

Public Interest Litigation in Climate Justice: Chinese Mode of EPIL in Transnational Climate Disputes

Abstract

Climate change presents one of the most pressing challenges of our time, impacting ecosystems, communities, and fundamental human rights. This abstract introduces an in-depth exploration of the nexus between climate justice, human rights principles, and the instrumental role of Environmental Public Interest Litigation (EPIL) in ensuring accountability and equity.

With a particular emphasis on the Chinese context, the article explores the theoretical underpinnings, practical applications, and future prospects of attaining climate justice using EPIL. The analysis of how the Chinese model of EPIL may be modified for international climate disputes, as well as the possibilities and obstacles involved in doing so, forms the basis of this conversation.

The theoretical framework emphasizes the importance of human rights in tackling climate-related challenges by incorporating concepts like the right to life, the right to a healthy environment, and the right to information. The study examines the causal and logical relationships between basic theories, such as the Precautionary Principle, Common But Differentiated Responsibilities (CBDR), public trust, and the actual application of EPIL in international dispute settlement.

There is a discussion of the practical applications of EPIL in climate cases, which include disclosing environmental information, fighting fossil fuel projects, advocating for climate adaptation, protecting vulnerable communities, challenging government inaction, and promoting renewable energy. Every application provides a practical example of how EPIL may be an effective instrument for attaining environmental justice.

The prospects of EPIL in the Chinese setting are examined, taking into account the distinct legal environment and possible directions for future growth. In order to address the global character of climate concerns, international cooperation and legal processes are essential. The article ends by analyzing the opportunities and difficulties of adopting and enforcing the Chinese model of EPIL in transnational climate disputes.

This thorough examination aims to further the conversation about human rights, climate justice, and the function of laws like EPIL in guaranteeing a sustainable and just future.

Key Words: Climate Change; Climate Justice; Public Interests Litigation; Climate Legislation; Climate Judgement; Enforcement.

1. Introduction

Climate change represents a global crisis that transcends borders, affecting every nation and community. As climate justice gains prominence, seeking remedies to address climate-related issues becomes crucial. Public Interest Litigation (PIL) has emerged as a potent instrument to hold governments and corporations accountable for their contribution to climate change and its consequences. It is possible to see climate change as a special instance of historical injustice incorporating both themes of intergenerational and global justice (Meyer & Roser, 2010). This article explores the theories that underpin climate justice, examines the practical applications of PIL worldwide, and delves into the intriguing prospect of adopting the Chinese mode of Environmental Public Interest Litigation (EPIL) in transnational climate disputes. As one of the world's largest economies and greenhouse gas emitters, China plays a pivotal role in the global fight against climate change. This article explores how climate justice can be pursued in China through the avenue of Public Interest Litigation (PIL). It examines the underlying theories that support the concept of climate justice, delves into the practical applications of PIL in the realm of climate change, analyzes China's climate legislation and relevant judgments, and discusses the enforcement challenges and prospects for advancing climate justice through PIL in the Chinese context. The 21st century has witnessed an unparalleled awakening to the environmental challenges that humanity faces, particularly the global crisis of climate change (Chapman & Ahmed, 2021). As the adverse impacts of climate change become increasingly evident, the urgency to address its consequences has led to the concept of climate justice. Climate justice acknowledges the disproportionate burden of climate change on marginalized communities and future generations, emphasizing the need for equitable and sustainable solutions. Public Interest Litigation (PIL) has emerged as a legal strategy to uphold climate justice, aiming to bring about systemic change by leveraging the power of the courts to protect the environment and human rights. The urgency of addressing climate change has made it a defining challenge of our era. Its implications extend beyond national borders, affecting ecosystems, economies, and vulnerable populations worldwide (Chapman & Ahmed, 2021). Climate justice underscores the ethical responsibility to address climate change's disproportionate impacts on marginalized communities

and future generations. In China, a country experiencing both rapid economic growth and environmental challenges, Public Interest Litigation (PIL) offers a legal avenue to advance climate justice, hold polluters accountable, and promote sustainable practices.

2. Theories of Climate Justice

Climate justice is a complex and multidimensional concept that seeks to address climate change's ethical, social, and political aspects. It encompasses the fair distribution of the benefits and burdens of climate change mitigation and adaptation, the protection of human rights, and the well-being of vulnerable communities (Meyer & Roser, 2010). This theoretical framework of climate justice is built upon several key principles and theories:

2.1 Public Trust

A growing understanding of the function that legal frameworks can play in preserving the environment and guaranteeing intergenerational fairness is the result of the urgency with which climate change is being addressed. The public trust doctrine and the intergenerational equality principle are two key ideas in this situation. They constitute a powerful foundation for addressing concerns connected to climate change when combined with Environmental Public Interest Litigation (EPIL).

The doctrine of public trust

Roman law established the public trust doctrine, a legal precept that later found its way into common law. In relation to specific resource commons, the public trust theory establishes a set of sovereign rights and obligations, obliging the state to manage them in trust for the people (Ryan, 2022). It states that the government holds certain natural resources in trust for the general welfare, including the atmosphere, water bodies, and ecosystems. The public trust doctrine establishes the several crucial aspects in the context of climate change:

Government as Trustee: Governments are the trustees of these vital natural resources, and it is their duty to manage and safeguard them in the public's best interests.

Obligation to Prevent Harm: Governments have a responsibility under the public trust theory to protect these resources from harm. This entails taking steps to lessen greenhouse gas emissions and safeguard the atmosphere as a shared resource in the case of climate change.

Interconnectedness of Resources: The public trust concept emphasizes the interconnectivity of natural resources and the importance of environmental health and sustainability for current and future generations of people.

Intergenerational Equity

Intergenerational equity refers to the notion of justice or fairness between generations in economic, psychological, and sociological circumstances. This is the concept that the present generation has an ethical duty to protect the rights and interests of future generations is central to climate justice. It emphasizes that sustainable practices today are imperative to safeguard the planet for posterity. The idea can be used to discuss dynamics of justice between kids, teens, adults, and elderly. It can also be used to ensure equity between the current and future generations (McMullan, 2017). Another key idea in environmental law is intergenerational equality, which holds that current generations have an ethical and moral obligation to make sure that future generations inherit a planet that can support their needs and well-being. The following are highlighted by this principle in relation to climate change:

Principle of public trust

According to the legal principle of intergenerational equity (International Law Association, 2014), future generations may have a right to expect equal access to planetary resources. Intergenerational equity asserts that present generations have a moral and ethical responsibility to ensure that future generations inherit a habitable planet. Padilla (2002) writes that "we should recognize and protect the future generations' right to enjoy at least the same capacity of economic and ecological resources that the present generations enjoy."

Future Responsibilities: Intergenerational equity stresses the need of actions taken today not impairing the capacity of future generations to meet their own needs.

Decision-making Over the Long Term: This asks for decision-making over the long term, especially in sectors like energy, resource management, and climate policy.

Theory: This principle underlines the importance of sustainable development and calls for current actions to consider the long-term consequences of climate change, emphasizing the need to reduce greenhouse gas emissions and minimize harm to future generations.

Link: The public trust doctrine is a foundational legal principle that holds that certain natural resources, including the atmosphere and ecosystems, are held in trust by the government for the benefit of the public.

Causal Connection: The public trust doctrine establishes the legal and ethical foundation for asserting that the government has a fiduciary responsibility to protect these resources for the present and future generations.

2.2 Common But Differentiated Responsibilities (CBDR)

CBDR recognizes that historical emissions and economic disparities obligate developed nations to bear a greater responsibility in mitigating climate change compared to developing nations.

