

論 說

ADR with Chinese Characteristics: Diversified Dispute Resolution Mechanism
– Environmental Dispute Resolution as an Example

Lingling Ye

Table of Contents

I. Preface: current situation of environmental disputes and its countermeasures

II. Administrative Mediation — Most Preferred Mediation Model

- A. Types of environmental administrative mediation and its legal basis
- B. Legal effect of environmental administrative mediation agreement
- C. Why the administrative mediation is much favored

III. Judicial Mediation — Most Authoritative Mediation Model

- A. Legal bases and new mission of judicial mediation
- B. Expand the coverage of judicial mediation
- C. Principle of mediation priority over judgment
- D. Application of mediation to environmental civil public interest litigation
 - 1. Civil public interest litigation brought by related organizations.
 - 2. Civil public interest litigation brought by the procuratorial authorities

IV. People's Mediation — Most Traditional Mediation Model

- A. Legal basis and classification of people's mediation
- B. People's mediation acceptance scope and mode
- C. Working methods and responsibilities of people's mediation
- D. Effectiveness of people's mediation agreement
 - 1. Performance of mediation agreement

2. Conditions for the mediation agreement effective
 3. Judicial confirmation of mediation agreement
- E. Benefits and limitation of people’s mediation in environmental disputes

V. Coalition Mediation — “Grand Mediation” Model

- A. “SPC Opinions 2010” —Preparation stage
1. The dispute resolution mechanism linking litigation and non-litigation
 2. The principle of “prioritizing mediation and combining mediation and trial”
- B. “SPC Opinion 2016” —Establishment stage
1. Improve the platform settings.
 2. Strengthen the interface with administrative organs.
 3. Strengthen the interface with people’s mediation organizations.
 4. Strengthen the interface with commercial and industrial mediation organizations.
 5. Sound specially-invited mediation system and establish a court-annexed mediator system.
 6. Promote the construction of lawyer mediation system.
 7. Sound procedures for assigned mediation and entrusted mediation.
 8. Strengthen the improvement of “One-Stop” dispute resolution platforms.
- C. “SPC Opinion 2019” —Development stage
1. Forming the “One-Stop” diversified dispute resolution mechanism
 2. Improve the streaming and docking mechanism of litigation and non-litigation cases
 3. Sound the triage and docking mechanism between mediation and adjudication

VI. Conclusion: prospects and challenges for diversified mediation system

I. Preface: current status of environmental disputes and their resolutions

Since China adopted a market-opening reform policy and transited to a market economy from 1980s, as it is known as the “factory of the world”, it also being criticized as the “department store of environmental problems”, industrialization and urbanization accompanied by economic development and rapid growth in the past four decades, have also generated and exacerbated a wide variety of “serious environmental problems unparalleled in the world”.⁽¹⁾ Meanwhile, It has also led to great changes to people’s awareness of rights to environment and their allowable limit to infringement of environmental quality and rights. All it leads to a dramatic increase in various disputes over environmental pollution and ecological protection. National statistics shows that the environmental disputes across the country are dramatically increasing in a “blowout” way. According to the statistics from the Ministry of Ecology and Environment of the PRC, the number of environmental disputes received by environmental protection administrative departments increased from 450,000 in 2001 to 736,000 in 2010.⁽²⁾ Since the start of accepting environmental complaints by telephone and online in 2011, the number of environmental disputes has increased rapidly and in 2015 there were 1.647 million complaints by telephone and online.⁽³⁾

The Supreme People’s Court of PRC issued a “White Paper on Environment and Resources Adjudication of China” for the first time in 2016 which showed that People’s Court throughout the country accepted the first instance lawsuits 118,779 on criminal, civil and administrative cases of environmental resources disputes from 2002 to 2011; and first instance lawsuits 575,777 from 2012 to 2016, and the latter was five times more than total cases of past 10 years.⁽⁴⁾

Furthermore, according to the “White Paper on Environmental Resources trial 2016-2017” issued in July 2017, people’s court throughout the country accepted the first instance lawsuits on criminal, civil and administrative cases of environmental resources disputes run up to 243,872 from July 2016 to June 2017, which was more than double the total cases of past 10 years until 2012, and exceeded more than 42% of total cases in past 5 years until 2016 even though only in one year.⁽⁵⁾

Since then, the number of cases involving environmental disputes has increased almost year by year, with 1,360,946 criminal, civil and administrative first instance cases involving environmental disputes received by people’s courts nationwide in the five years from 2017 to 2021 (239572 cases in 2017, 260724 cases in 2018, 290216 cases in 2019, 272942 cases in 2020 and 297492 cases in 2021), almost twice as many as in the previous five years from 2012 to 2016.⁽⁶⁾ In 2021, excluding the decline in environmental criminal cases (-4.33%), the first instance intake of environmental civil (+10.18%), environmental administrative (+23.42%), environmental public interest litigation (+25.97%), and ecological and environmental damage compensation (+131.50%) cases all increased significantly over the previous year, especially the ecological damage compensation cases increased rapidly⁽⁷⁾.

It shows that the environmental disputes in China have a distinctive feature as so-called “large number and wide distribution” (量大面广=Liang-da Mian-guang), and not only the “variety” (种类繁多=Zhong-lei Duo-yang), but also the “increasing rapidly” (增长快速=Zeng-zhang Kuai-su). Therefore, how to establish a diversified dispute resolution mechanism for resolving environmental conflicts and disputes has received increasing attention in recent years, because the outcome of environmental disputes will directly affect the healthy development of the economy and threaten social stability.

ADR with Chinese Characteristics: Diversified Dispute Resolution Mechanism
— Environmental Dispute Resolution as an Example

The Supreme People's Court has divided cases concerning environmental resources disputes into five major types, including environmental pollution prevention and control, ecological protection, resource development and utilization, climate change response, and ecological and environmental management and services, while defining them separately.⁽⁸⁾

a. Environmental pollution prevention and control disputes are criminal, civil, administrative and public interest cases arising from the discharge of toxic and hazardous substances, and other substances and energy into the atmosphere, water, soil and sea, which damage the environment and its ecosystem functions, as well as cause damage to personal health and property of individuals or the public.⁽⁹⁾

b. Ecological conservation disputes are criminal, civil, administrative, and public interest cases arising from the destruction of genetics (genes), species, ecosystem functions.⁽¹⁰⁾

c. Resource development and utilization disputes are criminal, civil, administrative and public interest cases arising from the development and utilization of various natural resources such as land and minerals, which are closely related to ecological environmental protection and restoration.⁽¹¹⁾

d. Climate change response disputes are criminal, civil, administrative and public interest cases arising from the process of responding to climate change directly or indirectly affected by greenhouse gas emissions and ozone layer depleting substances.⁽¹²⁾

e. Eco-environmental governance and service disputes are criminal, civil, administrative and public interest cases arising from the use of regulatory measures such as taxes and quotas, as well as market mechanisms such as third-party governance, environmental capacity utilization rights and green finance, to control ecological degradation and improve ecological and environmental quality.⁽¹³⁾

Facing the diversification and complexity of environmental disputes, social needs for dispute resolution also are diversified. Regarding the environmental dispute resolution mechanism, there are several ways of dispute resolution available for environmental disputes including litigation, judicial conciliation, administrative mediation and administrative adjudication as the formal judicial or administrative means, and negotiation, people's mediation, arbitration, round-table by stakeholders, petition as the informal dispute resolution approaches

Once, with the deepening of judicial reform from the end of 1980's in China, It was believed that mediation and other extra-judicial dispute resolution mechanisms as a kind of secondary justice had impacted on the rule of law and the trial, so the ADR mechanisms had been gradually ignored in that period. However, with the emergence of the "litigation explosion" phenomenon" these years, people's courts are under heavy pressure from a backlog of court cases, so the mediation and other ADR mechanisms are paid attention again for reducing pressure. As an alternative way to litigation, ADR mechanism Is also considered more appropriate for those environmental disputes with the characteristics of collectivity and complexity than litigation as people's courts are limited to deal with the fast-growing of large amount and complicated environmental disputes

In recent years, ADR mechanisms are re-evaluated by society, and the trend of using ADR mechanisms, especially mediation, to resolve various conflicts and disputes has been accelerating in China. Because "the leadership of the Communist Party of China is the most essential characteristic of socialism with Chinese characteristics"⁽¹⁴⁾, the three powers of the legislature, the executive, and the judiciary are not substantially separate and are considered to be one of the most important principles of justice in socialist China. Although the traditional Chinese dispute resolution method of "mediation" has been "regenerated" and "improved"

ADR with Chinese Characteristics: Diversified Dispute Resolution Mechanism
— Environmental Dispute Resolution as an Example

in the “new era”, under the “major premise” of “no separation of powers”, in order to achieve the purpose of resolving a large number of conflicts and disputes in the grassroot society and before litigation, the so-called “Grand Mediation” system has gradually formed in the practice of mediation system, that is, a coalition mediation system in which people’s mediation, administrative mediation and judicial mediation cooperate with each other [known as “one vessel with three feet”] (一鼎三足=Yi-ding san-zu). Later, it was extended to mobilize various social organizations to participate in “integrated conflict and dispute resolution” and strengthen the support and regulation of non-litigious dispute resolution. To open up channels with trade unions, women’s federations, law societies, arbitration bodies, notary publics, industry associations, trade organizations and chambers of commerce, etc., To promote the establishment of mediation front mechanism, play the role of people’s mediation, administrative mediation, lawyer mediation, industry mediation, professional mediation, chamber of commerce mediation, etc.⁽¹⁵⁾. This concept aims to make full use of the respective advantages and roles of judicial mediation, people’s mediation, administrative mediation and various social forces, so that various kinds of mediation can cooperate and coordinate with each other to establish a new diversified dispute resolution method for resolving various kinds of disputes and conflicts, in order to enhance the effectiveness, synergy and precision of diversified dispute resolution and litigation services⁽¹⁶⁾, and ensure social stability.

However, the concept of so-called “grand mediation” or “coalition mediation” or “diversified dispute resolution” is different from the definition and connotation of mediation as generally understood in many western countries, but it is also an “alternative dispute resolution” mechanism to the litigation system. Perhaps it can be said that it is a kind of ADR mechanism with Chinese characteristics.

There are currently four main types of mediation in China: government-led administrative mediation, court-led judicial mediation, people's mediation committees-led civilian mediation, and coalition mediation or "Grand Mediation" based on coordination and cooperation among the three types of mediation mentioned above. This article will look at these four main types of mediation systems, and will focus on coalition mediation, the "Grand Mediation" system mentioned above, and the subsequent development of a Chinese-style "diversified dispute resolution". Finally, the article will discuss the problems of the various mediation systems themselves, and the issues and challenges they faces in resolving environmental disputes in China, as well as provide a brief overview of the future prospects of ADR in China.

II. Administrative Mediation—Most Preferred Mediation Model

As mentioned earlier, mediation is a major method in the ADR mechanism for environmental disputes. Mediation has a long history in China. Under the longstanding influence of Confucianism, Eastern culture has been labeled as "tolerant," "gentle" and "harmonious," and the Chinese have indeed traditionally used litigation sparingly to resolve disputes. Many Chinese also tend to choose mediation over the courts when environmental disputes arise. In particular, administrative mediation is considered to be the main way to resolve environmental disputes.

Administrative mediation is generally referred to by the administrative authority in order to resolve various conflicts and disputes that occur in administrative activities, through coordination, guidance and other ways to facilitate the parties to reach an agreement on the settlement of disputes with civil rights and obligations.

The scope of administrative mediation is also very broad, depending on the different competencies of the administrative authorities. Administrative mediation by the environmental protection responsible department is the main way to resolve environmental disputes in China.

A. Types of environmental administrative mediation and its legal

There is no unified legislation like the People's Mediation Law to regulate administrative mediation until now. The legal provisions for administrative mediation in disputes concerning public order, employment, social security, health care, natural resources, environmental protection, public transportation, etc. are scattered in the Administrative Procedure Law and the Administrative Reconsideration Law, as well as other relevant laws and regulations.

In the legal basis for environmental administrative mediation, for instance, “Water Law” provides that: “water disputes between units, individuals, and between units and individuals, should be negotiated; the parties are unwilling to negotiate or negotiation fails, you can apply for mediation by the local people's government at or above the county level or its authorized departments, or directly to the people's court civil litigation. Local people's government at or above the county level or its authorized department mediation fails, the parties can bring civil litigation to the people's court (Art.57).

The Water Pollution Prevention and Control Law states that: disputes over the liability for damages and the amount of compensation caused by water pollution can be handled by the competent department of environmental protection or the maritime administration or the competent department of fishery in accordance with the division of duties and responsibilities at the request of the parties concerned; if mediation fails, the parties concerned may file a lawsuit in the People's Court. The

parties can also directly to the people's court litigation (Art.97)

Noise Pollution Prevention and Control Law “provides that” the units and individuals subject to noise infringement have the right to require the infringer to assume civil liability in accordance with law. Disputes over liability and compensation amount may be handled by the corresponding competent departments with supervisory and administrative responsibilities for noise pollution prevention and control, or the People's Mediation Committee in accordance with the request of the parties concerned” (Art.86).

