natural centralism, we take a stand for the integration of the two, championing a planet where man and nature live in harmony.

**We serve the green development of economy and society.** Revolving around high-quality development, the people’s courts have tried cases involving green financial investment and industrial restructuring to facilitate the green transformation of the development model. We have properly handled disputes arising from projects with high energy consumption and high emissions, in an effort to promote the green transformation of key industries and sectors, and assist in environmental pollution prevention and control. By strictly implementing ecological protection laws and regulations including the *Yangtze River Protection Law of the People’s Republic of China* and the *Yellow River Protection Law of the People’s Republic of China*, we have served the recuperation of grasslands, forests, rivers, lakes and wetlands, and ensured the fallow crop rotation system, so as to help enhance the diversity, stability and sustainability of the ecosystem. We have tried cases related to climate change in order to promote the clean and efficient use of energy, raise public awareness of green production and lifestyle, and contribute to carbon peak and carbon neutrality in an active yet prudent manner.

**We enrich the toolkit of green adjudication rules.** Drawing from its trial experience, the Supreme People’s Court has formulated 21 judicial interpretations, including the *Interpretation on Several Issues Concerning the Application of Law in the Trial of Civil Disputes over Forest Resources,* issued 26 guiding cases on environment and resources by the theme of “biodiversity conservation “ and 280 typical cases in 26 batches, strengthening adjudication guidelines for the protection of all kinds of environmental elements and ecosystems. To implement the green principle of the Civil Code of the People’s Republic of China, sticking to the protection and sustainable use of natural resources, we have properly handled cases involving mineral deposits, forests, rivers, lakes, wetlands and other natural resources in accordance with the law, in an effort to coordinate industrial restructuring, pollution control, ecological protection, and response to climate change. We have drafted guidelines on judicial assistance for carbon peaking and carbon neutrality, and conducted research on rules for adjudicating new cases involving carbon emission rights, emission trading and green finance, so as to ensure the healthy development of new business forms. We have strengthened judicial protection of natural reserves with national parks as the main body, implementing the requirements of ecological niche protection. In the trial of cases, we have taken the safety of biological communities and their habitats as an important consideration and halted illegal business activities that harm precious and endangered wildlife in accordance with law, installing safety guardrail for the reproduction of life through judicial adjudication.

## (2) Strengthen the defense line that gives priority to prevention

**The principle of risk prevention is implemented.** In the implementation of the principle of giving priority to protection and prevention as set out in the *Environmental Protection Law of the People’s Republic of China*, we have promoted the transformation of biodiversity conservation from “treating the diseases” to “preventing the diseases” in light of the characteristics of ecological and environmental infringement cases, taking full account of the major real risks threatening biodiversity. A court in Yunnan Province tried the “green peafowl protection case”, breaking through the traditional concept that “no relief shall be granted if no damage is done”, taking into account the unique value of the protected species, the possibility of damage results, the severity and irreversibility of damage consequences and other factors, halted the construction of relevant projects in time to protect the habitat of endangered wild animals in accordance with the law. A court in Sichuan Province tried the “protection case of Acer five-leafed”, and according to the principle of risk prevention, ruled that the defendant should take preventive measures and incorporate the impact on the survival of endangered wild plants into the environmental impact assessment of construction projects, so as to promote the coordination of environmental protection and economic development.

**Public interest litigation is launched for preventive protection.** We have promoted the improvement of the environmental public interest litigation and compensation litigation system for ecological and environmental damage, making it clear that preventive public interest litigation can be initiated in accordance with the law if the damage has not yet occurred, but there is evidence that acts of environmental pollution and ecological damage have a major risk of harming social public interests. The Supreme People’s Court issued the *Interpretation on Several Issues concerning the Application of the Law to the Trial of Environmental Public Interest Civil Litigation Cases*, refining the rules governing the filing of environmental public interest litigation by agencies or social organizations as prescribed by law. Together with the Supreme People’s Procuratorate, we issued the *Interpretation on Several Issues Concerning the Application of Law to Procuratorial Public Interest Litigation Cases*, establishing and improving the procuratorial public interest litigation system. The *Several Provisions on the Adjudication of Cases Involving Compensation for Ecological and Environmental Damage (Trial)* has been promulgated, clarifying the litigation rules for compensation for ecological and environmental damage initiated by provincial and municipal people’s governments, which provides strong institutional support for strengthening judicial protection of biodiversity.

