



海南法院环境资源审判 (2021-2023)

Environment and Resources Adjudication in Hainan Courts
(2021-2023)



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海南省高级人民法院
The High People's Court of Hainan

2024. 8

海南法院环境资源审判 (2021-2023年)

前 言

2021-2023年，海南法院深入贯彻习近平生态文明思想和习近平法治思想，坚持以人民为中心，牢固树立和践行绿水青山就是金山银山理念，紧紧围绕海南自由贸易港“三区一中心”的战略定位，按照省委、省政府工作部署，胸怀“国之大者”，以高度的政治自觉、法治自觉、审判自觉，严格执行生态环境和资源保护法律法规，切实加强环境资源审判工作，用心用力用情守护良好生态环境这一最普惠的民生福祉，努力为国家生态文明试验区建设提供司法服务和保障。

一、妥善审理案件，促进生态文明建设和绿色发展

2021—2023年，海南法院共审理各类环境资源案件2388件，其中环境资源刑事案件883件，环境资源民事案件134件，环境资源行政案件1188件，环境资源公益诉讼案件127件，生态环境损害赔偿案件56件。



（一）严厉惩治环境资源犯罪行为

2021—2023年，审理各类环境资源刑事案件883件，审结868件，对1216人追究刑事责任，其中被判处3年以上有期徒刑的人员339人。审理滥伐林木犯罪案件302件，非法捕捞水产品犯罪案件196件，非法采矿犯罪案件156件，涉珍贵濒危野生动物、国家重点保护植物犯罪案件111件，非法占用农地犯罪案件50件，盗伐林木犯罪案件36件，污染环境犯罪案件9件，其他环境资源刑事案件23件。在审理环境资源刑事案件中，坚持严格司法，持续保持对非法采砂、涉野生动物、涉林木犯罪的高压态势。坚持贯彻宽严相济的刑事政策，践行惩治与教育相结合的审判理念，对一些犯罪情节较轻，认罪悔罪态度较好，且采取生态修复措施的被告人，依法宣告适用缓刑。采用简案快审、轻刑快判工作机制，对多起轻刑环境资源刑事案件当庭宣判。海南省第一中级人民法院一审、海南省高级人民法院二审的一件危害珍贵、濒危野生动物罪案件中，对非法收购、出售、运输国家二级保护动物绿海龟的多名被告人分别判处有期徒刑4年至11年、罚金1万元至10万元不等，彰显海南法院严惩破坏野生动物资源犯罪的决心，对社会公众起到良好的教育和警示作用。

（二）切实保障人民群众环境权益

2021—2023年，审理各类环境资源民事案件134件，审结128件。在审理大气、水、土壤等环境污染损害赔偿案件中，优先选定具有生态环境资源保护从业背景的人民陪审员参加合议庭，辅助查明损害事实和赔偿数额。同时，积极发挥司法调解的作用，推动环境资源民事纠纷得到高效

化解。海南省高级人民法院审理的5名果农与某公司大气污染责任纠纷系列二审案件中，在无法获得专业鉴定辅助的情况下，综合在案全部证据材料，采纳行政主管部门相关意见及专家证人意见，最终判令某公司赔偿损失60余万元，有效维护了当地果农的经济利益和环境权益。海南省第一中级人民法院在审理一件大气污染责任纠纷案件中，承办法官通过深入现场勘查，依法引导污染责任方承担相应赔偿责任，经多次协调沟通，最终促成当事人达成调解协议，实现了生态效益、经济效益等多方共赢。海口市琼山区人民法院在全省首次邀请具有专门知识的人民陪审员组成合议庭审理案件，人民陪审员充分运用其专业知识，在专门性、技术性事实调查、庭前会议、证据交换和勘验、修复方案审查及调解工作中与法官形成优势互补。

（三）大力强化环境资源行政审判作用

2021—2023年，审理各类环境资源行政案件1188件，审结1068件。其中，行政诉讼案件773件（涉土地环保行政诉讼案件200件、涉林业行政诉讼案件119件、涉水资源行政诉讼案件113件、涉渔业行政案件61件、其他各类环境资源行政诉讼案件280件）、非诉行政执行审查案件415件。在审理环境资源行政案件中，充分发挥预防环境污染和生态破坏的功能作用，支持生态环境和自然资源行政主管部门依法履行职责，纠正行政机关违法行为，引导行政相对人遵守环境资源保护法律法规。同时，针对具体行政处罚中存在的规范问题提出司法建议，助推行政机关执法办案能力和水平。海口海事法院支持行政机关作出的环保领域行政处罚涉及罚款金额2.4亿元，撤销海域使用权证以及

收回非法占用海域100余公顷，有力支持行政机关开展红树林、青皮林、珊瑚礁保护工作。海南省第二中级人民法院针对一件非法持枪狩猎案件反映出的海南热带雨林国家公园环境资源保护问题，分别向有关管理单位发出司法建议，引起相关单位的高度重视。

（四）着力加强环境公益诉讼案件审理

2021—2023年，审理各类环境公益诉讼案件127件，审结119件。其中，新收社会组织提起的环境民事公益诉讼案件1件；新收检察机关提起的环境公益诉讼案件126件（环境民事公益诉讼案件58件，刑事附带民事公益诉讼案件58件、行政公益诉讼案件11件）。在审理环境公益诉讼案件中，规范诉前程序、简化立案程序、强化财产保全和行为保全、主动移送执行程序。同时，加强与行政主管部门、检察机关等单位的协作联络，就建立海南热带雨林国家公园生态环境和资源保护检察公益诉讼协作机制等方面达成共识，加快推进环境民事公益诉讼与生态环境损害赔偿诉讼的衔接。三亚市中级人民法院在审理三亚市人民检察院诉某公司环境侵权民事公益诉讼一案中，依法判令某公司对林地生态服务功能期间损失、林木资源损失、生态环境修复费用、生态环境损害鉴定费用进行全面赔偿，体现了环境民事公益诉讼损害担责、全面赔偿原则。裁判生效后，三亚市中级人民法院及时将本案移送执行，确保生效裁判得到实现，推动环境资源损害及时修复。海口海事法院在审理一件违法电鱼破坏生态环境的民事公益诉讼案件中，适用最严格标准，首次将电击致死但未被捕获的渔获物纳入渔业资源损害计量基数，提高此类行为的

违法成本，形成打击非法电鱼的高压态势，该案入选最高人民法院 2022 年全国海事审判典型案例。

（五）依法审理生态环境损害赔偿案件

2021—2023 年，审理生态环境损害赔偿案件 56 件，审结 55 件；其中生态环境损害赔偿协议司法确认案件 37 件。在审理生态环境损害赔偿诉讼案件中，准确把握生态环境损害赔偿诉讼性质，充分发挥诉前磋商协议司法确认等制度优势，依法判令赔偿义务人承担停止侵害、修复生态环境、赔偿损失等法律责任，致力实现生态环境损害赔偿案件追责到位、赔偿到位、修复到位。在海南省第二中级人民法院一审、海南省高级人民法院二审的乐东黎族自治县人民政府诉某公司生态破坏责任纠纷一案中，依法判令某公司赔偿案涉矿区生态环境恢复费用、期间损害费、林木资源损失共计 1000 余万元，系海南西部地区首例生态环境损害赔偿诉讼案件，为生态环境损害赔偿制度改革提供了司法样本。

二、延伸审判职能，服务保障经济社会发展大局

（一）全力服务保障国家生态文明试验区建设

海南法院紧紧围绕国家生态文明试验区建设，积极配合中央生态环境保护督察、国家海洋督察、“绿盾”自然保护地专项行动等重点工作，在打击非法船舶、非法采砂、非法捕捞水产品及“六水共治”专项工作中扛起司法担当。对涉及中央生态环境保护督察、国家海洋督察等重点工作的涉法涉诉案件，开辟“绿色通道”，实行快立、快审、快执，加大对破坏生态环境行为的惩处力度，用法律手段体现“环境有价、损害担责”，为陆海统筹环境综

合治理提供有力司法服务和保障。海口海事法院在审理的某公司非法运输砗磲贝行政处罚等案件中，在部分涉南海案件裁判文书中标注经纬度、向南海博物馆提供涉南海海域裁判文书，拓宽海事司法维权平台。针对审理中发现的行政执法和企业管理中存在的环境保护不力问题，及时发出司法建议，有效推动生态环境保护综合治理。三亚市中级人民法院在办结一件因非法捕捞砗磲而触犯危害珍贵、濒危野生动物罪案件后，制发司法建议书建议相关部门进一步加强对旅游文化服务从业人员环境资源法律法规内容的培训，从源头预防旅游服务从业人员非法捕捞国家保护动物的行为，保护海洋生态环境。