The doctrine of CBDR

A notion known as Common But Differentiated Responsibilities (CBDR) was made official by the Rio de Janeiro Earth Summit's United Nations Framework Convention on Climate Change (UNFCCC) in 1992. Article 3 paragraph 1 (UNFCCC, 1992) and article 4 paragraph 1 of the UNFCCC both address the CBDR principle (UNFCCC, 1992). It was the first piece of international legislation to address climate change and the largest multinational effort to address harmful effects to the environment worldwide (Harris, 1999). The CBDR concept recognizes that all governments have a shared responsibility to solve environmental devastation but rejects the idea that all states have an equal responsibility to safeguard the environment.

Principle of CBDR

Common but Differentiated duties and Respective capacities (CBDR-RC) is a principle within the United Nations Framework Convention on Climate Change (UNFCCC) that acknowledges the diverse capacities and differing duties of particular countries in tackling climate change (Nexus, 2023). CBDR recognizes that different countries have different historical contributions to greenhouse gas emissions and varying levels of development. It places a greater responsibility on developed nations to take the lead in mitigating climate change.

Theory: CBDR seeks to rectify historical inequalities and acknowledges that while all nations must contribute to climate action, developed nations should shoulder a more significant burden due to their historical emissions.

Link: CBDR recognizes that nations have varying historical contributions to climate change and differing levels of development.

Causal Connection: CBDR highlights the need for developed nations, which bear a greater historical responsibility for emissions, to take the lead in mitigating climate change. It emphasizes the ethical imperative of distributing the responsibilities of climate action in an equitable manner.

2.3 Environmental Rights

Environmental rights include the preservation of natural resources, their accessibility and

utilization, and the effects of these activities on both the resources' immediate surroundings and the communities who live there(Environmental Rights, 2023).Environmental rights, which address the need for people and communities to live in a clean and healthy environment, are an essential part of the broader subject of human rights. In the context of climate change and environmental deterioration, these rights are critical for preserving the welfare of both current and future generations. Here, we look at the idea of environmental rights, their importance, and how they might help create a more equitable and sustainable future.Environmental rights are an extension of the fundamental rights to life and liberty that everyone is entitled to. In addition to the rights to food, water, shelter, and education, it is crucial to have a safe and sustainable environment because it is a prerequisite for all other rights. The main goal of environmental rights is to guarantee that everyone on Earth has access to this basic level of living(Environmental Rights, 2023).

The doctrine of Environmental Rights

Environmental rights are made up of procedural rights (means by which to acquire substantive rights) and substantive rights (basic rights). Those that are directly impacted by the environment on the existence or enjoyment of the right itself are considered substantive.Human rights and the environment are connected; without a safe, secure, and healthy environment, human rights cannot be exercised; and without the establishment and upholding of human rights, sustainable environmental governance cannot exist(What Are Environmental Rights, 2023).

Any declaration of a human right to environmental conditions of a certain standard is referred to as an environmental right. Human rights and the environment are connected; without a safe, secure, and healthy environment, human rights cannot be exercised; and without the establishment and upholding of human rights, sustainable environmental governance cannot exist.

The Principle of Environmental Rights

Humans are a part of nature, and as a result, the environment in which we live has an impact on our ability to exercise our human rights(Knox, 2018). Environmental rights are considered fundamental human rights, encompassing the right to a clean and healthy environment, access to information, public participation in decision-making, and access to justice in environmental matters.To ensure a safe, clean, healthy, and sustainable environment, states should respect, preserve, and uphold human rights. In order to enjoy a safe, clean, healthy, and sustainable environment, states should outlaw discrimination and guarantee equitable and effective

protection against it. The enjoyment of human rights is hampered by environmental harm, and the practice of human rights contributes to environmental preservation and sustainable development (Knox, 2018).

Theory: Climate justice asserts that individuals and communities have the right to live in an environment free from the impacts of climate change and that these rights should be upheld and protected through legal and policy measures.

Link: Environmental rights are fundamental human rights, encompassing the right to a clean environment and access to information and justice in environmental matters.

Causal Connection: Environmental rights establish the legal framework for individuals and communities to demand accountability from governments and corporations regarding environmental degradation, including climate change.

2.4 The Precautionary Principle

A key idea in environmental and public health policy, the precautionary principle directs decision-making in circumstances when scientific information is ambiguous yet there is a potential damage to the environment or public health. It focuses on exercising care, pause, and reflection before implementing novel improvements that might be detrimental (Read & O'Riordan, 2017). Its detractors claim that it is ambiguous, self-cancelling, unscientific, and a barrier to advancement (Bourguignon, 2015). It places a strong emphasis on caution, prevention, and the need for decision-makers to act prophylactically in the face of potential harm. Several important concepts and beliefs serve as the foundation for the precautionary principle.

The doctrine of Precautionary Principle

The precautionary principle is fundamentally based on the notion of preventive action. Precautionary principle (PP)'s fundamental tenet is frequently summed up as "better safe than sorry" (Rechnitzer, 2018). It states that in the lack of scientific proof, precautions should be taken to reduce or eliminate risks when an activity, process, or substance has the potential to harm the environment or the general public. Even if it is unclear if a particular action would hurt the environment or people's health, for instance, precautions should be made to avoid harm (Rechnitzer, 2018).

Application: This philosophy emphasizes the significance of taking proactive measures to avert potential harm before it happens. In the face of uncertainty, it urges decision-makers to put safety and the environment first.

The Principle of Precautionary Principle

The precautionary principle suggests that in situations with a potential threat to the environment or human health, action should be taken to prevent harm, even without scientific consensus.

Theory: Climate justice advocates for the proactive and precautionary approach to climate change, arguing that waiting for complete scientific certainty may result in irreversible damage.

Link: The precautionary principle advocates for taking preventive measures in the face of potential environmental or public health harm, even without full scientific certainty.

Causal Connection: The precautionary principle supports the notion that governments and corporations should take anticipatory actions to reduce greenhouse gas emissions and prevent further harm, aligning with the imperative of addressing climate change as a precautionary measure.

2.5 Human Rights

Human rights are often protected by both domestic and international law as moral principles or norms requiring particular standards of behavior (Wikipedia contributors, 2023). Human rights are inalienable, indivisible, universal, interdependent, and connected. Since everyone is born with the same rights, regardless of where they reside, their gender, color, or religious, cultural, or racial background, they are universal (UNFPA, 2004). Climate change is a human rights crisis as well as an environmental problem. Extreme weather, sea level rise, food and water shortages, and community dislocation are just a few of the effects of climate change that have a direct impact on people's wellbeing, security, and fundamental rights. Climate justice is strongly supported by human rights theory and can be pursued through Environmental Public Interest Litigation (EPIL).

The doctrine of Human Rights

Human rights are privileges that belong to a person or group of people just for being human, or because of our inherent vulnerability, or because they are necessary for the existence of a just society (Weston, 2023). A crucial foundation for tackling the urgent concerns of climate change is formed by the convergence of human rights, climate justice, and environmental public interest litigation (EPIL). A solid foundation for climate justice is provided by human rights, and EPIL is a tool for upholding and defending these rights in cases of environmental harm and climate-related disputes. Several important principles and doctrines are included in the human rights for climate justice and EPIL doctrine (Weston, 2023). Universality and Inalienability of Human

Rights, The Right to Life and Physical Integrity, The Right to Health, The Right to Food and Water, The Right to Adequate Housing, The Right to Information and Participation are important.

