Centre International Hassan II de formation à l'environnement

مؤسسة محمد السادس لحماية البيئة

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FONDATION MOHAMMED VI POUR LA PROTECTION DE L'ENVIRONNEMENT

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WCEL

WORLD COMMISSION ON ENVIRONMENTAL LAW

COMMISSION MONDIALE DE DROIT DE L'ENVIRONNEMENT

COMISIÓN MUNDIAL DE DERECHO AMBIENTAL

4TH IUCN WCEL WORLD ENVIRONMENTAL LAW CONGRESS

REPORT OF THE 4TH WORLD ENVIRONMENTAL LAW CONGRESS OF THE WORLD COMMISSION ON ENVIRONMENTAL LAW OF THE INTERNATIONAL UNION FOR CONSERVATION OF NATURE

« INTEGRATED LEGAL PROTECTION OF AIR, OCEAN AND LAND »

5–7 MAY 2025

RABAT, MOROCCO

Her Royal Highness Princess Lalla Hasnaa

President of the Mohammed VI Foundation
for Environmental Protection.

Patron of the Ocean Decade Alliance.
United Nations Decade of Ocean Science
for Sustainable Development.

ALL FOR THE ENVIRONMENT

«**Protecting the environment is not a luxury, but an absolute necessity that conditions the future of humanity. »**

Extract from the speech of His Majesty King Mohammed VI at the United Nations Climate Change Conference (COP22) in Marrakech in November 2016.

Morocco has always shown a deep respect for its environment. This attention has been reinforced in response of the challenges raised by climate change, where the need to rediscover our good habits and respect for nature is more imperative than ever. It is within this dynamic that the Mohammed VI Foundation for Environmental Protection was established in 2001, under the effective presidency of Her Royal Highness Princess Lalla Hasnaa. Since its creation, it has adopted a collaborative and inclusive approach, aiming to educate, federate and create a lasting engagement among all concerned parties. This approach is based around a clear vision : making environmental preservation a shared responsibility and a daily reflex for everyone. Under the tagline “All for the Environment”, the Foundation not only provides information, but also works to bring about a real change in behaviour. To achieve this, it relies on three essential pillars which complement each other harmoniously :

- **Environmental education and awareness:** Because everything begins with knowledge, the Foundation makes it a point of honor to raise awareness from the earliest age. It promotes lifelong learning so that environmental protection becomes an automatic habit.
- **Shared responsibility :** This approach cannot succeed without everyone's involvement. This is why the Foundation mobilizes NGOs, the private sector, local authorities and public administrations around a common goal : preserving our living environment.
- **Sustainability:** Aware that lasting change takes time, the Foundation ensures that each initiative is sustainable, in order to maximize its impact. Proud of its African roots, the Foundation is fully committed to South-South cooperation, convinced that the African continent, on the front line of climate challenges, has much to contribute to the global conversation on the environment. It is committed to giving a voice and visibility to Africa's magnificent youth, by actively involving them in the search for environmental solutions through specific programs. These initiatives aim to raise awareness, educate and empower the younger generation to become key players in sustainable change.

In short, the Mohammed VI Foundation for Environmental Protection embodies an ambitious, forward-looking vision. Thanks to a solid network of public and private partnerships, it aims to build an environmentally-friendly future, not only for Morocco private partnerships, it aims to build an environmentally-friendly future, not just for Morocco, but for the entire African continent. Its actions are part of a long-term effort, based on education, cooperation and sustainability, to lay the foundations for a world in which nature and development go hand in hand. As the African proverb so aptly puts it: “Alone we go faster, together we go further.”

A LABORATORY OF IDEAS FOR THE ENVIRONMENT : THE HASSAN II INTERNATIONAL CENTER FOR ENVIRONMENTAL TRAINING IN ACTION.

The Hassan II International Center for Environmental Training represents the culmination of more than two decades of commitment by the Mohammed VI Foundation for Environmental Protection to education for sustainable development. Inaugurated in June 2019 by Her Royal Highness Princess Lalla Hasnaa, the center is positioned as a genuine laboratory of ideas and educational innovations, dedicated to training, raising awareness and disseminating environmental knowledge. The Hassan II Center designs and develops educational tools adapted to all audiences, whether young people, teachers, professionals or local actors. Its experimental approach makes it possible to test and deploy innovative educational solutions, encouraging everyone to make a concrete commitment to the ecological transition. The Center's building also reflects this sustainable approach through its contemporary ecological architecture, using traditional and ecological materials, a south-facing orientation to maximize natural light, and a solar farm to meet a significant part of its energy needs. In addition, it incorporates rainwater recovery systems, a self-contained treatment plant and a permaculture-inspired garden. As the academic arm of the Foundation, the Center works closely with numerous national and international partners, including UNESCO, the Intergovernmental Oceanographic Commission and other UN agencies, to implement initiatives relating to air quality, climate, coastal protection, sustainable tourism and the restoration of historic parks and gardens. On a daily basis, the Hassan II International Center for Environmental Training supports the various actors in the field and helps to pass on good environmental practices, with the aim of increasing awareness and commitment to preserving our environment.

WORLD COMMISSION ON ENVIRONMENTAL LAW OF THE INTERNATIONAL UNION FOR CONSERVATION OF NATURE

The World Commission on Environmental Law (WCEL) is one of the seven expert commissions of the International Union for Conservation of Nature (IUCN), bringing together a global community of over 1,400 volunteer experts from more than 170 countries. Its members—judges, professors, government officials, legal practitioners, and scholars—form one of the world's most extensive and diverse networks devoted to advancing environmental law.

The Commission's mission is to develop, strengthen, and promote environmental law as an essential foundation for sustainable development, the conservation of nature, and the pursuit of environmental justice. By providing authoritative legal expertise, WCEL underpins IUCN's work in areas as vital as biodiversity protection, climate change, natural resource governance, and the safeguarding of the rights of future generations. It advises governments, international organizations, and civil society on how to design and implement legal frameworks that not only protect ecosystems but also ensure fairness, equity, and the effective participation of all stakeholders.

Over the past decades, WCEL has established itself as a driving force in shaping international environmental governance. The Commission contributes to the negotiation and implementation of global treaties, supports the integration of environmental law into national legal systems, and pioneers innovative legal principles that respond to emerging ecological challenges. Equally important, it invests in knowledge generation and dissemination: publishing legal studies, guidelines, and policy briefs that inform decision-makers, while convening training programs, conferences, and workshops that bring practitioners from diverse regions into dialogue and collaboration. Its thematic working groups cover critical domains such as climate law, biodiversity law, ocean and water, energy, environmental constitutionalism, and human rights, providing platforms for experts to co-develop solutions and advance cutting-edge ideas.

Through this global cooperation, WCEL has been instrumental in introducing and promoting transformative legal concepts, including the recognition of the rights of nature, the development of obligations for ecological restoration, and the strengthening of principles of intergenerational equity. Its work not only enriches legal scholarship but also translates into practical guidance that helps governments and institutions craft more resilient, just, and effective environmental frameworks. In doing so, the Commission ensures that environmental law evolves in step with both the needs of societies and the realities of a rapidly changing planet.

In essence, WCEL is a cornerstone of IUCN's mission to "harness the law for a just world that values and conserves nature." By shaping global debates, advancing sound legal principles, supporting their implementation, and building capacity at all levels, the Commission equips societies to confront the defining ecological challenges of our time while laying the legal foundations to safeguard the Earth for generations yet to come.

ACKNOWLEDGEMENT

The organizers of the Congress wish to express their deep gratitude to all the institutions, experts, and participants who contributed to the success of this event.

They would like to extend their special thanks for their valuable contributions to the preparation of this report to:

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- Bilal Bahajji, PhD candidate at Abdelmalek Essaâdi University, Faculty of Legal, Economic and Social Sciences of Tangier, specializing in Environmental Law and Technological Innovation
- Soulaymane Ait Ali, PhD candidate in International Environmental Law at Cadi Ayyad University

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These students undertook their work as interns at the International Center for Comparative Environmental Law (CIDCE), presided over by Professor Michel Prieur.

The dedication and commitment of this broader community, both in Morocco and internationally, have been instrumental in advancing research and knowledge in the field of environmental law and in ensuring the success of this Congress.