（二）全力服务保障海南热带雨林国家公园建设

海南法院一直高度重视对全岛生态环境的保护，尤其是针对海南热带雨林这一生物多样性保护重要地区，建立全地域全要素全过程的生态环境司法保护体系。2021年12月，海南省高级人民法院与海南省人民检察院联合制定《关于常见犯罪的量刑指导意见实施细则（试行）》，明确盗伐林木罪、滥伐林木罪法律适用的操作指引，体现最严格保护原则。2022年6月，海南省高级人民法院出台《关于为海南热带雨林国家公园建设提供司法服务和保障的意见》，结合人民法院工作职能和国家公园管理建设、资源利用的实际情况提出了具有针对性的服务保障措施，坚决贯彻落实习近平总书记关于“海南热带雨林国家公园建设是重中之重”“国之大者”的重要指示精神。2022年11月，海南省高级人民法院与海南省人民检察院、海南省公安厅、海南省林业局共同印发《关于进一步推进森林和

野生动植物生态环境损害修复赔偿工作的意见》，明确各部门职责定位，健全完善协作配合机制，形成保护发展海南森林和野生动植物资源工作合力。2023年，海南省高级人民法院与海南省人民检察院、海南省公安厅、海南省林业局共同印发《“复绿2023”专项行动工作方案》，针对破坏森林和野生动物资源刑事、行政执法中存在生态环境损害难以得到修复和赔偿问题联合采取专项行动，依法推进受损生态环境的修复和赔偿。

（三）全力服务保障海洋强省战略

海南法院紧紧围绕服务“一带一路”建设、海洋强国建设等党和国家工作大局，通过深入开展维护国家海洋权益、海事审判“三合一”改革、保护海洋生态环境、推进诉源治理等重点工作，不断筑牢海南海洋生态环境司法屏障。2021年，海南省高级人民法院发布《海洋生态环境自然资源类案裁判指引及典型案例》，推动提升此类案件审理质效。海口海事法院审理的1件非法捕捞水产品刑事案件，入选2021年全国海事审判典型案例，并被写入最高人民法院2022年工作报告。海南省高级人民法院审结的海南临高某船务有限公司诉三沙市渔政支队行政处罚上诉案，被最高人民法院确定为第177号指导案例，并同时入选中国具有影响力环境资源案件、联合国环境规划署第二批中国环境资源审判案例，该案彰显我国履行国际公约义务、维护南海主权、保护海洋生态环境和生物多样性的决心和实际行动。

（四）全力服务保障污染防治攻坚战

海南法院切实发挥环境资源司法保护职能作用，以严格公正司法助力重污染天气和城市黑臭水体治理、城乡人居环境改善、环境污染风险防控，促进蓝天碧水净土“生态颜值”和人民群众生活“幸福指数”同步提升。2023年，海南省高级人民法院与海南省水务厅、海南省人民检察院、海南省公安厅、海南省司法厅共同制定《海南省河湖安全报告专项执法行动实施方案》，依法打击侵占河湖、妨碍行洪安全、破坏水工程、非法采砂、非法取水、人为造成水土流失等领域的违法犯罪行为，全面强化水行政执法与刑事司法衔接，切实维护河湖管理秩序，共同保障海南水安全。海南省第一中级人民法院在案件审理中，依法支持行政执法机关对养殖户利用暗管排放污水行为进行行政处罚，对养殖户私设暗管向外环境排放水污染物的违法行为起到警示和引导作用。推动流域环保治理，助力海南“六水共治”。

（五）全力服务保障生物多样性保护

海南法院始终坚持用最严格的司法确保海南生态环境只能更好、不能变差，不断加大对破坏生物多样性违法犯罪行为的打击力度，依法审理了一大批破坏海岸带自然环境、滥伐盗伐林木、非法捕杀珍贵濒危野生动物、非法采伐国家重点保护植物等案件，切实扛起海南生态环境和生物多样性保护的责任担当。海南省第二中级人民法院依法判处为种植槟榔而破坏国家重点保护野生植物海南苏铁、大杪椏的被告人有期徒刑，有力震慑了破坏热带雨林生物多样性的违法犯罪行为，充分体现了人民法院恪守司法职责，保护热带雨林生态系统的原真性和完整性，保障珍稀

自然资源世代传承的使命承担。

三、坚持改革创新，巩固深化环境资源审判体制机制

（一）调整环境资源审判布局

为更好适应以国家公园为主体的自然保护地体系建设需要，2023年海南省高级人民法院制订《关于调整环境资源审判布局工作方案》，改变原来以主要河流流域和自然保护地为重点的跨行政区域提级集中管辖机制，下沉环境资源审判力量，扩大环境资源审判队伍，在海南省第一中级人民法院、海南省第二中级人民法院辖区各指定一家基层人民法院集中管辖涉海南热带雨林国家公园相关市县的环境资源一审案件，同时分别指定另一家基层人民法院集中管辖发生在海南热带雨林国家公园周边市县的环境资源一审案件，明确涉海环境资源案件由海口海事法院集中受理，至此海南法院“1571”环境资源审判布局正式形成。

（二）深入开展“恢复性司法”

积极探索多元化生态损害担责方式，采用交纳生态修复金、按照生态修复方案开展“原地修复”“异地补植”“增殖放流”“碳汇认购”等方式，达到恢复环境、保护生态的目的。在91件刑事案件中适用恢复性司法措施，涉及被告人155人，补种树木10152株，增殖放流鱼苗1940773尾，修复土地314.23亩，认购碳2800吨。坚持生态修复前置，以被告人生态修复的意愿、行动和修复实际效果作为量刑考量因素，控制生态修复风险。统筹推进陆海损害赔偿，不断完善直接修复、替代性修复、劳务代偿等责任承担方式，逐步实现生态修复规范化、标准化。2022年，海南省第一中级人民法院在审理一滥伐林木刑事

案件中，引导被告人以认购碳汇方式履行受损生态环境替代修复责任，系全省首例适用碳汇认购的司法诉讼案件。海口市琼山区人民法院与当地环境保护部门探索建立生态修复执行制度、生态修复金专用监督制度，推动补植复绿、复垦土地、增殖放流等执行方式、执行流程规范化。海口海事法院在东寨港国家级自然保护区、清澜省级自然保护区挂牌设立“海事司法服务联络点”，与琼海市农业农村局签署《关于海洋生态修复工作协作机制的备忘录》，共同在琼海市潭门镇设立海洋生态修复和教育基地。

2021-2023年海南法院生态修复示意图

刑事案件	涉及被告人	补植树木	修复土地	增殖放流鱼苗	认购碳汇
 91件	 155人	 10152株	 314.23亩	 1940773尾	 2800吨

（三）巩固全域巡回审判工作成果

海南法院全面落实巡回审判工作机制，形成“巡回审判+现场答疑”“巡回审判+法治宣传”“巡回审判+主题活动”等工作模式，最大程度深入基层、深入群众，最大限度凝聚、激发人民群众保护生态环境的思想共识和行动自觉。根据全省生态环境保护区域特点，在自然保护区、主要河流流域等生态保护核心区域布局巡回审判机构，全省共设立环境资源审判庭和巡回法庭14个，其中设立海南省高级人民法院、海南省第一中级人民法院、海南省第二中级人民法院、海口市中级人民法院、三亚市中级人民法院

院、海口市琼山区人民法院、陵水黎族自治县人民法院环境资源审判庭7个，设立鹦哥岭、霸王岭、尖峰岭、吊罗山及万泉河、三亚育才生态区环境资源巡回法庭6个，设立三沙群岛法院环境资源海上巡回法庭1个。2021年至2023年，巡回审理各类环境资源案件53件，组织旁听群众960余人次。2022年3月，海南省第二中级人民法院在鹦哥岭片区腹地公开巡回审理一起村民在海南热带雨林国家公园生态核心保护区内非法持枪狩猎案，庭审结束后就地与当地村民座谈，通过生动的生态环境司法保护“公开课”引导少数民族村民改变传统生产生活方式，走出一条绿色发展的致富路。海口海事法院在文昌巡回审理3名被告人非法捕捞水产品犯罪一案，当地海警、渔监执法人员及渔民群众等共50多人现场旁听，以“以案释法”的形式开展法治宣讲，达到“审理一案，教育一片”的效果。