The above provisions indicate that environmental administrative mediation is carried out by the corresponding administrative authority. In general, disputes submitted to administrative mediation can be divided into two types: disputes over liability or (and) disputes over the amount of compensation arising from environmental pollution. Disputes over natural resources or environmental pollution can be resolved through administrative mediation at the request of the parties. Environmental administrative mediation can be divided into three types according to its jurisdiction: mediation supervised by the administrative department in charge of environmental protection, such as the provisions of Article 97 of the Water Pollution Prevention and Control Law; mediation supervised by other departments or agencies in charge and responsible for environmental prevention and control, such as the provisions of Article 86 of the Noise Pollution Prevention and Control Law; and mediation supervised by administrative organs above the provincial level, such as the provisions of Article 57 of the Water Law. When administrative mediation fails, the parties can only file a civil lawsuit in court. This means that the parties cannot file an administrative lawsuit with the environmental protection administrative department as the defendant, because the nature of the environmental protection administrative department in such cases is a kind of civil mediator.

B. Legal effect of environmental administrative mediation agreement

There is no formal law regulating the legal effect of administrative mediation. But according to the Opinions on Establishing and Improving a Conflict and Dispute Resolution Mechanism that Connects Litigation and Non-litigation” (hereinafter called “SPC Opinions 2009”) issued by the Supreme People’s Court in 2009, in order to effectively resolve various types of conflicts and disputes occurring in administrative activities, the people’s courts encourage and support administrative organs to conduct mediation, adjudication or other processing on the application of the parties or ex officio.

- a. The mediation results and decisions made by administrative organs in accordance with law have legal effect.
- b. Mediation agreements with the content of civil rights and obligations reached after mediation of civil disputes by administrative organs in accordance with law have the nature of civil contracts (above, Article 8).
- c. Mediation agreements with contractual effect and payment content reached after mediation of civil disputes by administrative organs, creditors may apply to the basic people’s court with jurisdiction for payment orders (Article 13).
- d. For administrative mediation agreements with the nature of civil contracts, the parties may apply to the people’s court for validity confirmation (Article 20).

C. Why the administrative mediation is much favored

In China, administrative mediation is frequently used to resolve environmental disputes and has become the preferred method for parties to environmental disputes. The success rate of administrative mediation in environmental disputes was reported to be as high as 80%.⁽¹⁷⁾ As a result, many people often prefer the option of seeking relief from government authorities as opposed to other forms of mediation or litigation. Several reasons and contexts can be considered that why

administrative mediation is frequently used for resolving environmental disputes in China.

At first, compared to judicial proceedings, administrative mediation has a number of advantages for parties to environmental disputes. For example, the process is relatively fast and efficient, simplified and flexible, time and cost saving, avoidance of the judicial backlog. The parties have more control over the dispute resolution process, and legally valid mediation agreements can be enforced by the courts as well.

Next, Administrative mediation has shown unparalleled advantages in resolving environmental disputes. Because environmental disputes often involve advanced and complex science and technology, environmental dispute resolvers are required to have not only legal knowledge, but also specialized knowledge, skills and facilities to investigate and collect evidence, etc. And environmental protection authorities have demonstrated their strength in resolving environmental pollution disputes, not only by having more experts in the field of environmental protection, but also by often having the necessary equipment to investigate and examine evidence of environmental pollution, Its investigation of tort liability is also more authoritative.

Due to the strength of administrative power in China, parties to environmental disputes often give preference to administrative mediation and have high expectations for a quick, effective and low-cost resolution of their conflicts and disputes. As a scholar who has study “administrative mediation in environmental disputes” has pointed out, “most of the environmental disputes in China are settled basing on administrative mediation, and few people have doubts about this approach. In practice, this approach has its deep cultural roots and reasonable

institutional value in China”.⁽¹⁸⁾

III. Judicial Mediation—Most Authoritative Mediation Model

Judicial mediation as an important part of litigation process, is also referred as “judicial conciliation”. Judicial mediation is a litigation activity in which the parties discuss and negotiate on an equal footing under the auspices of a judge, under the principle of free will, to resolve disputes involving civil rights and interests and reach an agreement.

In general, judicial mediation does not seem to be applicable to ADR mechanisms, as it is part of the litigation system and a way for courts to exercise their judicial power. In China, however, it is considered a form of “mediation” because “ It is a form of dispute resolution rooted in Chinese history and cultural tradition and has proven effective through long-period judicial practice. It is also in line with the current values and litigation consciousness of society at large.” (“SPC Opinions 2007” Art.2, See below A)

Statistics from the Supreme People’s Court reflect that from 2017 to 2021, 30.20 million civil cases of first instance were adjudged by people’s courts at all levels; civil cases resolved through judicial mediation were 16.197 million, which is about 53.6% of the total number of civil cases adjudged. As it can be seen, with the number of civil litigation cases increasing almost year by year (2018: 5172571 cases; 2019: 5532546 cases; 2020: 6168918 cases; 2021: 5964924 cases; 2022: 7361443 cases), “judicial mediation” is indeed an effective way to handle cases, and has been well received by the people’s courts as well as litigant parties.⁽¹⁹⁾

A. Legal bases and new mission of judicial mediation

The substantive law dealing with judicial mediation is contained in the Civil Procedure Law and the judicial interpretation of the Supreme People’s Court on the Application of the Civil Procedure Law, as well as some judicial guidance in this area issued by SPC. There were four SPC Several Opinions issued in 2007, 2009, 2010, 2016, and the “Provisions of the SPC on Several Issues Concerning the Civil Mediation Work of the People’s Court” (hereinafter called SPC Provisions) issued in 2004.

According to the provisions of the Civil Procedure Law of PRC, the people’s courts shall hear civil cases in accordance with the principles of voluntariness and legality of the parties, and shall, on the basis of clear facts, distinguish between right and wrong and conduct mediation. If mediation fails, a judgment shall be rendered in a timely manner (Art.9, Art.96).

Judicial mediation has always been applied to civil trial practice, but in 2006, the 6th Plenary Session of the 16th CPC Central Committee made the strategic decision of building a socialist harmonious society. For building a well-off society and accelerating the promotion of the socialist modernization cause, the great significance and new mission of judicial mediation in building a harmonious society came to be recognized again. For this purpose, the Supreme People’s Court issued a judicial interpretation of “Several Opinions on Further Displaying the Positive Roles of Litigation Mediation in the Building of a Socialist Harmonious Society” in 2007 (hereinafter called “SPC Opinions 2007”). This SPC guidance was binding on lower courts and filled in some gaps including mediation system stipulated in the Civil Procedure Law.

The 2007 Opinions clearly instructed that the people’s courts, as the judiciary

of the state, should attach great importance to judicial mediation and make full use of it as an important method to properly deal with social conflicts and an effective means to build a righteous and harmonious society, and assume the great historical mission and political responsibility to promote and develop a harmonious society (Art.1).

B. Expanding the coverage of judicial mediation

In recent years, the People’s Courts have established the guideline of “mediation where possible, judgment where possible, combination of mediation and judgment, and settlement of cases” for the practical work of civil trials, and vigorously promoted judicial mediation (Art.2). Under this guideline, all civil cases suitable for mediation should be resolved through judicial mediation, especially the following kinds of cases have been selected as the key cases requiring good mediation:

- a. Cases involving group interests and requiring the cooperation of the government and relevant departments.
- b. Cases involving a large number of people in joint litigation and group litigation.
- c. Cases with complex circumstances, serious emotional confrontation between the parties, and both sides have difficulty in forming an evidentiary advantage.
- d. Cases where the relevant laws and regulations do not provide or are unclear, and there are certain difficulties in the application of the law.
- e. Cases with high sensitivity and social concern.
- f. Appeals review cases and retrial cases. (Above, Art5)

In order to further strengthen judicial mediation in civil cases, the Supreme People’s Court issued the Opinions on Further Implementing the Working Principles of “Prioritizing Mediation and Combining Mediation and Judgment” (hereinafter called “SPC Opinions 2010”) in 2010, which further expanded the

scope of application of judicial mediation, as follows:

- a. Cases that concern people's livelihood and group interests and require the cooperation of the government and relevant departments.
- b. Group cases, group litigation cases, bankruptcy cases that may affect social harmony and stability.
- c. Civil debt, marriage, family inheritance and other civil dispute cases.
- d. cases with complex circumstances and difficulties in forming evidentiary advantages.
- e. Cases with serious emotional confrontation between the parties.
- f. Cases in which the relevant laws and regulations are not provided for or are unclear and there are certain difficulties in applying the law.
- g. Cases in which it is difficult to enforce the judgment.
- h. Sensitive cases that are of concern to society at large.
- i. Cases of retrial and petition cases in which the parties have intense emotions and intensified conflicts. (Above, Art.4).

It should be said that most of the environmental disputes will involve the provisions of the above areas.

C. Principle of mediation priority over judgment

Among the trend of emphasizing mediation in recent years, the Supreme People's Court put forward the concept of "prioritizing mediation" in "SPC Opinions 2010", which proposed the policy of "making mediation the primary option for handling cases".

- a. Do not give up the possibility of mediation at various stages before and after the litigation and litigation process, as far as possible to grasp all the opportunities for mediation to conclude the case.
- b. To make mediation throughout the case trial and implementation of all aspects, throughout the first trial, second trial, implementation, retrial, appeals, and

petitions.

c. To gradually expand the scope of mediation, conciliation and coordination cases from civil cases to administrative cases, private criminal prosecution cases, minor criminal cases, civil cases incidental to criminal matters, state compensation cases and enforcement cases, and to establish a three-dimensional mediation mechanism covering all areas of trial and enforcement (Above, Art.2)

If the establishment of this “three-dimensional mediation mechanism” is the real goal, then in the near future, we may see the day when the number of cases settled by mediation in the people’s courts will far exceed the number of cases settled by judgment!

D. Application of mediation to environmental civil public interest litigation

As for the environmental dispute resolution, judicial mediation perhaps is the most utilized in environmental-related civil public interest litigation. In China, not only social organizations but also procuratorial organs can bring civil public interest litigation. It is a special feature of the Chinese civil public interest litigation system that the procuratorial organs are qualified to be plaintiffs.

1. Civil public interest litigation brought by related organization

According to the 2nd revision of the civil procedure law in 2012, an environmental civil public interest litigation system with related organizations as the plaintiff parties was established. That is, for pollution of the environment and other acts that harm the public interest of society, the authorities and relevant organizations provided for by law can bring a lawsuit to the people’s court (Art.55). As for the qualifications of “relevant organizations”, the Environmental Protection Law clearly stipulates that they are, a. registered with the civil affairs department of the people’s government at or above the municipal

level in accordance with the law; b. specializing in public welfare activities for environmental protection for at least five consecutive years and without any illegal records. For acts that pollute the environment, damage the ecology and harm the public interest of society, social organizations that meet the above conditions may file lawsuits in the people's courts (Art.58-1).

Subsequently, in January 2015, the Supreme People's Court promulgated the "Explanation on the Application of the Civil Procedure Law", which stipulates that "in public interest litigation cases, the parties may settle and the people's courts may mediate" (Art.289). The Supreme People's Court also issued the "Interpretation on the Law Application in the Trial of Environmental Civil Public Interest Litigation Cases", which stipulated that "after the parties to an environmental civil public interest litigation reach a mediation agreement, or reach a settlement agreement on their own, the people's court shall announce the content of the agreement for a period of not less than 30 days. After the expiration of the announcement period, the People's Court shall issue a mediation letter if it considers that the content of the mediation agreement or settlement agreement is not harmful to the public interests of society. However, if a party requests to withdraw the case on the grounds of reaching a settlement agreement, it shall not be permitted (Art.25). Regarding the conditions for withdrawal, Article 26 stipulates that "if the department with the responsibility for environmental protection supervision and management performs its supervisory duties in accordance with the law and thus the plaintiff's claim is fully realized, the people's court shall grant the application for withdrawal.

Meanwhile, in order to properly implement the environmental civil public interest litigation system, the Supreme People's Court, together with the Ministry of Environmental Protection and the Ministry of Civil Affairs, issued the "Notice

ADR with Chinese Characteristics: Diversified Dispute Resolution Mechanism
– Environmental Dispute Resolution as an Example

on the Implementation of the Environmental Civil Public Interest Litigation System”, which further elaborates on some of the provisions. Article 5 of the Notice provides for the implementation of mediation agreements, “If the parties to an environmental civil public interest litigation reach a mediation agreement or reach a settlement agreement on their own, the people’s court shall inform the competent environmental protection department responsible for supervision and management of the agreement. The relevant departments shall promptly submit to the people’s court their opinions and suggestions on the agreed restoration costs and restoration methods”.