**Injunctions are applied to curb illegal acts.** In view of the special needs of ecological and environmental protection, including biodiversity conservation, the Supreme People’s Court, based on civil behavior preservation, issued the *Provisions on the Application of Injunction Preservation Measures in Ecological and Environmental Infringement Cases*, providing clear adjudication guidelines and powerful judicial tools for the protection of endangered species. Courts across the country strictly observe the boundary of ecological functional zones and the red line of ecological protection, and according to the urgency and necessity of the protection of biological populations and their habitats, grant injunctions to timely halt the infringement, eradicating or control within a reasonable range the damage. We effectively perform the correction of behavior and recidivism prevention function of criminal trials. In criminal cases involving illegal hunting and trading of wild animals and plants and their products, criminal injunctions or employment bans have been applied to defendants concerned in accordance with the law, so as to build a preventive protection line for biodiversity security.

## (3) Implement the principle of responsibility for damage

**Legal responsibilities for ecological and environmental protection are strictly implemented.** The Constitution, as the fundamental law of the state, defines the principles of “protecting and improving the living and ecological environment” and “protecting precious animals and plants.” Under the guidance of the Constitution, the People’s Courts adhere to the concept that the legal bottom line and the ecological red line cannot be crossed, accurately apply the legal system of ecological and environmental protection based on the *Environmental Protection Law of the People’s Republic of China*, covering various types of pollution factors and natural ecosystems including mountains, rivers, forests, farmlands, lakes, grasslands and sand-lands. The illegal acts and crimes that damage biodiversity are investigated and held accountable, ensuring that laws and regulations for ecological and environmental protection become the deterring iron law “with teeth”. We uphold the principle that the environment has value and hold accountable those who are liable for the damage. The criminal or administrative responsibility of a defendant for the same ecological environmental damage act does not affect his prioritized civil liability for causing ecological and environmental damage.

**Ecological and environmental loss are comprehensively compensated.** By accurately grasping the law of the interaction of ecological elements, we have scientifically identified the impact of damaging biodiversity on the service function of the ecosystem, with the protection scope expanded from a single environmental factor to the overall ecosystem, with a quantified amount of compensation liability. A court in Jiangsu Province tried the case of illegal open-pit mining along the Yangtze River, based on the damage to various ecological environment elements including mountains, forests, grasslands, water and soil, biological resources and their habitats, and found that the ecological and environmental damage caused by illegal mining shall be compensated comprehensively by the infringer. A court in Shanghai Municipality heard the case of illegal fishing in aquatic germplasm resource reserves, and ordered the infringer to bear additional losses in environmentally sensitive areas to effectively protect the aquatic ecology in the reproduction area of aquatic germplasm resources with high economic and genetic value. A court in Chongqing Municipality tried the case of “protection of *Adiantum nelumboide*”, a species endemic to the Three Gorges Reservoir area, and ordered the infringers to pay compensation according to law, despite the fact that the ecology and environment have been restored, given that the loss of service function caused by the damage to the ecology and environment during the restoration period.

**Punitive damages for ecological and environmental infringement are applied according to the law.** Breaking through the traditional principle of indemnity, we apply the punitive compensation for ecological and environmental infringement as provided in the *Civil Code of the People’s Republic of China*, and the infringers who have intentionally damaged biodiversity shall bear the liability for compensation exceeding the actual amount of damage, so as to fully remedy the damaged rights and interests and punish the malicious infringer by effectively increasing the cost of illegal acts. The Supreme People’s Court issued the *Interpretation on the Application of Punitive Damages in the Trial of Ecological and Environmental Infringement Disputes*, detailing the application procedures and conditions for punitive damages. A court in Shandong Province tried the case of the purchase and sale of precious and endangered wild animals for the purpose of eating, held the illegal catering service operators accountable for criminal responsibility, and ordered them to bear the liability for ecological environmental damage, and applied punitive compensation, showcasing the effective enhancement of the punishment of intentional infringement of biodiversity.

