

# BUILDING A COMMUNITY WITH A SHARED FUTURE FOR MANKIND BETWEEN CHINA AND LATIN AMERICA: INCLUSIVE DEVELOPMENT AS A NEW PARADIGM.

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**Abstract:** This article argues that inclusive development—understood as social, ecological, and relational inclusiveness—offers a post-Western paradigm for rethinking global order and cooperation between China and Latin America. It first problematizes the semantics of “development,” highlighting its Western biases and advocating a deconstructive lens that re-centers human development and ecosystem services beyond growth metrics. Against a backdrop of geopolitical transition and the erosion of a unitary “West,” the paper maps the emergence of South–South trajectories, with China framed as a “third way” that couples innovation with tradition and advances interdependent hegemony through platforms such as BRICS/BRICS+ and the AIIB. The concept of a Global Community with a Shared Future for Mankind is examined as China’s integrative contribution to global governance—linking political association, security, development, intercivizational exchange, and environmental stewardship—and as a legal-political project aligned with the comprehensive rule of law and a domestic green principle embedded in the PRC Civil Code. Turning to Latin America, the analysis outlines convergences around green innovation and biodiversity protection, while noting policy gaps and opportunities for scalable social–technological solutions. The article advances a neo-humanist vision that moves beyond anthropocentrism (human as humus), arguing that rights of nature, blue-economy logics, and legal ecologicalism can underpin more equitable, resilient development pathways. It concludes that China–Latin America cooperation within this framework can help re-compose global power asymmetries and translate Agenda 2030 ambitions into actionable, people-centered, and eco-centric governance—despite intensifying great-power rivalry.

**Keywords:** inclusive development; Global South; China–Latin America relations; community with a shared future; green principle; interdependent hegemony; blue economy; neo-humanism.

## 1. INCLUSIVE DEVELOPMENT: PRELIMINARY SEMANTIC ISSUES.

International development law is a necessary synthesis between globalized economy and law, which has pushed developing countries to innovate the international legal system through new instances of self-determination and decision-making independence. The multidimensional nature of development, understood as human development, achievable through a perspective that takes into consideration economic, social and sustainable development, represents a “meaning horizon” for international law to guarantee all peoples the possibility of building “their own model of freely chosen development”, in line with the norms of international human rights law and environmental protection (Cadín, 2015).

According to Panikkar, the very concept of development appears “spoiled” by a typically Western conception, which is unable to summarize the potential for alternative development. Panikkar believes that the notion of development is a Western construction that “shows the initial bias”, as “the very archetypes underlying the idea of development imply a mechanistic anthropology that three-quarters of the world’s population would find inadequate”. This archetype as an ideal of human life is “especially open to criticism in its political by-products” (Panikkar, 2015: 38). As with the polarization of the terms *negotium-otium*, in which traditionally, according to the ancient Romans, idleness was the rule and shop was the negation of the positive term (*otium*), the same should be analyzed with reference to the term “development”. In all Indo-European languages, in fact, the term development (*desarrollo*, *développement*, *sviluppo*) is the negation of “velopment”, that is, an attentive and reflective simplification of complexity for the satisfaction of human and natural needs.

As stated by Derrida (1967), in fact, it is precisely in the apparently “simplest” words that we must adopt a deconstructive style, understood as the intent to highlight the implicit assumptions, the hidden prejudices, the

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latent contradictions of culture and language which, not too consciously, man adopts.

In this perspective and according to Pouw and Gupta (2017), inclusive development encompasses social, ecological, and relational inclusiveness, originating from various disciplinary perspectives. Inclusiveness concerns the organization of access to and distribution of essential resources, in which development is understood in terms of ecological and social well-being, so inclusive development serves as a counter to exclusive capitalist models. So, the term "inclusive development" overcomes "sustainable development" because it prioritizes social well-being and the protection of ecosystem services by reshaping political priorities, particularly in the Anthropocene era.