The Principle of Human Rights

Climate justice demands that current human rights accords, commitments, norms, and principles be respected in climate action. As it defends the fundamental rights and dignity of people and communities affected by the effects of climate change, the human rights principle serves as a cornerstone for tackling climate justice. In order to establish a human-centered strategy and protect the rights of those who are most at risk, climate justice connects human rights and development (Principles of Climate Justice, 2022). This results in an equitable and fair distribution of the costs and benefits associated with combating climate change and its effects. Science informs climate justice, it responds to science, and it recognizes the need for equitable resource management. It creates a crucial framework for holding governments and organizations accountable for their roles in environmental degradation and the harm brought on by climate change (Principles of Climate Justice, 2022). This framework is known as environmental public interest litigation (EPIL). Those who contributed the least to climate change unfairly and disproportionately bear its brunt. Universal and inalienable, Interdependent and indivisible, Equal and non-discriminatory, and Both Rights and Obligations.

Non-Discrimination

Principle: Non-discrimination requires that climate policies and actions do not disproportionately harm vulnerable and marginalized communities based on factors such as race, gender, socioeconomic status, or geography.

Theory: Climate justice emphasizes the need for inclusive and equitable climate policies that protect the rights and interests of all individuals and communities, particularly those most vulnerable to climate impacts.

Link: Human rights encompass a broad range of rights, including the right to life, health, food, water, and a clean environment.

Causal Connection: Climate change impacts the enjoyment of these human rights, especially for vulnerable populations. Recognizing human rights in the context of climate change underlines the importance of equitable and effective climate action.

The theoretical framework of climate justice is grounded in principles and theories that emphasize ethical responsibility, equity, human rights, and sustainability. It provides a moral and

ethical foundation for addressing climate change, guiding the development of policies, strategies, and actions that prioritize the well-being of both current and future generations and ensure a just and sustainable response to the challenges of climate change.

3. The Theoretical Framework of Climate Justice

Climate justice is rooted in various ethical and legal theories that emphasize the need to address climate change comprehensively and equitably. The principle of intergenerational equity asserts that the present generation has a moral obligation to ensure that the rights and interests of future generations are safeguarded. Instead of treating climate change as merely an environmental problem, climate justice sees it as an ethical, legal, and political concern (Aliozi, 2021). Similarly, the principle of common but differentiated responsibilities recognizes that developed nations, historically major contributors to carbon emissions, have a greater responsibility to mitigate climate change compared to developing nations. These theories form the ethical basis for climate justice and provide a framework for understanding the need for legal interventions such as PIL.

3.1 Applicability of Theories of Climate Justice in Global Perspective

The progression of environmental justice is climate justice, which in theory asserts that all living things have a basic right to access and get the resources they require to have an equal chance of surviving as well as a right to exist without suffering (Anderson 2004). Theories of climate justice have emerged as guiding principles for addressing this complex global issue as the world struggles with the escalating challenges of climate change. These theories offer practical guidance for policymakers, governments, and international bodies, as well as a framework for understanding the ethical and moral dimensions of climate change (Aliozi, 2021). In this section, we explore the applicability of theories of climate justice from a global perspective.

Global Climate Accords:

International climate agreements are one of the areas where climate justice theories have been most prominently applied. The goals and requirements of such agreements are heavily influenced by distributive justice, intergenerational justice, and procedural justice principles. For instance, by highlighting the significance of equity, shared but distinct duties, and inclusive, open processes, the Paris Agreement represents these ideals. Language about historical responsibility and the need for wealthy nations to assist developing nations in their efforts to mitigate climate

change and adapt to it has been influenced by theories about climate justice (Meyer & Roser, 2010).

Climate Finance and Assistance:

One important area where climate justice theories are put into practice is in dealing with the financial effects of climate change. The distributive justice theory specifically governs the distribution and allocation of climate funding (Bhattacharya et. al., 2020). It demands an equitable distribution of the financial burden, accounting for the ability of states to contribute as well as the disproportionate effects of climate change on weaker nations and populations. Better financial methods are urgently needed in developing nations to gather funds in the event of climate-related calamities (Bhattacharya et. al., 2020). The possibilities for establishing new catastrophe risk finance instruments, strengthening currently-used ones, and finding innovative ways to channel concessional resources toward this goal should also be investigated. By giving financial support to those who need it most, international climate financing instruments like the Green Climate Fund are intended to adhere to these justice ideals.

Adaptation and Mitigation Strategies:

Climate action plans must strike a balance between adaptation and mitigation measures while upholding the ideals of fairness. This entails realizing that nations and people who are vulnerable need assistance in adapting to the effects of climate change. In addition, efforts to lower emissions, particularly among historically high emitters, are guided by corrective justice ideas. Cooperation, equitable resource distribution, and a dedication to redressing historical emissions inequalities are necessary for the implementation of justice-oriented adaptation and mitigation methods. Climate change litigation, often known as climate litigation, is a developing area of environmental law that makes use of legal precedent-setting to support public institutions' efforts to mitigate climate change, such as governments and businesses (Wikipedia contributors, 2023). The following is how the International Bar Association defined climate change justice:

"To ensure communities, individuals, and governments have substantive legal and procedural rights relating to the enjoyment of a safe, clean, healthy, and sustainable environment and the means to take or cause to be taken measures within their national legislative and judicial systems, where necessary, at regional and international levels, to mitigate sources of climate change and provide for adaptation to its effects in a manner that respects human rights"

As a result, the idea of climate justice comprises a set of duties and responsibilities that

businesses, people, and governments have to those who would suffer disproportionately from the effects of climate change(Manzo, 2021).

Climate-Induced Migration and Displacement:

Theories of climate justice also apply to the situation of climate refugees. The interaction of distributive and corrective justice theories demands the defense of the rights and welfare of individuals who have been displaced as a result of climate change(Manzo, 2021). Relationships between people and places are threatened by the physical space's vulnerability, which is brought on by extreme weather events like wildfires, severe storms, and rising sea levels that are made worse by global warming(Sarkar & Danda, 2023). Justice principles must be included in immigration laws and international humanitarian operations to ensure that migrants brought about by the effects of climate change are treated fairly and supported.

Environmental Litigation:

Climate litigation is a developing arena where conceptions of climate justice are gaining ground.Environmental litigation entails using the judicial branch of the government to enforce environmental policy(McSpadden, 2006). These theories are frequently the foundation of legal cases that individuals, groups, or organizations bring forward. Plaintiffs contend that by failing to appropriately address climate change or by contributing disproportionately to emissions, their governments or companies have transgressed the principles of justice. By utilizing justice as the foundation for legal action, these cases seek to make polluters and governments responsible for their effects on the environment.

Theories of climate justice work as moral compass points for developing policies, carrying out international agreements, and carrying out climate measures in each of these domains. They work to make sure that the moral imperative to defend the world and its most defenseless citizens underpins climate action(McSpadden, 2006). The applicability of these theories becomes more and more important in building a decent and sustainable future for all as the global community struggles to address the climate issue.

3.2 Applicability of Theories of Climate Justice in China

The theories of climate justice, such as intergenerational equity and common but differentiated responsibilities, resonate in the Chinese context. China's historical and current contribution to global emissions necessitates a commitment to future generations and underscores its unique responsibility to mitigate climate change. Balancing economic

development with environmental protection becomes imperative to uphold climate justice.

China, is one of the top emitter of greenhouse gases in the world, presents both distinctive difficulties and important potential when addressing climate change from the perspective of climate justice. A useful framework for analyzing the applicability of moral standards and obligations in the context of China's climate policies and activities is provided by theories of climate justice.