EXECUTIVE SUMMARY

From 5–7 May 2025, The Hassan II International Center for Environmental Training, academic arm of the Mohammed VI Foundation for Environmental Protection, chaired by Her Royal Highness Princess Lalla Hasnaa, hosted the 4th IUCN WCEL World Environmental Law Congress under the theme “Integrated Legal Protection of Air, Ocean and Land.” The meeting convened over 200 in-person participants and more than 1,000 online participants, and—significantly—was the first time the Congress was held fully in Africa.

Taking place one day after the meeting of the Steering Committee and Specialist Groups of the WCEL, the three full-day program featured opening and closing sessions, two keynote lectures, six high-level plenary roundtables, and twenty parallel sessions, reflecting both the breadth of the issues at stake and the urgency of integrating legal protection into all areas of environmental concern.

Proceedings underscored the need to move beyond fragmented regimes and toward a coherent, integrated environmental rule of law. Speakers and participants emphasized multilateralism, environmental justice, intergenerational equity, and international cooperation as enabling conditions for effective implementation.

The Congress marked a milestone in advancing a more coherent, equitable and operational international environmental law architecture. The above recommendations provide a forward-looking agenda for States, institutions and civil society as they prepare for key milestones, notably UNOC-3, COP30, and the IUCN World Conservation Congress in Abu Dhabi.

Recommendations (Six Strategic Priorities)

1. Environmental Multilateralism

- Enhance coherence across climate, biodiversity, ocean and desertification regimes through shared interpretive guidance and bridging mechanisms.
- Streamline the sequencing and modalities of international negotiations to reduce duplication and improve outcomes.

2. Environmental Justice and Human Rights

- Ensure the effective realization of the right to a clean, healthy and sustainable environment through access to information, participation, and remedies.
- Systematically integrate the rights and knowledge of Indigenous Peoples, local communities and vulnerable groups across policy cycles; expand judicial and prosecutorial training in environmental law.

3. Integrated Governance

- Institutionalize inter-ministerial and cross-sectoral governance that links land, water, air, climate and health.
- Establish/strengthen national coordination platforms to align public policies; build regional synergies in Africa to share frameworks and capacity.

4. Climate and Biodiversity

- Mainstream Nature-based Solutions (NbS) across national strategies.
- Integrate the Kunming–Montreal Global Biodiversity Framework targets into climate policies.
- Accelerate NDC implementation with measurable, time-bound objectives.

5. Ocean and Natural Resources

- Advance national implementation of the BBNJ Agreement and strengthen legal regimes for marine and coastal ecosystem protection.
- Scale cooperation on plastic pollution and ocean governance, aligning scientific evidence, policy instruments and enforcement.

6. Africa and Youth

- Elevate Africa's role in global environmental governance through context-responsive legal solutions.
- Develop targeted capacity-building and education programmes for African youth; support locally-led initiatives that enhance resilience to climate, biodiversity and pollution crises.

CONGRESS AGENDA

DAY1 : MONDAY 5 MAY 2025

08H30 – 10H00 High-Level Opening Ceremony

10H30 – 12H00 First Plenary Roundtable - Integrated Protection of Atmosphere, air, water and land

13H00 – 14H00 First Congress Keynote - Environmental Multilateralism at a Crossroads?

14H30 – 16H00 First Parallel Sessions

- **Parallel session 1** – Governance : Emerging Trends in Global Environmental Governance
- **Parallel session 2** – Integrated Climate and Nature Protection
- **Parallel session 3** – Procedures : Environmental Impact Assessment and Risk Assessment
- **Parallel session 4** – Operationalising Biodiversity Protection to Support Areas Affected by Armed Conflict

16H30 – 18H00 Second High-Level Plenary Roundtable - An IUCN view on Integrated Environmental Management

DAY 2 : TUESDAY 6 MAY 2025

09H00 – 10H30 Second Round of Parallel Sessions

- **Parallel session 5** – Biodiversity Governance and Law
- **Parallel session 6** – Human Rights: Indigenous Rights, Environmental Human Rights and Environmental Justice
- **Parallel session 7** – Safeguarding the environment during and past wars and conflicts
- **Parallel session 8** – Rights of Nature

11H00 – 12H30 Third Plenary Roundtable - IUCN at International Courts

13H30 – 15H00 Fourth Plenary Roundtable - Hunger, Poverty and the Environment: Integrated Approaches

Book Launches

15H30 – 17H00 Third Round of Parallel Sessions

- **Parallel session 9** – Integrated environmental ethics and law
- **Parallel session 10** – Integrating different objectives in Ocean Governance
- **Parallel session 11** – Integrated legal protection to secure the multifunctionality of soils
- **Parallel session 12** – Human Right to a clean and healthy environment

CONGRESS AGENDA

DAY 3 : WEDNESDAY 7 MAY 2025

09H00 – 10H00 Fifth Plenary Roundtable The Model Forest Act Initiative (MoFAI)

10H00 – 11H30 Second Congress Keynote - The Ocean at the Crossroads (between land- and vessel-based pollution, climate change and biodiversity, conservation and use)

12H00 – 13H30 Fourth Round of Parallel Sessions

- **Parallel session 13** – Agriculture: Integrating the protection of soils, biodiversity and climate change
- **Parallel session 14** – Governance: Measuring Effectiveness
- **Parallel session 15** – Integrated climate change law and governance
- **Parallel session 16** – Integrative legal principles and rules to address pollution, especially by plastics

14H15 – 15H30 Sixth Plenary Roundtable - Judicial Dialogue: The Role of Courts in Integrated Environmental Protection (organized together with GJIE)

16H00 – 17H30 Fifth Round of Parallel Sessions

- **Parallel session 17** – Forests at the crossroads: legal protection regimes
- **Parallel session 18** – Environmental Governance: New principles to regulate risk and the unknown
- **Parallel session 19** – The need for freshwater legal regimes: A manifesto for freshwater
- **Parallel session 20** – A perspective from the Pacific: Challenges of environmental human rights and access to justice and solutions

18H00 – 19H00 Closing Plenary - Can a right to a safe and healthy environment ensure integrated environmental protection?

19H00 – 19H30 Summary, Awards and Closing

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HIGH-LEVEL OPENING CEREMONY OF THE 4TH INTERNATIONAL CONGRESS ON ENVIRONMENTAL LAW

WELCOMING REMARKS:

01 **Prof. Christina Voigt,** Chair, IUCN World Commission on Environmental Law (WCEL)

02 **Mr. Ayman Cherkaoui,** Deputy Chair, IUCN WCEL & Director, Hassan II International Center for Environmental Training

OPENING REMARKS:

01 **H.E. Razan Al Mubarak,** President, IUCN (VIDEO ADDRESS)

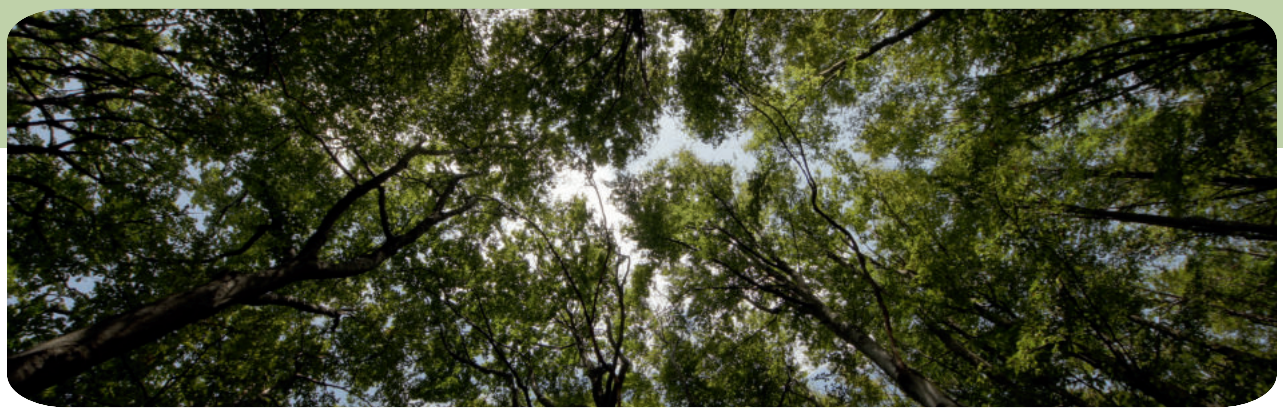
02 **Ms. Grethel Aguilar,** Director General, IUCN

03 **Mme Elizabeth Mrema,** Deputy Executive Director, United Nations Environment Programme, UNEP (Online)

04 **Mr. Mounir El Mountassir Billah,** Secretary General of the Supreme Council of the Judicial Power of Morocco

05 **Mr. Zakaria Hachlaf,** Secretary General of the Ministry of Energy Transition and Sustainable Development of Morocco

06 **Ms. Rima Lablaili,** Director of Cooperation and Communication, Ministry of Justice of Morocco



INTRODUCTION

The opening ceremony of the 4th International Congress on Environmental Law, organized by the IUCN World Commission on Environmental Law (WCEL), took place in a solemn setting, bringing together distinguished figures from the fields of law and environmental governance. The ceremony began with welcoming remarks by Professor Christina Voigt, Chair of the WCEL, and Mister Ayman Cherkaoui, Deputy Chair of the same commission and Director of the Hassan II International Center for Environmental Training. These introductory speeches highlighted the congress's objectives and the importance of international legal cooperation in addressing global environmental challenges.

