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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by China Society for Human Rights Studies (CSHRS), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[27 May 2024]

* Issued as received, in the language of submission only.



Securing Environmental Rights in China under Carbon Peaking and Carbon Neutrality

Climate change is a common challenge to all humankind and has a bearing on the sustainable development of humankind and the protection of human rights. China has always attached great importance to combating climate change, and is firmly committed to taking the path of green development and promoting a community of harmony between humanity and nature. In recent years, China has actively taken legislative, policy and judicial measures to promote the protection of environmental rights in order to realize carbon peaking and carbon neutrality.

I. The Effectiveness of Environmental Rights Protection

China's carbon peak action, need to complete the world's largest reduction in carbon emissions intensity, to pay unprecedented and painstaking efforts. China has a cumulative decline of 26.2% in energy intensity, equivalent to using 1.4 billion tons of standard coal less and emitting 2.94 billion tons of carbon dioxide less, and the decline in carbon dioxide emission intensity per unit of GDP has exceeded the target of independent contribution. Carbon dioxide emissions per unit of GDP will be 18% lower than in 2020; the proportion of non-fossil energy consumption will reach about 20%; and the forest stock will reach 18 billion cubic meters, laying a solid foundation for realizing carbon peaking and carbon neutrality. Since 2012, China has supported an annual economic growth of 6.6% with an average annual growth rate of 3% in energy consumption, and energy consumption per unit of GDP has dropped by 26.4%, making China one of the countries with the fastest reduction in energy consumption intensity in the world. The energy consumption intensity has been reduced by 26.4% per unit of GDP, making it one of the countries with the fastest reduction in energy consumption intensity in the world. In 2023, the share of coal consumption in total energy consumption was 55.3%, a decrease of 0.7 percentage points compared with the previous year; and the share of clean energy consumption, such as natural gas, hydroelectric power, nuclear power, wind power, solar power, and other clean energies, in total energy consumption was 26.4%, an increase of 0.4 percentage points. By the end of December 2023, the cumulative turnover of carbon emission allowances in the national carbon market reached 432.6 million tons, with a cumulative turnover of 24.21 billion yuan, and a total of 2,257 power generation enterprises were included in the national carbon emissions trading market, with a cumulative turnover of about 440 million tons, making it the carbon market covering the largest amount of greenhouse gas emissions in the world.

II. Legislation Regulating the Climate Change Market

China has actively promoted the construction of the carbon market. At the legislative level, in order to establish a unified national carbon market, promote enterprises to reduce greenhouse gas emissions, China will implement the Interim Regulations on the Management of Carbon Emissions Trading on 1st May 2024. As the first specialized regulation in the field of climate change in China, the Interim Regulations will actively promote the coverage of the carbon emission trading market for key carbon emitting industries, and provide a legal basis for the operation and management of the national carbon market. Prior to the introduction of the Regulations, the management of carbon emissions trading mainly relied on departmental regulations. In December 2014, the National Development and Reform Commission published the Interim Administrative Measures for the Trading of Carbon Emission Rights to standardize the construction of the national carbon emissions trading market. In December 2020, the Ministry of Ecology and Environment published the Administrative Measures for the Trading of Carbon Emission Rights (for Trial) to standardize the national carbon emissions trading and related activities.

Compared with the aforementioned departmental regulations, the Administrative Measures are administrative regulations of a higher level, and on the basis of fully absorbing and drawing on the contents of the existing regulations in terms of institutional content, combined with the commitments and work deployment of the CPC Central Committee and the State Council on the national target of carbon peak and carbon neutral, and centered on the focus of work in the field of carbon peak and carbon neutral, which is the effective control and reduction of greenhouse gas emissions, it puts forward clearer management requirements for the trading and related activities of the national carbon emission rights trading market. It has put forward clearer management requirements for the trading and related activities of the National Carbon Emission Trading Market.

III. Policy Safeguards for Environmental Rights

China has intensively taken a series of positive initiatives in the areas of emission reduction, adaptation, market and finance in response to climate change, and local policies have been formulated and implemented in various regions to implement the goal, thereby vigorously promoting new progress in the protection of environmental rights.