Historical Ownership:

Due to its resonance with environmental concepts and axes of social mobilization (particularly in relation to procedural justice and law), its capacity to address social as well as environmental issues of structural inequality jointly, and its resonance with shared ideas of social justice within Chinese legal traditions, environmental justice is a useful concept in the context of China(Barresi, 2012). In the context of climate justice in China, the idea of historical accountability is crucial. Like other developing countries, China highlights the historical emissions of industrialized nations as a crucial contributor to the global climate catastrophe. The implementation of this idea affects China's international attitude, as it looks to industrialized nations for financial and technological assistance to solve climate change. These justice ideals are reflected in the United Nations Framework Convention on Climate Change (UNFCCC), which enshrines the idea of "common but differentiated responsibilities."

Vulnerable Communities and the Energy Transition:

Theoretical frameworks of procedural justice are pertinent to China's efforts to transition to a just energy system. In order to address the needs and concerns of vulnerable populations, particularly in areas that are largely dependent on coal, it is crucial to ensure that policies and decision-making processes are inclusive and transparent. China's efforts must focus on moving away from coal and toward renewable energy, and the nation has already made some strides in this direction(Maizland, 2021). In 2019, China's energy mix contained approximately 15% renewable energy, up from 7% a decade earlier(Maizland, 2021).The need to incorporate local stakeholders in developing policies and initiatives targeted at an equitable energy transition is highlighted by climate justice concepts.

Displacement due to the environment:

China's rapid urbanization and development have also brought up environmental equality and probable displacement issues. When it comes to migration and climate change, China is in a

difficult situation(Randall, 2020). Natural disaster-related displacement has been a significant problem for China in recent years, with many incidents occurring in the country's largest cities. Distributive justice concepts guide the distribution of environmental damages among China's towns and regions(Randall, 2020). The burden of pollution and environmental degradation shouldn't fall disproportionately on populations who are already marginalized and at risk.

Accountability for Climate Change Litigation:

Climate lawsuits filed by individuals, NGOs, and communities have increased in China. These cases usually depend on notions of climate justice to hold the government and industry accountable for environmental harm and climate implications. When making decisions in these circumstances, the Chinese legal system is increasingly guided by these justice ideals. In general, there are two avenues for climate change litigation in China: administrative lawsuit against the government to seek improved climate regulation and tort-based litigation to hold carbon emitters accountable under civil law(He, 2021).

Theories of climate justice provide a framework for addressing climate concerns in China while attempting to strike a balance between economic development and environmental sustainability. These theories' applicability guarantees that international engagements, decision-making procedures, and climate policies are founded on ethical standards of justice, accountability, and responsibility(He, 2021). China's implementation of climate justice theories advances the larger objectives of a just and sustainable future because of its central role in the global climate agenda.

4. Public Interest Litigation in Climate Justice

Public Interest Litigation is a legal mechanism that enables individuals and organizations to raise issues of public concern in courts, even when they are not directly affected by the matter. PIL has been instrumental in addressing a wide range of societal issues, from environmental conservation to human rights(He, 2021). In the context of climate change, PIL serves as a tool for civil society to challenge governments and corporations that contribute to environmental degradation and climate-related injustices. PIL ensures that the legal system remains accessible to those who seek to protect the environment and uphold the principles of climate justice.

4.1 Practices of Public Interest Litigation in Climate Cases:

Across the globe, numerous instances of PIL have demonstrated its effectiveness in advancing climate justice. Cases such as Urgenda Foundation v. Netherlands and Juliana v.

United States have set groundbreaking precedents by compelling governments to take more ambitious actions to mitigate climate change. In these cases, the judiciary recognized that governments have a legal duty to protect the environment and uphold the rights of their citizens to a safe and healthy environment(He, 2021). PIL has also been used to challenge environmentally detrimental projects, promote renewable energy initiatives, and ensure that environmental regulations are effectively enforced(He, 2021).

4.2 Practical Applications of PIL in Climate Cases

A successful legal strategy for tackling climate-related challenges and promoting environmental justice is public interest litigation (PIL)(Liu, 2019). Its real-world applications in climate cases cover a wide range of activities, all of which are intended to hold governments and businesses responsible for their roles in environmental deterioration and the effects of climate change(Liu, 2019).The regulatory impacts brought about by EIA-based lawsuit imply that research on climate change litigation in China should take such litigation seriously as it may encourage governments and emitters to take more proactive measures(He, 2021). Here are some examples of how PIL might be used in climate cases:

Making Government Inaction a Challenge:

Situation: PIL can be used to challenge governments' inactivity when they don't put climate policies into place or take sufficient measures to minimize the effects of climate change.

Application: Lawsuits can be brought by individuals, NGOs, and advocacy organizations to compel governments to uphold their legal responsibilities to combat climate change(Liu, 2019). They might demand the implementation of emission reduction goals or the creation of extensive climate action plans, for example.

Enforcement of Environmental Laws and Regulations

Scenario: PIL can be used to ensure compliance when businesses or industries break environmental rules and regulations, causing environmental harm or increasing emissions.

Application: In order to enforce compliance with current laws, rules, and emissions standards, activists and NGOs can file lawsuits against businesses that violate the environment(Liu, 2019). Penalties or the adoption of greener technologies may result from this.

Protection of Vulnerable Communities:

Scenario: The effects of climate change generally fall hardest on vulnerable groups, especially those in developing countries. They might experience eviction, job loss, or health problems.

Application: PIL can be used to advocate for these communities' concerns. It may enable individuals to demand restitution, demand relocation, or require businesses and governments to take adaption measures(He, 2021).

promoting sustainable practices and renewable energy

Scenario: Promoting the switch to renewable energy sources and environmentally friendly behaviors is essential for reducing climate change. This transition can be assisted by PIL.

Application: People or organizations who obstruct the advancement of renewable energy sources or the adoption of sustainable practices may be sued by activists and environmental groups(He, 2021). Court orders encouraging the switch to renewable energy and sustainable practices may result from these cases.

Environmental Information Disclosure:

Situation: For an informed public to participate in climate action, access to information on climate-related issues, such as emissions data or governmental policy, is essential.

Application: PIL can be used to compel businesses and governments to reveal data related to climate change. It guarantees accountability and gives civil society the means to do so(Liu, 2019).

Complex Projects Using Fossil Fuels:

Scenario:The licensing of fossil fuel projects, which can aggravate emissions and environmental harm, is a common occurrence in climate cases.

Application: PIL cases can be filed by activists and environmental organizations to contest the approval of such projects. If these cases are successful, detrimental projects may be stopped or postponed, and more thorough environmental impact evaluations may be requested(Zhao, 2010).

In support of climate adaptation:

Situation: As the effects of climate change worsen, adaption becomes more crucial. Extreme weather occurrences and shifting weather patterns must be anticipated by communities.

Application: PIL can be used to promote policies for coping with climate change. Communities may pursue legal action to force governments to provide funding for the creation of resilient infrastructure and thorough adaptation plans(Zhao, 2010).

Climate litigation on a global scale:

Situation: Since climate change is a worldwide problem, international climate disputes frequently occur. These disputes may be addressed by international PIL.

Application: PIL can be used by impacted countries and international environmental

organizations to settle arguments over problems like transnational carbon trading or transboundary environmental harm(Zhao, 2010). This makes it possible to resolve challenging global climate challenges.

4.3The Global Practice of Public Interest Litigation

Public Interest Litigation has been a vital instrument for addressing environmental and climate justice worldwide. Through a series of landmark cases, it has demonstrated its effectiveness in upholding environmental rights, challenging government inaction, and compelling industries to adopt sustainable practices(Zhao, 2010). Public Interest Litigation (PIL) is a type of lawsuit that has developed greatly over time, crossing international borders and being a vital tool in resolving a variety of societal issues(Liu, 2019). It is a procedure that has become well-known for its capacity to effect systemic change, advance justice, and safeguard the rights and interests of the general public. In this part, we examine public interest litigation as a practice around the world, illuminating its tenets, consequences, and difficulties.