## (4) Improve systematic protection measures

**We adhere to integrated protection and restoration.** The ecosystem, as holistic, systematic, and regular as it is, must be taken into account as a whole. Judicial decisions should guide market players and the public to enhance environmental awareness, promote the establishment of a modern judicial system safeguarding environmental governance which features strict prevention at the source, close oversight in the process, and severe punishment for the damage combined with accountability and full restoration, so as to promote coordinated ecological and environmental governance. Crimes that damage wildlife resources are cracked down in the whole link covering all elements along the whole chain. We also root out the profit chain of “capture, purchase, and sale”, and cut off the black trading chain. We coordinate criminal sanctions, civil compensation and administrative penalties for the same acts of biodiversity damage for the integrated purpose of punishing crimes, compensating losses and restoring the environment. When adjudicating the civil public interest litigation case attached to the criminal case of deforestation, a court in Hunan Province took into consideration of the defendant’s voluntary payment of restoration deposit into the sentencing circumstances, and urged the violator to actively fulfill the obligation of ecological restoration, realizing the political, legal, social and ecological effects in one single case.

**We carry out comprehensive restoration.** We embrace the restorative justice concept, and follow the laws of nature. According to the features of different ecological elements, we have explored and innovated the adjudication and enforcement methods unique to environmental resource trials such as trees replanting, aquatic breeding and releasing, labor compensation, technological upgrading as deduction, and carbon sink subscription. The restoration scope covers forests, rivers, lakes, intertidal zones, with all-round restoration options available for different types of natural environments and ecosystems. We have established an enforcement return visit mechanism to comprehensively assess the result of ecological and environmental restoration, thus forming a closed loop of “destruction-judication-restoration-supervision” for biodiversity conservation. When adjudicating the case of destroying the national public welfare forests, the court in Zhejiang Province fully considered the timeliness, seasonality and urgency of ecological environment restoration, and ruled that the infringer conduct plant seedlings firstly to ensure the timely restoration of the forest ecological environment.

**Establish a multi-functional restoration base.** We keep innovating working methods, and establish a judicial restoration base integrating the dissemination of ecological ideas, the display of ecological achievements, the education of ecological rule of law, the promotion of ecological culture, and the experience of ecological protection, forming an ecological and environmental judicial platform for multi-level restoration and three-dimensional protection, so as to promote the steady recovery of biodiversity and the continuous improvement of ecological and environmental quality. Courts in Jiangsu Province have set up a biodiversity judicial practice base in the zoo, supported by professional animal rescue hospitals, to offer scientific rescue for wild animals. A court in Chongqing Municipality has laid artificial fish nests in the Three Gorges reservoir area of the Yangtze River, established a judicial protection base, and a shelter and rescue center for migratory birds so as to strengthen targeted protection of rare and endemic species. Courts in Fujian Provinces have established a judicial protection and ecological governance mechanism for marine carbon resources, deeply combining the protection and restoration of biodiversity resources with the enhancement of marine carbon sink capacity.

# III. Improve the specialized trial system for higher judicial capacity to protect biodiversity

The people’s courts have implemented the requirements of the Central government on accelerating the establishment and improvement of an ecological civilization system guaranteed by the modernization of the governance system and governance capacity. In accordance with the requirements of the judicial system reform, the reform of the function of courts at four different levels, and the reform of the litigation system, we focus on promoting substantive institutional operation, coordinating centralized jurisdiction, promoting intelligent environmental justice, normalizing judicial cooperation, and diversifying dispute resolution, and continue to deepen reform and innovation for building and improving the specialized environment and resources trial system with Chinese characteristics, and enhancing the judicial capacity to protect biodiversity.

## (1) Improve the specialized trial system

**We establish a specialized trial system.** In light of the protection need for special ecological regions, we have steadily promoted the construction of specialized judicial institutions for environment and resources across administrative regions with river basins and other ecosystems or ecological functional areas as units. The Supreme People’s Court, 30 High People’s Courts and the branch court of the Xinjiang Production and Construction Corps have set up environment and resource divisions; and Nanjing, Lanzhou, Kunming, Zhengzhou and Changchun have set up environment and resource courts. A total of 2,426 specialized divisions, tribunals or organizations have been set up nationwide, making China the only country in the world with the establishment of an environment and resource trial system covering courts at all levels across the country. Dedicated institutions have also been set up to strengthen local biodiversity protection, the giant panda division in the court of Sichuan Province, the circuit trial station for green peafowl protection in Yunnan Province and the judicial protection station for ancient camphor trees in Zhejiang Province, to name a few.

