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Environmental Accountability, from China to Around the World

• Outline
  • Some basics of Belt and Road Initiative
  • Three cases
  • Avenues for Accountability
China’s Belt And Road Initiative (BRI)

New Silk Roads | China is assembling new trade routes, binding other regions closer to it

Proposed Silk Road routes
- Silk Road Economic Belt
- 21st-Century Maritime Silk Road

Pipelines
- Crude oil
- Natural gas
- Proposed/under construction

Railroad entry points
- Existing
- Proposed

Sources: Xinhua (Silk Road routes); U.S. Department of Defense, Gazprom, Transneft (pipelines); United Nations (rail entry points)
Chinese Slogans on BRI

China Keywords
• Chinese dream 中国梦
• Shared future for mankind
• An inclusive international order of a human community of shared destiny
人类命运共同体
Challenges facing China:
- Shared Future for Mankind v. Neocolonialism
- Non-interference Policy v. Extra-territorial Obligations to Protect Human Rights
Guandong Province, China 2007
Boke, Guinea 2018
A Lawsuit In Cuenca Ecuador 2018
China’s Regulatory System on Outbound Investment

• Regulations
  • Measures for the Administration of Overseas Investment of Enterprises (2017)
  • Measures for bad credit records in the fields of foreign investment cooperation and foreign trade (2013)
  • Measures for the Administration of Overseas Investment (2014)

• Government Agencies
  • Ministry of Foreign Affairs
  • National Development and Reform Commission (NDRC)
  • Ministry of Commence (MofComm)
  • International Cooperation and Development Agency
  • State-owned Assets Supervision and Administration Commission(Sasarc)
  • State Administration of Foreign Exchanges
  • Ministry of Ecology and Environment
  • China Banking and Insurance Regulatory Commission

• Policies
  • Guidance on Promoting Green Belt and Road (2017)
  • Guidelines for Environmental Protection in Foreign Investment and Cooperation (2013)
  • . . . .
International Regulatory Regime

- **International Environmental Treaties**
  - Convention on Biodiversity
    - Recognizing the close and traditional dependence of many indigenous and local communities embodying traditional lifestyles on biological resources

- **International Human Rights Treaties**
  - International Covenant on Economic, Social and Cultural Rights (ICESCR)
  - UN Declaration on the Rights of Indigenous Peoples
  - UN Guiding Principle on Business and Human Rights
  - *Transnational Corporations And Other Business Enterprises With Respect To Human Rights* (drafting and negotiating)

- **International Financial Institutes**
  - IFC: The Compliance Advisor Ombudsman (CAO)
What do we need?

• Political will
• Better enforcement of laws
• Independent judiciary on both sides
• Active and knowledgeable NGOs, and effective collaborations between Chinese NGOs and their counterparts in the Global South