The Civil Procedure Law, as amended for the 4th time (effective from January 1, 2022), reaffirms in article 58 that for pollution of the environment, the authorities and relevant organizations provided for by law can bring a lawsuit to the people’s court” (Art.58-1). The Supreme People’s Court has also issued the “Decision on Amending the Interpretation of the Supreme People’s Court on the Application of the Civil Procedure Law” (effective from April 10, 2022). Article 287 stipulates that “In public interest litigation cases, the parties may settle and the people’s courts may mediate. After the parties have reached a settlement or mediation agreement, the people’s court shall publicize the settlement or mediation agreement. The period of announcement shall not be less than thirty days. After the expiry of the period of public notice, the people’s court shall issue a conciliation certificate if, after examination, the settlement or conciliation agreement is not contrary to the public interest of society; if the settlement or conciliation agreement is contrary to the public interest of society, the conciliation certificate shall not be issued and the case shall continue to be heard and sentenced in accordance with the law”.

Three years before the formal amendment of the Civil Procedure Law,

environmental protection courts were set up in several provinces and cities across the country on a pilot basis. The first case of environmental civil public interest litigation brought by an environmental protection organization and settled through judicial mediation was a lawsuit brought by the China Environmental Protection Federation in July 2009 against Jiangsu Jiangyin Port Container Company for causing environmental pollution in its surroundings by the random emission and washing of iron ore dust during its operations.⁽²⁰⁾

2. Civil public interest litigation brought by the procuratorial authorities

In October 2014, the 4th plenary session of the 18th Central Committee of the CPC adopted the Decision on Several Major Issues Concerning the Comprehensive Promotion of the Rule of Law, which proposed for the first time the establishment of a public interest litigation system initiated by procuratorial organs on a trial basis. In order to implement this “decision”, on July 1, 2015, the 15th meeting of the Standing Committee of the 12th National People’s Congress adopted the “Decision on Authorizing the Supreme People’s Procuratorate to Conduct Pilot Public Interest Litigation in Some Areas”, and designated 13 pilot districts of public interest litigation (Beijing, Inner Mongolia, Jilin, Jiangsu, Anhui, Fujian, Shandong, Hubei, Guangdong, Guizhou, Yunnan, Shaanxi, Gansu), which began a two-year “test field” project.

The Supreme People’s Procuratorate accordingly issued the “Implementation Measures for Pilot Public Interest Litigation by People’s Procuratorates” applicable to the pilot areas in December 2015. It is clearly stipulated that a. the people’s procuratorate in the performance of duties found in the pollution of the environment and other acts that harm the public interest, in the absence of an eligible subject or an eligible subject does not file a lawsuit, the procuratorial organs can bring civil public interest litigation to the people’s court (Art.1-

ADR with Chinese Characteristics: Diversified Dispute Resolution Mechanism
– Environmental Dispute Resolution as an Example

1). b. If in the performance of its duties, the people’s procuratorate finds that an administrative organ with supervisory and management responsibilities in the field of ecological environment and resource protection has exercised its powers in violation of the law or failed to act, resulting in the infringement of the public interests of the State and society, and if citizens, legal persons and other social organisations do not and cannot bring a lawsuit because they have no direct interest, the people’s procuratorate may bring an administrative public interest lawsuit in the people’s courts (Art.28). c. In civil public interest litigation cases, the people’s procuratorate may settle with the defendant and the people’s court may conduct mediation (Art.23). In contrast, mediation does not apply to administrative public interest litigation cases (Art.48).

The Supreme People’s Court subsequently issued the “Implementation Measures of the Pilot Program of Trial by People’s Courts of Public Interest Litigation Cases Instituted by People’s Procuratorates” in February 2016, to accompany the above “Implementation Measures” of the Supreme People’s Procuratorate. The “Implementation Measures” of the Supreme People’s Court stipulates that when the People’s Procuratorate considers that the defendant has polluted the environment, damaged the ecology and harmed the public interests of the society, the People’s Court shall register the case when the People’s Procuratorate files a lawsuit with the People’s Court in the absence of an eligible subject to file a lawsuit or when an eligible subject does not file a lawsuit (Art.1). If the people’s procuratorate and the defendant reached a settlement agreement or mediation agreement, the people’s court shall announce the content of the agreement, the announcement period of not less than 30 days. After the expiration of the announcement period, the people’s court reviews that the content of the settlement agreement or mediation agreement do not harm the public interest, shall issue a mediation letter (Art.8).

After a two-year pilot program, the 2017 report on the work of the Supreme People's Procuratorate showed that 13 pilot regional procuratorial organs had handled a total of 5,109 public interest litigation cases in the fields of ecological environment and resource protection, including 547 cases filed with the people's courts⁽²¹⁾. The first case of environmental-related civil public interest lawsuit on river pollution by metal factory in Guangdong province instituted by procuratorial organ and concluded by judicial meditation was reported by the press in July 18, 2016.⁽²²⁾

Due to the uneven regional distribution of environmental dispute cases or environmental organizations, people's procuratorates now seem to be the "absolute leading player"⁽²³⁾ of civil public interest litigation. According to the Supreme People's Court statistics, from 2018 to 2021, the people's courts nationwide accepted 576 cases of environmental civil public interest litigation brought by social organizations (2018: 65 cases; 2019: 179 cases; 2020: 103 cases; 2021: 229 cases), while a total of 13,110 cases of environmental public interest litigation brought by procuratorial organs were accepted (2018: 1,737 cases. 2019: 2,309 cases; 2020: 3,454 cases; 2021: 5,610 cases). It can be seen that the overall trend of environmental public interest litigation initiated by the procuratorial organs is increasing year by year, and is much more than the environmental civil public interest litigation cases initiated by social organizations.⁽²⁴⁾

As the pilot project has achieved good legal and social effects, it has been fully recognized by the Supreme People's Court and the Supreme People's Procuratorate.⁽²⁵⁾ The pilot practice shows that the time is ripe for public interest litigation by the procuratorial organs to be confirmed by legislation. As a result, the National People's Congress formally established the system of public interest litigation by the procuratorial organs through amendments to two procedural laws,

ADR with Chinese Characteristics: Diversified Dispute Resolution Mechanism
– Environmental Dispute Resolution as an Example

the Civil Procedure Law and the Administrative Procedure Law. According to the 3rd revised civil procedure law and the 2nd revised Administrative Procedure Law in 2017, the environmental civil public interest litigation system with the procuratorate as the plaintiff has been formally established.

As for environmental civil public interest litigation by the prosecution, that is, when the people's procuratorates, in the performance of their duties, find acts that damage the ecological environment and resource protection and other acts that harm the public interest of society, they may bring a lawsuit to the people's court if there are no authorities and organisations prescribed by law or if the authorities and organisations prescribed by law do not bring a lawsuit (CPL Art.55-2). On the other hand, the people's courts may hear such civil public interest cases on the basis of the voluntary nature of the parties and, on the basis of clear facts, distinguish between right and wrong and conduct mediation (Art.93).

As for environmental administrative public interest litigation by the prosecution, that is, if in the performance of their duties, the people's procuratorates find that administrative organs with supervisory and management responsibilities in the fields of ecological environment and resource protection are exercising their powers in violation of the law or inaction, resulting in the infringement of national interests or social public interests, they shall make procuratorial recommendations to the administrative organs and urge them to perform their duties in accordance with the law. If the administrative organ does not perform its duties in accordance with the law, the people's procuratorate may bring a lawsuit to the people's court in accordance with the law (APL Art.25). On the other hand, the people's courts do not apply mediation in such administrative public interest cases. However, cases involving administrative compensation, indemnity and the exercise of discretionary powers by administrative organs as provided for by laws and

regulations may be mediated (Art.60).

In order to correctly apply the provisions of the above two laws regarding the public interest litigation system initiated by the people's procuratorates, the Supreme People's Court and the Supreme People's Procuratorate, in conjunction with the trial of public interest litigation and procuratorial practice, jointly published in March 2018 the "Interpretation of several issues on the application of law to procuratorial public interest litigation cases". This judicial interpretation, based on the experience of the two "pilot implementation measures" mentioned above, further clarifies and refines the specific procedures for procuratorial public interest litigation cases, and provides a unified basis for local people's courts and people's procuratorates to handle procuratorial public interest litigation cases. In order to correctly apply the provisions of the Civil Code (effective from January 1, 2021) on the system of public interest litigation initiated by people's procuratorates, the Supreme People's Court and the Supreme People's Procuratorate, in turn, revised this judicial interpretation and implemented it on the same date as the Civil Code.

The Civil Procedure Law (2022), which has been amended for the 4th time, also once again makes clear provisions for civil public interest litigation by procurators. a. When a people's procuratorate, in the performance of its duties, finds acts that damage the ecological environment and resource protection and other acts that harm the public interest of society, it may bring a lawsuit to the people's court if there are no authorities and organizations prescribed by law or if the authority and organization prescribed by law do not bring a lawsuit. b. The people's procuratorate may support the prosecution when a lawsuit is brought by an authorities or organizations prescribed by law (Art.58-2). On the other hand, the people's courts may hear such civil public interest cases on the basis of the

principle of voluntariness of the parties, and on the basis of clear facts, distinguish between right and wrong and conduct mediation (Art.96).

IV. People’s Mediation — Most Traditional Mediation Model

People’s mediation, is a well-known and most widely used type of civilian mediation in China, once known as the “Oriental Flower”. According to the current People’s Mediation Law, people’s mediation refers to the activities of the People’s Mediation Committee to resolve civil disputes by persuading and guiding the parties to voluntarily reach a mediation agreement on the basis of equal negotiation (Art.2). But how to conduct “persuasion and guidance”, there are various understandings and different interpretations in practice. It was not until the “Specification for people’s mediation work” issued by Ministry of Justice on December 30, 2020 coming in to force, that Article 2 of the Mediation Law was formally interpreted. That is, according to the characteristics of the parties and the specific situation of the dispute, the people’s mediator should adopt flexible ways and means such as separate conversation, joint negotiation, participation of friends and relatives and expert’s advice to carry out persuasion and guidance work (Art.6-3-3). And, expert advice can be used as a reference basis for mediation (Art.6-3-6) There is also a formal explanation of how to “help reach an agreement”. That is, the people’s mediator shall, on the basis of guiding the parties to negotiate on an equal footing, mutual understanding and accommodation, and eliminating barriers, propose a fair, reasonable and feasible solution to the dispute in due course, and help the parties reach a mediation agreement voluntarily (Art.6-3-4)

The people’s mediation system was formalized after the establishment of the People’s Republic in the early 1950s. People’s Mediation Committees were

established in accordance with the requirements of the Constitution - residents' committees and villagers' committees set up sub-committees to mediate civil disputes and help maintain public order (Article 111 (2)). However, there was no law on people's mediation immediately afterwards, and people's mediation was mainly based on administrative regulations such as the Rules of People's Mediation issued by the Ministry of Justice in 2002 for its concrete implementation.

Since the beginning of the “reform and opening up” era in the early 1980s, social conflicts and disputes have grown exponentially with the rapid socio-economic development. In response, the Standing Committee of the National People's Congress, China's legislature, promulgated the People's Mediation Law (hereinafter called “Mediation Law”) in 2010, which came into effect on January 1, 2011. The Mediation Law is the basic law on the people's mediation system and aims to strengthen the people's mediation system and encourage people to use people's mediation to resolve various civilian disputes. According to data released by the Ministry of Justice in 2019, in recent years, about 9 million disputes of various types have been resolved through people's mediation each year.⁽²⁶⁾ the success rate of people's mediation has reached 97.7%.⁽²⁷⁾

A. Legal basis and classification of people's mediation

The Mediation Law provides for the principles of people's mediation, mediation committees, people's mediators, mediation procedures and mediation agreements. After that, the Ministry of Justice also issued some administrative regulations as supplementary opinions for the implementation of the Mediation Law. For example, in 2014, the Ministry of Justice issued the “Opinions on Further Strengthening Industrial, Professional People's Mediation”, and in 2018, the Supreme People's Court and the Ministry of Justice jointly issued the “Opinions

ADR with Chinese Characteristics: Diversified Dispute Resolution Mechanism
— Environmental Dispute Resolution as an Example

on Strengthening the Construction of People’s Mediators”. In particular, the “Specification for people’s mediation work” (hereinafter referred to as the “Work Specification”), which was released and implemented at the end of 2020, further comprehensively regulates the people’s mediation system in terms of people’s mediation organizations, people’s mediators, mediation procedures, work security and work guidance, etc.