Firstly, policy at the national level. The Ministry of Ecology and Environment has taken the lead in formulating and releasing the Implementation Plan for Reducing Pollution, Reducing Carbon, and Synergizing Efficiency (Environmental [2022] No. 42), which opens up a path for synergistic emission reduction and integrated governance of the climate and the environment. In terms of adaptation, the Ministry of Ecology and Environment and 17 other departments jointly issued the National Climate Change Adaptation Strategy 2035, achieving carbon peaking and carbon neutrality through market mechanisms. On 25 March 2022, the CPC Central Committee and the State Council issued the Opinions on Accelerating the Construction of a Nationally Unified Large Market, proposing the construction of a nationally unified energy market in conjunction with the realization of the target task of achieving carbon peaking and carbon neutrality, the construction of a nationally unified carbon emissions trading market relying on the public resources trading platform, and the implementation of unified and standardized industry standards and trading and regulatory mechanisms. China has also proposed the implementation of unified and standardized industry standards and trading regulatory mechanisms. In the field of overseas investment to actively implement carbon peaking and carbon neutrality. 28 March 2022, the National Development and Reform Commission, the Ministry of Foreign Affairs, the Ministry of Ecology and Environment, the Ministry of Commerce jointly issued the Opinions on Promoting the Joint Construction of the 'One Belt, One Road' Green Development.

Second, policy progress in various sectors. Financial Sector Issues Green Finance Guidelines. On 1 June, 2022, the CBIRC issued the Green Finance Guidelines for the Banking and Insurance Sector, which requires banking and insurance institutions to promote green finance at a strategic level, and to increase support for the green, low-carbon, and recycling economy. Transportation Departments Promote Green Mode of Transportation. On 24 June 2022, the Ministry of Transportation (MOT), the State Railway Administration (SRA), the Civil Aviation Administration of China (CAAC), and the State Postal Administration (SPA) issued the implementation opinions to implement the Opinions of the Central Committee of the Communist Party of China and the State Council on the Complete and Accurate and Comprehensive Implementation of the New Development Philosophy on Doing a Good Job of Carbon Peak and Carbon Neutral Work. Science and technology innovation to help achieve the dual-carbon goal. On 24 June 2022, the Ministry of Science and Technology (MOST), the National Development and Reform Commission (NDRC), the Ministry of Industry and Information Technology (MIIT), the Ministry of Ecology and Environment (MOE), the Ministry of Housing and Urban-Rural Development (MOHURD), the Ministry of Transportation and Communications (MOTC), the Chinese Academy of Sciences (CAS), the Academy of Engineering (AoE), and the National Energy Administration (NEA), a nine-ministerial study, formulated Science and Technology Support for the Implementation of the Plan on Carbon Peak and Carbon Neutral (2022-2030). The market regulator has formulated a dual-carbon standard system.

As an important part of the “1+N” policy system, the General Administration of Market Supervision, together with relevant departments, has issued the Implementation Plan for the Establishment of a Sound Carbon Peak and Carbon Neutral Standard Measurement System.

Third, local policies. More than 260 policies and regulations have been formulated and implemented to realize carbon peaking and carbon neutrality, and 29 provinces, municipalities and autonomous regions have formulated policies and regulations to directly implement the carbon peaking and carbon neutrality, in addition to Xinjiang Uighur Autonomous Region (UAR), China, and Tibet Autonomous Region (TAR), China. The structure of these local dual-carbon policies is generally similar, but the design of specific targets such as the ratio of carbon emissions per unit of GDP, the ratio of energy consumption per unit of GDP, the ratio of non-fossil energy consumption in 2025 and 2030, the forest coverage rate, and the total installed capacity of wind and solar energy, etc., are different.

Actively responding to climate change is an inherent requirement for China to realize sustainable development and a responsibility to promote the building of a community of human destiny. China has taken addressing climate change as a national strategy, integrated it into the overall layout of ecological civilization construction and the overall economic and social development, and strengthened top-level design by incorporating a systemic concept throughout the entire process of carbon peaking and carbon neutrality.