The opening remarks were then delivered by several high-ranking personalities. Her Excellency Razan Al Mubarak, President of the IUCN, delivered a video message emphasizing the urgent need to strengthen legal frameworks for the integrated protection of air, ocean, and land. Ms. Grethel Aguilar, Director General of the IUCN, stressed the organization's central role in supporting global environmental policies. Ms. Elizabeth Mrema, Deputy Executive Director of the United Nations Environment Programme (UNEP), intervened online to highlight the importance of harmonizing international environmental standards. The ceremony was also marked by the presence of Mister Mounir El Mountassir Billah, Secretary General of the Supreme Council of the Judicial Power of Morocco, who underscored the Kingdom's efforts in environmental justice, as well as the intervention of Ms. Rima Lablaili, Director of Cooperation and Communication at the Ministry of Justice of Morocco, who emphasized institutional partnerships to strengthen environmental rule of law.

Each of these speeches shed light on specific issues at the heart of the congress. Their analysis allows us to identify the main guidelines of this meeting. To convey the richness of these contributions, we present below a summary of the key interventions, highlighting the core messages, priorities raised, and visions shared by the various speakers.

Welcoming Remarks – Prof. Christina Voigt / Mister Ayman Cherkaoui

Summary of the Address by Professor Christina Voigt

Chair of the IUCN World Commission on Environmental Law (WCEL)

In her opening remarks, Professor Christina Voigt provided an overview of the planet's critical state, characterized by widespread ecosystem loss, desertification, and concurrent crises affecting health, food, and water security, which collectively amount to a global humanitarian emergency. She emphasized that the unprecedented pace of environmental change demands a holistic and integrated perspective on key environmental components — air, climate, ocean, land, and human communities.

Professor Voigt underscored the pivotal role of law and legal professionals in addressing this crisis. Given their influence over public policy and their capacity to leverage legal frameworks, they are uniquely positioned to help alleviate human suffering. The congress aims to critically evaluate the law's ability to provide comprehensive environmental protection, moving beyond fragmented, sectoral approaches.

She highlighted the urgent need for transformative change — a fundamental reorganization of economic, social, and technological systems grounded in new paradigms, values, and worldviews. Scientific consensus indicates that such changes must take place within the coming decade to yield meaningful results by mid-century.

Moreover, Professor Voigt stressed the importance of expanding environmental law beyond its traditional confines to fully integrate with broader legal systems, including human rights, Indigenous Peoples' rights, social justice, peace, and stability. Law should serve as a unifying and hopeful tool to promote coherence and solidarity in facing environmental challenges.

The choice of "legal integration" as the conference theme reflects a desire to break down professional, disciplinary, and linguistic silos, and to foster collaboration among legal experts, scientists, institutions, and civil society. She encouraged participants to learn across legal domains—for example, exploring how ocean law can inform climate policy, or how human rights frameworks can bolster environmental protection efforts.

In closing, she acknowledged the support of key partners such as the IUCN, the Hassan II International Center for Environmental Training, UNEP, and other international organizations before handing the floor to Mister Ayman Cherkaoui.

Summary of the Address by Mister Ayman Cherkaoui

Deputy-Chair of the WCEL & Director of the Hassan II International Center for Environmental Training

Mister Ayman Cherkaoui opened his remarks by emphasizing the honor of representing the Hassan II International Center for Environmental Training, a key institution under the Mohammed VI Foundation for Environmental Protection, presided over by Her Royal Highness Princess Lalla Hasnaa, and In the context of His Majesty King Mohammed VI's vision. He expressed sincere appreciation to the IUCN, Professor Christina Voigt, and all partners for their central role in convening this important conference.

He then outlined the foundation's mission, which for over two decades has focused on three interconnected pillars: land, water, and ocean. Through specialized academies – on climate, biodiversity, and the marine environment – the Center promotes lifelong learning and inclusive environmental education. Its outreach extends across a broad spectrum of stakeholders, including children, students, young entrepreneurs, civil society, public institutions, and the private sector, at local, national, regional, and international levels.
Building on this, Mister Cherkaoui stressed the urgent need for an integrated legal approach. He noted that environmental regulation often operates in silos – air, land, and ocean governance remain institutionally fragmented, despite the deep interdependence of natural systems. This fragmented governance undermines the effectiveness of legal responses to complex environmental challenges.

In this regard, he put forward four key recommendations:

- Promoting cross-cutting environmental impact assessments that account for land, air, and ocean interlinkages;
- Enhancing inter-ministerial and inter-agency coordination to break institutional silos;
- Advancing regional and international cooperation, particularly through existing frameworks like the Rio Conventions;
- And updating legal and regulatory frameworks in line with the latest scientific knowledge and evolving environmental realities.

In conclusion, Mister Cherkaoui called for a collective mobilization to bring about a profound transformation of legal and political systems, in service of the planet and future generations.

Opening Remarks–

Summary of the Opening Remarks by Ms. Razan Al Mubarak

President of the International Union for Conservation of Nature (IUCN)

Ms. Razan Al Mubarak began her address by expressing her deep appreciation to Her Royal Highness Princess Lalla Hasnaa, President of the Mohammed VI Foundation for Environmental Protection, and to the Mohammed VI International Center for Environmental Training, for graciously hosting this major global symposium. She underlined the pivotal role of the Foundation in promoting environmental education and sustainable development throughout Africa, particularly in engaging youth and decision-makers. For Ms. Al Mubarak, this work stands as a model of how education can catalyze long-term environmental progress.

She then emphasized the strategic importance of the IUCN World Commission on Environmental Law (WCEL), which brings together over 1,300 legal experts from around the world. These experts contribute by strengthening environmental legal frameworks, advising international courts, and shaping global environmental policy. Their work, she noted, demonstrates the central role of law in addressing the planetary crisis.

This 4th Congress is a continuation of a long journey that started with earlier key events in Rio and Oslo. However, it carries special significance as the first World Congress on Environmental Law held in Africa, following the 2021 African Conference on Environment and Law, also organized by the Mohammed VI Center. Africa, she recalled, is home to extraordinary biodiversity, but also faces considerable challenges. She encouraged participants to explore both the regional legal dynamics and the global implications.

Ms. Al Mubarak highlighted the importance of the Congress theme — “Integrated Legal Protection of Air, Ocean, and Land” — which reflects the deeply interlinked nature of today’s environmental challenges. She drew attention to major upcoming events in 2024–2025, such as COP17 on Biodiversity, the UN Ocean Conference, the IUCN World Conservation Congress, and COP30 on Climate, as opportunities to realign legal frameworks with urgent ecological action.
She concluded by recalling that the UAE — her home country — will host the next IUCN Congress in October, focusing on scaling up conservation, reducing climate risk, promoting equity, and building a nature-positive economy. In her words, legal expertise will be essential to the success of these efforts, and the outcomes of this Congress will contribute meaningfully to global environmental governance.

Summary of the Opening Remarks by Dr. Grethel Aguilar

Director General of the International Union for Conservation of Nature (IUCN)

In her opening remarks, Dr. Grethel Aguilar emphasized the historical significance of holding this global environmental law gathering for the first time in North Africa, celebrating the region's cultural and ecological richness. She warmly acknowledged the diverse participants, especially the youth, whose energy and vision are vital for shaping a sustainable future.

Dr. Aguilar called for a paradigm shift in environmental governance, advocating for legal systems that embrace the interconnectedness of air, water, and land. She underlined the urgency of adopting holistic, integrated legal frameworks that reflect the natural unity of ecosystems and ensure their protection through cohesive governance. According to her, fragmented, siloed approaches are no longer viable in the face of increasingly complex and interconnected environmental crises.