According to the Mediation Law, people’s mediation committees are people’s mediation organizations established by law to mediate civil disputes (Article 7). Statistics from the Ministry of Justice showed that by the end of 2018, there were 3.67 million people’s mediators nationwide, including 497,000 full-time mediators; there were 766,000 people’s mediation committees nationwide, including 657,000 village (community) people’s mediation committees, and 43,000 industrial and professional people’s mediation organizations.⁽²⁸⁾

According to the Mediation Law (Art.8-1, Art.34), and the “Work Specification” (Art.4-1-1, Article4-1-2, Article 4-1-3-b), people’s mediation committees are established in the following four categories.

- a. Village (residents) people’s committees shall establish people’s mediation committees to mediate civil disputes within their jurisdictions.
- b. Townships (subdistrict) may establish people’s mediation committees to mediate cross-regional and cross-unit civil disputes and major difficult and complex civil disputes within their jurisdiction.
- c. Enterprises (institution) may set up people’s mediation committees as needed to mediate civil disputes that occur within the institution.
- d. Associations or other organizations may set up industrial, professional and regional people’s mediation committees as needed to mediate civil disputes within the administrative area of the industry, profession and specific region.

- e. The village (community) people's mediation committee and the enterprise (institution) people's mediation committee can set up people's mediation groups in natural villages, neighborhoods, buildings and workshops, etc. according to their needs.
- f. People's Mediation Committee according to the need, can be in the people's courts, public security, petitions and specific places to set up a stationed mediation office

B. People's mediation acceptance scope and mode

According to the "Work Specification" (Art.6-1-1), civil disputes accepted by the People's Mediation Committee include a variety of disputes that occur between equal civil subjects and involve personal and property rights and interests that the parties have the right to dispose of, including the following types of disputes.

- a. Common and frequent disputes such as marriage and family, neighborhood, housing and residential base, contract, production and operation, damage and compensation, mountain, forest, land and pasture, land acquisition, demolition and relocation.
- b. Disputes in the fields of medical care, road traffic, labor disputes, property management, consumer, tourism, environmental protection, finance, insurance, Internet and intellectual property.
- c. Other disputes that can be solved by means of people's mediation

The people's mediation is accepted in the following ways:

- a. Acceptance on application. The People's Mediation Committee may accept mediation disputes based on the written or oral application of the parties.
- b. Entrusted acceptance. The People's Mediation Committee may accept civil disputes referred to it by CPC committees and governments and relevant

departments for mediation.

c. Proactive acceptance. For the civil disputes found in the investigation and reflected by the public, the People’s Mediation Committee can take the initiative to mediate.

According to the “Work Specification” (Art.4-6-2), the People’s Mediation Committee shall “conduct conflict and dispute investigation and timely identify the risks and hidden dangers of conflicts and disputes”. The method of investigation is as follows.

a. General investigation. In rural areas to the village as a unit, in the city to the community as a unit, generally should be carried out once a week conflict and dispute investigation; township (subdistrict) monthly conflict and dispute investigation, the county (city, district) quarterly conflict and dispute investigation.

b. Focused investigation. Focus should be placed on key areas, key fields, key people and important time periods where conflicts and disputes are prone and frequent, and targeted conflict and dispute investigation should be carried out.

c. The potential conflicts and disputes identified should be classified and sorted out, establish a ledger, so that “the bottom line is clear and the situation is clear”.

The “proactive acceptance” should be said to have “Chinese characteristics”. Apparently, the Chinese government has partially “transferred” the task of “maintaining stability” (Wei-Wen) from the police to the People’s Mediation Committee, making “investigating disputes” a new responsibility of the people’s mediation.

C. Working methods and responsibilities of people’s mediation

According to the “Work Specification” (Art.4-6-1), It is the duty of the people’s mediator to “mediate civil disputes and prevent them from intensifying”.

Specific suggestions for mediation methods are as follows.

a. General conflicts and disputes. For common and frequent conflicts and disputes such as marriage and family, neighbors and housing bases, the village (community) and township (subdistrict) people's mediation committee should adopt a combination of law, reason and emotion (法理情Fa-Li-Qing) to resolve them in a timely manner, and strive to achieve small disputes without the village (community) and large conflicts without the township (subdistrict). Specifically, the people's mediator should explain the law and policy, promote public morality and humanity and reason, lay out the facts and reasoning, and help the parties to identify the facts, distinguish right from wrong, and clarify responsibilities according to the situation of the dispute (Art.6-3-2). In a word, this is the method of "understanding the law and analyzing reason" (明法析理Ming-Fa Xi-Li)

b. Conflicts and Disputes in Industries and Specialized Fields. For disputes in medical, road traffic, labor disputes, property management and other industrial and professional fields, relevant industrial and professional people's mediation organizations should use their professional knowledge to carry out mediation, while expanding people's mediation in the fields of consumption, tourism, environmental protection, finance, insurance, Internet and intellectual property.

c. Major difficult and complex conflicts and disputes. For conflicts and disputes involving many parties, complex cases or social impact, as well as conflicts and disputes that may lead to mass incidents, cross-grade petitions or civil to criminal, legal service resources such as lawyers, grassroots legal services, notaries, forensic identification, legal aid and rule of law publicity should be coordinated, strengthen the linkage with administrative mediation, industrial and professional mediation, arbitration, administrative adjudication, administrative reconsideration and litigation, etc. to form a synergy in resolving conflicts and disputes.

d. Mediation should be used to publicize laws, regulations, rules and policies, promote the spirit of socialist rule of law and core socialist values, educate

citizens to abide by the law, respect social morality and prevent civil disputes from occurring (Art.4-6-3).

In other words, the People’s Mediation Committee is not only responsible for “prevention” and “mediation” of civil disputes, but also has the task of “propaganda” and “education”.

D. Effectiveness of people’s mediation agreement

The Mediation Law provides that mediation agreements reached through mediation by the People’s Mediation Committee shall be legally binding and the parties shall perform as agreed. The People’s Mediation Committee shall supervise the performance of the mediation agreement and urge the parties to fulfill the agreed obligations (Art.31). Later, the “Work Specification” further made supplementary provisions to give a clearer explanation.

1. Performance of mediation agreement

“Work Specification” requires the parties to comply with the principle of honesty and credit and to consciously, fully and timely perform the mediation agreement (Art.6-4-4). If the parties do not fulfill the mediation agreement or renege after reaching the agreement, the People’s Mediation Committee will handle the case according to the following circumstances.

- a. If the parties do not perform the agreement without a valid reason or if the performance is inadequate, they should do their best to urge the parties to perform.
- b. If the parties propose that the content of the agreement is inappropriate, or if the People’s Mediation Committee finds that the content of the agreement is inappropriate, it shall, after obtaining the consent of the parties, change the content of the original agreement through mediation again; or revoke the original agreement and reach a new mediation agreement.
- c. If, after supervision, the people’s mediation agreement is still not fulfilled, the

parties shall be informed that they may sue the people's court for the fulfilment, variation or revocation of the mediation agreement. (above, Art.6-4-5).

2. Conditions for the mediation agreement effective

The following conditions must be met for a mediation agreement to be valid. If one of the following conditions is met, the mediation agreement is invalid, even if the parties have reached a mutual agreement.

- 1) A mediation agreement is valid if the following conditions are met.
 - a. The parties have full civil capacity;
 - b. The intention is true;
 - c. Does not violate the mandatory provisions of laws and administrative regulations;
 - d. Does not violate public order and morals.
- 2) A mediation agreement is invalid if one of the following circumstances exists.
 - a. Damage to the state, collective or social public interests;
 - b. Malicious collusion between the parties to the detriment of the legitimate rights and interests of others;
 - c. Violate the mandatory provisions of laws and administrative regulations;
 - d. Violate public order and morals. (Above, 6-4-4).

3. Judicial confirmation of mediation agreement

As some cases may involve the interests of other parties with various interests in the case, in order to ensure the smooth implementation of the mediation agreement, The Mediation Law provides for judicial confirmation of the validity of the mediation agreement.

- a. Mediation agreement reached through the mediation of the People's Mediation Committee, the parties believe that it is necessary to jointly apply to the people's court for judicial confirmation within 30 days from the effective date of the

ADR with Chinese Characteristics: Diversified Dispute Resolution Mechanism
– Environmental Dispute Resolution as an Example

mediation agreement, the people's court shall promptly review the mediation agreement and confirm the validity of the mediation agreement in accordance with law (Art.33-1).

b. If the People's Court confirms the validity of the mediation agreement in accordance with the law, one party refuses to perform or fails to perform in full, the other party may apply to the People's Court for compulsory enforcement (Art.33-2).

c. If the people's court confirms that the mediation agreement is invalid according to law, the parties may change the original mediation agreement or reach a new mediation agreement by means of people's mediation, or they may file a lawsuit with the people's court (Art.33-3).

E. Benefits and limitation of people's mediation in environmental disputes

What kinds of environmental dispute will be more suitable for people's mediation? In general, people's mediation is used mainly to resolve lifestyle-related environmental disputes between individuals. Along with rapid urbanization, the environmental disputes caused by neighboring relationship or living environment occurred frequently. The typical examples are such as noises arise from neighboring house; trouble caused by pets; trouble over the garbage disposal; trouble caused by construction work etc. Such kind of environmental disputes are generally handled on a compromise basis through discussion and negotiation between or among parties in dispute to voluntarily find and conclude resolution beneficial to each party in the past. However, with the trend of less communication with neighborhood in recent time and the difference in lifestyle habits, an amicable settlement by direct negotiation to resolve the disputes gradually becomes more difficult. Recently the cases brought into people's mediation from the beginning are increasing rapidly. The people's mediation is

論 說

the most suitable way for resolving minor environmental disputes happened in neighborhood or daily life wherein dispute parties are in equal status, enmity is moderate, case facts are clear and damage caused by the dispute is small.

However, some cases are considered unsuitable for people's mediation, such as industrial-type environmental pollution disputes between individuals and enterprises. Because of the unequal status of the parties and the asymmetry of relevant information, the enterprise causing environmental pollution is usually in a strong position and often receives strong support from the local government because of its strong economic power. The victims of environmental pollution are mostly ordinary residents, who are in a weak position compared with the aggrieved party. In such environmental pollution dispute cases, the interests of enterprises and governments are often given priority, so it is difficult to reach agreements that are convincing to the injured parties in the mediation process.

For the mediation of industrial environmental disputes, except for a very few people's mediation committees specializing in the environment, there are few mediators with professional knowledge in environmental protection in general people's mediation committees, inadequate professional skills and equipment required for fact-finding and forensics on environmental pollution, the environmental protection authorities also do not provide enough guidance to the People's Mediation Committee, Therefore, it is difficult to meet the needs of industrial environmental dispute mediation practice. In many cases, even if the dispute parties want to apply for people's mediation, the People's Mediation Committee will still advise them to administrative mediation or file a civil lawsuit.

V. Coalition Mediation—“Grand Mediation” Model

The 3th Plenary Session of the 18th CPC Central Committee in 2013 emphasized to make great efforts to promote the “coalition mediation system” based on people’s mediation, administrative mediation and judicial mediation for building a “Grand Mediation” system to settle the conflicts and disputes, and truly realize the resolution of all disputes upon close of a case. The “Outline for the Implementation of the Rule of Law Government (2015-2020)” jointly formulated by the CPC Central Committee and the State Council of the Central Government in 2015 provides for “improving the linkage work system of people’s mediation, administrative mediation and judicial mediation” (Art.35). Since then, in the “Outline for the Implementation of the Rule of Law Government (2021-2025)”, also jointly formulated by the CPC Central Committee and the State Council in 2021, it also is stipulated that the “coalition of three mediations” (三调联动 = San-tiao lian-dong) should be adhered to and the effective interface between administrative mediation, people’s mediation and judicial mediation should be promoted (Art.20). Therefore, the “three mediation linkage”, which aims at cooperation and collaboration among people’s mediation, administrative mediation and judicial mediation, has been strongly advocated. The three mediations not only fully demonstrate their respective functions, but also work as a unified system in coalition mediation.

In fact, the establishment of the “Grand Mediation” system is also related to the social situation in recent years. With the deepening of China’s reform and opening-up and the development of its economy, the gap between the rich and the poor and the regional disparities have been expanding, and social conflicts are more serious than ever. In particular, conflicts and disputes involving land expropriation, environmental pollution, labor disputes, consumer rights and

other aspects have intensified, and radical acts such as demonstrations and riots have occurred from time to time. If these conflicts and disputes are not properly handled, a great deal of discontent will accumulate against the government and the peace of the administration will be threatened. Therefore, it has become a major task for the Chinese government to resolve various conflicts and disputes that arise in society in a timely, appropriate, smooth and effective manner. The Supreme People's Court has also recognized that the social background for implementing the principle of giving priority to mediation is that "China is in a period of important strategic opportunities for economic and social development, and a period of prominent social conflicts, and the task of maintaining social harmony and stability is arduous and heavy. Deeply promoting the three key tasks of resolving social contradictions, social management innovation and fair and clean law enforcement is the inevitable requirement for the people's courts to fulfill their historical mission under the new situation, the inevitable requirement for the people's courts to actively respond to the concerns of the people, and the primary task of the people's courts in the current and future period"⁽²⁹⁾. However, since the courts have limited human and material resources to deal with the huge number of disputes, the "Grand Mediation" system of the three mediations is increasingly valued as an alternative dispute resolution method, which is an inevitable tendency to maintain social stability.