## **2. INCLUSIVE DEVELOPMENT AND ANTHROPOLOGICAL EVOLUTION IN A WORLD IN TRANSITION.**

As Carlos Eduardo Martins (2023) states, "the contemporary world system is undergoing a transition from the hegemony of the United States of catastrophic impact". This is easily observable in the progressive polarization and exacerbation of conflicts, especially in the post-pandemic, which has radicalized the already present state of "fragmented global hybrid war" (Merino, 2020) in which hard power has been added to the traditional means of war, in a multidimensional key also means of soft power, such as communication, energy warfare, economic warfare. However, even on this occasion, a deconstruction of the term "catastrophe" helps to understand the impact of the anthropological transformation to which we must pay attention. According to the philosopher Guzzi (2011) the word "catastrophe" must be interpreted in its original meaning, from the Greek καταστροφή (catastrōphe), which means "overthrow", and coincides with the need to radically modify our "apocalyptic" era, from αποκάλυψε (apokálypse), meaning "revelation". Indeed, in recent years we can observe the fall of the "veil of Maya" of the Western narrative, which has "revealed" the profound contradictions that dominate the international system. According to Yan Xuetong (2013), in fact, we are going through an era of structural decadence of the West, both of the concept of "West", which was originally "a geographical concept" to then become "a cultural concept", and in the wake of Cold War has become «finally a political concept». When Western countries "no longer influence international politics in a unitary way (because they are also divided within themselves or within their own alliances), the political concept of the West will no longer be objectively suitable for the study of international relations".

Therefore, the transition manifests itself in its intersectionality: we are no longer referring to a dichotomy between West and East and between North and South, because these concepts also underlie nuances and gray areas that make traditional dualistic separations ambiguous. According to Boaventura de Sousa Santos (2020), "the Global South is represented by the peripheral and semi-peripheral regions and countries of the modern world system which, after the Second World War, were referred to as the third world." We should thus consider a broad definition of the Global South, where the shared status of being on the "periphery" is more significant than common cultural characteristics. As Gladys Lechini points out, "The construction of the idea of the other, having been colonized, is in some way one of the links between the countries of the South, of the global South. This notion has become complicated and diluted: there are Souths emerging in the North and North emerging in the South. Power is directed towards new geographies, moving from the North and the West to go towards the South and the East" (Lechini-Dussort, 2016: 79). It is within this framework that Boaventura de Sousa Santos advocates for the creation of a "new epistemology from the South."

Leaving a secularized vision and entering new horizons of meaning is not easy, especially if the transition results in the progressive breaking of pre-established and crystallized patterns with a unique cultural tradition. In an ethnocentric science where until now only "vulgar" Western knowledge, especially Anglo-American theories (Wang Yiwei, 2007) have acted as absolute references, it is necessary to examine new perspectives capable of revolutionizing the old post-Westphalian order, deconstructing it and generating new perspectives towards the future. However, it cannot be ignored that new development poles have emerged, as demonstrated by the examples of China, India, Malaysia, Vietnam, and new ones are still emerging, as in Africa and Latin America. These new development emergence centers have the advantage of taking advantage of new technologies and scientific knowledge, which lead them to the adoption of practices aimed at resolving sometimes insurmountable problems, such as extreme poverty, structural inequality among the population, access to education and health, environmental protection. Often, in fact, the measures undertaken by the countries of the Global South are innovative because they are based on the reality of the problems to be managed and on the best of the scientific knowledge achieved. China, in this sense, has manifested its own model as a "third way" for inclusive development (Zheng, 2022) and using a new paradigm with a syncretism between "innovation and tradition" (Reyes Matta,

2017). Furthermore, at an international level, China - and emerging countries - also innovate international relations, through mechanisms that do not oppose the international order but which integrate some of its "interstices" (Vadell-Staiano, 2020) left aside by an approach that aims to maximize speculation and of dependencies, and not to shared development. A concrete example can be, for example, the BRICS+ group of countries, which, according to Javier Vadell (2020) "represents its institutional development, rooted in collective financial strategies, supports calls for reforms in the liberal Western order". Additionally, it fosters a new normative framework led by the People's Republic of China, emphasizing regulatory principles and South-South Cooperation, which challenge neoliberal foundations. The BRICS' process of institutional strengthening and its potential expansion into BRICS Plus is not an isolated phenomenon. Therefore, it must be analyzed in the context of China's leadership in establishing various mini-lateral institutions and the multilateral Asian Infrastructure Investment Bank (AIIB). These institutions, paradoxically, contribute to integrating BRICS into a network of parallel organizations initiated and promoted by China (Vadell, 2020). Recently, China demonstrated this change of perspective with two significant events. The first is that the central banks of Argentina and China renewed an agreement on the tranche of the swap that was due, with a first segment of 2.9 billion dollars with which almost 5 billion dollars were completed, which was generating anxiety given the Argentine financial fragility. This decision overcomes the difficulty of bilateral relations, due to the anti-China discourse that the new Argentine President Javier Milei has implemented during his electoral campaign and his current foreign policy (DangDai, 2024 a). The second is the Meeting in Beijing between Chinese president Xi Jinping with Brazilian Vice President Geraldo Alckmin. On this occasion President Xi declared: "as developing countries and important emerging economies, the ties between China and Brazil go far beyond bilateral relations and are a model for promoting solidarity and cooperation among developing nations, and also for global peace and stability." (DangDai, 2024 b).