As a lawyer herself, Dr. Aguilar stressed that law is a powerful driver of transformative change—it gives structure to aspirations, permanence to commitments, and enforceability to principles of justice and equity. Legal tools, she asserted, can empower communities, protect biodiversity, and uphold the rights of both people and nature.

Highlighting the leadership of the IUCN World Commission on Environmental Law (WCEL), she praised the Commission's cutting-edge work on the rights of nature, plastic pollution, human rights and the environment, and climate litigation. She commended the outstanding leadership of WCEL Chair Dr. Christina Voigt, and referenced her own participation alongside the Commission in high-level international legal processes, including proceedings before the International Court of Justice.

Dr. Aguilar also saluted the work of the Hassan II International Center for Environmental Training for its efforts in environmental education, particularly its initiatives to engage and empower African youth through green networks and academic programs.

She closed her address with a strong call for unity, cooperation, and innovation. Real and lasting change, she insisted, will only be possible if legal, scientific, and policy communities come together as one voice for nature. With optimism and conviction, she encouraged participants to carry forward the momentum of the Congress, united in their shared mission to protect the Earth for current and future generations.

Summary of the Online Opening Remarks by Ms. Elizabeth Mrema

Deputy Executive Director of the United Nations Environment Programme (UNEP)

Ms. Elizabeth Maruma Mrema began her address by expressing gratitude to the organizers and emphasizing the critical importance of environmental law amid the global ecological crises we face today. She stressed that environmental law goes beyond mere regulation; it fundamentally recognizes the rights of nature and ensures justice for future generations.

Confronted with multiple, interconnected threats such as climate change, biodiversity loss, and pollution, Ms. Mrema highlighted the urgent need for a cohesive, integrated approach based on international cooperation. She underlined that the effectiveness of legal frameworks depends not only on their existence but also on their rigorous enforcement and practical implementation.

Ms. Mrema presented UNEP's Environmental Rule of Law Monitoring Programme, which currently supports over fifty countries in strengthening environmental governance by integrating human rights, equity, and social justice into policies. The programme offers practical tools and technical resources to address emerging challenges including plastic pollution, energy transition, and climate action. She also pointed to international progress, noting that over one hundred countries now recognize the right to a clean, healthy, and sustainable environment. Recent developments include the adoption of a resolution on human rights in relation to a healthy environment, with special emphasis on indigenous peoples' rights.

In conclusion, Ms. Mrema called for moving beyond outdated governance models, which are no longer sufficient in the face of the climate crisis. Only a holistic, inclusive, and science-based approach grounded in justice and equity can secure a sustainable future. She reaffirmed UNEP's commitment to advancing environmental law through multilateralism, innovation, and solidarity.

Summary of the Opening Remarks by Mister Mounir El Mountassir Billah

Secretary General of the Supreme Council of the Judicial Power of Morocco

In his opening address, Mister Mounir El Mountassir Billah began by quoting a significant excerpt from the speech delivered by His Majesty King Mohammed VI at the 22nd Conference of the Parties (COP22) held in Marrakech. This royal speech remains a major source of inspiration, calling for climate justice based on the principles of ethics, solidarity, and shared responsibility between the Global North and South. It embodies a strong moral and political commitment that continues to guide Morocco's environmental strategy today.

Building upon this royal vision, Mister El Mountassir Billah emphasized the central role played by the Supreme Council of the Judicial Power in advancing environmental justice in Morocco. He explained that the institution has intensified its efforts in ongoing judicial training to better incorporate environmental issues into judicial practice. Additionally, he highlighted the strengthening of technical and legal expertise within the Ministry of Justice, enabling a more effective handling of environmental protection cases.

The speaker also underscored the importance of Moroccan case law in the evolution of environmental law. In particular, he cited a landmark ruling by the Court of Cassation, which recognized forests as a natural heritage and public good of collective interest that takes precedence over private property rights. This judicial decision marks a significant turning point by affirming the primacy of natural resource protection over individual interests, representing a major advancement in the legal safeguarding of the environment.

Finally, Mister El Mountassir Billah recalled that Morocco's commitment to environmental law is longstanding. The country today possesses a robust legal framework, the result of several decades of continuous and coherent reforms. These efforts reflect a political determination to build an integrated and ambitious environmental policy, fully aligned with international standards and the Sustainable Development Goals (SDGs). This strengthened legal framework serves as a crucial pillar to ensure the effective implementation of environmental law and to support the Kingdom's ecological transition.

Summary of the Opening Remarks by Mister Zakaria Hachlaf

Secretary General of the Ministry of Energy Transition and Sustainable Development of Morocco

In his address, Mister Zakaria Hachlaf emphasized the urgent need for coordinated and coherent international action to effectively tackle global environmental crises. He highlighted a concerning observation: despite ongoing efforts, only 23% of the global environmental goals are currently on track, underscoring the need to intensify commitments and strengthen monitoring mechanisms.

Mister Hachlaf recalled that Morocco, under the enlightened leadership of His Majesty King Mohammed VI, remains fully committed to fulfilling its international environmental obligations. This commitment is demonstrated through the implementation of concrete initiatives, ambitious national strategies, and legislative reforms aimed at enhancing environmental governance and sustainably integrating ecological considerations into Morocco's public policies.

He also highlighted Morocco's leadership role on the international stage, notably during its presidency of the United Nations Environment Assembly.

In this capacity, the Kingdom worked to foster coherence and synergy among various international environmental conventions, culminating in an unprecedented event: a special day dedicated to multilateral synergies—a historic milestone in the Assembly's history.

Furthermore, Mister Hachlaf outlined the key strategic pillars adopted by Morocco to ensure sustainable, low-carbon development, including the National Sustainable Development Strategy (SNDD) and the Long-Term Low Carbon Development Strategy targeting 2050. These strategies lay the groundwork for an ambitious and coherent energy transition aligned with international climate commitments.

He concluded by stressing the imperative to strengthen international cooperation, particularly to support developing countries. According to him, such solidarity is essential to ensure that all states have the necessary means to achieve their environmental objectives within a fair and equitable framework.

Summary of the Opening Remarks by Ms. Rima Lablaili

Director of Cooperation and Communication at the Ministry of Justice of Morocco

Ms. Rima Lablaili focused on the vital link between law, justice, and environmental protection. She began her speech by observing that when discussing delays in the adoption of laws or policies, we must remember that behind these delays, human lives are often at stake.
She recalled that between 2021 and 2022, over 32 million people worldwide were displaced due to natural disasters, highlighting the urgent need for a structured legal response to climate disruptions.

Ms. Lablaili lamented the diminished prominence of environmental issues on the international agenda, often overshadowed by other crises. Yet, she argued that environmental justice represents an existential challenge and a fundamental social right. Morocco, she affirmed, has chosen not to remain neutral in this area, translating its international commitments into concrete reforms.
She emphasized that Morocco's 2011 Constitution explicitly recognizes every citizen's right to a healthy environment—a right now enshrined in the nation's fundamental law. This constitutional choice has been accompanied by a continuous strengthening of the legal framework and the mobilization of numerous national institutions involved in environmental governance.
However, Ms. Lablaili insisted that no matter how strong legal texts may be, they cannot produce real effects without ambitious public policies and concrete implementation mechanisms.

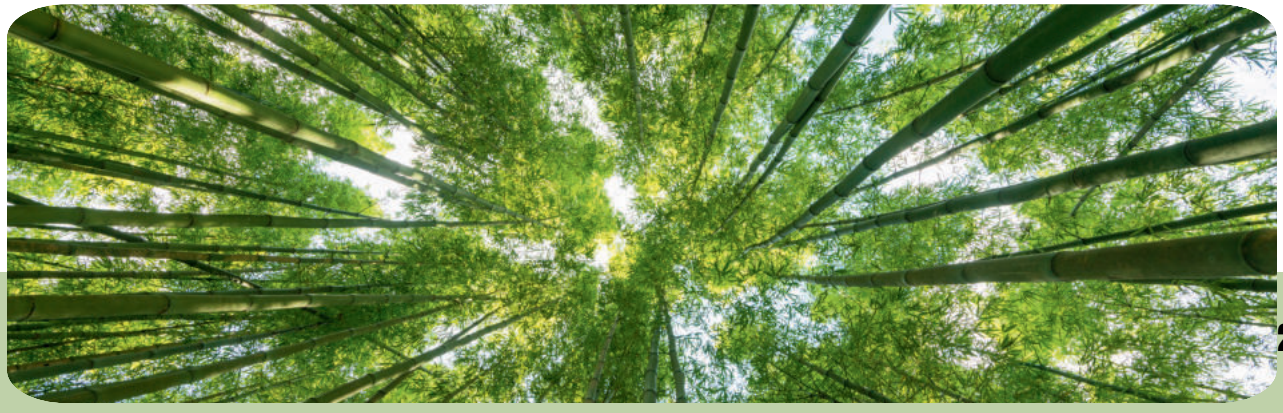
She concluded by calling for greater coherence, responsibility, and political will in enforcing environmental law, stressing that the goal is not to demand the impossible but to pursue viable, sustainable, and just reforms that serve both humanity and nature.