The "coalition of three mediations" is also a relatively new attempt at a diversified dispute resolution mechanism. There is no ready legal basis for how to create and implement a "Grand Mediation" or "coalition mediation" that integrates judicial mediation, people's mediation and administrative mediation. For this reason, the Supreme People's Court has issued a series of judicial interpretations in recent years. These interpretations can be roughly divided into three stages. They are the "Opinions on Further Implementing the Principle of

ADR with Chinese Characteristics: Diversified Dispute Resolution Mechanism
 – Environmental Dispute Resolution as an Example

'Prioritizing Mediation and Combining Mediation and Trial' »⁽³⁰⁾ (hereinafter called "SPC Opinions 2010"), "Opinions on the People's Courts Further Deepening the Reform of the Diversified Dispute Resolution Mechanism"⁽³¹⁾ (hereinafter called "SPC Opinions 2016"), and "Opinions on Building a One-Stop Diversified Dispute Resolution Mechanism and One-Stop Litigation Service Center"⁽³²⁾ (hereinafter called "SPC Opinions 2019"). These three Opinions are only the main and comprehensive judicial interpretations, and the Supreme People's Court has also issued some specific judicial interpretations in some of these areas as a supplement. Some of the major specialized judicial interpretations will also be covered in the following discourse. In addition, when the "SPC Opinions 2010" was released, the Supreme People's Court stated that it would continue to conduct in-depth investigations and studies in accordance with the actual needs of mediation work, and would issue relevant judicial interpretations or judicial policies in due course to guide and regulate mediation work in courts nationwide ⁽³³⁾.

A. "SPC Opinions 2010"—Preparation stage

1. The dispute resolution mechanism linking litigation and non-litigation.

In 2009, the Supreme People's Court first issued the "Opinions on Establishing and Improving a Conflict and Dispute Resolution Mechanism that Connects Litigation and Non-litigation" (hereinafter called "SPC Opinions 2009"). This judicial interpretation aims to explore and improve the mediation mechanism with the participation of multiple parties during litigation process, and promote the development of non-litigation dispute resolution mechanisms.

Its main objectives are : to give full play to the power of the people's courts, administrative organs, social organizations, enterprises and institutions, as well as

other parties, to promote the mutual cooperation, coordination and comprehensive development of various dispute resolution methods, to make a good connection between litigation and non-litigation channels, to provide the people with more alternative dispute resolution options, to maintain social harmony and stability, and to promote sound and rapid economic and social development (Art1).

The main task is : to improve the interface mechanism between litigation and arbitration, administrative mediation, people's mediation, commercial mediation, industrial mediation and other non-litigation dispute resolution methods, to promote the organization and procedural system of various dispute resolution mechanisms, and to promote non-litigation dispute resolution methods that are more convenient, flexible and efficient (Art.2).

There are three main types of mediation mechanisms in civil litigation:

a. Assigned Mediation. (委派调解=Wei-Pai Tiao-Jie) That is, before a civil case is formally filed, the people's court may, ex officio or upon application of the parties, assign administrative organs, people's mediation organizations, commercial mediation organizations, industrial mediation organizations or other organizations with mediation functions to conduct mediation. If the parties do not agree to the mediation, the people's court shall file the case in a timely manner in accordance with the law (Art14).

b. Entrusted Mediation. (委托调解=Wei-Tuo Tiao-Jie) That is, after a civil case is filed, if both parties agree or if the people's court considers it necessary, the people's court may entrust the civil case to administrative organs, people's mediation organizations, commercial mediation organizations, industrial mediation organizations or other organizations with mediation functions to assist in mediation. If mediation fails, the people's court should promptly trial (Art.15).

ADR with Chinese Characteristics: Diversified Dispute Resolution Mechanism
— Environmental Dispute Resolution as an Example

c. Specially-Invited mediation. (特邀调解=Te-Yao Tiao-Jiao) That is, for civil cases before and after case filing, the People's Court may invite qualified organizations or persons to jointly conduct mediation in accordance with the relevant provisions. Mediation shall be conducted in the courtroom or other office premises of the people's court, and may also be conducted outside the court with the consent of the parties. If the mediation fails, the people's court shall promptly trial. However, the judge engaged in mediation before the court session shall not participate in the trial of the same case in principle, unless the parties agree to it (Art16).

Regarding the difference between assigned mediation, entrusted mediation and invited mediation, according to the "Provisions of the Supreme People's Court on Specially-Invited Mediation by the People's Courts"⁽³⁴⁾, Invited mediation refers to a mediation activity in which the people's courts accept qualified mediation organizations or individuals, such as people's mediation, administrative mediation, commercial mediation and industrial mediation, to become invited mediation organizations or invited mediators, and accept pre-filing assignment or post-filing entrustment by the people's courts to conduct mediation in accordance with the law, so as to urge the parties to reach mediation agreements and resolve disputes on the basis of equal consultation (Art 1). Therefore, assigned mediation refers to mediation activities conducted by qualified mediation organizations or individuals, such as people's mediation, administrative mediation, commercial mediation, and industry mediation, who accept the assignment of the people's court before filing a case in accordance with the law. Entrusted mediation refers to the mediation activities conducted by qualified mediation organizations or individuals, such as people's mediation, administrative mediation, commercial mediation, and industry mediation, who accept the entrustment of the People's Court after filing a case in accordance with the law.

In the case of mediation by the relevant organizations, without violating the mandatory provisions of laws and administrative regulations, reference can be made to industry practices, village rules, community conventions and local good customs and other norms of conduct to guide the parties to reach a mediation agreement (Art.17). The agreement reached through the mediation of administrative organs, people's mediation organizations, commercial mediation organizations, industry mediation organizations or other organizations with mediation functions with the nature of a civil contract, signed and sealed by the mediation organization and the mediator, the parties can apply to the people's court with jurisdiction to confirm its validity (Art.20).

2. The principle of “prioritizing mediation and combining mediation and trial”

Along with the importance of mediation being recognized again, the SPC further proposed the working principle of “Prioritizing Mediation and Combining Mediation and Trial” and issued a judicial interpretation “SPC Opinions 2010” to implement this principle. In it, the Supreme People's Court put forward guidance on how people's courts should implement this principle. That is, “Prioritizing Mediation and Combining Mediation and Trial” is not only an important principle to promote the resolution of conflicts and disputes, but also an important element of social management innovation, as well as a practical test of the judge's judicial ability. On the contrary, in order to promote these three key tasks, it is also necessary to firmly implement this working principle, continuously enhance mediation awareness, actively innovate mediation mechanisms, and strive to improve mediation capabilities. Efforts shall be made to promote people's mediation, administrative mediation, judicial mediation-“trinity” of the “Grand Mediation” system construction, and effective resolution of social conflicts (Art.1).

ADR with Chinese Characteristics: Diversified Dispute Resolution Mechanism
– Environmental Dispute Resolution as an Example

The main feature of “SPC Opinions 2010” is the formal introduction of the concept of “Grand Mediation”, emphasizing the need to further promote the construction of the “Great Mediation” system, to timely resolve social conflicts and disputes at the grassroots level, and to continuously improve the dispute resolution mechanism with Chinese characteristics.

a. Promote the establishment of a “Great Mediation” work network system. People’s courts at all levels should strengthen close cooperation with village committees, neighborhood committees, labor unions, resident committee and other organizations to form a joint effort to resolve social conflicts. To establish a network of invited mediators and mediation volunteers covering all levels, departments and industries, composed of NPC deputies, CPPCC members, grassroots cadres, people’s assessors, retired cadres and people from all walks of life, and to strengthen the docking with the network of people’s mediation and administrative mediation organizations, gradually form a “Great Mediation” work network system with shared resources, shared power and positive interaction (Art.26).

b. Strengthen the legal guidance for people’s mediation and administrative mediation. People’s courts at all levels should strengthen communication and experience interchange with people’s mediation, administrative mediation organizations, learn from each other’s good experience, good practices, and jointly improve the level of mediation. To actively carry out analysis and research on new situations and new problems in the work of the “Grand Mediation”, strengthen the guidance of people’s mediation and administrative mediation organizations, help people’s mediation, administrative mediation organizations to improve the work procedures and regulate the conduct of mediation (Art,28).

c. Further improve the mediation interface mechanism. The agreement reached

by people's mediation, administrative mediation, industry mediation or other organizations with mediation functions, the need to confirm the validity of the people's court with jurisdiction shall promptly review and confirm in accordance with the law. If the conditions for compulsory execution are met, the people's court shall enforce them in a timely manner in accordance with the law (Art.29).

B. “SPC Opinions 2016”—Establishment stage

The goal of the “SPC Opinions 2016”, as its title suggests, is to further deepen the reform of the diversified dispute resolution mechanism, thereby improving the dispute resolution mechanism that connections litigation and non-litigation and building a diversified dispute resolution system with Chinese characteristics. It gives the people's courts at all levels more specific guidance on the “Grand Mediation” system that has been practiced for several years, in terms of strengthening the construction of a docking platform for litigation and mediation, improving various mediation systems and perfecting procedural arrangements, to make it becoming a mature and effective diversified dispute resolution mechanism. Thereafter, the Supreme People's Court also issued a number of professional guidance on various issues in certain areas

1. Improve the platform settings

The people's courts should establish a comprehensive service platform that integrates a number of functions such as litigation services, case registration, litigation and mediation docking. People's courts should introduce relevant mediation, arbitration, notary and other institutions or organizations in the litigation service center to set up mediation offices, service windows.

b. can be in the areas of frequent disputes and grassroots towns (subdistricts), villages (communities) stationed personnel to guide the docking of litigation and mediation matters. (Above, Art4)

ADR with Chinese Characteristics: Diversified Dispute Resolution Mechanism
– Environmental Dispute Resolution as an Example

After the platform is set up, it is also necessary to clarify the responsibilities of the platform. The People’s Court Litigation and Mediation Docking Platform is responsible for the following tasks:

- a. appropriately diverting disputes brought to court, and guiding parties to choose non-litigation methods for disputes suitable for mediation.
- b. conducting assigned mediation and entrusted mediation.
- c. handling judicial confirmation cases.
- d. managing the roster of specially-invited mediation organizations and specially-invited mediators.
- e. strengthening guidance on mediation affairs, promoting the interface between litigation and non-litigation dispute resolution systematically, and improve the coalition working system of people’s mediation, administrative mediation, commercial mediation, industrial mediation and judicial mediation. (Above, Art.5)

2. Strengthen the interface with administrative organs.

- a. The people’s courts should strengthen communication and coordination with administrative organs and promote the interface between litigation and administrative mediation, administrative reconsideration and administrative adjudication mechanisms.
- b. Support administrative organs in conducting mediation or adjudication on the basis of applications by parties or on the basis of their authority, or in making other dispositions in accordance with the law.
- c. Support administrative organs in conducting administrative mediation in in the key fields of consumer rights protection and environmental pollution etc., (Above, Art.7)
- d. Promote the improvement of the systems of administrative mediation, administrative conciliation and administrative adjudication.

- e. Support administrative organs in carrying out administrative mediation in cases of administrative compensation, compensation and the exercise of discretionary powers by administrative organs as stipulated in laws and regulations.
- f. Support administrative organs in providing the results of fact-finding, professional appraisals or legal opinions to guide and induce parties to negotiate and settle. (Above, Art.21)

3. Strengthen the interface with people's mediation organizations.

- a. Continuously improve guidance on people's mediation affairs, promote the institutionalization and standardization of people's mediation organizations, and further expand the scope and scale of people's mediation organizations assisting the people's courts in resolving disputes.
- b. Support the development of sectoral and professional people's mediation organizations in areas where disputes are prone and frequent.
- c. Establish and improve the network of mediation organizations covering urban and rural areas. Give full play to the fundamental role of people's mediation organizations in resolving folk disputes in a timely and local manner, resolving grassroots conflicts and maintaining stability at the grassroots level. (Above, Art.8)

4. Strengthen the interface with commercial and industrial mediation organizations.

- a. Actively promote the establishment of commercial mediation organizations and industrial mediation organizations by qualified chambers of commerce, industry associations, mediation associations, private non-enterprise units, commercial arbitration institutions, etc., to provide commercial mediation services or industrial mediation services in the fields of investment, finance, securities and futures, insurance, real estate, engineering contracting, technology transfer, environmental protection, electronic commerce, intellectual property rights, international trade,

ADR with Chinese Characteristics: Diversified Dispute Resolution Mechanism
– Environmental Dispute Resolution as an Example

- etc. Provide commercial mediation services or industrial mediation services.
- b. Improve mediation rules and docking procedures, and give play to the advantages of specialization and professionalism of commercial mediation organizations and industry mediation organizations. (Above, Art.9)

In 2019, The Supreme People’s Court and the China Federation of Industry and Commerce have jointly issued the “Opinions about Play an Advantage Role in Commerce Mediation by Chamber and Promoting the Construction of a Diversified Dispute Resolution Mechanism in the Private Economy”⁽³⁵⁾ as a specialized supplementary guidance, which calls for the improvement of the docking mechanism between the people’s courts and the chambers of commerce.