Evolution and origins:

- The origins of public interest litigation in history
- The development of PIL into a widespread phenomenon since its start
- Notable instances and movements that have influenced PIL practice around the world

Key PIL Principles:

- Justice access and the PIL's role in closing gaps
- The definition and upholding of the public interest
- Standing and requirements for filing a PIL
- The function of PIL in holding institutions and governments accountable

Impact of PIL globally:

- PIL's contributions to the defense of human rights and social justice
- Environmental protection and the role of PIL in resolving environmental problems
- Concerns about public health and safety are addressed through PIL, which encourages accountability and transparency.

Examples of Global PIL Successes:

- The groundbreaking PIL case of Oposa v. Factoran, in the Philippines.
- The Mehta v. Union of India, AIR (1987) SC 1086, PIL case that led to the removal of hazardous industries from residential areas

Challenges and Controversies:

- The role of political considerations and legal maneuvering in PIL
- Accusations of judicial activism and overreach
- The potential for PIL to be used as a tool for harassment
- Controversial cases and their implications for the practice of PIL

Prospects and Ongoing Developments:

- The potential of PIL to adapt to emerging global challenges
- Ongoing efforts to strengthen PIL as a mechanism for justice
- The role of technology in enhancing access to PIL
- The evolving landscape of global human rights and the role of PIL in shaping it

4.4 Public Interest Litigation and its Relevance in China's Climate Context:

Public Interest Litigation is a legal mechanism that enables individuals and organizations to raise issues of public concern in courts, even when they are not directly affected by the matter. PIL has been instrumental in addressing a wide range of societal issues, from environmental conservation to human rights. In the context of climate change, PIL serves as a tool for civil society to challenge governments and corporations that contribute to environmental degradation and climate-related injustices(Liu, 2019). PIL ensures that the legal system remains accessible to those who seek to protect the environment and uphold the principles of climate justice(He, 2021).

Public Interest Litigation in China gained prominence after legislative changes in the 2000s, enabling citizens and NGOs to bring environmental cases to court. This legal tool aligns with climate justice goals, as it empowers communities to address climate-related grievances and demand accountability. PIL enables Chinese citizens to advocate for sustainable practices, challenge environmentally harmful activities, and promote the integration of climate considerations into development projects(He, 2021).

4.4.1 China's Climate Legislation and Relevant Judicial Decisions:

China has made significant strides in developing climate-related legislation, including the Renewable Energy Law, Air Pollution Prevention and Control Action Plan, and the Paris Agreement's ratification. These legal frameworks provide a basis for PIL by establishing environmental rights and responsibilities. Notable judgments, like the Binzhou case, wherein a company was held liable for excessive greenhouse gas emissions, demonstrate the evolving role of PIL in enforcing climate standards.

4.4.2 Legal frameworks concerning locus standi in China

Effective environmental litigation requires locus standi, or procedural access to justice, and public concern about environmental quality manifests itself in the courtroom (Richard & Benoit, 2017). It is very important to determine the eligible person to file a lawsuit against the court in an environmental dispute. Article 41 of the Chinese Constitution states that citizens of the People's Republic of China have the right to criticize and offer comments on any State organ or functionary. In China, the laws and regulations that specify who has the authority to begin legal procedures in various types of cases, including civil, administrative, and criminal matters, govern the legal framework surrounding locus standi, or standing. Depending on the nature of case and the court or administrative body involved, the particular standing rules may change. This is essentially the right to obtain justice in environmental problems. Citizens have the right to appeal, sue, criticize, and complain about any official staff members or State authorities that break the law or ignore their duties [...]" (2018) Article 41. The argument being made here is that environmental litigation highlights the part that judges, attorneys, people, and civil society organizations must play in order to ensure environmental protection through the legal system. The Rio Declaration's Principle 10 states that: "Environmental concerns are best managed with the participation of all interested persons, at the relevant level, historically speaking. At the federal level, every person shall have reasonable access to environmental information kept by public authorities, including details on dangerous substances and activities in their neighborhoods, as well as the chance to participate in decision-making processes. States must support and promote public engagement and awareness by making information publicly accessible. The Rio Declaration of 1992 states that "effective access to judicial and administrative proceedings, including redress and remedy, shall be provided." This merely implies that the individual must be regarded as having the authority to initiate the specific proceeding under consideration by the court. The crucial thing to remember about standing is that it depends on the subject's identification, the nature and focus of the proceedings, and the connection a person has to start a public interest lawsuit. Articles 58 of the Environmental Protection Law and Article 55 of the Civil Procedure Law in China provide the legal framework that recognizes the right to access courts in environmental matters. Other new laws, such as the Water Pollution Prevention Law, the Supreme People's Court Interpretation, the Nuclear Safety Act, the Wildlife Protection Law, the Environmental Impact Assessment Act, and the Soil

Pollution Prevention Law were also promulgated.

The legal standing for public interest litigation has increased for environmental social organizations as of January 1st, 2015, per article 58 of the People's Republic of China's updated Environmental Protection Law (2014 edition). Even if the system of environmental public interest litigation still confronts many difficulties, this is a positive development from a legal standpoint. In reality, the majority of these environmental lawsuits lead to civil culpability and administrative penalties. Environmental civil public interest litigation and environmental administrative public interest litigation are two broad categories of environmental public interest litigation. The former attempts to discourage administrative authorities from engaging in any damaging activity from businesses, and the latter aims to encourage them to do so (Xie & Xu, 2021).

Civil Cases:

General Principles: According to Chinese law, anybody can sue in a civil matter, including natural persons, corporations, and other legal bodies. The People's Republic of China's Civil Procedure Law regulates civil litigation procedures, including standing requirements.

Environmental Public Interest Litigation (EPIL): Environmental Public Interest Litigation (EPIL) is a special type of public interest litigation that is allowed in environmental disputes. This kind of legal action enables certain groups, accredited environmental NGOs, and government procuratorates to file claims for environmental injury against polluters or regulatory entities (Xie & Xu, 2021). The Environmental Protection Law and the Supreme People's Court's Interpretation on Several Issues Concerning the Application of Law in the Trial of Civil Public Interest Lawsuits specify the standing requirements for EPIL.

Administrative Lawsuits: People or organizations can file administrative lawsuits to challenge government decisions or acts that infringe on their legal rights and interests. The People's Republic of China's Administrative Procedure Law governs administrative litigation (Xie & Xu, 2021). If the plaintiff can show that they have a valid stake in the matter, standing is often established.

Criminal Proceedings

Criminal Prosecution: The state normally has standing in criminal proceedings. Criminal cases against people or things accused of committing crimes can be started by law enforcement authorities or the procuratorate (Xie & Xu, 2021). Although victims are permitted to take part in

judicial processes as witnesses or private prosecutors, they do not have the same legal status as the state government.

Administrative Cases:

Administrative Proceedings: Through administrative litigation, individuals or groups may challenge decisions or actions taken by the government in administrative disputes(Xie & Xu, 2021). Similar to administrative lawsuits, standing is often provided to parties who can demonstrate that the administrative ruling has adversely affected their legal rights or interests.