**We implement a centralized trial mechanism.** The Supreme People’s Court and 28 High People’s Courts have centralized the criminal, civil and administrative trials involving environment and resources to specialized environment and resources trial institutions or organizations, integrating the functions of criminal punishment and education, civil relief and restoration, administrative supervision and prevention, so as to promote the unification of trial concepts and judgment standards for environment and resources cases. Courts in Yunnan, Jiangxi, Zhejiang, Sichuan and other provinces have explored the “four in one” mechanism inclusive of enforcement, which implements ecology conservation throughout the process from trial to enforcement. Efforts have been made to train expert judges who are proficient in environmental law and familiar with economic, social and environmental knowledge, thus a professional trial team that is equipped with criminal, civil and demonstrative knowledge as required by the “three-in-one” centralized trial mode.

**We advance centralized jurisdiction of cases.** Taking the ecosystem or ecological area as the unit, we implement centralized jurisdiction over environment and resources cases across administrative boundaries, so as to promote the integrated protection of the food chain and ecological circle of life, tackling the “home and away” problem of biodiversity protection. The Supreme People’s Court instructed local courts to explore centralized jurisdiction over cases across administrative regions regarding ecosystems such as river basins, forests and wetlands and ecological functional areas such as national parks and nature reserves as units, with consideration of maintaining the integrity of important biogeographic units and ecosystem types and serving the needs of ecological management and the characteristics of relevant cases. Jiangsu Province has implemented the “9+1” centralized jurisdiction mechanism with Nanjing Environment and Resources Division as the core and nine ecological function zone divisions as the backing. The centralized jurisdiction in Jiangxi courts features “one River, one Lake and five rivers” covering the Yangtze River, Poyang Lake and relevant basins, effectively promoting systematic protection and holistic governance.

## (2) Refine the diversified co-governance pattern

**We strengthen the internal and external coordination linkage.** We havebuilt a multi-level and cross-administration region judicial cooperation mechanism with full account of the characteristics of biodiversity protection cases. The High People’s Courts of 11+1 provinces and municipalities in the Yangtze River Basin and 9 provinces and municipalities in the Yellow River Basin respectively signed the environment and resources trial cooperation agreement; the courts of Beijing-Tianjin-Hebei, Yangtze River Delta, Grand Canal and South-to-North Water Transfer Project established a multi-level judicial cooperation mechanism to serve the systematic protection and integrated development of the river basin regions. By strengthening external coordination mechanism, we effectively tackle the problems regarding the evaluation and identification of professional issues, the storage, transfer and disposal of articles involved, and the sharing of case information in biodiversity cases, thus enhancing the protection synergy. We serve the construction of nature reserve system with national parks at the core, and ensure the accelerated implementation of major ecological system protection and restoration projects. Courts in Jilin Province and Northeast Tiger and Leopard National Park Administration Bureau jointly established the judicial protection and research base of Northeast Tiger and Leopard National Park; courts in Fujian Province established the centralized jurisdiction and cooperation area for legal protection of ecology and environment with Wuyishan National Park as the base; and courts in Hainan Province served with its judicial function the construction of tropical rain forest national park, a national ecological civilization experimental zone.