- a. The people’s courts absorb qualified chamber organizations or mediators for commerce mediation into the roster of specially invited mediation organizations or mediators.
- b. Implement the assigned mediation and entrusted mediation mechanisms, strengthen the docking with chamber of commerce mediation organizations, and explore the establishment of mediation rooms in the people’s courts.
- c. Strengthen the systematic interface between litigation and non-litigation settlement methods, and guide parties to give priority to chamber of commerce mediation organizations to resolve disputes. (Above, Art7)
- d. Mediation agreements reached through mediation shall be legally binding and the parties shall perform in accordance with the agreement.
- e. If the parties apply for judicial confirmation, the people’s court shall promptly examine and confirm the validity of the mediation agreement in accordance with the law.
- f. Disputes that fail to be mediated shall be introduced into the litigation process in accordance with the law, effectively safeguarding the litigation rights of the

parties. (Above, Art.8)

5. Improve specially-invited mediation system and establish a court-annexed mediator system.

a. People's courts can absorb people's mediation, administrative mediation, commercial mediation, industry mediation or other organizations with mediation functions as specially-invited mediation organizations, and the people's congress deputies, CPPCC members, people's assessors, experts and scholars, lawyers, arbitrators, retired legal workers and other qualified individuals as specially-invited mediators.

b. Clarify the scope of responsibilities of the specially-invited mediation organizations or invited mediators, the development of specially-invited mediation provisions, improve the specially-invited mediation procedures, improve the roster management system, and strengthen the construction of specially-invited mediation team. (Above, "SPC Opinions 2016" Art.17)

c. Establish a court-annexed mediator system. People's courts can be equipped with full-time mediators in the litigation service center and other departments, by judges or judicial support staff who are good at mediation, engaged in mediation guidance, and the entrusted mediation matters after the case is filed (Art.18).

6. Promote the construction of lawyer mediation system.

a. The people's courts should strengthen communication with the judicial administrative departments, lawyers' associations, law firms and legal aid centers, absorb lawyers to join the roster of specially-invited mediators of the people's courts, explore the establishment of lawyers' mediation offices, and encourage lawyers to participate in dispute resolution.

b. Support lawyers to join all kinds of mediation organizations as mediators, or set up lawyer mediators in law firms, give full play to the advantages of lawyer

ADR with Chinese Characteristics: Diversified Dispute Resolution Mechanism
– Environmental Dispute Resolution as an Example

specialization and professionalism.

- c. The establishment of lawyers as mediator recusal system, as a mediator lawyer may not act as an agent of the same case.
- d. Promote the establishment of lawyers to accept entrusted representation to inform the parties to choose non-litigation dispute resolution mechanism. (Above, Art.19).

The establishment of lawyer's mediation system shall be promoted. People's court shall strengthen the communication with judicial administrative institutions, lawyer's association, law firm and legal assistance center and encourage lawyer to attend dispute resolution. People's court shall support lawyer to work as mediator in mediation organization at different levels or as a mediator working in law firm by developing fully their superiority of specialization and professionalism (Art.19).

Furthermore, in 2017, the Supreme People's Court and the Ministry of Justice have jointly issued the "Opinions on the Pilot Work of Lawyer Mediation" as a specialized supplementary guidance.⁽³⁶⁾ Among them, the concept of lawyer mediation is defined for the first time. Among them, the concept of lawyer mediation is defined for the first time. It means that lawyers, lawyers' mediation office established by law or lawyers' mediation center as a neutral third party to preside over the mediation, and assist the parties to the dispute through voluntary consultation to reach an agreement to resolve the dispute activities. One of the basic principles of lawyer mediation is to strengthen the close connection between lawyer mediation and people's mediation, administrative mediation, industry mediation, commercial mediation, litigation mediation, etc., giving full play to their respective characteristics and advantages, and forming a dispute resolution mechanism with procedural convergence, complementary advantages and

collaboration (Art2-6).

People's courts, judicial administrative organs and lawyers association shall actively guide lawyers to participate in the diversified settlement of conflicts and disputes, encourage and recommend lawyers to work in the people's mediation organizations, arbitration institutions, commercial mediation organizations, industry mediation organizations as mediators, encourage lawyers to use modern technology to innovate mediation methods, to actively participate in online mediation, promote lawyers to take the initiative to assume social responsibility, to reflect their value in society, fully mobilize the enthusiasm of lawyers engaged in mediation work, in order to achieve the sustainable development of lawyers mediation (Art17).

7. Sound procedures for assigned mediation and entrusted mediation.

- a. For cases suitable for mediation brought to the people's court by the parties, the people's court may appoint Specially-invited mediation organizations and Specially-invited mediators to conduct mediation before case filed.
- b. If an agreement is reached in the Specially-mediation, the parties may apply for judicial confirmation in accordance with the law.
- c. If the parties expressly refuse to mediate, the people's court shall file the case in accordance with the law.
- d. Even the cases being filed or during the trial, the people's court considers suitable for mediation, with the consent of the parties, mediation can be entrusted to the Specially-invited mediation organizations, Specially-invited mediators or by the people's court full-time mediators.
- e. If an agreement is reached through entrusted mediation, the judge shall issue a mediation decision letter after examination in accordance with the law. (Above, "SPC Opinions 2016" Art.28).

ADR with Chinese Characteristics: Diversified Dispute Resolution Mechanism
— Environmental Dispute Resolution as an Example

Regarding assigned mediation and entrusted mediation, the Supreme People's Court had issued the "Provisions on Specially-Invited Mediation by the People's Courts"⁽³⁷⁾ (hereinafter called "Specially-Invited Mediation Provisions") in 2016, and later issued the "Guidance on Further Improving the Mechanism of Assigned Mediation"⁽³⁸⁾ (hereinafter called "Assigned Mediation Guidance") in 2020 as a specialized supplementary guidance. The "Specially-Invited Mediation Provisions" released on the same day as the "SPC Opinions 2016" provide more specific provisions on the definition, principles, and procedures of assigned Mediation and entrusted mediation. The "Assigned Mediation Guidance", issued after four years of practice, provides specific supplemental provisions for assigned mediation, which is less commonly covered by the "Specially-Invited Mediation Provisions". The scope of mediation, mediation procedures, agreement fulfillment, guidance and supervision, improvement of diversified mediation platform, disciplinary mechanism and incentive mechanism are further regulated in order to improve the professionalism of assigned mediation (Art. 3), and effectively meet the people's demand for diversified, efficient and convenient dispute resolution (Art.1).

8. Strengthen the improvement of "One-Stop" dispute resolution platforms.

In road traffic, labor disputes, health care, property management, consumer rights protection, land contracting, environmental protection and other areas where disputes are frequent, people's courts can integrate resources with administrative organs, people's mediation organizations and industry mediation organizations to promote the establishment of "One-Stop" dispute resolution service platforms to effectively reduce the burden of the public ("SPC Opinions 2016" Art.14).

C. "SPC Opinions 2019"—Development stage

In the "SPC Opinions 2016", the Supreme People's Court put forward the

vision of perfecting a “One-Stop” dispute resolution service platform, and in 2019, it issued the “SPC Opinions 2019”, in which it proposed the specific goal that by the end of 2020, the nation’s people’s courts will have basically perfected the “One-Stop” diversified resolution mechanism and fully establish the “One-Stop” litigation service center (Art.6). It is also required to promote the construction of an online mediation platform, fully develop online mediation services, and provide one-stop dispute resolution services such as online consultation and evaluation, mediation, confirmation, triage, and speedy adjudication and quick trial for parties (Art.12).

1. Forming the “One-Stop” diversified dispute resolution mechanism

According to the “ Work Specifications ” (Article 4-1-4) issued by the Ministry of Justice in 2020, judicial administrative organs at the county-level or above may establish comprehensive “One-Stop” people’s mediation centers in public legal service centers as needed, and may conduct the following mediation matters.

- a. Coordinating people’s mediation resources in the region and linking up mediation of major, difficult and complex civil disputes within the jurisdiction as well as cross-township, cross-subdistrict and cross-industry and cross-professional civil disputes.
- b. Acting as a linkage work platform of people’s mediation, administrative mediation and judicial mediation in the region, unifying the acceptance and organization of civil disputes entrusted to mediation by relevant departments such as the CPC committee, government and people’s court.
- c. Gathering various types of industrial and professional people’s mediation organizations in the region to achieve resource integration and personnel sharing.
- d. Conducting operational training for people’s mediators in the region.
- e. Handling of matters entrusted by the judicial administrative organs at the same level

ADR with Chinese Characteristics: Diversified Dispute Resolution Mechanism
– Environmental Dispute Resolution as an Example

Obviously, this “One-Stop” people’s mediation center is an indispensable part of the “One-Stop” diversified resolution system.

Meanwhile, the Supreme People’s Court has released the “Report on the Reform of the Diversified Dispute Resolution Mechanism in Chinese Courts (2015-2020)” in 2021, and the “Construction of a One-Stop Diversified Dispute Resolution and Litigation Service System in the People’s Courts (2019-2021)” in 2022. The report summarizes the reform of the diversified dispute resolution mechanism in recent years and concludes that after three years of integration and development of the diversified dispute resolution and litigation service system, the “One-Stop Service” of the people’s courts has been comprehensively and groundbreakingly developed. It has achieved the goal of building a world-class One-Stop diversified dispute resolution platform with Chinese characteristics that has “the largest number of cases concluded, the most abundant mediation resources, the smoothest docking between litigation and mediations, the highest degree of intelligence and the most efficient dispute resolution”. The “One-Stop Service” of the People’s Court fully demonstrated the new model and effectiveness of the application of online diversified mediation, and provides a feasible path and practical basis for building a world-class online diversified dispute resolution platform with Chinese characteristics.⁽³⁹⁾ The target of “basic integrity of the “One-Stop Service” was achieved by early 2021 as scheduled.⁽⁴⁰⁾

With the increasing role of the “One-Stop” diversified resolution mechanism and the online mediation platform of the People’s Courts, more and more cases were successfully mediated before litigation, enabling more disputes to be resolved before litigation and greatly reducing the people’s burden of litigation. This has also provided a viable solution to the dilemma of proliferation of litigation and inadequate judicial resources. From 2018 to 2021, the number of

civil cases successfully mediated before litigation will be 568,000, 1,455,000, 4,240,000 and 6,106,800 respectively, an increase of about 11 times in four years. In contrast, the number of civil cases in courts nationwide declined for the first time after rising for 15 consecutive years from 2020 onwards. 13.136 million civil cases of first instance were received by people's courts at all levels nationwide in 2020, a 5.16% decline compared to the 13.852 million civil cases of first instance received in 2019.⁽⁴¹⁾

In February 2020, the Supreme People's Court, in order to further promote the development of the One-Stop diversified dispute mediation and improve the quality and effectiveness of resolving conflicts and disputes, also issued the "Opinions on the People's Courts' Deepening the Reform of the Mechanism of 'Triage, Mediation, Speedy Adjudication and Quick Trial'"⁽⁴²⁾ (分调裁审 = Fen-Tiao-Cai-Shen), thus deepening the comprehensive supporting reform of the judicial system and optimizing the allocation of judicial resources. The part that deals with diversified dispute mediation reform, The main requirements are to improve the mechanism for streaming and docking litigation and non-litigation methods, as well as to improve the mechanism for streaming and docking mediation and adjudication methods.