Environmental protection provisions are also included in a number of other pertinent legislation, including the Criminal Law, the Cultural Relics Protection Law, the Standardization Law, the Administrative Procedure Law, and the Agriculture Law, among others(Xie & Xu, 2021). Under the authority of the Constitution and other pertinent laws, China has developed a number of administrative regulations documents about environmental protection. The relevant State Council ministries and local governments have also created hundreds of regulations or departmental rules regarding environmental protection. The People's Republic of China's Supreme People's Court and Supreme People's Procuratorate have both offered pertinent legal interpretations regarding environmental public lawsuit at the same time(Xie & Xu, 2021). The majority of environmental protection issues have been handled by these laws, regulations, and normative papers, which are also essential elements of China's environmental legal system.

5. Adaptation and Utilization of China's EPIL Model in transnational climate disputes

Adopting China's Environmental Public Interest Litigation (EPIL) model for transnational climate disputes presents both challenges and opportunities.

5.1 Develop International Agreements

Utilization: International agreements or treaties should be developed to establish a legal framework for transnational climate disputes(Peel & Lin, 2019). These agreements could outline the rights and responsibilities of nations, organizations, and individuals in addressing climate-related grievances.

Steps to Take: Engage in diplomatic negotiations to create these agreements. These negotiations should involve a broad spectrum of nations to ensure that the framework is equitable and globally accepted.

5.2 Establish Transnational Jurisdiction

Utilization: Transnational climate disputes often cross jurisdictional boundaries(Peel & Lin,

2019). Establishing an international tribunal or court specifically designed to handle climate-related cases could provide a neutral forum for resolving disputes.

Steps to Take: Negotiate and ratify treaties that establish such international climate courts. These courts could be equipped with experts in environmental law, climate science, and international relations.

5.3 Facilitate Access to Justice

Utilization: Ensure that individuals, NGOs, and affected communities have access to legal recourse in transnational climate disputes(Zhao, 2010). This could be done by expanding the concept of EPIL to the international level.

Steps to Take: Advocate for provisions in international agreements that empower individuals and organizations to initiate climate-related lawsuits(Randall, 2020). This could include offering financial and legal support to those without the means to litigate on their own.

5.4 Coordinate Data and Evidence Collection

Utilization: Develop mechanisms for the collection and sharing of climate-related data and evidence across borders to build strong cases in transnational disputes.

Steps to Take: Establish international climate data-sharing platforms and encourage nations to contribute to these repositories. Promote standardized data collection and reporting protocols.

5.5 Implement Enforcement Mechanisms

Utilization: Ensure that judgments in transnational climate disputes are enforced effectively to achieve desired outcomes.

Steps to Take: Develop mechanisms for enforcing international climate judgments, such as sanctions, trade restrictions, or fines. Nations should commit to abiding by international court decisions.

5.6 Address Power Imbalances

Utilization: Acknowledge and address power imbalances between developed and developing nations in transnational climate disputes(Peel & Lin, 2019).

Steps to Take: Encourage international climate negotiations that take into account historical emissions and the common but differentiated responsibilities principle. Develop financial mechanisms to support developing nations in their climate litigation efforts.

5.7 Promote Public Awareness and Engagement

Utilization: Foster public engagement and awareness in transnational climate disputes by

involving civil society, NGOs, and activists (Peel & Lin, 2019).

Steps to Take: Create platforms for public participation in international climate litigation. Support the efforts of NGOs and civil society organizations to advocate for climate justice.

5.8 Incentivize Corporate Responsibility

Utilization: Encourage corporations with transnational operations to adopt sustainable practices through legal action in international courts (Peel & Lin, 2019).

Steps to Take: Develop international corporate responsibility standards for climate action. Promote the incorporation of climate considerations into international trade agreements.

5.9 Foster Global Cooperation

Utilization: Emphasize the need for global cooperation in addressing climate change through transnational litigation.

Steps to Take: Engage in international climate diplomacy to foster cooperation and collective responsibility in climate litigation efforts.

In conclusion, adopting China's EPIL model for transnational climate disputes is a complex but achievable goal. It requires the development of international agreements, the establishment of transnational jurisdiction, access to justice for all, coordinated data collection, effective enforcement mechanisms, the recognition of power imbalances, and active public engagement (Peel & Lin, 2019). By taking these steps, the international community can harness the power of litigation to advance climate justice and hold those responsible for climate-related harms accountable on a global scale.

6. Legalization and enforcement of Chinese mode of EPIL in transnational climate disputes

Legalizing and enforcing the Chinese mode of Environmental Public Interest Litigation (EPIL) in transnational climate disputes would require a multi-faceted approach involving international agreements, coordination among nations, and the development of new mechanisms.

6.1 International Agreements and Treaties

Legalization: Develop international agreements or treaties that explicitly recognize and legalize the Chinese EPIL model in transnational climate disputes. These agreements should establish the framework for how EPIL can be utilized in cases with cross-border implications.

Enforcement: Ensure that these international agreements include provisions for the enforcement of EPIL judgments across borders (Xie & Xu, 2021). This may involve mutual recognition of

judgments, extradition agreements for non-compliance, and penalties for failure to comply with EPIL decisions.

6.2 Establish Transnational Climate Courts

Legalization: Create specialized international climate courts or tribunals with the authority to hear transnational climate disputes. These courts should be granted jurisdiction over cases involving multiple countries or entities.

Enforcement: Outline in international agreements the enforcement mechanisms for decisions made by these specialized climate courts. Ensure that nations commit to enforcing these judgments within their jurisdictions.

6.3 Standardize EPIL Procedures

Legalization: Develop standardized EPIL procedures that can be applied uniformly across countries in transnational climate disputes. This includes rules for filing cases, evidence submission, and the conduct of hearings.

Enforcement: Include provisions in international agreements that require participating nations to adhere to these standardized EPIL procedures, ensuring fairness and consistency in transnational litigation.

6.4 Facilitate Data and Evidence Sharing

Legalization: Establish international mechanisms for the sharing of climate-related data and evidence. This could include the creation of an international database or platform accessible to parties involved in transnational climate disputes.

Enforcement: Ensure that nations are obligated, under international agreements, to contribute data to these platforms and cooperate in the collection and sharing of evidence for EPIL cases.

6.5 Mandatory Compliance with EPIL Judgments

Legalization: Mandate, through international agreements, that nations must comply with EPIL judgments related to transnational climate disputes. This should be a legally binding commitment.

Enforcement: Include mechanisms for enforcing compliance, such as financial penalties or sanctions for nations that fail to adhere to EPIL judgments.

6.6 Civil Society Participation and Accountability

Legalization: Encourage the participation of civil society organizations, NGOs, and activists in transnational climate disputes through international agreements. Ensure that these entities have a role in holding nations and corporations accountable.

Enforcement: Include provisions that allow civil society organizations to initiate or join EPIL cases in transnational climate disputes. Create reporting mechanisms for tracking compliance with international agreements by nations and corporations.

6.7 Incentivize Corporate Responsibility

Legalization: Develop international corporate responsibility standards that explicitly address climate-related issues in transnational climate disputes.

Enforcement: Include clauses in international trade agreements that require corporations to adhere to these standards and allow for legal action, including EPIL, in cases of non-compliance.

6.8 Mediation and Dispute Resolution

Legalization: Integrate mediation and alternative dispute resolution mechanisms into international agreements for transnational climate disputes. These mechanisms can be used to resolve disputes before resorting to EPIL.

Enforcement: Make participation in mediation and dispute resolution processes a prerequisite for initiating EPIL in transnational climate disputes, ensuring that parties explore non-litigious avenues first.

6.9 Monitoring and Reporting

Legalization: Develop a system for monitoring and reporting on the implementation of international agreements related to EPIL in transnational climate disputes.

Enforcement: Enforce transparency and reporting obligations, requiring nations to provide regular updates on their adherence to EPIL-related international agreements.