Furthermore, Li and Zhang (2020) propose an alternative conceptual framework called "interdependent hegemony" to better capture the dynamic relationship between China and other emerging powers as counter-hegemonic forces and the hegemonic structural power of the current international order. This framework suggests that existing powers and emerging powers are continuously interacting in a process of shaping and reshaping the global order. This interaction occurs within the context of various factors, including national interests, regional orientations, economic and political agendas, security imperatives, and potential conflicts. The concept of interdependent hegemony acknowledges the interconnected and evolving nature of global power dynamics (Li-Zhang, 2020).

In conclusion, emergence, transition and development are interconnected issues that no longer depend solely on individual states or single industrialization processes (Thurbon-Weiss, 2020) but on an anthropological vision of man, on a new humanism (Staiano, 2020) capable of accepting change not only in the international order but in the evolution of a development that integrates the human being towards universal social justice.

### **3. THE GLOBAL COMMUNITY WITH A SHARED FUTURE FOR MANKIND AS AN INNOVATIVE EFFORT IN THEORETICAL CONSTRUCTION FOR INCLUSIVE DEVELOPMENT.**

The idea of creating a "community with shared future" emerged in September 2011 in the White Paper on Peaceful Development<sup>2</sup>, later upheld in Wen Jiabao's speech during the XIV China-ASEAN Summit<sup>3</sup> and taken up by Hu Jintao in the opening speech of the XVIII National Congress of the Communist Party in 2012, in which the expression was improved with the formula "human community with a shared future", later perfected by Xi Jinping in his famous 2015 speech, on the occasion of the 70th anniversary of the United Nations, "building a community with shared destiny/future for mankind"<sup>4</sup>, which includes five contents: political association, security, economic development, cultural exchanges and the environment. This perspective was taken up in the speech at the United Nations in Geneva in January 2017<sup>5</sup> and the idea of the essential need to "build a community with a shared

<sup>2</sup> Full text of the Document of the State Council of the People's Republic of China, *China's Peaceful Development*, 2011, available at [http://english.www.gov.cn/archive/white\\_paper/2014/09/09/content\\_281474986284646.htm](http://english.www.gov.cn/archive/white_paper/2014/09/09/content_281474986284646.htm), accessed on 07/17/2020.

<sup>3</sup> WEN, Jiabao, 14th summit between China and the Association of Southeast Asian Nations (ASEAN) (10 + 1), Bali, Indonesia, November 18, 2011, Statement, available at [http://english.qstheory.cn/news/201111/t20111121\\_124891.htm](http://english.qstheory.cn/news/201111/t20111121_124891.htm), accessed on 07/20/2020.

<sup>4</sup> HU, Jintao, "Firmly advance on the path of socialism with Chinese peculiarities and fight for the consummation of the integral construction of a Moderately prosperous society", in 18 National Congress of the Communist Party of China (CPC), November 8, 2012, Beijing, Full text of the report, available at <http://cr.chineseembassy.org/esp/zt/t992906.htm>, accessed on 07/20/2020.

<sup>5</sup> Xi, Jinping, "Working Together to Forge a New Partnership of Win-Win Cooperation and Create a community with Shared Future for Man-

future" was confirmed in October of the same year in the Report of the XIX National Congress of the Communist Party<sup>6</sup> and inserted, through Xi Jinping's Thought on Socialism with Chinese Characteristics for a New Era, in the Chinese Constitution with the March 2018 reform.

The international importance of this community vocation for the future of humanity and the planet has been manifested in numerous international summits and Chinese foreign policy documents<sup>7</sup>.

The idea of creating a "community with shared destiny/future" has common roots with similar concepts: the aspiration for a new humanism, in line with the construction of sustainable development with the support of the 2030 Agenda, has recently manifested at the global level: many intellectuals<sup>8</sup> in recent years have published texts and analyses in the hope of a new model of scientific, technical, moral and rational development that focuses on the human being in his natural context. Among these, one of the most incisive is undoubtedly Edgar Morin, who was the first to deepen the notion of "community with planetary destiny" (Morin, 1990) theorised by Otto Bauer with the term *Schicksalgemeinschaft* (Bauer, 1907), later adopted by Chinese government with the expression "community with shared future for mankind" (*Renlei mingyun gongtongti*, 人类命运共同体).