CONCLUSION

The opening ceremony of the 4th International Congress on Environmental Law marked a significant moment of dialogue and reflection among experts, policymakers, and institutional actors committed to the legal protection of the environment. The speeches unanimously emphasized the urgent need for strengthened international cooperation, harmonization of legal frameworks, and integrated governance to address the critical challenges related to the preservation of air, ocean, and land.

The various addresses also highlighted the necessity to reinforce environmental justice, adopt ambitious public policies, and ensure the mobilization of institutions and field actors to guarantee the effective enforcement of environmental law. Morocco's central role, both nationally and internationally, was notably underscored, reflecting strong political will and concrete commitment to sustainable development.

This solemn opening thus laid the groundwork for collective, pragmatic, and sustainable action, inviting all stakeholders to join forces in building a future where the legal protection of the environment is at the forefront of global priorities.



FIRST PLENARY PANEL 1

5MAY –10H30 - 12H00

INTEGRATED PROTECTION OF THE ATMOSPHERE, AIR, WATER, AND LAND

CHAIR:

- **Prof. Christina Voigt,** Chair, IUCN WCEL

SPEAKERS:

01 **Mr. Antonio Herman Benjamin ,** Chief Justice of the National High Court of Brazil; Member of the IUCN WCEL Steering Committee

02 **H.E. Assia Ben Salah Alaoui,** Ambassador at Large of His Majesty King Mohammed VI of Morocco

03 **Mr. Olivier Rukundo,** Representative of the Convention on Biological Diversity (CBD)

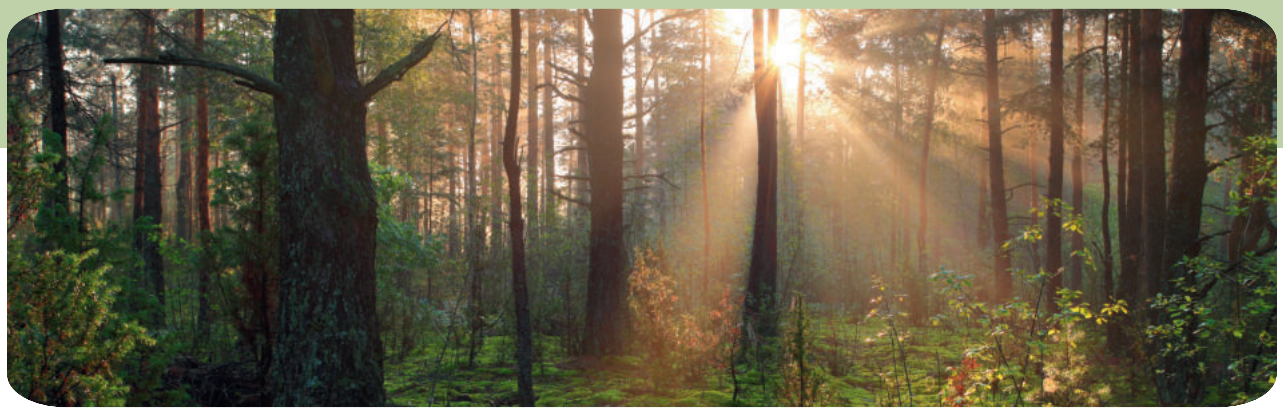
04 **Ms. Christine Adam (Online),** Director, Legal Affairs Division, United Nations Framework Convention on Climate Change (UNFCCC)

05 **Mr. Andy Raine,** Deputy Director, Law Division, United Nations Environment Programme (UNEP)

06 **Mr. Robin Merlier,** Member of the United Nations Development Programme - UNDP

07 **Ms. Donata Rugarabamu (Online),** Assistant Director-General and Legal Counsel, Food

08 **Mr. Cheikh Tidiane Touré,** Representative of the United Nations Convention to Combat Desertification (UNCCD)



INTRODUCTION

The first Plenary Roundtable of the 4th IUCN World Environmental Law Congress, held in Rabat, focused on a central theme: the integrated legal protection of the atmosphere, air, water, and land. Chaired by Professor Christina Voigt, the session brought together a diverse group of high-level speakers — including judges, diplomats, UN experts, and representatives of international organizations — to explore ways to overcome the fragmentation of environmental legal regimes.

In light of the urgency of global ecological crises, this roundtable addressed a crucial issue: how can we ensure coherent and effective environmental governance in the face of legal fragmentation, while also guaranteeing the full implementation of rights and obligations related to the protection of air, water, soil, and climate? Discussions highlighted institutional barriers, emerging legal innovations, and the imperative for a holistic approach that places both nature and humanity at the core of environmental law.

To explore these challenges, several experts contributed their insights: Justice Antonio Herman Benjamin (National High Court of Brazil), Her Excellency Ambassador Assia Ben Salah Alaoui (Ambassador at Large of His Majesty the King of Morocco), Mister Olivier Rukundo (Secretariat of the Convention on Biological Diversity), Ms. Christine Adam (UNFCCC), Mister Robin Merlier (UNDP), Mister Andy Raine (UNEP), and Ms. Donata Rugarabamu (FAO). Their contributions enriched the collective reflection.

Summary of the Intervention by Justice Antonio Herman Benjamin

Justice at the National High Court of Brazil and Member of the Steering Committee of the IUCN World Commission on Environmental Law

In his intervention, Justice Antonio Herman Benjamin explored the legal integration of the various components of the environment through three key lenses: natural integration, artificial distinction, and holistic integration
.
He began by affirming that the environmental elements — water, air, and land — are inherently interconnected. This interdependence is encapsulated in the concept of the "biosphere," which encompasses all these components. However, legal systems tend to treat them separately, a fragmentation that, he argued, does not reflect ecological reality. This division, he explained, stems more from human-made and administrative constructs than from the natural organization of ecosystems.

Justice Benjamin then addressed the issue of “artificial distinction,” tracing its origins back to early legal traditions, including the Code of Hammurabi. These historical divisions have led to the creation of distinct legal regimes for each environmental component (such as water, land, and atmosphere), resulting in fragmented governance and complicating efforts toward integration. He also pointed out that the proliferation of ministries with partial environmental mandates further reinforces this segmentation, as each body tends to operate within its own silo, lacking a comprehensive vision.

Expressing concern over this fragmented governance and insufficient legal integration, Justice Benjamin emphasized that the current division of responsibilities among various courts and legal frameworks hinders effective responses to environmental crises. To overcome this, he called for enhanced collaboration among judges and the development of a more unified legal perspective that embraces the complexity of environmental protection.

In conclusion, Justice Benjamin issued a strong call for “holistic integration” — the only path, in his view, capable of addressing today’s environmental challenges. He stressed the need for a unified legal, ethical, scientific, and institutional approach rooted in the recognition of the interconnectedness of natural systems. He particularly urged high-level judges and courts to embrace this vision in order to deliver environmental justice and safeguard the rights of future generations.

Summary of the Intervention by Her Excellency Ambassador Assia Ben Salah Alaoui

Ambassador-at-Large of His Majesty King Mohammed VI, King of Morocco

Her Excellency Ambassador Assia Ben Salah Alaoui delivered a speech emphasizing the urgent need for integrated environmental governance based on a systemic, adaptive, and coordinated approach. In the face of complex ecological crises, she advocated for unified action that connects scientific, legal, economic, and social dimensions to ensure the sustainable and equitable management of natural resources — land, air, water, and atmosphere.

She highlighted that current international cooperation mechanisms must be strengthened through more binding legal instruments, better harmonized across national, regional, and international levels. Successful environmental integration requires strong synergies among public policies, scientific research, and technological innovation. Active participation from states, regional organizations, and civil society is essential to this dynamic.