6.10 Global Cooperation and Diplomacy

Legalization: Promote global cooperation through diplomatic efforts, emphasizing the shared responsibility of nations in addressing climate change through EPIL.

Enforcement: Engage in international climate diplomacy to foster collaboration among nations and ensure the effective enforcement of EPIL judgments in transnational climate disputes.

In summary, legalizing and enforcing the Chinese mode of EPIL in transnational climate disputes requires the development of international agreements, the establishment of transnational climate courts, standardized procedures, data sharing mechanisms, mandatory compliance, civil society participation, corporate responsibility standards, mediation options, monitoring, and global cooperation. This comprehensive approach can pave the way for the utilization of EPIL as a powerful tool for addressing climate justice on a global scale.

7. Transnational Climate Disputes: Challenges and Prospects of adopting and enforcing the Chinese mode of EPIL

Climate change, a global crisis with far-reaching consequences, necessitates innovative legal approaches to hold nations and entities accountable for their contributions to environmental degradation (Peel & Lin, 2019). One such approach is the Chinese mode of Environmental Public Interest Litigation (EPIL). This article delves into the challenges and prospects of adopting, enforcing, and legalizing the Chinese EPIL model in the context of transnational climate disputes.

Legalization: Adapting China's EPIL model to transnational climate disputes would require international agreements or treaties that establish the framework for transboundary environmental litigation. This would necessitate consensus among nations, a formidable challenge given the complex geopolitics surrounding climate change.

Enforcement: Effective enforcement mechanisms must be devised to ensure that judgments in transnational climate disputes are carried out. This would involve coordination between international bodies, governments, and corporations, posing a substantial hurdle given the varying interests involved.

Challenges: Overcoming jurisdictional issues, gathering evidence, and establishing causation in transnational cases are formidable challenges. Additionally, addressing power imbalances between developed and developing nations in climate disputes requires delicate diplomacy.

Prospects: The adoption of China's EPIL model in transnational climate disputes holds immense promise. It could encourage nations to commit to more aggressive climate mitigation efforts, promote corporate responsibility, and empower civil society in climate advocacy.

1. Challenges:

Jurisdictional Complexities:

Challenge: Transnational climate disputes often involve multiple nations with varying legal systems and interpretations of environmental law. Determining which jurisdiction should handle a case can be highly complex.

Prospect: International agreements can provide a framework for resolving jurisdictional disputes, but achieving consensus among nations can be challenging.

Enforcement Across Borders:

Challenge: Enforcing EPIL judgments across borders can be difficult, particularly if nations are unwilling to cooperate or have conflicting interests.

Prospect: International agreements can incorporate provisions for the enforcement of EPIL judgments, but this may necessitate diplomatic and economic pressure.

Data and evidence Gathering:

Challenge: Collecting comprehensive climate data and evidence in transnational disputes can be resource-intensive and may lead to disputes over data accuracy.

Prospect: Standardized data-sharing mechanisms and international cooperation can streamline the process and ensure the availability of critical information.

Power Imbalances:

Challenge: Disparities in economic development and historical contributions to emissions can lead to power imbalances in transnational climate disputes.

Prospect: International agreements can recognize and address these disparities through principles like common but differentiated responsibilities (CBDR), fostering more equitable solutions.

Legal Harmonization:

Challenge: Legal systems and traditions vary among nations, making it challenging to harmonize EPIL procedures in transnational cases.

Prospect: International agreements can establish standardized EPIL procedures while allowing for flexibility to accommodate diverse legal traditions.

Civil Society Participation:

Challenge: Encouraging active participation of civil society and non-governmental organizations (NGOs) in transnational climate disputes may face resistance from governments.

Prospect: International agreements can endorse and protect civil society participation, recognizing the pivotal role these groups play in climate advocacy.

Corporate Compliance:

Challenge: Ensuring corporate compliance with EPIL judgments in transnational disputes can be challenging, particularly when corporations operate across multiple countries.

Prospect: International agreements can incorporate corporate responsibility standards and legal mechanisms for enforcing compliance.

2. Prospects:

Global Coordination:

The adoption of EPIL in transnational climate disputes can encourage nations to collaborate

on climate change mitigation and adaptation efforts. International cooperation can lead to more effective climate action.

Environmental Accountability:

EPIL can hold both nations and corporations accountable for their contributions to climate change and environmental degradation on a global scale. This can deter harmful practices and promote responsible behavior.

Public Awareness and Engagement:

Transnational EPIL cases can raise public awareness about the global implications of climate change and empower individuals and communities to advocate for climate justice.

Incentivizing Climate-Friendly Practices:

EPIL can incentivize the adoption of climate-friendly practices by corporations and industries, helping accelerate the transition to a sustainable, low-carbon economy.

Common but Differentiated Responsibilities (CBDR):

EPIL in transnational climate disputes can recognize the CBDR principle, ensuring that developed nations take on a fair share of responsibility for mitigating climate change and supporting developing nations.

International Climate Leadership:

Adoption of EPIL in transnational climate disputes can position nations as leaders in global climate action, contributing to the achievement of international climate goals.

While there are formidable challenges associated with adopting, enforcing, and legalizing the Chinese mode of EPIL in transnational climate disputes, there are also significant prospects for advancing climate justice, promoting corporate responsibility, and fostering international cooperation. International agreements that provide a legal framework for EPIL in climate cases will be pivotal in addressing these challenges and realizing the potential benefits for a more sustainable and equitable global climate future.

8. Conclusion

The pursuit of climate justice stands as one of the defining challenges of our time. As the consequences of climate change intensify, so does the urgency of holding nations, corporations, and individuals accountable for their contributions to environmental degradation. In this quest for climate justice, Public Interest Litigation (PIL) emerges as a powerful tool, capable of reshaping the global landscape of environmental accountability (Peel & Lin, 2019).

Throughout this exploration of "Pursuing Climate Justice Through Public Interest Litigation: Theories, Practices, and Prospects," the theoretical underpinnings of climate justice, recognized the practical applications of PIL worldwide, and envisioned the prospects and challenges of adopting the Chinese mode of Environmental Public Interest Litigation (EPIL) in the context of transnational climate disputes has been examined.

At the heart of this discussion lies a pivotal question: How can harness the Chinese EPIL model to address global climate challenges, and what obstacles must be overcome to make this vision a reality?

Transnational climate disputes present complex jurisdictional issues, enforcement challenges, and power imbalances between nations are the main challenges(Zhao, 2010). Gathering robust climate data and securing compliance from corporations operating across borders remain formidable tasks. Yet, it is in the crucible of these challenges that the prospects for EPIL to deliver global climate justice come into focus.

EPIL, legalized through international agreements, offers a means to surmount jurisdictional barriers and promote harmonized legal procedures(Zhao, 2010). It can incentivize nations to cooperate, advancing common but differentiated responsibilities (CBDR) that acknowledge historical emissions and the need for equitable solutions(Randall, 2020). EPIL empowers civil society and NGOs to engage actively in climate advocacy, ensuring that the voices of the affected and marginalized are heard.

The prospects are clear: EPIL can foster global coordination, enforce environmental accountability, raise public awareness, incentivize climate-friendly practices, uphold CBDR principles, and position nations as leaders in international climate action(Read & O’Riordan, 2017). It holds the promise of galvanizing the world towards a more sustainable and equitable future.

As it can be concludedwith the exploration, it is must to recognize that the pursuit of climate justice is an arduous journey, beset with challenges. Yet, history has shown that the power of collective will and legal ingenuity can overcome seemingly insurmountable obstacles(Randall, 2020).