（四）构建多元共治司法协作机制

强化与检察机关、公安机关、行政机关的协作配合，积极构建专业咨询和信息互通渠道，建立行政执法与刑事司法衔接长效工作机制，推动解决专业性问题评估、鉴定，涉案物品保管、移送和处理，案件信息共享等问题。依法延伸审判职能，积极参与综合治理工作，对审判中发现的违法犯罪线索、监管疏漏等问题，及时向有关单位移送、通报，及时发送司法建议，形成有效整治合力。海南省第二中级人民法院与辖区内海南热带雨林国家公园管理局及森林公安、检察机关座谈交流，有效加强区域司法行政保护衔接。海口市中级人民法院与海口、澄迈、定安三地环境资源保护行政部门召开司法执法联动会议，出台《关于落实〈关于建立环境资源保护司法执法联动机制的备忘录〉的实施意见》，细化联动机制措施及工作制度，加强各部门之间的及时、有效沟通。海口海事法院建立海洋生态环境资源保护联席会议制度，与海南省人民检察院第一分院、海口市综合行政执法局、海口海警局共同召开海上执法与司法座谈会，形成会议纪要，建立破坏海洋生态环境案件行刑衔接工作机制及跨部门的“环保联防联控”平台，畅通涉海行政机关与司法机关的工作衔接。为打击海上违法犯罪案件、海洋生态环境犯罪案件，陵水黎族自治县人民法院与三亚海警局陵水工作站签订《关于办理海上案件协作办法》，共同推进海上执法司法规范化，形成海上刑事犯罪案件打击处置合力。

积极参与跨省区域司法保护协作，加强重要生态系统的一体保护和综合治理。海南省高级人民法院与福建省高

级人民法院等 10 家高级人民法院共同发起成立国家公园司法保护联盟，签署《国家公园司法保护协作框架协议》，发布《国家公园司法保护协作（武夷山）宣言》。海南省高级人民法院与江苏省高级人民法院等 11 家高级人民法院共同发起成立滨海湿地司法保护一体化战略联盟，签署《滨海湿地司法保护一体化战略联盟框架协议》，发布《滨海湿地司法保护盐城倡议》。海南省高级人民法院应邀派员参加 2023 年生态文明贵阳国际论坛、首届双碳法治（武汉）高峰论坛并进行主旨发言。海口海事法院与广州海事法院、北海海事法院签订《北部湾-琼州海峡海洋环境资源司法保护合作协议》，构筑“北部湾-琼州海峡”海洋环境资源保护司法协作平台。

四、强化宣传教育，及时回应人民群众司法需求

严格落实“谁执法，谁普法”的要求，扎实开展环境资源法治宣传活动。2020 年以来召开新闻发布会 20 余次，组织各类环境法治宣传活动 70 余次，发放环境资源法治宣传手册 2000 余份。坚持在 6·5 世界环境日、6·8 世界海洋日、8·15 全国生态日、12·4 宪法日等重要时间节点开展系列法治宣传活动，对环境公益诉讼案件、重大环境污染刑事案件等社会关注度高的案件进行重点宣传。通过举办专题展览、召开新闻发布会、发布典型案例、组织生态环境法治开放日、开展生态环境法治宣传进社区进校园进农村等多种方式做实生态环境保护法治教育。坚持拓宽普法渠道、主动适应新媒体时代，满足公众环境法治新期待。注重在环境司法宣传中运用大数据、媒体，不断加强环境司法传播手段和话语方式创新，运用微博、微信公众

号、网络直播、短视频等新媒体手段以群众喜闻乐见的方式开展环境司法宣传，极大地拓宽了环境司法宣传的受众面和影响力。海南省高级人民法院拍摄以司法守护海南热带雨林国家公园为主题的视频宣传片《法护雨林 绿韵琼岛》，在微信公众号及视频号公开发布，首日点击量即超过41万，先后被新华社、法治日报等中央媒体以及省内海南日报、海南政法等公众号转载，取得良好宣传效果。2023年6月，海南省高级人民法院首次作为6·5世界环境日海南主场活动主办单位之一，在五指山市开展系列环境普法宣传活动。2023年8月，海南省高级人民法院在首个全国生态日发布《筑牢生态司法屏障 守护海南绿水青山》环境资源审判宣传片，被最高人民法院官微、中国环境资源审判官微转发。海南省第一中级人民法院加强与融媒体合作，创新在案发地“巡回审判+庭审5G+VR直播”模式，在一件环境资源民事公益诉讼案巡回开庭审理中，首次将融媒体“5G+VR”技术应用于庭审直播，线上旁听人员通过手机移动视频画面即可360°全方位观看庭审，沉浸式体验庭审全过程。

五、注重经验总结，不断加强环境资源审判专业建设

（一）强化审判业务管理

2023年，海南省高级人民法院制定《关于进一步加强环境资源审判工作的意见》，从推进全省法院环境资源审判现代化的高度谋篇布局，提出既符合政策要求、法律规定，又体现有力有为责任担当的具体安排部署。制定相关意见，强化重大生态环境风险防控工作，服务中央生态环境保护督察、国家海洋督查、省级环保督查整改，对8类

环境资源重大敏感案件及相关环境资源重大敏感案事项予以明确，进一步加强环境资源审判条线管理。针对环境资源案件受案范围不明问题，制定《环境资源案件范围的规定（试行）》，将49个罪名、33个民事案由、11个行政案由纳入环境资源案件范围，统一由环境资源审判部门受理。2023年4月，在国家法官学院三亚分院首次举办全省法院环境资源审判工作培训班，推动干警专业素能的整体提升。

（二）总结提炼裁判规则

不断总结环境资源审判经验和裁判方法，提炼环境资源案件裁判规则，加强环境资源审判疑难问题调查研究，促进全省法院环境资源审判工作的专业化、规范化，不断提升环境资源审判质效。海南省高级人民法院二审的临高某船务有限公司诉三沙市渔政支队行政处罚案，确立了我国作为《濒危野生动植物种国际贸易公约》缔约国，对于列入该公约附录一、附录二中的珊瑚、砗磲的所有种，无论活体、死体，还是相关制品，均应依法保护的裁判规则。海口海事法院依法支持检察机关行使监督权，督促渔业监管部门依法履行职责，作出判决助力海洋休养生息，恢复或者增加种群数量，改善海洋生态环境。2023年3月，针对高发易发的非法捕捞水产品犯罪、非法采矿犯罪，海南省高级人民法院与海南省人民检察院会签《关于非法捕捞水产品罪、非法采矿罪的量刑指引（试行）》。2021年，海南省高级人民法院参评的《环境污染侵权责任法律适用问题研究》调研报告在全国环境资源审判优秀业务成果评选活动中荣获调研报告类二等奖。2023年，海南

省高级人民法院中标最高法院年度司法研究重大课题《司法服务保障碳达峰碳中和研究》并顺利完成结项验收，课题以《海南自由贸易港法》为重要依据，依托海南独有热带雨林国家公园和 200 万平方公里海域面积优势，立足人民法院职能定位，对司法助力碳达峰碳中和目标实现的方法和路径进行深入研究，并提出建设性意见建议。

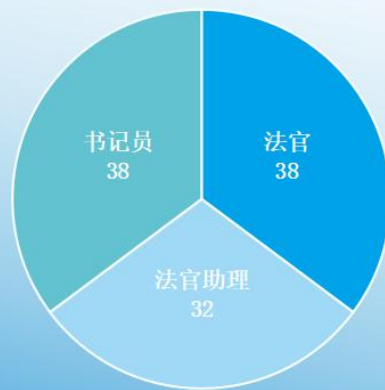
（三）加大培塑典型案例

不断强化典型案例培树机制，通过运用典型案例统一裁判尺度，提升环境资源审判专业化水平，同时充分发挥典型案例释法明理作用，教育引导公众遵守环境资源法律法规，共建人与自然和谐共生的美丽家园。海口海事法院审理的海口市人民检察院提起的一件海洋环境民事公益诉讼案入选 2022 年全国海事审判典型案例，1 件海洋环境污染责任纠纷案民事判决书获评第四届全国法院百篇优秀裁判文书。海南省第二中级人民法院 1 件滥伐林木罪刑事判决书荣获 2022 年全国法院环境资源刑事审判优秀业务成果（裁判文书类）二等奖。2023 年，海南法院 3 件环境资源案例入选最高人民法院《中国环境资源精品案例评析》，3 件案例入选最高人民法院司法保护国家公园十大典型案例，为全国各国家公园管辖法院省份之首。海南省高级人民法院二审的 1 件案例入选最高人民法院、最高人民检察院联合发布海洋自然资源与生态环境检察公益诉讼典型案例。