The need for a "new type" "democratisation" of international relations for a more just and equitable international order, including visions from a Global South. The deepest and most articulated is the idea of generating a "community with shared future for mankind", formulated by China and involving all aspects of international relations in a multidimensional and global way. This purpose has also been marked in the XX Congress of the Communist Party of China, as well as exposed in the Report of President Xi Jinping, in particular in chapter 14, where the connection between the structuring of the community with destiny and the promotion of world peace and development.

The term community, in Western languages, is intrinsic in various meanings, especially in the field of political philosophy (Hobbes, Rousseau, Kant, Heidegger, Bataille, Nietzsche, Freud, Bauer, Morin, among others) and is usually associated with to an idea of *Res publica*, as a public good, in common, reducing it to a "common property". Many intellectuals, therefore, have used this term to speak of something "own", in "common", leading the discourse towards an "identity of the state". However, thanks to a semantic deconstruction reading of the term carried out by Roberto Esposito (2006), we can reinterpret this term in light of its authentic etymological root, from the Latin *Communitas*. Esposito affirms that "the common is characterised by the non-proprietary, the other", "the *communitas* is the set of people gathered not by a property, but by a debt (*munus*)". The *munus*, in fact, was a "gift that had the duty to give as a benefit received", therefore, the community is a set of subjects who are united by a duty, *cum munus*, but who in reality are perfectly alien to each others, "given to alterity".

In Chinese "community" is translated as 共同体, where 共 means "to share", but also in Chinese we have the equivalent of "public" 公, and 贡 which means "tribute" or "offering", a concept very similar to *munus*. It is as if ancient thought preserved in itself this double origin of the sense of community, as "participation of a due gift", as "common responsibility" towards the very idea of humanity. The same 共 of 共同体 is used in another key term of Chinese international relations, the international relations theory of symbiosis, precisely 共生 (Gòngshēng), which precisely aims to promote an awareness of the "necessary interdependence" between na-

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kind" (speech at the UN General Assembly, New York, September 28, 2015), [https://gadebate.un.org/sites/default/files/gastate-ments/70/70\\_ZH\\_en.pdf](https://gadebate.un.org/sites/default/files/gastate-ments/70/70_ZH_en.pdf)

<sup>6</sup> Xi, Jinping, "Work Together to Build a community with Shared Future for Mankind" (speech at the UN Office, Geneva, January 18, 2017), [http://www.xinhuanet.com/english/2017-01/19/c\\_135994707.htm](http://www.xinhuanet.com/english/2017-01/19/c_135994707.htm)

<sup>7</sup> See the "Document on China's Policy towards Latin America and the Caribbean" of 2016. Already in the Foreword, emphasis is placed on globalisation and multipolarity to achieve the difficult goals of "peace world and common development". Likewise, reference is made to the need to "build international relations of a new type", with the win-win principle as the core and "to forge a community with shared future for mankind". In this process, the aim is to "take the China-LAC international cooperation association to a New Height". "All countries, large or small, strong or weak, rich or poor, are all equal members of the international community." Full text of the Document available at <https://www.fmprc.gov.cn/esp/wjdt/wjzc/t1418256.shtml>, accessed on 07/20/2020.

<sup>8</sup> Knowing not to be exhaustive, we can mention the following texts: Morin Edgar, *I sette saperi necessari all'educazione del futuro*, Raffaello Cortina Editore, Milano, 2001; Prenna Lino, *Un nuovo umanesimo europeo. Popoli, religioni, culture*, Il pozzo di Giacobbe Editore, 2020; Ciliberto Michele, *Il nuovo umanesimo*, Editore La Terza, 2017; Ferrarotti Franco, *Dalla società irretita al nuovo umanesimo*, Armando Editore, 2020; Torres Mauro, *Un nuevo humanismo*, Biblioteca Nueva, 2018; Ikeda Daisaku, *El nuevo humanismo*, Tezontle, 2013; Daodonet Luc, *Pour un nouvel humanisme*, Editions L'Harmattan, 2016; Okwa-Ondo Abraham-Peter, *Nouvel humanisme et ontologie africaine*, L'Harmattan, 2015; Chomsky Noam, *Le nouvel humanisme militaire*, Page 2, 2000; Matesanz Eva Maria, *Tout savoir sur l'art du lien: le nouvel humanisme connecté*, Kawa Tout Savoir Sur, 2014.