By adopting, legalizing, and enforcing the Chinese mode of EPIL in transnational climate disputes, can be embarked on a path towards a world where accountability is the cornerstone of climate action, where environmental rights are upheld as fundamental human rights, and where

justice transcends borders(He, 2021). In this world, climate justice is not a distant ideal, but a tangible reality.To implement this ideaglobal citizens, advocates, and policymakers, may embrace this vision of a more just and sustainable world, and let us wield the tool of EPIL as a beacon of hope in the fight against climate change(He, 2021). It is a fight,the effort that global community poses cannot afford to lose, for the sake of current and future generations, and for the preservation of the only planet we call home.

In this way, the combination of the public trust doctrine, CBDR, environmental rights, the precautionary principle, human rights, and EPIL aligns in a logical and causal progression. Together, they establish the ethical imperative and legal framework for addressing climate change and environmental degradation on both national and international levels. This comprehensive approach ensures that climate justice is upheld and that individuals and communities have the means to hold those responsible for climate-related harm accountable in transnational dispute resolution.

References:

Aliozi, Z. (2021). Climate justice and human rights, in a world in climate emergency. In *Global Campus Europe*. European Union.

Anderson, E. (2004). E ‘Animal rights and the values of nonhuman life. In C. Sunstein & M. Nussbaum (Eds.), *Animal Rights: Current Debates and New Directions*. Oxford: Oxford University Press.

Article 41 (2018),*The Constitution of The People’s Republic of China* (promulgated in March 2018).

Barresi, P. A. (2012). The role of law and the rule of law in china’s quest to build an ecological civilization. *Chinese Journal of Environmental Law*, 1(1), 9–36.

<https://doi.org/10.1163/24686042-12340003>

Bhattacharya, A., Calland, R., Averchenkova, A., González, L., Martinez-Diaz, L., & Van Rooij, J. (2020). Delivering on the \$100 billion climate finance commitment and transforming

- climate finance. *Independent Group on Climate Financing (December 2020)*. Available at https://www.un.org/sites/un2.un.org/files/100_billion_climate_finance_report.pdf.
- Bourguignon, D. (2015). The precautionary principle: Definitions, applications and governance. In *EPRS: European Parliamentary Research Service (PE 573.876)*. European Parliament. <https://doi.org/10.2861/821468>
- Chapman, A. R., & Ahmed, A. K. (2021). Climate justice, humans rights, and the case for reparations. *Health and Human Rights*, 21(2), 81–94.
- Environmental rights. (2023). Pachamama Alliance. Retrieved October 21, 2023, from <https://pachamama.org/environmental-rights>
- Harris, G. (1999). Common but differentiated responsibility: The kyoto protocol and united states policy. *New York University Environmental Law Journal*, 7, 27–48.
- He, X. (2021). Mitigation and Adaptation through Environmental Impact Assessment Litigation: Rethinking the Prospect of Climate Change Litigation in China. *Transnational Environmental Law*, 10(3), 413–439. <https://doi.org/10.1017/s2047102521000108>
- Knox, J. H. (2018). *Framework principles on human rights and the environment*. OHCHR. Retrieved October 21, 2023, from <https://www.ohchr.org/en/special-procedures/sr-environment/framework-principles-human-rights-and-environment-2018>
- Liu, Y. (2019). Friends of Nature and public interest environmental litigation. *Chinese Journal of Environmental Law*, 3(2), 225–232. <https://doi.org/10.1163/24686042-12340043>
- Manzo, R. (2021). *Climate equity or climate justice? More than a question of terminology*. IUCN. Retrieved October 4, 2023, from <https://www.iucn.org/news/world-commission-environmental-law/202103/climate-equity-or-climate-justice-more-a-question-terminology>

Maizland, L. L. (2021). China's fight against climate change and environmental degradation.

Council on Foreign Relations. <https://www.cfr.org/background/china-climate-change-policies-environmental-degradation>

McSpadden, L. M. (2006). Environmental litigation. In *Kluwer Academic Publishers eBooks* (pp. 213–214). https://doi.org/10.1007/1-4020-4494-1_119

McMullan, S. (2017). The Big Read: Generation wars. *The Herald*.

<https://www.heraldscotland.com/news/15456374.big-read-generation-wars/>

Meyer, L. H., & Roser, D. (2010). Climate justice and historical emissions. *Critical Review of International Social and Political Philosophy*, 13(1), 229–253.

<https://doi.org/10.1080/13698230903326349>

Nexus, C. (2023). Common but Differentiated responsibilities and respective Capabilities (CBDR-RC). *Climate Nexus*. <https://climatenexus.org/climate-change-news/common-but-differentiated-responsibilities-and-respective-capabilities-cbdr-rc/>

Principles of climate justice. (2022). *Mary Robinson Foundation – Climate Justice*. Retrieved October 21, 2023, from <https://www.mrfcj.org/principles-of-climate-justice/>

Padilla, E. (2002). Intergenerational equity and sustainability. *Ecological Economics*, 41(1), 69–83. [https://doi.org/10.1016/s0921-8009\(02\)00026-5](https://doi.org/10.1016/s0921-8009(02)00026-5)

Peel, J., & Lin, J. (2019). Transnational climate litigation: the contribution of the Global South. *American Journal of International Law*, 113(4), 679–726.

<https://doi.org/10.1017/ajil.2019.48>

Randall, A. A. (2020). Climate change driving migration into china's vulnerable cities. *China Dialogue*. <https://chinadialogue.net/en/cities/6113-climate-change-driving-migration-into-china-s-vulnerable-cities/>

- Read, R., & O’Riordan, T. (2017). The precautionary principle under fire. *Environment*, 59(5), 4–15. <https://doi.org/10.1080/00139157.2017.1350005>
- Rechnitzer, T. (2018). *Precautionary principles*. Internet Encyclopedia of Philosophy. Retrieved September 21, 2023, from <https://iep.utm.edu/pre-caut/>
- Richard, Z.Q., and Benoit, M. (2017) Public Interest Environmental Litigation in China. *China Journal of Environment*, 11-15.
- Rio Declaration (June 1992) *The Rio Declaration of the United Nations Conference on Environment and Development*. UN Rio Declaration: Available online: <https://www.un.org>.
- Ryan, E. (2022). The public trust doctrine, property, and society. In N. Graham, M. Davies, & L. Godden (Eds.), *The Routledge Handbook of Property, Law and Society*. Taylor & Francis.
- Sarkar, S., & Danda, A. A. (2023). Climate-Induced displacement and migration: A proposed framework for g20 collaboration. *ORF*. <https://www.orfonline.org/research/climate-induced-displacement-and-migration/>
- UNFPA. (2004). *Human rights principles*. United Nations Population Fund.
- United Nations Framework Convention on Climate Change" (UNFCCC), 1992.
- What are environmental rights? (2023). *UNEP - UN Environment Programme*. Retrieved October 21, 2023, from <https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/advancing-environmental-rights/what>
- Xie, L., & Xu, L. (2021). Environmental public interest litigation in China: A critical examination. *Transnational Environmental Law*, 10(3), 441–465. <https://doi.org/10.1017/s2047102520000448>

Weston, B. H. (2023b, October 20). *Human rights: Definition, examples, importance, & facts*.

Encyclopedia Britannica. Retrieved October 18, 2023, from

<https://www.britannica.com/topic/human-rights>

Wikipedia contributors. (2023). *Human rights - Wikipedia*.

https://en.wikipedia.org/wiki/Human_rights

Wikipedia contributors. (2023). Climate justice. *Wikipedia*.

https://en.wikipedia.org/wiki/Climate_justice#Definition_and_objectives

Zhao, Y. (2010). Public participation in China's EIA regime: rhetoric or reality? *Social Science*

Research Network. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1560374