（四）培育锻造专业审判队伍

始终坚持以习近平新时代中国特色社会主义思想为指导，一体增强全省法院环境资源审判队伍的政治素质、业务素质、综合素质，深入探究制约环境资源审判发展的问题短板，配齐配强适应归口审理模式需求的环境资源专业化审判力量，提升全省法院环境资源审判能力和水平。目前，全省各级法院环境资源审判部门共有人员 108 名（含聘用人员），其中法官 38 名、法官助理 32 名、书记员 38 名，具有硕士研究生以上学历的 40 名（含在职学历），占全部人员的 37.03%，具有本科学历的 68 名，占全部人员的 62.97%，大部分干警毕业于国家重点院校。2022 年，海口市琼山区人民法院环境资源庭荣获“人民法院环境资源审判工作先进集体”，海南省高级人民法院、海南省第一中级人民法院各有一名干警获评“人民法院环境资源审判工作先进个人”。

海南法院环境资源审判队伍概况图



下一步，海南法院将全面贯彻落实党的二十大和二十届三中全会精神，贯彻落实习近平生态文明思想特别是习近平总书记关于海南生态文明建设的重要讲话和指示批示精神，贯彻落实全国生态环境保护大会精神，紧紧围绕中

央、省委、最高人民法院关于环境资源保护的各项部署要求，聚焦“公正与效率”工作主题，深化“能动履职、绿色发展、系统保护、最严法治、协同治理”五大审判理念变革，狠抓提质增效，以更高站位、更宽视野、更大力度推进环境资源司法，以环境资源审判现代化支撑和服务海南自由贸易港和国家生态文明试验区建设。

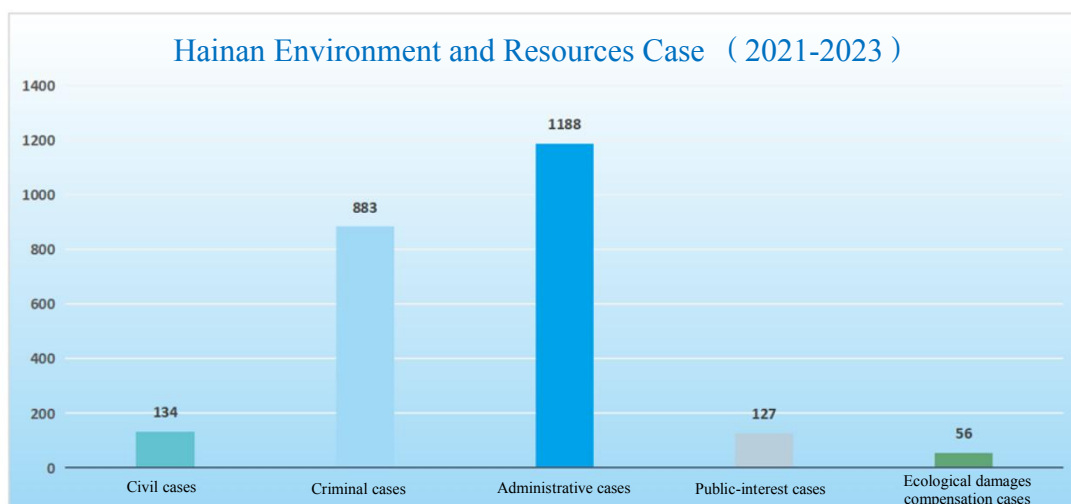
Environment and Resources Adjudication in Hainan Courts (2021-2023)

Preface

From 2021 to 2023, Hainan Courts deeply implemented Xi Jinping thoughts on ecological civilization and the rule of law, took a people-oriented approach, upheld and acted on the principle that lucid waters and lush mountains are invaluable assets, focused on the “3-zone 1-center” strategy of Hainan Free Trade Port, followed the deployment of the provincial Party committee and the people’s government, borne in mind the top priorities of the nation, strictly enforced in a high sense of politics, rule of law and adjudication the laws and regulations on ecological environment and resources conservation, earnestly strengthened environment and resources adjudication, safeguarded with heart, force and true feelings a sound ecological environment, the most beneficial wellbeing for the people, and endeavored to provide judicial service and assurance for the construction of the national ecological civilization pilot zone.

I. Properly handling cases to promote ecological civilization and green development

From 2021 to 2023, Hainan courts handled a total of 2,388 environment and resources cases, including 883 criminal cases, 134 civil cases, 1,188 administrative cases, 127 public-interest cases, and 56 ecological damages compensation cases.



(I) Stringently punishing crimes on environment and resources

From 2021 to 2023, Hainan courts handled 883 environment and resources-related criminal cases, concluded 868 cases, and prosecuted 1,216 persons for criminal liabilities, where 339 persons were sentenced to fixed-term imprisonment for three or more years. Among these cases, 302 are about the crime of arbitrarily felling trees, 196 about illegally fishing aquatic products, 156 about illegally mining ores, 111 about harming rare and endangered wildlife and plants under state priority conservation, 50 about illegally taking farmland, 36 about stealthily felling trees, 9 about polluting the environment, and 23 about jeopardizing environment and resources in other ways. When handling environment and resources-related criminal cases, Hainan courts adhered to tough administration of justice, maintained a high pressure on crimes of illegally mining sand, harming wildlife and felling trees, adopted a leniency-severity balanced policy in the administration of criminal justice, practicing punishment and education combined adjudication, and applying probation to defendants who had committed their crimes in slight circumstances, pleaded guilty and taken ecological restoration measures, and

employed the working mechanism of summary trial of simple cases and speedy judgement of minor crimes, announcing the judgements of several insignificant environment and resources-related cases. In a case of jeopardizing rare and endangered wildlife, which was handled by Hainan First Intermediate People's Court in first instance and Hainan High People's Court in second instance, the courts sentenced the defendants who had illegally purchased, sold and transported green sea turtles, a Grade II wild animal under state priority conservation, to criminal penalties, showing Hainan courts' resolution to earnestly crack down upon crimes damaging wildlife and putting up public examples for education and warning.

(II) Truly safeguarding people's environmental rights and interests

From 2021 to 2023, Hainan courts handled 134 environment and resources-related civil cases, and concluded 128 cases. When handling environment damages cases involving air, water and soil pollutions, the courts, for the collegial bench, selected the people's assessors with a background in the conservation of ecological environment and resources, to assist with the ascertaining of the fact and the amount of the damages, and gave full play to the role of judicial mediation to promote the efficient resolution of environment and resources-related civil disputes. When handling the second-instance case of five fruit growers suing XX Company for air pollution, Hainan High People's Court, as unable to obtain the assistance of professional investigations, examined and analyzed all evidence available, adopted the opinions of the administrative authorities and expert witnesses, and ordered XX Company to recompense the damages of more than 600,000 yuan,

effectively sustaining the economic and environmental rights and interests of local farmers. When Hainan First Intermediate People's Court was handling a case of dispute over air pollution liabilities, the judge conducted onsite investigations, guided as per the law the responsible party to bear the corresponding liabilities, and urged the parties to reach a mediation agreement after repeated negotiations, benefiting all parties in ecology and economy. Qiongsan Primary People's Court, Haikou, invited people's assessors with expertise, the first move in the province, to form the collegial bench, who made use of their special knowledge to help the judge with the inquiry of specialized, technical facts, pretrial conference, evidence exchange and inspection, examination of restoration plan and mediation works.