The Ambassador warned against institutional delays and slow political cycles that no longer respond to the urgency of the ecological crisis. She called for accelerating legislative processes and rebuilding the legitimacy of decision-makers through leadership grounded in science, ethics, and transparency. According to her, the disconnect between public aspirations and existing normative frameworks undermines the effectiveness of environmental action.

She cited examples of national legislations (South Africa, China), international treaties (Paris Agreement), and regional initiatives (African Union, European Union) to illustrate ongoing efforts, despite persistent contradictions. She also praised His Majesty King Mohammed VI's personal commitment, notably in protecting the Congo Basin — a symbol of African leadership dedicated to sustainability.

Finally, Her Excellency Ambassador Assia Ben Salah Alaoui called for a global collective mobilization founded on an alliance between human peace and peace with nature. She urged overcoming inertia through an ambitious ecological and social coalition capable of transforming the current crisis into a historic opportunity. She stressed education, leadership training, and the recognition of the rights of nature as fundamental levers to build a more just, sustainable, and peaceful future.

Summary of the Intervention by Mister Olivier Rukundo

Head of the "People and Biodiversity" Unit – Secretariat of the Convention on Biological Diversity

Mister Olivier Rukundo addressed current challenges in biodiversity protection within the framework of the Kunming-Montreal Global Biodiversity Framework, adopted at COP15. He emphasized that, although this framework is not legally binding, it represents a fundamental tool to guide and harmonize national biodiversity policies and legislation. It is built around 23 specific action targets to be achieved by 2030, including ecosystem restoration, pollution reduction, recognition of Indigenous knowledge, and the preservation of 30% of the land and the ocean.

He stressed that biodiversity is intrinsically linked to human survival, ecosystem balance, and food security. This interdependence calls for a systematic integration of environmental law and human rights in public policy development—a major legal and institutional undertaking.

Mister Rukundo also noted that COP15 marked a turning point by laying the foundations for an integrated legal framework that, for the first time, addresses ecological, social, cultural, and economic issues simultaneously. He underscored that this new paradigm requires the recognition and active participation of Indigenous peoples and local communities, not only as beneficiaries but also as key actors in providing solutions.

In this context, he highlighted the need for periodic reporting on the implementation of post-2023 goals, particularly those concerning Indigenous peoples' rights. He pointed out that countries face challenges in legal integration, needing to adapt their normative frameworks to incorporate biodiversity across various legal domains, such as environmental law, human rights, and economic law.

Finally, he addressed the interaction between human rights and Indigenous peoples' rights, especially in countries where these populations remain marginalized. He concluded by calling for better coordination between international conventions (such as the CBD, ILO Convention 169, and the UN Declaration on the Rights of Indigenous Peoples) and other legal instruments to ensure genuinely inclusive, equitable, and effective environmental governance.

Summary of the Intervention by Ms. Christine Adam

Director and Chief Legal Adviser, United Nations Framework Convention on Climate Change – UNFCCC

Ms. Christine Adam highlighted the increasing convergence between climate action and ecosystem protection. She emphasized that major international legal instruments—such as the Paris Agreement, the Glasgow Climate Pact (COP26), and the decisions emerging from the Global Stocktake—now serve as essential pillars aligning efforts to combat climate change with biodiversity conservation.

She recalled that the implementation of the Kunming-Montreal Global Biodiversity Framework, adopted in 2022, aims to reduce the impacts of climate change while enhancing ecosystem resilience. This framework offers an opportunity to adopt an integrated approach in which nature-based solutions play a central role.

Ms. Adam stressed the necessity to strengthen cooperation among various international environmental conventions, particularly those addressing biodiversity, climate, and desertification. She underscored the importance of coordination among governmental actors, notably embassies, to ensure policy coherence and effectively prepare for upcoming international milestones.

She referenced the experience of COP8 in 2002 as a foundational moment for dialogue between biodiversity and climate, but placed particular emphasis on the new directions adopted in 2022 to adapt approaches ahead of COP28 in Dubai, with special attention to the role of younger generations in future environmental action.

Finally, she stressed the need to be fully prepared for COP30 in 2025, especially by revising Nationally Determined Contributions (NDCs) to include ambitious targets and better articulate synergies between climate, biodiversity, and sustainable development. She concluded with a call for enhanced mobilization of international institutions, states, and civil society to build a future grounded in a balanced relationship between humanity and nature.

Summary of the Intervention by Mister Andy Raine

Deputy Director, Legal Division, United Nations Environment Programme – UNEP

Mister Andy Raine emphasized that legal and institutional fragmentation remains a major barrier to integrated and coherent environmental protection. He observed that, although ecosystems are inherently interconnected, legal, policy, and institutional frameworks tend to compartmentalize them into separate domains—such as climate, biodiversity, or water—which hampers coordination and diminishes the effectiveness of environmental measures.

In response to this challenge, he proposed three main lines of action. The first is to promote radical legal integration, aiming to create synergies among different environmental regimes for a comprehensive and coherent approach to natural resource management. The second focuses on strengthening environmental rule of law, which requires not only adopting clear and accessible standards but also ensuring their effective and equitable implementation, without which they remain ineffective. The third line involves the universal recognition of the right to a healthy environment as a fundamental right, embedding environmental protection at the core of legal systems and guaranteeing environmental justice, especially for the most vulnerable populations.

Building on these proposals, he raised the issue of air pollution, highlighting the importance of rigorously addressing invisible yet persistent environmental harms. He stressed that the environment must occupy a central place in legal and political debates, and that acknowledging its significance is a prerequisite for the evolution of law and for improving its practical enforcement.
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Summary of the Intervention by Mister Robin Merlier

Member of the United Nations Development Programme - UNDP

Mister Robin Merlier emphasized the crucial need to establish inclusive legal frameworks that address the specific vulnerabilities of certain population groups, notably Indigenous peoples and women. He stressed that effective environmental action cannot be separated from social justice, highlighting the importance of integrating human rights considerations into all environmental policies.

He underscored the necessity of involving local actors, including grassroots communities, in decision-making processes to ensure that environmental policies are grounded in on-the-ground realities and truly meet the needs of the populations concerned. Public participation, according to him, is a fundamental principle that ensures both the legitimacy and effectiveness of environmental measures.

Addressing new technologies, Mister Merlier highlighted the significant potential of artificial intelligence (AI) and digital tools to enhance environmental governance. He called for sustained investment in the development and integration of AI to better anticipate climate risks, monitor extreme events such as droughts, and optimize natural resource management. However, he cautioned that this technological potential can only be realized if accompanied by appropriate regulations that guarantee ethical, equitable use respectful of fundamental rights.

Finally, he reaffirmed the importance of recognizing every human being's right to live in a clean, healthy, and sustainable environment—a principle increasingly championed by the Human Rights Commission. He urged the international community to strengthen commitments in this regard, particularly by supporting countries and regions most vulnerable to the impacts of climate change and environmental degradation.

Summary of the Intervention by Ms. Donata Rugarabamu

Legal Advisor, Food and Agriculture Organization of the United Nations - FAO

Ms. Donata Rugarabamu focused her intervention on the One Health approach, which highlights the close interdependence between human health, animal health, and ecosystem health. She emphasized that this integrated vision is essential today for effectively addressing contemporary environmental challenges, including the rise of zoonotic diseases, water pollution, and biodiversity loss.

She stressed the crucial role of law in operationalizing this approach. The current fragmentation of legal frameworks — whether in water management, food security, or natural habitat protection — hinders coherent and sustainable responses. This fragmentation often stems from unclear allocation of responsibilities among institutions at various governance levels. Therefore, clarifying roles and strengthening legal coordination are prerequisites for effective integration.

In this context, Ms. Rugarabamu highlighted the efforts undertaken by the FAO to support member states. Through the development of soft law instruments and tailored public policies, the organization aims to provide practical tools that reconcile health, environmental, and agricultural imperatives.