tions, through "coexistence" and "common effort" as a necessary "tribute" to solve global problems for all peoples. In fact, at an internal stance symbiosis system "pursues the value orientation of harmonious coexistence between subjects" (Wang-Hu, 2016), and its natural extension in an international dimension is the "community with shared future for humanity" (Staiano, 2020; Jin, 2014): the "community with shared future" proposes a diplomacy inspired by the common interests of the international community, capable of generating a new multipolar order in protecting international fairness and justice (Xi, 2022). It is in this sense that we have already analysed this trend as a manifestation of a "new Chinese humanism" (Staiano, 2020). As stated by Professor Jin Yingzhong:

"The community with a shared future for mankind is a historical category. It is gradually created by various symbiotic relationships formed, expanded, extended, and strengthened during the historical development of human beings. It exists in the process of historical evolution. "You are in me", "Everything is prosperous, and everything is damaged." The contemporary sense of the community of human destiny is the product of historical development. The emergence of the contemporary community with a shared future for mankind makes the individual development of any country and any actor have to consider how to face the integrity of the international society and how to coexist with others".

(Jin, 2014)

The community with shared future for mankind, as a general objective of the internationalisation of a Prosperous State, makes underline a "dual circulation in Law", as in the economy. In fact, the Central Working Conference on the Comprehensive Rule of Law, held in November 16 and 17, 2020, formally established "Xi Jinping's thoughts on the rule of law", in which "an important part of Xi Jinping's thinking on socialism with Chinese characteristics in the new era is the fundamental follow-up and action guide for the comprehensive rule of law." (Liu, 2020). This vision of a "comprehensive rule of law" represents an osmotic interaction between international law and Chinese domestic law, generating a "feedback" of Chinese law towards international law. The idea of a "Comprehensive Rule of Law" functions as an "organic connection between the national rule of law and the international rule of law" (Liu, 2020).

This therefore generated a political-judicial concordance between the current implementation of the *rule of internal law* and the creation of a *rule of international law*, through China's foreign relations policy. This new paradigm aims to build a new type of international relations<sup>9</sup>, of a people-centred-approach global governance. For example, according to Liu Huawen, the five principles of peaceful coexistence are an innovative proposal from China to international law.

"The Five Principles of Peaceful Coexistence are norms of international law pioneered by China, a contribution of China to international law, and a highlight in the history of the development of international law. Adherence to the Five Principles of Peaceful Coexistence has been written in the vast majority of bilateral treaties on the establishment of diplomatic relations between China and other countries, and is reflected in such international documents as the Declaration on Principles of International Law adopted by the UN General Assembly in 1970, and the Charter of Economic Rights and Duties of States adopted by the UN General Assembly in 1974. It means that countries with different social systems, levels of development and economic power can, in accordance with the Five Principles of Peaceful Coexistence, be equal in legal status, achieve a balance of rights and obligations in mutual relations, respect each other and live together peacefully. It is a progress in modern international law and a progress in the history of the development of international relations".

Liu (2020)

Furthermore, considering that Xi Jinping's rule of law reflects the organic connection between national and international rule of law with a "green-principle orientation," we observe a significant influence of Chinese legal and policy frameworks in their international projections. For instance, the concept of building a new type of international relations within a community with a shared future for mankind emphasizes environmental protection and high-quality development as central issues. This is evident in initiatives like the Global Development Initiative, which serves as an "accelerator of Agenda 2030."

The new White Paper on a Global Community with a Shared Future, published by the State Council Information Office in September 2023, articulates a vision that transcends the exclusive rules of bloc politics, aiming to contribute to a more just and equitable international order. It presents a five-point proposal for building a global

<sup>9</sup> See Chapter 5.

community of shared future, addressing partnerships, security environment, development, inter-civilization exchanges, and the ecosystem. According to Point 3 of the White Paper: a. We should build partnerships in which countries treat each other as equals, engage in extensive consultation, and enhance mutual understanding. b. We should create a security environment characterized by fairness, justice, joint efforts, and shared interests. c. We should promote open, innovative, and inclusive development that benefits all. d. We should increase inter-civilization exchanges to foster harmony, inclusiveness, and respect for differences. e. We should build an ecosystem that prioritizes Mother Nature and green development.

