

Kunming Declaration of the World Judicial Conference on Environment

The World Judicial Conference on Environment (hereinafter referred to as “the Conference”) was held in Kunming, Yunnan of the People's Republic of China (PRC) on May 26-27, 2021. Over 160 persons including Chief Justices, Justices, Presidents and judges of supreme courts, constitutional courts, supreme administrative courts and local courts, and foreign diplomats from 27 countries and representatives of international organizations attended the Conference. In a friendly and pragmatic atmosphere, the participants focused on the theme of the Role of the Judiciary in Advancing Ecological Civilization: Building a Shared Future for All Life on Earth, had fruitful exchanges on the role of the judiciary in global environmental governance, adjudication principles of environmental cases, judicial protection of biodiversity and judicial response to climate change, discussed the status and role of courts and judges in promoting the environmental rule of law and shared the achievements and successful experiences of the participating countries in judicial protection of the environment.

The Earth is humankind’s common home. The outlook of

the current global environment is not optimistic, and our planet is experiencing multiple environmental crises; the adverse effects of climate change are increasing; biodiversity continues to be lost; environmental pollution is not being effectively controlled. The survival and development of humankind is facing serious challenges.

The rule of law has an irreplaceable and important role in global environmental governance. Through open, transparent, fair, efficient, accessible and affordable adjudication, we should establish adjudication rules, protect the public environmental rights and interests, optimize environmental public policies, improve the environmental governance system and maintain harmonious co-existence between human and nature. To this end, the principle of ecological civilization needs to be reflected upon, and it is necessary to continue to deepen international cooperation and exchanges in environmental justice, jointly fight against the global environmental crises, in particular with respect to biodiversity loss, pollution and climate change, jointly promote green, low-carbon, circular economies and sustainable development and work together to realize the vision of living in harmony with nature.

The following is declared at the Conference

I. Enhance the judicial response to the environmental crisis

1. To address climate change and its effects:

There should be the principle of equity, common but differentiated responsibilities and respective capabilities, for the benefit of current and future generations, in light of different national circumstances, in conducting cases related to energy conservation and green-house gas emission and reduction, carbon sink trading, low-carbon technology and green finance in accordance with the domestic laws and the international treaties to which countries are parties so as to facilitate climate change mitigation and adaptation and to promote the achievement of peaking carbon dioxide emissions and carbon neutrality goals.

2. To conserve biodiversity:

The principle of protection and sustainable use of natural resources should be noticed, and be used by. We will punish in accordance with the law illegal wildlife trafficking, we will conduct cases related to endangered species, ecological damage and loss of genetic resources in accordance with the law. Judicial protection of genetic, species and ecosystem diversity should be strengthened, in order to contribute to the halt of biodiversity loss and prevent ecosystem degradation and safeguard ecological security.

3. To prevent and control environmental pollution:

The polluter pays principle should be abided by. We will hear cases related to pollution of air, water, soil, oceans, and solid waste in accordance with the law so as to halt the trend of environmental deterioration and safeguard human health and promote sustainable economic and social development.

II. Advocate the use of diversified judicial measures

4. To actively adopt preventive judicial measures:

The use of environmental principles and diverse judicial measures should be advocated, including the principle of prevention and precaution measures such as injunctions, pre-litigation preservation to prevent the occurrence and expansion of damage to environment.

5. To preferentially apply restorative judicial measures:

The concept of restorative justice should be established and promoted. The system of damage relief centered on the rehabilitation of the eco-system and restoration of the environment should be implemented. Adjudication and execution methods conducive to the restoration of damaged environment should be explored and judicial means to promote the timely and effective restoration of the damaged environment should be adopted.

6. To explore and improve the public interest litigation system:

The administration of justice to the public, public participation should be strengthened; the role of administrative authorities and social organizations in filing environmental public interest litigation through hearing public interest litigation cases in accordance with the law to protect the environmental public rights and interests should be enabled.

7. To encourage the use of diversified dispute resolution methods:

The use of environmental dispute resolution techniques should be expanded, including improvement of mediation, negotiation, arbitration and other alternative mechanisms for conflict resolution and administrative authorities, experts, social organizations and other entities should be encouraged to participate in alternative environmental dispute resolution.

III. Promote the professional development of environmental justice

8. To enhance the professional capacity of environmental justice:

We will strengthen professional judicial training in environmental law, adopt innovative methods, including

comparative case studies, field trips, transnational judicial internships and continuing professional training to cultivate expert judges who are proficient in the specialist area of environmental law and more familiar with the relevant knowledge of economics, sociology and environmental sciences to improve the level of professionalization of environmental justice.

9. To increase the application of information technology:

The use of artificial intelligence, big data, blockchain and other information technologies should be explored to prevent and resolve environmental disputes in a more intelligent manner. The in-depth integration of information technology and environmental justice should be promoted. The convenience, efficiency and transparency of environmental justice should be improved and the development of the environmental rule of law should be promoted.

10. To deepen international cooperation and exchanges:

We will adhere to global cooperation, and strengthen international judicial interaction in the field of environmental law, establish and promote mechanisms of regular international environmental judicial exchanges and mutual visits, cooperate to

build a diversified sharing platform for environmental judicial cases and judicial experience, promote mutual learning and sharing, and enhance environmental justice, promote the principal of environmental protection and build a community of all life on earth.

This Declaration, written in Chinese and English, is adopted on May 27, 2021 in Kunming, Yunnan Province, China.