(III) Vigorously fortifying the function of environment and resources-related administrative adjudication

From 2021 to 2023, Hainan courts handled 1,188 environment and resources-related administrative cases, and concluded 1,068 cases. Among these cases, 773 are administrative litigation cases (200 cases about land environment protection, 119 cases about forestry, 113 cases about water resources, 61 cases about fishery, and 280 cases about other issues concerning environment and resources) and 415 are administrative enforcement examination cases. When handling environment and resources-related administrative cases, Hainan courts gave full play to the role of preventing environmental pollution and ecological destruction, supported the ecological environment and natural resources administrations to perform their duties by law, corrected their unlawful acts, and guided the administrative counterparts to abide by the laws

and regulations on environment and resources conservation. Meanwhile, the courts offered judicial suggestions on irregularities in administrative punishments, and helped administrative organs to improve their capacity to enforce the law and handle cases. Haikou Maritime Court sustained the administrative punishments, including the fines amounting to 240,000,000 yuan, the rescission of the right to the use of sea areas, and the withdrawal of over 100 ha. illegally taken sea areas, made out by the administrative organs concerning environmental protection, backing forcefully the administrative organs in the conservation of mangroves, *Schoepfia jasminodora* trees and coral reefs. Hainan Second Intermediate People's Court, when handling an illegal gun-hunting case, noticed loopholes in the conservation of the environment and resources in the National Park of Hainan Tropical Rainforest, and dispatched judicial suggestions to the relevant authorities to draw their attention to the issue.

(IV) Keenly strengthening the trial of public-interest environmental cases

From 2021 to 2023, Hainan courts handled 127 public-interest environmental cases, and concluded 119 cases. Among these cases, 1 is a case newly filed by a social organization, and 126 are cases newly initiated by the procuratorate (58 civil cases, 58 criminal cases with incidental civil actions, and 11 administrative cases) . When handling public-interest environmental cases, Hainan courts standardized pretrial procedures, summarized case-filing formalities, intensified property preservation and behavioral injunction, and transferred cases earnestly to enforcement. Meanwhile, the people's courts strengthened communication and coordination with administrative authorities

and procuratorates, reached consensus on prosecution-litigation coordination in ecological environment and resources protection in the National Park of Hainan Tropical Rainforest, and expediated the interconnection of public-interest environmental litigation with ecological environment damage litigation. Sanya Intermediate People's Court, when handling the public-interest civil case of Sanya Municipal People's Procuratorate suing XX Company for environmental torts, ordered XX Company as per the law to fully recompense the forestland loss of ecological service function, the loss on forest resources, the expenses for the repair of ecological environment, and the costs for the evaluation of the ecological environment damages, reflecting the principle of liabilities for damages and full compensation in civil environmental public-interest litigations. Upon the judgement taking effect, Sanya Intermediate People's Court earnestly transferred the case for timely enforcement and promote the restoration of the damaged environment and resources. Haikou Maritime Court, when handling the public-interest civil case of the destruction of the ecological environment by illegal electrofishing, applied the toughest criteria, and counted the killed but not caught fish in the damages of fishery resources, raising the costs of such offenses and maintaining a high pressure upon illegal electrofishing. This case is included in the Supreme People's Court's Typical Cases of Maritime Adjudication.

(V) Handling compensation cases as per the law on ecological environment damages

From 2021 to 2023, Hainan courts handled 56 compensation cases on ecological environment damages, and concluded 55 cases. These include 37 cases of judicial affirmation for compensation agreements of ecological environment damages. When handling cases on ecological environment

damages, Hainan courts precisely determined the nature of compensation litigation on ecological environment damages, gave full play to the system advantage of the judicial affirmation for pretrial negotiation agreements, and ordered by law the compensation obligators to bear the legal liabilities of ceasing damage, restoring ecological environment, and recompensing losses, in an effort to realize full prosecution of liabilities, full compensation and full restoration. In the case of Ledong Li Autonomous County People's Government suing XX Company for ecological destruction liabilities, which was handled by Hainan Second Intermediate People's Court (first instance) and Hainan High People's Court (second instance) , the courts ordered XX Company as per the law to pay more than 10,000,000 yuan for the ecological environment repair, damages during the repair, and loss of forest resources in the mining area involved. This is the first compensation litigation for ecological environment damages in the western region of Hainan, and has supplied a judicial sample for the reform of the ecological environment damages compensation mechanism.

II. Extending adjudication functions to serve the socioeconomic development

(I) Making all-out efforts to ensure the construction of the national ecological civilization pilot zone

Hainan courts, with the construction of the national ecological civilization pilot zone in view, offered earnest collaboration in the central inspection of ecological environment protection, state maritime inspection, "green shield" special-purpose nature reserves action and other key works, and shouldered their judicial responsibilities in cracking down upon illegal shipping, illegal

sand mining, and illegal fishing, and in carrying out the joint rectification of six waters. When litigation lawsuits arose in the central inspection of ecological environment protection, state maritime inspection and other key works, the people's courts opened green channels for quick case-filing, trial and enforcement, punished more severely the acts jeopardizing the ecological environment, and exhibited as per the law the concept of "liabilities for those who damage the valuable environment", providing strong judicial service and assurance for the comprehensive rectification of land and ocean environment. Haikou Maritime Court, when handling the administrative penalty case of XX Company's illegal transportation of tridacnas, marked the longitudes and latitudes in some judgement documents involving the south sea, and supplied south sea-related judgement documents to China (Hainan) Museum of South China Sea to expand the judicial platform for safeguarding maritime rights and interests. When handling a case and noticing therein any loopholes in environmental protection in the administrative law enforcement and enterprise management, the courts timely sent out judicial suggestions and effectively promoted the comprehensive protection and rectification of the ecological environment. Sanya Intermediate People's Court, after concluding the case of illegal catching of tridacnas and thus the committing of the crime of jeopardizing rare and endangered wildlife, prepared and sent out judicial suggestions to the relevant authorities, recommended more trainings on environment and resources laws and regulations for personnel involved in tourism and cultural service, and prevented from the source the tour service personnel from illegally fishing wildlife under state protection due to the lack

of the relevant knowledge of law, thus protecting the maritime ecological environment.

(II) Making all-out efforts to ensure the construction of the National Park of Hainan Tropical Rainforest

Hainan courts have always paid great attention to the protection of the ecological environment across the island, and has established, particularly for Hainan's tropical rainforests, a critical area for the protection of biodiversity, a whole-area, all-elements, full-process judicial protection system for the ecological environment. In December 2021, Hainan High People's Court and Hainan Provincial People's Procuratorate jointly formulated the *Detailed Rules for the Implementation of the Guiding Opinions on Sentencing in Common Crimes (trial)*, which requires to incriminate the stealthy and arbitrary felling of trees, a common and frequent offense in the National Park of Hainan Tropical Rainforest, by the statutory minimum criteria, and provides for the crime of felling trees in national-level nature reserves and in core ecological areas five circumstances for severe punishment and four circumstances where probation is in general not applicable, reflecting the toughest principle of protection. In June 2022, Hainan High People's Court released the *Opinions on Providing Judicial Service and Assurance for the Construction of the National Park of Hainan Tropical Rainforest*, which proposes specific service and assurance measures based on the functions of the people's courts, the construction and management of the national park, and the actual utilization of the resources, to firmly carry out and implement General Secretary Xi Jinping's important instructions that "the construction of the National Park of

Hainan Tropical Rainforest is critical” and “the top priority of the nation”. In November 2022, Hainan High People’s Court, Hainan Provincial People’s Procuratorate, Hainan Public Security Department and Hainan Forestry Administration jointly printed and circulated the *Opinions on Further Promoting the Restoration and Compensation of the Damaged Forests, Wildlife and Plants and Ecological Environment*, which defines the duties of each department and improves the coordination mechanism to create a joint force to conserve and develop Hainan’s forest, wildlife and plants resources. In 2023, Hainan High People’s Court, Hainan Provincial People’s Procuratorate, Hainan Public Security Department and Hainan Forestry Administration jointly printed and circulated the *Working Scheme for “Regreening 2023” Special-Purpose Action*, to take joint actions to address the restoration and compensation of damaged ecological environment in forest and wildlife-related criminal and administrative enforcement, promoting as per the law the restoration and compensation of the damaged ecological environment.

(III) Making all-out efforts to ensure the strategy to build a powerful maritime province

Hainan courts hold in view the cardinal works of the Party and the state to conduct the B&R construction and build a powerful maritime country, carry out such key works as safeguarding the state maritime rights and interests, implementing maritime adjudication “3-in-1” reform, protecting maritime ecological environment and promoting rectification at the source of litigation, and put up a sturdy judicial barrier for Hainan’s maritime ecological environment. In 2021, Hainan High People’s Court released the *Adjudication*

Guidance and Typical Cases Concerning Maritime Ecological Environment and Natural Resources, to improve the adjudication quality and efficiency of such cases. Haikou Maritime Court handled a criminal case of illegal fishing of aquatic products, which was included in 2021 National Typical Cases of Maritime Adjudication and the 2022 Work Report of the Supreme People's Court. Hainan High People's Court concluded the appeal case of Hainan Lingao XX Shipping Company Limited suing Sansha Fishery Administration Detachment over administrative punishment, which was named the No. 177 instructive case by the Supreme People's Court, and was included in China's Most Influential Environment and Resources Cases and UNEP Second Batch of China Environment and Resources Adjudication Cases. This case represents China's resolution and action to perform international conventions, safeguard the sovereignty of the South China Sea, and protect the maritime ecological environment and biodiversity.