The adoption of Resolution 43/21 by the Human Rights Council on June 22, 2020, entitled "Promotion of Mutually Beneficial Cooperation in the Field of Human Rights," underscores the internationalization of the "community with a shared future" as a crucial pathway for advancing fundamental rights. This is particularly evident through the "green" materialization of high-quality development initiatives like the Belt and Road Initiative (BRI).

China and Latin America, through this framework, are redefining the concept of humanity within the context of a Global Community with a Shared Future. This reimagined shared humanist mission, which moves beyond anthropocentrism, seeks to align Western democracies, currently facing structural economic, social, and cultural crises, with the aspirations of the global South for renewal and improved living standards.

This New Humanism perceives the human being not in anthropocentric terms but as *Humus* (ground, land, soil), intrinsically connected to the environment. Sustainable development, which unites peoples in a common discourse, shapes their destiny and future. This is the humanism of the third millennium that we are all called to realize.

#### **4. THE GREEN PRINCIPLE AS AN INNOVATIVE PRACTICE IN CHINA AND LATIN AMERICA: DEVELOPMENT AND HUMAN RIGHTS.**

In this perspective, the green principle is a concrete innovative approach in China. The Chinese legal experience results from a complex and cumulative cultural process. In this process, various layers of modern legal innovations have intertwined with ancient Chinese thought, creating a dynamic sedimentation of concepts, frameworks, models, and paradigms from different eras, sometimes fragmented. Fragmentation and legal flexibility (Castellucci, 2007) have been key characteristics of Chinese law, along with "legal pluralism" (Juárez Aguilar, 2015). Nevertheless, several factors indicate a significant unification of the Chinese legal model through: a) the establishment of a socialist rule of law with Chinese characteristics (Staiano, 2016); b) a qualitative evolution of Chinese law aligned with international law principles (Staiano, 2014; Li, 2008; Liu, 2010); and c) the adoption of a civil code (Esborraz, 2019).

The People's Republic of China Civil Code came into effect on January 1st, 2021. Article 9 of the General Part of the Chinese Civil Code mandates that individuals engaging in civil activities must contribute to the conservation of natural resources and environmental protection. This "green principle" (绿色原则), akin to personality rights, is the outcome of a long process of legal evolution. It aligns with the CCP's goals for building an "ecological civilization"<sup>10</sup> and the Chinese Constitution. Article 9 of the Constitution states: "[...] The state ensures the rational use of natural resources and protects rare animals and plants. The appropriation or damage of natural resources by any organization or individual by any means is prohibited," and Article 26 adds: "The state protects and improves the environment in which people live and the ecological environment. It prevents and controls the risks of contamination and other hazards. The state organizes and promotes reforestation and forest protection<sup>11</sup>."

Domestic legislation on environmental protection has been conspicuous in China, as the international effort to reduce polluting emissions in order to achieve a "sustainable development." As stated by the Supreme People's Court, there are two fundamental principles that have allowed a mandatory application of environmental protection:

<sup>10</sup> This aspect is also marked by Esborraz. For a legal historical overview of the evolution of environmental law in China, see Esborraz, 2019, p. 387 (and references in notes 194 and 195); Toti E., *Il diritto dell'ambiente della Repubblica Popolare Cinese*, in *Leggi tradotte della Repubblica Popolare Cinese*, vol. VIII (*Legge sulla tutela dell'ambiente*), Torino, 2016, IX-XLIII; Xu Guodong, *Il diritto romano come ponte tra diritto cinese e diritto latinoamericano*, in Formichella L. – Terracina G. – Toti E. (coordinators) *Diritto cinese e sistema giuridico romanistico. Contributi*, Giappichelli, Torino, 2005, pp. 119-127.

<sup>11</sup> Text available at: [http://www.leggcinesi.it/view\\_doc.asp?docID=384](http://www.leggcinesi.it/view_doc.asp?docID=384)

a) The ecological and environmental damage compensation system (生态环境损害赔偿制度)<sup>12</sup> to which the Civil Code dedicates Chapter 7 of the Book 7 from art. 1229 to 1235: according to the system, the people or companies that cause environmental damage should not only assume administrative and criminal responsibility, but will also be responsible for repairing the damage they cause to the environment and pay compensation for any ecological or environmental loss they cause. The compensation will be collected by local governments as a kind of non-tax revenue. This pilot program was launched by the central government in some provinces in 2015 and has been extended to the entire country since January 1, 2018.

b) The environmental protection tax (环保税)<sup>13</sup>, provided for by the Environmental Protection Tax Law, was approved at the meeting of the Standing Committee of the National People's Congress on December 25, 2016 and has been in force since January 1<sup>st</sup> 2018. It is the first law in China that imposes the collection of an ecological tax and aims to end the policies applied by some local governments that exempt companies that are large contributors to the local economy. Also force companies to update their technology and switch to cleaner production.