2. Improve the streaming and docking mechanism of litigation and non-litigation cases

- a. Strengthening the triage of litigation and alternative dispute resolution methods such as mediation, administrative reconsideration and administrative adjudication, and arbitration.
- b. In response to some frequent and prone disputes, join hands with a number of relevant departments to establish an integrated dispute resolution mechanism, unify judicial standards and rules of evidence for law enforcement, share

ADR with Chinese Characteristics: Diversified Dispute Resolution Mechanism
– Environmental Dispute Resolution as an Example

information resources and promote efficient dispute resolution before litigation.

c. Strengthen the diversion of online litigation and non-litigation. Accelerate the docking of the mediation platform of the People's Court with other non-litigation dispute resolution platforms such as arbitration, notary public, people's mediation, commercial mediation, industry mediation and lawyer mediation to form an online linkage work system between litigation and non-litigation methods of dispute resolution. Once the parties have entered their dispute information into the People's Court mediation platform, the webpage automatically recommends the dispute resolution options available and the most appropriate dispute resolution.

d. Establish an incentive mechanism for active performance of non-litigation mediation, and guide parties to perform on their own initiative by including active performance in the integrity evaluation system, etc.

e. Enhance the quality and effectiveness of judicial confirmation. Produce uniform styles for mediation agreements and judicial confirmation applications to enhance the standardization of instruments.

f. Establish a pre-litigation counselling mechanism. setting up a litigation consultation and counselling assessment area in the litigation service center, before a dispute is filed, court staff or rotating lawyers, psychological counsellors, invited mediators, people's assessors and retired judges act as litigation counsellors to carry out litigation and non-litigation triage, guiding the parties to choose the most appropriate way to resolve their disputes.

3. Sound the triage and docking mechanism between mediation and adjudication

a. Triage of mediation is carried out comprehensively. For civil disputes brought to the People's Court, a confirmation of whether the parties agree to mediation should be issued to the parties before the case is filed. If the parties agree to pre-litigation mediation, mediation shall be assigned. If the parties do not agree,

the case shall be registered in accordance with the law. If the parties agree to mediation after the filing of the case, mediation shall be entrusted or conducted by a full-time court mediator before the court. If the parties do not agree to pre-litigation or pre-court mediation, the case will be immediately transferred to trial proceedings.

b. Using the People's Court mediation platform to carry out mediation. The mediation platform of the people's courts is fully utilized to connect with labor unions, law societies, administrative organs, arbitration institutions, notary institutions, industry associations, trade organizations, people's mediation committees, chambers of commerce, lawyers and other dispute resolution forces, to expand the mediation matters on the mediation platform of the people's courts from civil disputes to administrative disputes, criminal private prosecution and enforcement cases, and to realize that mediation assigned before filing a case or mediation entrusted after filing a case is carried out on the People's Court mediation platform.

c. Strengthening online audio and video mediation. Widely use video, telephone and WeChat to conduct online mediation services and improve the level of online mediation.

In 2021, in order to regulate online mediation activities carried out on the People's Court mediation platform and improve the effectiveness of diversified dispute resolution, as well as to promote and regulate online litigation activities and ensure fair and efficient trial of cases, the Supreme People's Court issued the "Rules of the People's Court on Online Mediation"⁽⁴³⁾ and the "Rules of the People's Court on Online Litigation"⁽⁴⁴⁾ respectively, giving specific guidelines on the scope of application, legal effects and procedural requirements for online mediation and online litigation. Subsequently, the Supreme People's Court also issued the "Rules for the Online Operation of the People's Courts"⁽⁴⁵⁾, in order

ADR with Chinese Characteristics: Diversified Dispute Resolution Mechanism
— Environmental Dispute Resolution as an Example

to support and promote judicial activities such as online mediation and online litigation, and to improve the online operation mechanism of the People’s Courts, thereby facilitating the participation of parties and other participants in activities such as online mediation and litigation. The Supreme People’s Court believes that the three “rules” are both focused and complementary, closely linked in a trinity of systems that promote the construction of a world-leading Internet justice model with Chinese characteristics⁽⁴⁶⁾.

Since its launch in February 2018, the People’s Court’s online mediation platform has provided parties with a “One-Stop” online dispute mediation service across time, space, territory and process, with a total of over 24 million cases of disputes mediated online by courts nationwide⁽⁴⁷⁾. 10.84 million cases of disputes were mediated online in 2021 and 5.773 million cases of disputes were mediated online from January to June 2022⁽⁴⁸⁾. The number of successful pre-litigation mediation civil cases has increased year by year, with 568,000 cases (2018), 1,455,000 cases (2019) and 4,240,000 cases (2020), including a 191% increase in 2020 over last year.⁽⁴⁹⁾ There are now 63,000 mediation organizations and 260,000 mediators working through the People’s Court’s online mediation platform⁽⁵⁰⁾, with an average of 43,000 disputes mediated on the online platform every working day, and 51 disputes successfully resolved before litigation every minute⁽⁵¹⁾. The average mediation success rate is approximately 65%⁽⁵²⁾. The advantages of the online mediation platform have been used very effectively, allowing parties thousands of miles away to resolve their disputes in a timely manner without having to travel back and forth. Recently, the Supreme People’s Court announced that China has now built a “One-Stop” diversified resolution and litigation service system with the most linked resources, the most comprehensive online mediation and the widest range of service recipients in the world, and has taken a path of justice for the people with Chinese characteristics.⁽⁵³⁾

VI. Conclusion: prospects and challenges for diversified mediation system

As mentioned above, this paper focuses on the different characteristics of people's mediation, administrative mediation, and judicial mediation in environmental dispute resolution, as well as the construction of the "grand mediation system", a diversified mediation system that is promoted as part of mediation system reform in China. While each type of mediation plays an important role in resolving environmental disputes, it also faces many problems and challenges.

First, it is about the normalization of administrative mediation for environmental disputes. In China, most environmental disputes are resolved through various mediation methods, especially administrative mediation has become the main way to resolve environmental pollution disputes. However, although the subjects and objects of administrative mediation have been established in the current Environmental Protection Law, there is still a certain arbitrariness in the application of the law due to the absence of relevant procedural provisions. As mentioned above, among people's mediation, administrative mediation and judicial mediation, people's mediation is regulated by the People's Mediation Law, judicial mediation is regulated by the Civil Procedure Law and other laws and relevant judicial interpretations, while administrative mediation is regulated by various individual laws and regulations. Since there is no unified administrative mediation law like the People's Mediation Law, and the provisions related to administrative mediation are scattered in various laws and regulations, there is a lack of unified regulations on the scope and procedures of administrative mediation. The "Outline for the Implementation of the Rule of Law Government (2021-2025)" jointly formulated by the Central Committee of the CPC and

ADR with Chinese Characteristics: Diversified Dispute Resolution Mechanism
— Environmental Dispute Resolution as an Example

the State Council stipulates that administrative mediation in areas such as environmental pollution should be strengthened and that “functional departments should standardize the scope and procedures of administrative mediation and properly organize education and training to improve administrative mediation skills” (Art20). However, there are many types of administrative mediation subjects, so even if a unified administrative mediation procedure law being introduced, its content may still remain general and abstract.

Second, it is about the specialization of people’s mediation for environmental disputes. The qualifications of the people’s mediator also have a big influence on the effectiveness of the mediation. For example, people’s mediators engaged in environmental pollution disputes not only need to have general mediation skills, but also need to have expertise in environmental technology. However, there is a shortage of people’s mediators who can deal with the specialization of people’s mediation, and there are no requirements for people’s mediator qualifications regarding expertise. People’s Mediation Committees do not have the skills and facilities needed to identify environmental pollution, and guidance from environmental expert organizations is often inadequate, so their ability to resolve environmental disputes remains limited. For this reason, training qualified personnel to meet the real needs of people’s mediation is an urgent task.

The 4th Plenary Session of the 18th CPC Central Committee in 2014 emphasized to make great efforts to “promote the development of industrial and specialized people’s mediation organization, and build a mechanism to prevent and resolve social conflicts and disputes through a coalition mediation system based on people’s mediation, administrative mediation, and judicial mediation.” In recent years, people’s mediation committees have emerged in some regions to handle professional disputes, such as people’s mediation committees for

medical disputes, people’s mediation committees for environmental disputes, and people’s mediation committees for real estate disputes, etc. For example, the Bureau of Justice and the Bureau of Ecology and Environment of Jinshan District in Shanghai formulated the “Several Provisions on People’s Mediation Participation in Environmental Dispute Resolution in Jinshan District (trial implementation)”⁽⁵⁴⁾ in 2019, and established the Jinshan District People’s Mediation Committee for Environmental Disputes. Its purpose is to strengthen the interface between people’s mediation organizations and ecological and environmental departments in the resolution of environmental dispute matters (Art.1). Its main responsibility is to accept and mediate the environmental dispute cases; Carry out information investigation of environmental disputes; Publicize relevant laws, regulations and policies to prevent intensification of environmental disputes (Art.4). The judicial administration department of Jinshan District is responsible for guiding people’s mediation in environmental disputes, and the ecological and environmental departments of Jinshan District provide professional guidance to people’s mediation organizations in resolving environmental disputes (Art.3). with the establishment of such specialized people’s mediation committees, the responsible government authorities in charge of administrative mediation in the same specialized field are able to cooperate with them in many cases. This is also a kind of docking and cooperation between people’s mediation and administrative mediation. It is believed that such professional people’s mediation organizations in different fields will continue to emerge, and further specialization of people’s mediation can be expected.

Third, it is about maintaining the “civic” nature for people’s mediation. Once known as the “oriental flower”, people’s mediation has been known for decades as the most distinctively Chinese form of civil mediation. However, with the vigorous promotion of the “trinity” of “grand mediation” in recent years, people’s

ADR with Chinese Characteristics: Diversified Dispute Resolution Mechanism
— Environmental Dispute Resolution as an Example

mediation has gradually been integrated into the diversified dispute mediation mechanism, moreover the basic principles of this mechanism must be under the “CPC and government leadership” and “judicial guidance”⁽⁵⁵⁾, and in recent years, In recent years, it has also added the duty of regular “dispute investigation” (see above IV.B) has been added, making the “civil” nature of people’s mediation fade away and turn into “semi-official mediation”. Perhaps this is one of the inconvenient stated purposes of promoting a diversified dispute resolution mechanism? How to maintain the “civic” character of people’s mediation in the Chinese diversified dispute resolution mechanism must be an integral part in continuing to deepen the reform of the diversified dispute resolution mechanism.

Fourth, it is about the legal basis of the “Grand Mediation” system. “Grand Mediation” can be said to be a system that lacks a consistent and uniform legal basis, as it operates mainly on the basis of CPC’s policies, SPC’s judicial interpretations, administrative regulations and some local regulations, especially the SPC’s Opinions play a major guiding role in the implementation of the “Grand Mediation system” or diversified dispute resolution mechanism. Although in some of the judicial interpretations also claim to be based on the Civil Procedure Law, Administrative Procedure Law and other relevant laws, but in fact the content of its interpretation often substantially exceeds the law as the superior law, and each judicial interpretation always emphasizes at the beginning that it is “to implement and enforce” the “strategy”, “ideology” and “spirit” of the CPC. Thus, rather than a narrow “judicial interpretation” of the law, it is a broad “judicial legislation” and is often designed to correspond to and implement the often-changing policies of the CPC. Therefore, there is a strong need to establish a legal basis for a “grand mediation system” with a uniform ADR law. A unified ADR law would have the desired effect in several ways, such as recognizing the legal status of various ADR methods, regulating the relationship between various types of mediation and

between mediation and litigation proceedings, and promoting the construction of an easily accessible diversified mediation system.

Today, as a global trend, ADR approach has made remarkable progress on expanding and revitalizing with the development of basic legal system related to ADR. The creation and utilization of diverse ADR systems are actively promoted in many countries with their characteristics. The American ADR law (The Alternative Dispute Resolution Act of 1998, ADR Act of 1998) is mainly focused on promoting the use of judicial-type ADR. On the other hand, Japan's ADR law (Act on Promotion of Use of Alternative Dispute Resolution, Act No. 151 of 2004) places emphasis on promoting the use of civilian-type ADR. All these are related to the present situation of each country while diversified civilian-type ADR has been existed in United States and being widely used, whereas judicial-type ADR has been developed in Japan and civilian-type ADR does not function fully. In present China, although there is no unified ADR law like Japan and the U.S., the attempt of “grand mediation system” may be considered as a kind of ADR practice with Chinese characteristics.

With the penetration of ADR concept, a Chinese ADR system that takes the advantages of foreign ADR mechanisms in a positive manner and adapts to the current situation in China will take root and develop extensively in Chinese society. The Central Committee of the CPC and the State Council jointly formulated the “Outline for the Implementation of the Rule of Law Government (2021-2025)” in 2021, proposing that “conflicts and disputes should be nipped in the bud and resolved at the grassroots level, and efforts should be made to realize that people's rights and interests are treated fairly and their dignity is duly respected. we should promote the improvement of a comprehensive mechanism for the prevention, mediation and resolution of social conflicts and disputes with

ADR with Chinese Characteristics: Diversified Dispute Resolution Mechanism
— Environmental Dispute Resolution as an Example

diversified methods, including petitions, mediation, arbitration, administrative adjudication, administrative reconsideration and litigation”.⁽⁵⁶⁾ Furthermore, Chinese President Xi Jinping pointed out at the Central Conference on Political and Legal Affairs in 2019 that “alternative dispute resolution mechanisms should be put up first to reduce the increase of litigation at source.” the Supreme People’s Court also stressed under the guidance of Xi Jinping’s thought on the rule of law, it will earnestly implement the decision and deployment of the Party Central Committee, continuously improve the mediation platform of the people’s courts, promote online diversified dispute resolution, and accumulate Chinese experience, contribute Chinese wisdom and provide Chinese solutions for the construction of ADR mechanisms in the world.⁽⁵⁷⁾ This is as the Chinese idiom says, “a great responsibility and has a long way to go (任重道遠).”