(IV) Making all-out efforts to ensure the success of pollution prevention and rectification

Hainan courts earnestly perform the duty of judicial protection for the environment and resources, boost by the strict and just administration of justice the rectification of heavily polluted air and urban black, malodorous waters, the improvement of urban and rural living environment, and the prevention and control of environmental pollution risks, and promote the simultaneous improvement of the ecological quality (blue sky, clear water, clean soil) and the people's happiness. In 2023, Hainan High People's Court, Hainan Department of Water Resources, Hainan Provincial People's

Procuratorate, Hainan Public Security Department and Hainan Department of Justice jointly formulated the *Implementation Scheme of Hainan Province for Rivers and Lakes Safety Reporting Special-Purpose Enforcement Action*, to crack down by law upon the unlawful and criminal acts of encroaching on rivers and lakes, obstructing the free flow of floods, destructing water conservation works, illegally excavating sand, illegally drawing water, and causing soil erosion, comprehensively strengthen the interconnection between water administration enforcement and the administration of criminal law, and earnestly maintain the order of river and lake management and the water security of Hainan. Hainan First Intermediate People's Court, when handling cases, sustained by law the administrative decisions of the administrative enforcement authorities to punish aquatic farmers for discharging waste water by hidden pipes, serving as a warning and guidance to aquatic farmers who install hidden pipes to discharge polluted water into the environment. This case represents the efforts of Hainan courts to boost the environmental rectification in the drainage basin and promote Hainan's "joint rectification of six waters".

(V) Making all-out efforts to ensure the conservation of biodiversity

Hainan courts have always insisted on the strictest administration of justice to ensure that Hainan's ecological environment improves instead of deteriorates, enhanced the fight against the illegal and criminal acts of destroying biodiversity, handled by law a large number of cases involving the damage of the coastal natural environment, arbitrary and stealthy felling of trees, illegal hunting of rare and endangered wildlife, and illegal harvesting of plants under state priority protection, and truly shouldered the responsibility to protect

Hainan's ecological environment and biodiversity. Hainan Second Intermediate People's Court sentenced the defendant to a fixed-term imprisonment for having destroyed *Cycas hainanensis* and *Alsophila gigantea*, wild plants under state priority protection, to grow betel nuts, to deter any illegal and criminal acts to harm the biodiversity of the tropical rainforest. This case fully reflects the mission of the people's courts to stand by their judicial duties, safeguard the authenticity and integrity of the tropical rainforest ecosystem, and ensure the inheritance of rare and precious natural resources from generation to generation.

III . Committed to reform and innovation to consolidate and deepen environment and resources adjudication system and mechanism

(I) Reshuffling the environment and resources adjudication layout

In 2023, Hainan High People's Court, in response to the construction of a nature reserve system based on the national park, drafted the *Working Scheme for Reshuffling the Environment and Resources Adjudication Layout*, demolished the cross-region centralized jurisdiction over major river drainage basins and nature reserves, strengthened the environment and resources adjudication forces and sent them to the grassroots, and designated in each of the jurisdictions of Hainan First Intermediate People's Court and Hainan Second Intermediate People's Court a grassroots people's court to handle the first-instance environment and resources cases from cities and counties in the National Park of Hainan Tropical Rainforest, and another grassroots people's court to handle the first-instance environment and resources cases from cities and counties neighboring the national park. According to the *Working Scheme*,

Haikou Maritime Court handles all ocean-related environment and resources cases. And a “1-5-7-1” environment and resources adjudication layout in Hainan courts is officially put into place.

(II) Deeply implementing “restorative justice”

Hainan courts earnestly explore diversified approaches for offenders to bear their liabilities on ecological damage, and allow them to pay ecological restoration money, and implement ecological restoration plans like in-situ restoration, ex-situ planting, breeding and releasing, and subscription of carbon sequestration to restore the environment and protect the ecology. The people’s courts applied restorative justice in 91 criminal cases, and 155 defendants planted 10,152 trees, bred and released 1,940,773 fish, repaired 314.23 mu of land, and subscribed to 2,800 tons of carbon sequestration; the people’s courts consider ecological restoration in advance, and sentence the defendants based on their willingness, action and effect to restore the ecology, to put the risk of ecological restoration under control; and the people’s courts coordinate land and ocean damage compensation, and improve direct restoration, substitutive restoration, compensation by labor and other ways to bear liabilities to regulate and standardize ecological restoration. In 2022, Hainan First Intermediate People’s Court, when handling the case of arbitrary felling of trees, guided the defendants to subscribe to carbon sequestration as a substitutive way to repair the damaged ecological environment. It is the first judicial case of litigation where carbon sequestration is subscribed. Qiongsan Primary People’s Court, Haikou, joined the local environmental protection authorities to explore and establish ecological restoration enforcement system and ecological restoration

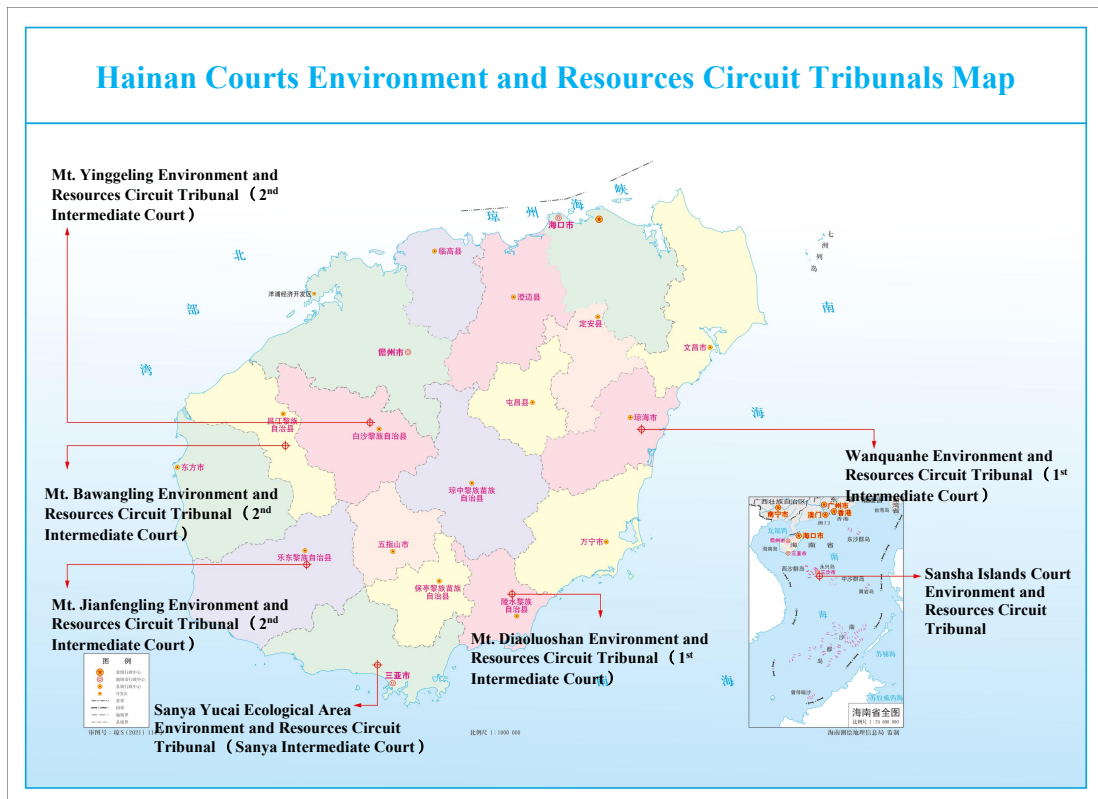
money supervision system to standardize the enforcement of tree planting, land restoration, and fish breeding and release. Haikou Maritime Court set up and inaugurated Maritime Judicial Service Liaison Station in Dongzhai Port National Nature Reserve and Qinglan Provincial Nature Reserve, signed a *Memorandum on Maritime Ecological Restoration Coordination Mechanism* with Qionghai Agriculture and Rural Affairs Bureau, and established a maritime ecological restoration and education base in Tanmen Town, Qionghai City.