The "green principle" was added to the general part of the civil code, reserved for "fundamental rights", which marks its aspiration to the universal application of the entire population, natural or legal persons, assigning specific protection, in line with the evolution of international environmental law<sup>14</sup>. As Liu Huawen argues, the progressive approach to international human rights law has pioneered the development of Chinese domestic law, which functions as a "tool of legal culture" (Liu, 2008). In fact, according to Liu: "Human rights law and concepts have their own humanistic and moral foundations; therefore, they produce not only general legal obligations but also humanitarian repercussions on public opinion and the moral evaluation of their implementation process, so their importance goes beyond the legal sense. In this regard, Orientals tend to add an internal moral obligation to the legal obligation" (Liu, 2010: 6). The mix between the creation of modern legal science and the evolution of the Chinese moral sense is clear, and they cannot do without their cultural roots. In this sense we can underline at least three domestic policies: *Carbon neutrality, new normal and moderate prosperous society*.

What emerges from this brief analysis is the strong humanistic element, interpreted in the light of traditional Chinese thought and the modern definition of "human development", which includes sustainable and inclusive development. This content, which has permeated the "spirit of the laws" in the last forty years of normative evolution in China, today finds its most complete manifestation in the new civil code, which functions at the same time as a moral and legal reference for all the citizens.

Chinese civil code has also had substantial social relevance for its sense of community. The spirit of community in the civil code, inspired at the same time by its own cultural experience and by the legal tradition of Roman law (Esborraz, 2019), is the internal manifestation of a broader community vocation.

This approach is linked with an internal "democratization". In fact, recently, on December 4th 2021 a new White Paper on "China: Democracy That Works" was published by the Chinese State Council<sup>15</sup>. In this document we can find some elements of Democracy with Chinese characteristics: 1. The status of the people as the owner of the country is the essence of popular democracy. In China, full-process people's democracy integrates process-oriented democracy with results-oriented democracy, procedural democracy with substantive democracy, direct democracy with indirect democracy, and popular democracy with the will of the state. It is a model of socialist democracy that encompasses all aspects of the democratic process and all sectors of society. 2. Democracy as a concrete phenomenon that is constantly evolving. Rooted in history, culture and tradition, it takes a diversity of forms and develops along the paths chosen by different peoples based on their exploration and innovation. The document indicates that democracy is a right of the peoples of all countries and not a prerogative of a few countries.

Almost in these two elements we can find the essential vocation to community and humanism (Staiano, 2020) in China, which confirm the "people-centered-approach" and the opening to new proposals to understand the long

<sup>12</sup> Available at: [http://english.court.gov.cn/2017-12/20/content\\_36013880.htm](http://english.court.gov.cn/2017-12/20/content_36013880.htm)

<sup>13</sup> Available at: [http://english.court.gov.cn/2017-12/14/content\\_36013836.htm](http://english.court.gov.cn/2017-12/14/content_36013836.htm)

<sup>14</sup> Consider the United Nations International Conferences on the Human Environment in Stockholm (1972), on Sustainable Development in Rio de Janeiro (1992), Johannesburg (2002), the Millennium Development Goals (2000-2015) and the current Sustainable Development Goals of the 2030 Agenda and the United Nations Conferences on Climate Change (COP 21 and COP 25).

<sup>15</sup> Full text available at [http://www.china-embassy.org/eng/zgyw/202112/t20211204\\_10462468.htm](http://www.china-embassy.org/eng/zgyw/202112/t20211204_10462468.htm)

process of democratization especially in the field of “green principle” as a collective right.

From the perspective of development innovation, we need to consider how China has combined green development with technological innovation. China's green transformation is strongly influenced by advances in energy-related technologies, such as energy conservation and alternative energy, and in smart grid and transportation technologies, such as electric vehicle charging stations. Large Chinese technology firms, such as Alibaba, are also major proponents and innovators of green technology. Alibaba subsidiary Ant Financial has founded China's "Green Digital Finance Alliance". It also launched the "Ant Forest" app, which makes tracking your carbon footprint fun and has already helped save 150,000 tons of CO<sub>2</sub> in February 2017 (Holzmann-Grünberg, 2021).