**We improve the diversified dispute resolution mechanism.** We promote justice through publicity, build public trust, and deepen the whole-process judicial disclosure. Adhering to the combination of professional trials and public participation, we have set up a database of technical experts and people’s accessors. Courts in Heilongjiang Province formulated special measures to select forest-related people’s accessors. We strengthen the management at the source of litigation, coordinate non-litigation dispute resolution mechanisms such as consultation, mediation and arbitration, and meet the diverse environmental judicial needs of the people in an efficient and convenient manner. Combined with biological breeding habitats, natural parks and other areas, we have built judicial demonstration bases for biodiversity, public education venues and other platforms that are accessible to the people. We have worked to refine the compensation system for ecological protection by exploring the compensation mechanism for wildlife accidents, and docking with the financial institutions for wildlife damage claims. Courts in Yunnan Province set up a “legal service station for human-elephant harmony” to pool the strength of township governments, administrative departments, industry associations for a one-stop mediation platform to escort Asian elephants safely “travel to the north and return to the south”. Courts in Fujian Province explored the mechanism of “ecological justice+insurance” to insure property loss insurance and public liability insurance for ancient and famous trees, solving the problem of repairing damaged ancient and famous trees. Courts in Jiangsu Province launched the first court-initiated judicial protection museum of biodiversity in Nanjing Hongshan Forest Zoo, effectively enhancing the judicial radiation and influence.

**We advocate national action for biodiversity conservation.** By tapping the potential of the role of ecological and environmental justice in social guidance, evaluation and education, we have worked to advocate low-carbon and green lifestyles, guide the transformation of backward practices such as eating wild animals and using precious animal and plant products to a simple, moderate, civilized and healthy direction. We have made the legal publicity a signature activity for “June 5 Environment Day”. On key occasions such as the International Biodiversity Day, World Wildlife Day, World Wetland Day, and National Aquatic Wildlife Protection Science Publicity Month, we have conducted extensive publicity and public education activities on biodiversity. New media platforms such as WeChat public accounts have also been used to publish featured cases and illustrations, popularize biodiversity protection knowledge in an approachable way which has encouraged the public to spread the knowledge and discipline themselves. Courts in Jiangsu Provinces have explored the reward mechanism for reporting clues on the damaging wildlife resources, and connected the ecological loss compensation fee to the “110 wildlife crime reporting platform”. Courts in Chongqing Municipality made short videos about the Yangtze River’s aquatic species protection by telling a story of a fish’s adventure in witty dialect, which has received tens of thousands of “likes” from netizens, effectively buoying up the public’s enthusiasm for biodiversity protection.

# IV. Deepen international cooperation and exchanges to improve the global rule of law for biodiversity protection

Biodiversity is the blood and root to sustain the community of all life on Earth. Upholding the concept of a community with a shared future for mankind, the People’s Courts have coordinated the promotion of domestic rule of law and foreign-related rule of law, actively participated in global ecological and environmental governance inclusive of biodiversity conservation, fulfilled obligations under international conventions on biodiversity conservation, and promoted judicial experience exchanges and the sharing of achievements, contributing the legal strength to the building of a community with a shared future for mankind.

## (1) Promote the building of a shared future for all life on Earth

**We successfully held the World Judicial Conference on Environment.** In May 2021, as one of the series of activities of the 15th Conference of the Parties to the Convention on Biological Diversity, the Supreme People’s Court and the United Nations Environment Programme co-hosted the World Judicial Conference on Environment in Kunming, China. In his congratulatory letter to the conference, President Xi Jinping reiterated that “China stands ready to work with other countries and international organizations to enhance global governance on environment”. More than 160 delegates from 27 countries attended the Conference, including presidents or chief justices of the Supreme courts, constitutional courts and Supreme administrative courts and judges from local courts, representatives of international organizations and diplomatic envoys in China. During the Conference, a group of wild Asian elephants in Yunnan Province made their way north, whose trip was under strict protection along the way. Their safe return to the south under artificial guidance became a global hot topic, and was applauded by the international community.

**We systemically respond to the three world major environmental crises.** Ecology and the environment are inseparable public goods. Biodiversity loss, climate change and environmental pollution are interrelated and mutually causal. Therefore, the response path should be guided by systematic methodology. The Supreme People’s Court initiated and contributed to the adoption of “*the Kunming Declaration of the World Judicial Conference on Environment*” to systematically respond to the triple crises, putting forward three principles for judicial response to the triple crisis, namely, the principle of equity, common but differentiated responsibilities and respective capabilities, the principle of protection and sustainable use of natural resources, and the responsibility for damage principle, and advocating the active application of preventive and restorative judicial measures, public interest litigation and diversified dispute resolution methods, and continued efforts to enhance the professional capacity of environmental justice, increase the application of information technology and deepen international cooperation and exchanges for the “largest common divisor” of international environmental justice.