References

- (1) CHIASHI Akihiro: “Chinese Environmental NGOs’ Challenges to the Environmental Pollution in China: Participation and the Problems to the Environmental Governance”, *Quarterly Bulletin of Third World Studies*, Vol.62, No.3 (2022), pp45–47.
- (2) Ministry of Ecology and Environment of the People’s Republic of China, “2010 Annual Report on Environmental Statistics”, Overview pp.39.
- (3) Ministry of Ecology and Environment of the People’s Republic of China, “2015 Annual Report on Environmental Statistics”, Overview pp.91
- (4) Supreme People’s Court of PRC, “White Paper on Environment and Resources Adjudication of China (2016)”, Preface.
- (5) Supreme People’s Court of PRC, “Environment and Resources Adjudication of China (2016–2017)”, Appendix 1.
- (6) Supreme People’s Court of PRC, “Environment and Resources Adjudication of China (2017–2018)”, Appendix 1. Supreme People’s Court of PRC,

“Environment and Resources Adjudication of China (2021)”, Appendix 1.

- (7) Supreme People’s Court of PRC, “Environmental Justice Development Report (2021)”, June 5, 2022. Retrieved September 7, 2022 from <https://www.court.gov.cn/zixun-xiangqing-361301.html>
- (8) Supreme People’s Court of PRC, “Type of Environmental Resources Cases and Statistical Norms (for Trial Implementation)” (Law [2021] No. 9), January 4, 2021.
- (9) Specific types of cases include: environmental pollution cases; atmospheric pollution cases; soil pollution cases; water pollution cases, such as the discharge of pollutants caused by rivers, lakes, canals, channels, reservoirs and other surface water, groundwater environmental damage cases; marine pollution cases; toxic and harmful substances pollution cases; noise, vibration, light, heat, electromagnetic radiation and other energy pollution caused by environmental damage cases, and so on. (Ibid.8.)
- (10) Specific types of cases include: biodiversity protection cases; GMO and product safety cases; cases involving forests, grasslands, wetlands, deserts, tundra, oceans, rivers and lakes, farmland, urban and other ecosystem protection cases; landscape diversity protection cases; cases involving geological formations, famous caves, fossil distribution areas, glaciers, volcanoes, hot springs and other natural relics with important scientific and cultural value; cases involving monuments, architectural clusters, sites and other human relics protection cases; cases involving national parks, nature reserves, nature parks and other nature reserves; cases involving national parks, nature reserves, nature parks, Cases involving monuments, architectural clusters, ruins and other human relics protection; cases of key ecological areas protection, cases involving national parks, nature reserves, nature parks and other types of nature reserves; cases of ecological damage caused by the introduction of exotic species, groundwater overdraft,

ADR with Chinese Characteristics: Diversified Dispute Resolution Mechanism
— Environmental Dispute Resolution as an Example

destruction of vegetation, indiscriminate fishing, mineral mining, engineering construction, etc. (Ibid.8.)

- (11) Specific types of cases include: cases related to the asset ownership of natural resources such as land, minerals, water, forests, grasslands, sea areas, islands, etc. related to ecological environmental protection and restoration; cases arising from damage to the environmental rights and interests of individuals or the public in terms of ventilation, lighting, overlook and landscape due to the exploitation of resources. (Ibid.8.)
- (12) Specific types of cases include: climate change mitigation cases, such as adjusting the industrial structure of carbon emissions, new energy development and utilization, energy-saving services and other energy conservation and emission reduction cases; illegal production, sale, use, import and export of ozone-depleting substances cases; climate change adaptation cases, such as construction projects and planning environmental impact assessment cases involving climate change; cases involving comprehensive flood control and flood mitigation and meteorological disaster defense projects, management of degraded, sandy and alkaline grasslands, and management of soil erosion. (Ibid.8.)
- (13) Specific types of cases include: third-party management of environmental pollution cases, such as environmental impact assessment, environmental monitoring, environmental damage assessment and appraisal, environmental pollution treatment, ecological and environmental restoration cases; environmental resource tax cases; environmental capacity utilization rights cases, such as water use rights trading cases involving the use of water from rivers and lakes, emission rights trading cases involving the use of total emission control indicators for key pollutants, carbon emission rights trading cases involving the use of carbon emission rights or credits within a specific range; green finance cases involving environmental pollution prevention,

ecological protection and sustainable use of resources. (Ibid.8.)

- (14) The Constitution of PRC, Art1-2.
- (15) Supreme People's Court of PRC, "Opinions on Building a One-Stop Diversified Dispute Resolution Mechanism and One-Stop Litigation Service Centre" Art7, Art8. *Gazette of the Supreme People's Court of PRC*, (2020) No. 2, p4.
- (16) Ibid.15, Art4, p3.
- (17) Guo Hongyan, Wang Hua: "The way of resolving environmental disputes in China and suggestions for improvement", *memoirs of the Environmental Strategy and Policy Research* (2015) No. 56 (December 22, 2015). Original see: 郭红燕, 王华: 我国环境纠纷化解之道及改进建议, 《中国环境战略与政策研究专报》2015年第56期 (2015年12月22日)。
- (18) Fu Xingyan: "The Analysis of Administrative Mediation in Environmental Disputes", *Article.chinalawinfo.com*, Original see: 付兴艳 "浅析环境纠纷中的行政调解", 北大法律网·法学在线。Retrieved December 25, 2016 from https://Article.chinalawinfo.com/ArticleHtml/Article_56625.sh...
- (19) Supreme People's Court work report to the National People's Congress 2018--2022. Original see: *Gazette of the Supreme People's Court of PRC*, 2018 (No.4)-2022 (No.4).
- (20) Cai jing: "The first civil environmental public interest litigation in China ended with mediation", *Caixin website* (2009-09-24). Original see: Cai jing "全国首例环境公益民事诉讼以调解结案", 财新网2009年9月24日。Retrieved September 11, 2022 from <https://china.caixin.com/2009-09-24/100061541.html?p1>
- (21) Yang lan: "Pilot work is about to wrap up, public interest litigation by the procuratorial organs is expected to enter a new phase", *Justice. website* (2017-06-21). Original see: 杨蓝 "试点工作即将收官检察机关提起公益诉讼有望迈入新阶段", 正义网2017年6月21日。Retrieved September 8,

ADR with Chinese Characteristics: Diversified Dispute Resolution Mechanism
 – Environmental Dispute Resolution as an Example

2022 from https://www.spp.gov.cn/zdgz/201706/t20170621_193659.shtml

- (22) Zhu Shunzhong: “The first civil litigation case of pollution environment in China was settled through mediation”, *Legal Evening News*, July 29, 2016. Original see: 朱顺忠 “全国首起污染环境民事诉讼案调解结案”, 法制晚报 (2016年7月29日)。
- (23) Supreme People’s Court of PRC, “Environmental Justice Development Report (2015-2017)”, July 13, 2017.
- (24) Supreme People’s Court of PRC, “Environment and Resources Adjudication of China” (2017-2018; 2019; 2020; 2021)
- (25) Supreme People’s Court and Supreme People’s Procuratorate press conference: “SPC and SPP on the application of law in cases of procuratorial public interest litigation interpretation of several issues” *SPP Official website*, Retrieved September 8, 2022 from <https://www.spp.gov.cn/spp/c108047/xwfblist.shtml>
- (26) Chen Lei: “Diversified dispute resolution system is becoming perfect increasingly”, *Legal Daily*, September 2, 2019. Original see: 陈磊 “多元化纠纷解决体系日臻完善”, 法制日报 (2019年9月2日)。
- (27) Liu Man: “Ministry of Justice - People’s mediation success rate reached 97.9% last year”, *Southern Metropolis Daily*, May 12, 2019. Original see: 刘嫚 “司法部 – 去年人民调解成功率达97.9%”, 南方都市报 (2019年5月12日)。
- (28) Ibid (26).
- (29) “Opinions on Further Implementing the Principle of ‘Prioritizing Mediation and Combining Mediation and Trial’”, *Gazette of the Supreme People’s Court of PRC*, (2010) No. 8, p.16.
- (30) *Gazette of the Supreme People’s Court of PRC*, (2010) No. 8, pp.16–22.
- (31) *Gazette of the Supreme People’s Court of PRC*, (2016) No. 8, pp. 21–25.
- (32) *Gazette of the Supreme People’s Court of PRC*, (2020) No. 2, pp.3–7.

- (33) Supreme People's Court, "Opinions on Further Implementing the Principle of 'Prioritizing Mediation and Combining Mediation and Trial'", Retrieved September 13, 2022 from <https://www.court.gov.cn/zixun-xiangqing-1167.html>
- (34) *Gazette of the Supreme People's Court of PRC*, (2016) No.8, pp. 4-6.
- (35) *Gazette of the Supreme People's Court of PRC*, (2019) No.10, pp. 29-31.
- (36) *Gazette of the Supreme People's Court of PRC*, (2018) No.6, pp. 6-9.
- (37) *Gazette of the Supreme People's Court of PRC*, (2016) No.8, pp.4-6.
- (38) *Gazette of the Supreme People's Court of PRC*, (2020) No.6, pp.18-20.
- (39) Supreme People's Court: The Effectiveness of the Application of the People's Court Mediation Platform and the Report on the Reform of the Diversified Dispute Resolution Mechanism in Chinese Courts (2015-2020). Original see: 最高人民法院“人民法院调解平台应用成效暨《中国法院的多元化纠纷解决机制改革报告（2015-2020）”。 Retrieved September 9, 2022 from <https://www.court.gov.cn/zixun-xiangqing-287431.html> (2021-02-20).
- (40) Supreme People's Court: Construction of One-Stop Diversified Dispute Resolution and Litigation Service System in People's Court (2019-2021). Original see: 最高人民法院“人民法院一站式多元化纠纷解决和诉讼服务体系建 设（2019-2021）”。 Retrieved September 9, 2022 from <https://www.court.gov.cn/zixun-xiangqing-346831.html>
- (41) Ibid.40; Ibid.39.
- (42) *Gazette of the Supreme People's Court of PRC*, (2021) No. 2, pp.3-7.
- (43) *Gazette of the Supreme People's Court of PRC*, (2022) No. 3, pp.3-7.
- (44) *Gazette of the Supreme People's Court of PRC*, (2022) No. 1, pp.3-9.
- (45) *Gazette of the Supreme People's Court of PRC*, (2022) No. 4, pp.37-42.
- (46) Xu Jianfeng (Director of the SPC Information Center): "Rules for the Online Operation of the People's Courts" Press Conference. Original see: 许建峰（最高人民法院信息中心主任）：《人民法院在线运行规则》新闻发布会（2022年2月22日）。

ADR with Chinese Characteristics: Diversified Dispute Resolution Mechanism
— Environmental Dispute Resolution as an Example

- (47) Ibid.40.
- (48) Liu Bai: “China has built a One-Stop diversified dispute resolution and litigation service system with Chinese characteristics”, China News Service website. Original see: 刘湃 “我国已建成中国特色一站式多元纠纷解决和诉讼服务体系”, 中国新闻网 (2022-07-12)。Retrieved September 10, 2022 from <https://www.chinanews.com.cn/gn/2022/07-12/9801380.shtml>
- (49) Supreme People’s Court work report to the National People’s Congress (2021). Original see: *Gazette of the Supreme People’s Court of PRC*, (2021) No.4, p.9.
- (50) Supreme People’s Court work report to the National People’s Congress (2022). Original see: *Gazette of the Supreme People’s Court of PRC*, *Gazette of the Supreme People’s Court*, (2022) No. 4, p.9.
- (51) Ibid (40).
- (52) Liu Jie: “Expanding the new path of diversified dispute resolution to promote the substantive resolution of conflicts and disputes - A series of overview of the Supreme People’s Court’s handling of suggestions and proposal(5)”, *people’s court daily*, March 11, 2022).Original see: 柳杰：“拓展多元解纷新路径 推动矛盾纠纷实质化解——最高人民法院办理建议提案情况系列综述之五”，*人民法院报*2022年3月11日。
- (53) Ibid (50) p.10.
- (54) Original see: 上海市金山区司法局、生态环境局《关于印发〈金山区关于人民调解参与环境纠纷化解工作的若干规定（试行）〉的通知》（金司〔2019〕9号），2019年7月5日。
- (55) “SPC Opinion 2016” Art3.
- (56) Ibid (39).
- (57) Ibid (38).