Hainan Ecological Restoration Map (2021-2013)					
Criminal cases	Defendants	Planted trees	Restored land	Bred and released fish	Subscribed carbon sequestration
 91 cases	 155 persons	 10,152 trees	 314.23 mu	 1,940,773 fish	 2,800 tons

(III) Consolidating circuit trial results across the territory

Hainan courts fully implement the circuit trial working mechanism, and have established such working modes as “circuit trial + onsite Q&A sessions”, “circuit trial + law publicity” and “circuit trial + themed activities” to meet the grassroots and the public, reach a consensus with them on ecological environment protection, and inspire their conscience to take actions. The people’s courts have, as per the features of Hainan’s ecological environment reserves, set up circuit trial organs in nature reserves, main river drainage basins and other core ecological protection areas. The province has set up 14

environment and resources court divisions and circuit tribunals, including seven environment and resources divisions in Hainan High People's Court, Hainan First Intermediate People's Court, Hainan Second Intermediate People's Court, Haikou Intermediate People's Court, Sanya Intermediate People's Court, Qiongsan Primary People's Court, Haikou, and Lingshui Primary People's Court, six environment and resources circuit tribunals in Mt. Yinggeling, Mt. Bawangling, Mt. Jianfengling and Mt. Diaoluoshan Nature Reserves, Wanquanhe and Sanya Yucai Ecological Zones, and one environment and resources maritime circuit tribunal in Sansha Islands People's Court. From 2021 to 2023, these courts handled 53 environment and resources cases, and more than 960 people were invited to attend the court hearing. In March 2022, Hainan Second Intermediate People's Court conducted an open circuit trial in the depth of Mt. Yinggeling area, and heard the case of local villagers illegally gun-hunting wildlife in the core ecological conservation area of the National Park of Hainan Tropical Rainforest. After the court session, the judge had a discussion with the villagers, turned the courtroom into a classroom for judicial protection of ecological environment, and guided ethnic villagers to change their traditional way of life and production and to find a green path to fortune. In a circuit trial in Wenchang, Haikou Maritime Court handled the case of defendants Xie Xfen, Li Xfeng and Liang Xji illegally fishing aquatic products, and more than 50 people including local coast guards, fishery administration personnel and fishermen attended the hearing, making "law in case" an effective way of law publicity and achieving the effect of "one case tried, whole area rectified".



(IV) Creating a diversified all parties involved judicial coordination mechanism

Hainan courts have strengthened coordination with the procuratorates, police authorities and administrative organs, earnestly established channels for professional consultation and information exchange, and instated long-term mechanism for the interconnection between administrative enforcement and criminal judicature to address such issues as the evaluation and determination of specialized problems, the custody, transfer and disposal of articles involved in a case, and the sharing of case information. The people’s courts extend the adjudicative functions by law, actively participate in comprehensive rectification, and, if any leads of crime or loopholes in regulation are spotted in trials, timely pass such information and judicial suggestions to the relevant authorities, creating a joint force for effective rectification. Hainan Second

Intermediate People's Court hold discussions with the National Park of Hainan Tropical Rainforest Administration, forest police and procuratorate to reach a consensus among the departments in the jurisdiction, and have effectively strengthened the interconnection of judicial and administrative protection in the region. Haikou Intermediate People's Court hosted judicature and enforcement joint meetings with the environment and resources administrations from Haikou, Chengmai and Ding'an, promulgated the *Implementation Opinions on Implementing the Memorandum on Establishing Judicature and Enforcement Interlinked Mechanism for Environment and Resources Protection*, and drew up detailed measures and working rules for the interlinked mechanism to strengthen the timely and effective cross-department communication. Haikou Maritime Court has established a joint meeting system for the protection of maritime ecological environment and resources, held maritime enforcement and judicature meetings with Hainan Provincial People's Procuratorate First Branch, Haikou Administrative Law Enforcement Bureau and Haikou Coast Guard, and compiled meeting minutes to establish an administration-judicature interconnection mechanism and cross-departmental platform for handling maritime ecological environment cases and for conducting "joint prevention and control in environmental protection", smoothing the working interface between maritime administrations and judicial organs. To crack down upon maritime crimes and maritime ecological environment crimes, Lingshui Primary People's Court signed the *Coordination Measures for Handling Maritime Cases* with Sanya Coast Guard Lingshui Station, to promote standardized maritime law enforcement and judicature and

form a joint force to fight maritime offenses.

Hainan courts earnestly participate in cross-province judicial coordination to strengthen the integrated conservation and comprehensive rectification of critical ecosystems. Hainan High People's Court, Fujian High People's Court and other provincial high people's courts, ten altogether, jointly launched the national parks judicial protection alliance, signed the *Framework Agreement on the Judicial Protection of National Parks*, and released the *National Parks Judicial Protection Coordination (Wuyi Mountains) Manifesto*. Hainan High People's Court, Jiangsu High People's Court and other provincial high people's courts, 11 altogether, jointly launched the coastal wetlands judicial protection integrated strategy alliance, signed the *Coastal Wetlands Judicial Protection Integrated Strategy Alliance Framework Agreement*, and released the *Coastal Wetlands Judicial Protection Yancheng Initiative*. Hainan High People's Court was invited to attend the 2023 Ecological Civilization Guiyang International Forum and the First Dual-Carbon Rule of Law (Wuhan) Summit and delivered a keynote speech. Haikou Maritime Court signed with Guangzhou Maritime Court and Beihai Maritime Court the *Beibu Gulf – Qiongzhou Straits Maritime Environment and Resources Judicial Protection Collaboration Agreement*, and built a Beibu Gulf – Qiongzhou Straits judicial coordination platform for the protection of maritime environment and resources.

IV. Fortifying publicity and education to meet the public need for justice

Hainan courts carry out the requirement of “those who enforce the law publicize it” in a strict manner, and earnestly organize activities for the

publicity of environment and resources laws and regulations. Since 2020, the people's courts have hosted more than 20 press conferences, sponsored over 70 law publicity activities, and dispensed more than 2,000 pamphlets on the rule of law concerning environment and resources. A series of law publicity events were held on such important occasions as the World Environment Day (June 5) , the World Oceans Day (June 8) , the National Ecology Day (August 15) and the National Constitution Day (December 4) , to publicize public-interest environmental cases, major criminal cases of environmental pollution and other cases that have drawn extensive public attentions. By holding themed exhibitions, press conferences, releases of typical cases, open days on ecology and environment laws, and law publicity activities in communities, schools and villages, the people's courts have done a good job of education on the rule of law in ecology and environment protection. The courts explored new channels for law publicity and adapted to the era of new media to meet the people's new expectations for environment justice. Big data and media outlets are employed in environmental law publicity, means of communications and ways of speech are updated, Weibo, WeChat accounts, livestreaming, short videos and other new media popular among the public are used for the publicity of environment laws, greatly expanding the audience and influence of environmental law publicity. Hainan High People's Court made a publicity video, "Safeguard the Rainforest for a Greener Hainan Island", on the judicial protection of the National Park of Hainan Tropical Rainforest, which was published on WeChat official account and video account, recorded more than 410,000 clicks on the very day of

appearance, and was republished by Xinhua New Agency, Legal Daily and other central media outlets, and the official accounts of Hainan Daily and Hainan Zhengfa, achieving an excellent effect of publicity. In June 2023, Hainan High People’s Court, as a cosponsor of the first Hainan event on June 5 World Environment Day, conducted a series of environment law publicity activities in Wuzhishan City. In August 2023, Hainan High People’s Court published on the first National Ecology Day “Building a judicial barrier for ecology, safeguarding Hainan’s lucid waters and lush mountains”, a publicity video on environment and resources adjudication, which was republished by the Supreme People’s Court and China Environment and Resources Adjudication on their official Weibo. Hainan First Intermediate People’s Court strengthened collaboration with integrated media outlets, and launched the new mode of “circuit trial + court hearing 5G+VR livestreaming” at the site of crime. When handling a public-interest civil case concerning the environment and resources, the court made use of integrated media “5G + VR” technology for the first time to livestream the circuit tribunal proceedings, and online audiences watched on their cell phones the 360-degree full view of the court hearing, and experienced the entire process in an immersive fashion.