**We honor our commitment to biodiversity conservation.** As one of the first countries to sign and ratify the *Convention on Biological Diversity*, China has actively fulfilled its obligations under the Convention, playing a key role in global biodiversity conservation and governance. In its judicial interpretations and guiding opinions, the Supreme People’s Court specifically clarified the application of international treaties and reiterated its judicial position of underlining rules of international law. In the decision reasons of the “*Acer pentaphyllum* case”, the court in Sichuan Province referred to the *Convention on Biological Diversity* to elaborate the necessity of taking preventive measures to protect biodiversity, protecting the living environment of the “critically endangered” plant species in the *IUCN Red List of Threatened Species*. In the case of a shipping company v. fishery management detachment of Sansha City, the court in Hainan Province by applying the related provisions of judicial interpretation held that *the species involved Hippopus hippopus* as in Appendix II of the *Convention on International Trade in Endangered Species of Wild Fauna and Flora Species* is the rare and endangered aquatic wild animals as prescribed in the *Regulations for the Implementation of Aquatic Wildlife Protection in the People’s Republic of China,* which has effectively safeguarded marine biodiversity. A court in Jiangsu Province tried an extra-large ivory smuggling case and imposed severe punishment on the defendant, which shows the clear attitude of the people’s courts to actively fulfill the obligations under international treaties and crack down on the illegal and criminal trafficking of endangered species.

## (2) Actively participate in global ecological cooperation

**We deepen international exchanges and cooperation on environmental justice.** The Supreme People’s Court has held the Environmental Judicial Protection Sub-Forum of Boao Forum for Asia, and the BRICS Justices Forum which adopted the *Sanya Statement.* We cooperated with the United Nations Environment Programme, the Asian Development Bank, ClientEarth and other international organizations in convening international conferences on judicial protection of biodiversity and judicial response to climate change, achieving key outcomes such as the *Beijing Consensus of the International Seminar on Environmental Justice*. We also participated the Ecological Civilization Forum of the 15th Conference of the Parties to the Convention on Biological Diversity and the high-level Roundtable of the World Conservation Congress. We have made the story of China’s environmental justice heard and expanded the breadth and depth of international cooperation, in a concerted effort to rise to global biodiversity challenges.

**We contribute the wisdom of China’s environmental judicial cases.** The United Nations Environment Programme has set up a special section on Chinese judgments in its database, including 20 environmental cases in two batches and four annual work reports, and a number of high-profile and influential cases have received positive comments from the international community. The “green peacock protection case” was selected as a typical case and included in “the United Nations Sustainable Development Goal 15: Life on Land”, the protective measures of which have effectively served the 2030 Sustainable Development Goals on species protection and ecosystem protection. We have published the bilingual “*Influential Environment and Resources Cases in China*”, by using cases, “the universal legal language”, to share China’s exploration and experience in environmental justice to the world.

# Outlook

“All beings flourish when they live in harmony and receive nourishment from Nature.” Nature is indispensable for the survival and development of human beings. The ecological philosophy embedded in traditional Chinese culture that “man is an integral part of nature” and “Tao models itself after nature” fully elaborate the wisdom and pursuit of biodiversity conservation. Harmony between man and nature has been an aspiration of the Chinese nation since ancient times, which is cherished by the whole society.

The report to the 20th National Congress of the Communist Party of China pointed out that promoting harmonious coexistence between man and nature is one of the essential requirements of the Chinese style of modernization. It called for “sound development featuring improved production, higher living standards and healthy ecosystems to ensure the sustainable development of the Chinese nation”, which has set out a splendid blueprint and strategic path for building a beautiful China. On the new journey of the new era, we are taking unprecedented responsibility to accomplish an unprecedented historical mission to push forward the environment and resources trial. The People’s Courts will closely focus on the goal of “striving to let the people feel fairness and justice in every single judicial case”, and comprehensively strengthen the judicial protection for biodiversity. We will always staunchly champion the harmonious and beautiful home of all life, defend life with justice, protect the beautiful environment with rules, and contribute judicial wisdom and strength to improve the legal system of biodiversity protection, enhance the people’s sense of happiness, security and gain, and promote the construction of a Chinese-style modernization of harmony between human and nature!