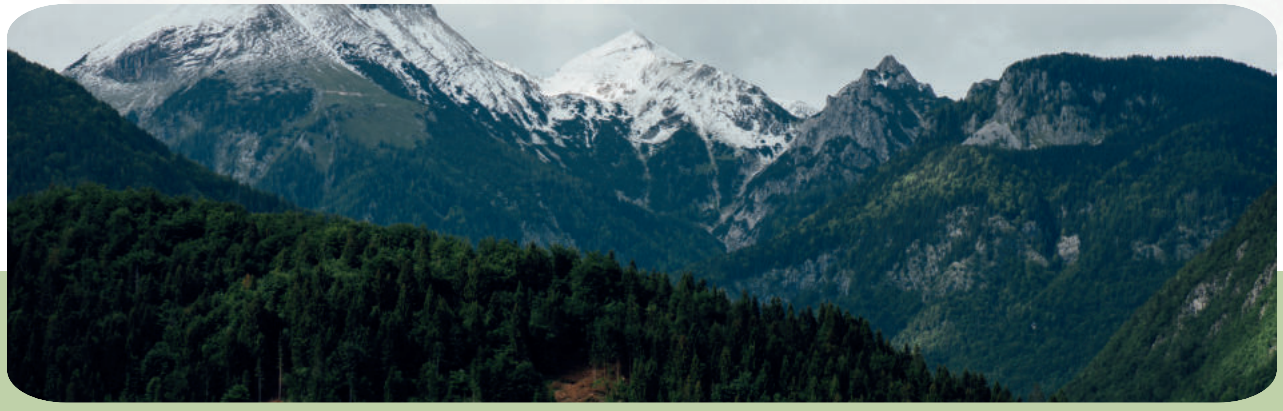
She also underscored the importance of legal education, advocating continuous training for judges and prosecutors to build an environmental justice system capable of addressing the growing complexity of contemporary litigation.
Finally, she praised existing synergies between FAO, WHO, UNEP, and the World Organisation for Animal Health (WOAH). According to her, this inter-institutional collaboration is a fundamental pillar for implementing the One Health agenda globally, as it strengthens environmental governance through collective, coherent action grounded in a systemic approach.

CONCLUSION

This roundtable highlighted the fundamental challenges posed by the fragmentation of environmental legal frameworks, while also exploring concrete pathways toward better integration of the protection of the atmosphere, air, water, and land. Across all contributions, it was emphasized that the effectiveness of environmental law depends not only on ambitious standards but, more importantly, on their rigorous implementation and coherent coordination across various levels of governance.

Speakers called for a structural transformation of environmental legal regimes by strengthening the rule of environmental law, promoting the universal right to a healthy environment, and recognizing the interconnectedness of ecosystems in all legal actions. The discussions centered on the need to evolve existing instruments, harmonize policies, and ensure accessible environmental justice for all.

In essence, this session reaffirmed that only an integrated, ambitious, and effectively applied legal vision can address current and future environmental challenges. It also underscored the critical role of legal professionals, institutions, and international cooperation in building sustainable solutions grounded in justice, equity, and shared responsibility.



FIRST CONGRESS KEYNOTE – ENVIRONMENTAL MULTILATERALISM AT A CROSSROADS?

CHAIR:

01 **Mr. Ayman Cherkaoui,** Deputy Chair, IUCN WCEL & Director, Hassan II International Center for Environmental Training

KEYNOTE SPEAKER:

02 **H.E. Ambassador Rena Lee,** Singapore, Ocean and Law of the Sea issues

COMMENTATORS:

01 **Prof. Lavanya Rajamani,** University of Oxford / WCEL Steering Committee member (Online)

02 **Prof. Tiina Paloniitty, Chair,** IUCN Academy of Environmental Law / WCEL Steering Committee member (Online)

03 **Mr. John Scanlon,** Executive President, International Council for Environmental Law (ICEL)

04 **Mr. Fabiano de Andrade Correa,** Senior Counsel, The World Bank's International and Environmental Law Unit/ Deputy-Chair WCEL Climate Change Law Specialist Group

INTRODUCTION

The opening session of the congress, entitled “Environmental Multilateralism at a Crossroads”, brought together prominent figures from the academic, legal, and institutional spheres, at a time when multilateral mechanisms for environmental governance are increasingly being called into question. As ecological crises intensify and international commitments struggle to deliver results commensurate with the challenges, this session provided a strategic platform to rethink the global governance of the environment.

The interventions delivered during this session offered a clear-eyed yet hopeful assessment, highlighting the main systemic obstacles while proposing concrete reform pathways. Through the diverse contributions of the panelists, several key messages emerged, which we present below in the form of concise and structured summaries.

Keynote Speaker –

Summary of the Intervention by Her Excellency Ambassador Rena Lee (Singapore)

Expert on the ocean and the law of the sea

Her Excellency Ambassador Rena Lee, Expert on the ocean and the law of the sea , first highlighted the richness and complexity of environmental multilateralism, illustrated by the diversity and number of international agreements currently in force. She notably cited the University of Toronto's Environmental Agreements Database (Canada), which catalogs approximately 1,500 multilateral agreements and 2,300 bilateral agreements, covering a broad range of topics related to environmental protection as well as other areas with indirect impacts, such as international trade.

Ambassador Rena Lee emphasized that, despite some marginal differences between databases and legal regimes, there is a growing consensus on the need to improve coherence and integration among the various international agreements and regimes. This integration is essential to effectively address complex and cross-cutting environmental challenges.

She then addressed the question of legal integration at a more systemic level, notably through the example of the advisory opinion issued by the International Tribunal for the Law of the Sea (ITLOS). This opinion, mentioned by the UNFCCC legal counsel during the plenary roundtable, illustrates how it is possible to harmonize legal regimes perceived as distinct — namely, the law of the sea regime (UNCLOS Convention) and international environmental law. ITLOS relied on Article 237 of UNCLOS and Article 31(c) of the Vienna Convention on the Law of Treaties to interpret Article 194 of UNCLOS, underlining that the obligations of the States Parties must take into account the provisions of the Paris Agreement, including nationally determined contributions and emission reduction timelines.

This jurisprudence demonstrates that a harmonious and integrated reading of different conventions is not only possible but necessary to avoid fragmentation of international environmental law.
To foster this integration, several legal mechanisms are already included within the treaties themselves, notably:

- Conflict avoidance clauses, such as Article 3 of the Kyoto Protocol (reference to commitments under other environmental agreements) or Article 22 of the Convention on Biological Diversity (which maintains the rights and obligations of existing treaties unless there is a serious threat to biodiversity);
- The notions of "mutual supportiveness" and "non-undermining" of obligations, for example, in Article 5 of the Agreement on Biodiversity Beyond National Jurisdiction (ABNJ Agreement);

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- The incorporation of key environmental principles into sectoral treaties, such as the ABNJ Agreement, which integrates concepts like the precautionary principle, ecosystem approach, and the polluter-pays principle, thereby bridging the law of the sea with environmental standards.

The ABNJ Agreement is also distinguished by its institutional structure modeled on multilateral environmental agreements (Conference of Parties, scientific committees, compliance mechanisms, access and benefit-sharing committee, clearing-house mechanism). This organization promotes coordination and flexible adaptation of mechanisms over time, enabling better dynamic integration of knowledge and needs.

Beyond internal treaty provisions, operational mechanisms also reinforce synergy among regimes, such as:

- The synergy process between the Basel, Stockholm, and Rotterdam Conventions on chemicals, which organizes joint conferences and common decisions to ensure coordinated implementation;
- The Liaison Group of the secretariats of the three conventions, aimed at improving cooperation and program coordination, notably in training and capacity building, thus optimizing the use of limited resources.

Finally, Ambassador Rena Lee underscored the crucial importance of coordination at the national level to ensure coherence and integration of environmental policies. She stressed that without effective national organization among ministries (environment, agriculture, food, etc.), it will be difficult to guarantee integrated and coherent decision-making at the international level.

In conclusion, Ambassador Rena Lee's intervention highlights the necessity for a more integrated environmental multilateralism, based on harmonious legal interpretations, appropriate contractual mechanisms, strengthened institutional cooperation, and enhanced national coordination, in order to effectively address global environmental challenges.

Commentators –

Summary of the Intervention by Professor Lavanya Rajamani

Professor at the University of Oxford / Member of the Steering Committee of the IUCN World Commission on Environmental Law (WCEL)

Professor Lavanya Rajamani, an expert in international law and an active member of the Dalai Lama Society, emphasized the importance of a holistic and integrated interpretation of international treaties, beyond siloed approaches. Building on Ambassador Rena Lee's presentation, she advocated for an interpretation method grounded in the overall normative context of legal instruments, rather than a narrow "atomistic" reading that prioritizes strict state sovereignty.