V. Summarizing experiences to strengthen the professional construction of environment and resources adjudication

(I) Strengthening adjudicative work management

In 2023, Hainan High People’s Court prepared the *Opinions on Further Strengthening Environment and Resources Adjudication Works*, aimed to promote the modernization of environment and resources adjudication in

Hainan courts, and proposed detailed deployment that conforms to the laws and policies, delivers results and reflects the court's responsibilities. Related opinions were worked out to intensify the prevention and control of major ecological and environmental risks, serve the central inspection on environmental protection, state maritime inspection and provincial inspection and rectification on environmental protection, and specified eight major and sensitive environment and resources cases and related major and sensitive environment and resources issues, to further strengthen the vertical management of environment and resources adjudication. Regarding the ambiguous scope of environment and resources cases, the court formulated the *Provisions on the Scope of Environment and Resources Cases (trial)*, and 49 crimes, 33 civil causes of action and 11 administrative causes of action are classified as environment and resources cases, and shall be filed with the environment and resources adjudication organs. In April 2023, the National Judges College Sanya Campus hosted the first Hainan courts training session on environment and resources adjudication to help the judges and judicial police improve professional qualities on all fronts.

(II) Summarizing and refining adjudication rules

Hainan courts never stop their steps to sum up their experience and methods of environment and resources adjudication, refine adjudication rules for environment and resources cases, investigate and study hard nuts in environment and resources adjudication, promote the specialized and standard environment and resources adjudication in Hainan courts, and continuously improve the quality and efficiency of environment and resources adjudication.

Hainan High People's Court, while handling in second instance the case of Lingao XX Shipping Company Limited suing Sansha Fishery Administration Detachment over administrative punishment, established the adjudication rule that China, as a contracting member of the *Convention on International Trade in Endangered Species of Wild Fauna and Flora*, protects by law all species of corals and tridacnas listed in Appendices I & II, dead or alive, and related products. Haikou Maritime Court supports by law the procuratorate to exercise their power of supervision, and urge the fishery administration to perform their duties as per the law. The judgements thus made out benefit the restoration of the oceans, the recovery or increase of the species populations, and the improvement of the maritime ecological environment. In March 2023, to cope with the rising crimes of illegal fishing of aquatic products and illegal mining, Hainan High People's Court and Hainan Provincial People's Procuratorate cosigned the *Guidance for Sentencing on Crimes of Illegal Fishing of Aquatic Products and Illegal Mining (trial)*. In 2021, Hainan High People's Court submitted an investigation report, "A Research on the Tort Liabilities and Application of Laws in Environmental Pollution Cases", and won the second prize for investigation report in the national contest of excellent environment and resources adjudication achievements. In 2023, Hainan High People's Court bid and won the major judicial research project of the Supreme People's Court, "A Research on Assuring Carbon Peak and Carbon Neutrality by Judicial Service", completed the project and passed the acceptance. Based on *Hainan Free Trade Port Law*, the research, making use of Hainan's unique advantage in the national park of tropical rainforest and 2,000,000 square

meters of ocean territories, and focusing on the functions of the people's courts, discussed deeply into the methods and paths for the judiciary to boost the attainment of the goals of carbon peak and carbon neutrality, and proposed constructive opinions and suggestions.

(III) Cultivating more typical cases

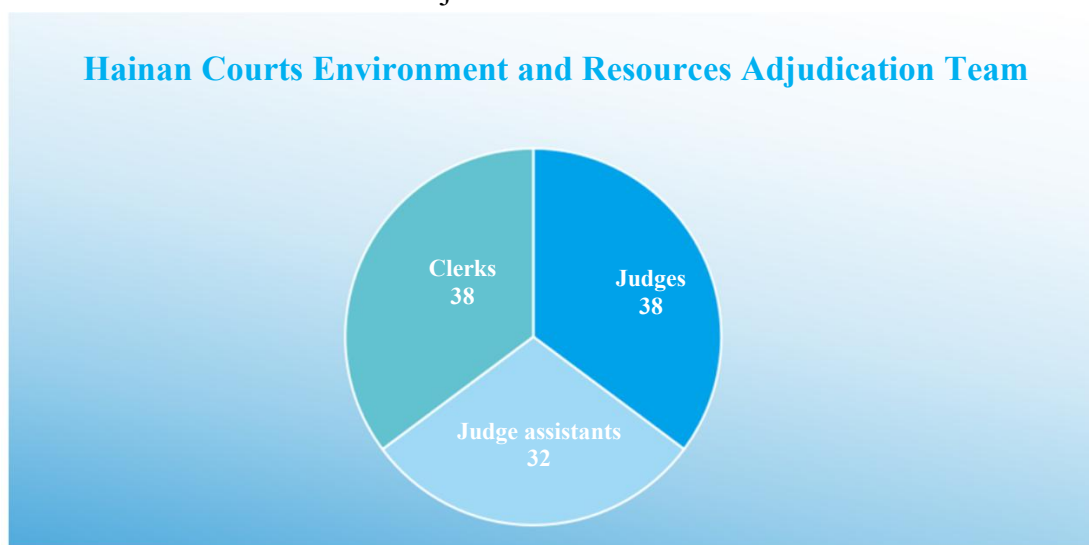
Hainan courts fortify the cultivation of typical cases, unify adjudication rules through typical cases, improve specialized environment and resources adjudication, and make use of typical cases to expound laws and argumentations, so as to educate and guide the public to observe environment and resources laws and regulations and build a beautiful home where man and nature coexist in harmony. The public-interest civil case over maritime environment, which was initiated by Haikou Municipal People's Procuratorate, and handled by Haikou Maritime Court, was included in 2022 China Typical Cases of Maritime Adjudication, and the civil judgement document for the dispute case over the liability of maritime environment pollution was selected into the Fourth Chinese Courts Top 100 Excellent Judgement Documents. The criminal judgement document for the case of arbitrary felling of trees written by Hainan Second Intermediate People's Court won the second prize of 2022 Chinese Courts Environment and Resources Criminal Adjudication Excellent Results (judgement documents). In 2023, Hainan courts had three environment and resources cases included in the Supreme People's Court's "Analysis of China's Bijou Environment and Resources Cases, and three cases were selected by the Supreme People's Court into Top 10 Typical Cases for Judicial Protection of National Parks, leading the provinces where the courts

have a jurisdiction over national parks. One case that Hainan High People's Court handled in second instance was included in the typical cases of procuratorate-initiated maritime natural resources and ecological environment public-interest litigations jointly released by the Supreme People's Court and the Supreme People's Procuratorate.

(IV) Building a specialized adjudication team

Hainan courts have always followed the guidance of Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, strengthen in an integrated manner the political, judicial and comprehensive qualities of the environment and resources adjudication team provincewide, explore deeply into the issues that hinder the development of environment and resources adjudication, complete and strengthen environment and resources adjudication forces that suit the vertical mode of adjudication, and improve the capacity and level of the courts in environment and resources adjudication. At present, Hainan courts have a staff of 108 personnel (hired personnel included) in the environment and resources adjudication departments, including 38 judges, 32 judge assistants, 38 clerks. Among them, 40 have a postgraduate education (on-the-job education included) , accounting for 37.03%, and 68 have a graduate diploma, accounting for 62.97%. Most of the judges and judicial police received their education in national key universities. In 2022, Qiongsan Primary People's Court, Haikou, Environment and Resources Division won the honor of "Advanced Collective in the People's Court Environment and Resources Adjudication", and Hainan High People's Court and Hainan First Intermediate People's Court each had a judge or judicial

police awarded the honor of “Advanced Individual in the People’s Court Environment and Resources Adjudication”.



Next, Hainan courts will fully implement the guiding principles from the Party’s 20th Central Committee and the Third Plenary Session, carry out Xi Jinping Thought on Ecological Civilization and, in particular, his important speeches and instructions on Hainan’s ecological civilization construction, put into practice the spirit of the National Congress on Ecological Environment Conservation, hold in view the deployments and requirements of the Party’s central committee, the provincial committee and the Supreme People’s Court on the protection of environment and resources, focus on the theme of “justice and efficiency” in works, deepen the transformation of five adjudicative philosophies of “active performance of duties, green development, systematic conservation, strictest justice and coordinated governance”, earnestly strengthen adjudication quality and efficiency, promote the administration of environment and resources justice by a higher stance, broader vision and more power, and support and serve the construction of Hainan Free Trade Port and the National Ecological Civilization Pilot Zone through the modernization of environment and resources adjudication.