As described by the Inter-American Development Bank (2023), in Latin America, the pivotal role of "green innovation" (also referred to as "eco-innovation," "environmental innovation," or "sustainable innovation") will be fundamental in advancing a new paradigm of economic growth. This paradigm seeks to ensure that natural assets continue to supply the resources and environmental services essential for the well-being of present and future generations. Green innovation encompasses both the development and marketization of novel cutting-edge technologies that are more environmentally friendly than existing alternatives (assessed over their life cycle) and the dissemination and adoption of greener technologies already available in the market (World Bank, 2012). Environmental benefit can either be the primary objective or an unintended consequence of these innovations (OECD, 2011). The recent deceleration in the global economy, especially in the LAC region, can also be viewed as an opportunity to reorient it towards sustainability through green innovation. This slowdown presents a chance to propose alternative solutions to longstanding problems, to innovate, and to overhaul an outdated economic value creation model. However, green innovation policy efforts in the LAC region have been sporadic and varied in their formulation and implementation (Rodríguez et al., 2017). One reason for this is the existence of knowledge gaps that hinder policymakers' ability to devise and execute effective interventions. The application of social innovations and new technologies provides fresh avenues for biodiversity conservation. For instance, employing drones to expedite reforestation efforts enables the rapid replenishment of large swaths of land with native species or the detection of invasive species threatening ecosystem balance. Ecuador serves as an exemplar in this regard, utilizing drone technologies, geographic information systems, and satellite imagery to generate real-time data on vegetation density changes, animal populations, invasive species presence, and native species loss. This information effectively supports decision-making in research programs, conservation efforts, and the management of wildlife and flora. Such practices are now being adopted in countries like Argentina and Mexico (Koop, 2020; Mandujano et al., 2017), demonstrating the potential for widespread replication and impact.

## 5. CONCLUSIONS

If nature has been subsumed to the legal category of the subject of law it implies the enforceability of rights in its defense. Furthermore, being a subject of law requires an adaptation of the legal system of reference with respect to it, in the sense of a preventive guarantee that imposes non-violation of its personality. If we apply the same rights to nature that we provide for people, we should gradually harmonize all legal institutions in the sense of environmental sustainability. That is why some scholars and scientists talk about “Blue economy” (Pauli, 2017) instead of “green economy”: the green economy would have demonstrated an insufficiency in its inability to eliminate the external costs of its activity. Blue economy concept emphasizes innovative and sustainable business models that leverage natural resources to create economic opportunities while minimizing environmental impact. This approach advocates for the use of readily available, local resources to generate multiple benefits, such as creating jobs, reducing waste, and fostering biodiversity. Blue economy principles encourage the development of industries that mimic natural ecosystems, where waste from one process becomes input for another, leading to zero-waste and regenerative systems. This model aims to transform the traditional economy by prioritizing sustainability, efficiency, and social inclusivity (Pauli, 2017). A similar approach has also been proposed by other scholars, who propose an "ecology of law", identifying a parallel between the transformation of science and the evolution of legal thought (Capra-Mattei, 2017).

We are at a stage in which the Global South is trying to modify the traditional form of unsustainable development, not only to respect nature but to guarantee an effective right to human development, through the progressive elimination of economic, social and cultural inequalities. However, the process of transition from US hegemony towards a rise of the Global South proves inevitably violent. Even if we are witnessing an unprecedented increase in hard power and direct conflicts, with national and international policies that subvert all the hopes contained above all in the 2030 agenda, this "catastrophic impasse" which imposes a global dis-order has generated *de facto* an imperialism tout-court (Martins, 2023) which destabilizes and involves the world order.

Immense funding has been "distracted" from the objectives of the 2030 agenda, especially in terms of the environment and human development, understood in their multidimensionality and complexity, as well as perfectly stated in SDGs' 17 objectives and sub-objectives, to revitalize military alliances that we hoped had now ceased to exist (like NATO) and to employ the latest generation technology for global rearmament, even of a nuclear nature (Von Der Leyen, 2024).

Nature, energy, economy, peace, development, accessibility, equality are all interconnected concepts, as all these themes have now taken on a global significance and a common perspective. However, are we sure we are living in an international "relational inclusiveness"? (Gupta-Pouw, 2017). The answer is arduous and difficult in this historical moment, but it is certain that we must question the underlying structural power dynamics that influence the resolution of global problems, taking into consideration that the age of narratives is now in its twilight and a new anthropological era is starting.

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