She illustrated her argument by referring to the 2022 decision of the United Nations Human Rights Committee in the case Daniel Billy and Others v. Australia (communication No. 3624/2019), concerning the Torres Strait Islander peoples. The Committee recognized that Australia's climate inaction violated cultural and family rights protected under the ICCPR. This jurisprudence exemplifies the need to interpret state obligations in light of current and future environmental realities.

Professor Rajamani then analyzed the scope of the Paris Agreement, noting that it primarily imposes procedural obligations rather than binding results, reflecting a tendency to confine climate commitments within the framework of national consent. She argued that this approach reveals its limits given the urgency of the climate crisis and advocated for treaty interpretation within its "normative environment," incorporating principles such as damage prevention, precaution, intergenerational equity, and common but differentiated responsibility.

Summary of the Intervention by Professor Tiina Paloniitty (Online)

President of the IUCN Academy of Environmental Law / Member of the WCEL Steering Committee

Professor Tiina Paloniitty focused her remarks on how environmental legal systems must evolve in response to the increasing complexity of global challenges. She emphasized the need for a systemic approach to environmental law—one that accounts for the interdependencies between levels of governance (national, post-national, international) and ongoing social and cultural transformations. In this context, she referenced an initiative titled Right to Fashion, which explores how law can accompany the evolution of norms and practices toward sustainability.

She highlighted the importance of deepening our understanding of how legal systems operate, including how norms are created, implemented, and interpreted. For her, environmental law should not be static; it is an evolving process that must integrate new scientific knowledge, interdisciplinary perspectives, and evolving societal expectations. She also underscored the crucial role of human connection and "cohesion" in environmental governance, framing cohesion as a bridge between human societies, nature, and global challenges such as climate change and biodiversity loss.

In conclusion, she called for stronger cooperation, collective approaches, and the recognition of new ways of conceptualizing environmental law. Its evolution, she argued, must reflect the complexity of contemporary issues and the importance of inclusive governance that is sensitive to the diversity of contexts, particularly in historically marginalized regions.

Summary of the Intervention by Mister John Scanlon

Executive President, International Council of Environmental Law (ICEL)

Mister John Scanlon began his intervention by warmly thanking the organizers, notably Christina Voigt, and the participants for the quality of the preceding discussions. He immediately emphasized the urgent need to "break down silos," whether institutional, ministerial, or informational, to effectively address global environmental challenges.

He then outlined a worrying observation: environmental multilateralism is experiencing increasing fragmentation. Many States are disengaging from international agreements, funding, programs, and multilateral organizations amid shifting political and budgetary priorities. Despite the rise of green parties in several elections, environmental funding is rapidly declining. He described this trend as a "silent earthquake" that calls for a fundamental reassessment of the current system.

Three main areas for reform were highlighted:

1.**Reconsideration of the frequency and format of COPs:** While Conferences of the Parties have been instrumental in setting strategic goals, their recent proliferation tends to dilute their impact and consumes significant resources without ensuring effective implementation. Mister John Scanlon advocates spacing out these meetings to better focus efforts on the concrete application of decisions made.

2.**Deconstruction of the "last chance" narrative:** He argues that labeling each international meeting as a "last opportunity" undermines the credibility of the process. He calls for a more realistic and constructive discourse that sustains political momentum without tipping into alarmism.

3.**Strengthening synergies and combating institutional territoriality:** Competition among conventions and agencies for visibility and funding weakens collective action. He urges better coordination at the national level, among ministries and stakeholders, which she considers more effective than further international adjustments.

In conclusion, Mister John Scanlon called for a profound reform of the environmental multilateral system focused on:

- Optimizing meeting schedules and formats,
- Prioritizing operational synergies at the national level,
- Streamlining resources to achieve tangible outcomes on the ground.

Summary of the Intervention by Mister Fabiano de Andrade Correa

Senior Legal Counsel, International and Environmental Law Unit, World Bank / Deputy Chair, WCEL Climate Change Law Specialist Group

Mister Fabiano de Andrade Correa spoke during this session to share his experience and reflections on the interactions between international environmental law, global trade, and nature-based solutions.

He first emphasized the significant impact of the World Trade Organization (WTO) on environmental legislation worldwide, noting that trade rules can both support and constrain environmental protection efforts at national and international levels.

Mister Correa then developed the concept of Nature-Based Solutions (NBS). He reminded the audience that these solutions aim to protect, restore, and sustainably manage diverse ecosystems (natural, modified, marine, etc.) to effectively address social, economic, and environmental challenges while ensuring benefits for communities and biodiversity.

He stressed the need for an integrated and standardized approach to NBS, referring to the framework and standards published in 2020 by international bodies such as the IUCN.

Furthermore, he highlighted the crucial importance of respecting Indigenous peoples' rights in implementing environmental projects, including the principle of Free, Prior, and Informed Consent, as well as the protection of land tenure and natural resource rights.

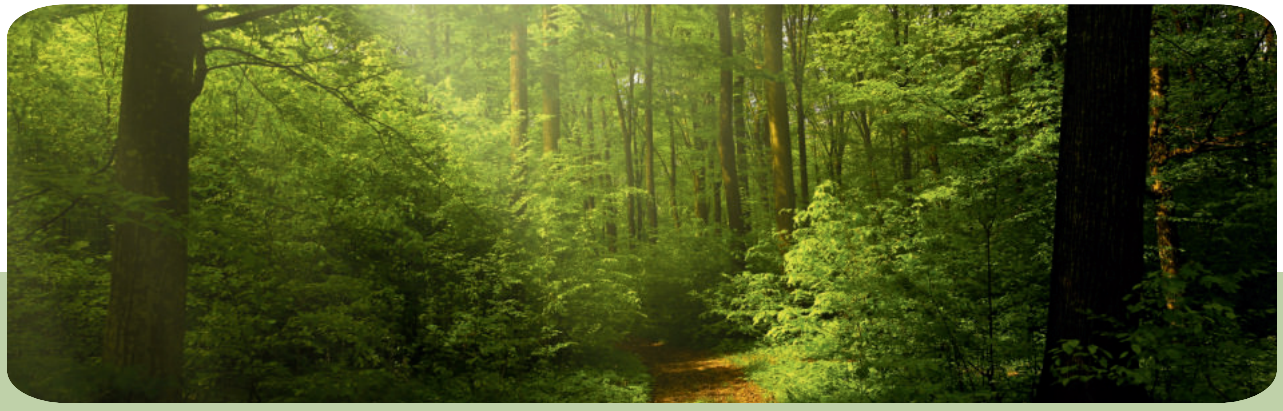
Finally, he mentioned a community project launched in 2017 that embodies these principles, implementing concrete actions in ecological management and biodiversity while ensuring consultation and recognition of local rights. This project illustrates the challenges and opportunities of applying nature-based solutions at the local level in connection with legislative frameworks and social issues.

Mister Fabiano de Andrade Correa concluded by emphasizing the importance of strengthening coherence between international regimes and national actions, as well as the need for continuous dialogue among stakeholders to address global environmental challenges.

CONCLUSION

Bringing the opening session to a close, the speakers converged on a shared imperative: the need to fundamentally rethink the mechanisms of environmental multilateralism in light of the ecological emergency. Far from dwelling on a sense of paralysis, the discussions shed light on concrete avenues for action — notably through improved coordination between national and international levels, a streamlining of institutional processes, and the renewed recognition of local and Indigenous knowledge systems.

The session delivered a strong call for coherence, inter-institutional cooperation, and greater accountability of States in implementing international commitments. It thus laid the groundwork for a rich and demanding dialogue throughout the congress, clearly framing the terms for a potential renewal of international environmental law through more effective, inclusive, and locally grounded multilateral governance.



PARALLEL SESSION 1—
GOVERNANCE: EMERGING TRENDS IN GLOBAL ENVIRONMENTAL GOVERNANCE

CHAIR:

- **Prof. Agnès Michelot,** University of La Rochelle / WCEL Steering Committee Member

SPEAKERS :

01 **Mr. Alvin Gachie, Ms. Patricia Kameri-Mbote, and Ms. Juliana Almeida:** The Montevideo Environmental Law Programme: A Decade of Action on Environmental Rule of Law

02 **Ms. Elisa Cavallin:** The Potential Role and Limitations of the One Health Approach for Advancing Environmental Protection

03 **Mr. Michael Picard, Ms. Rachael Crawfurd-Smith and Ms. Rania Djojosugito:** Space-Earth Governance: A Polycentric Approach

04 **Mr. Paolo Solano :** How Trade Agreement Mechanisms Facilitate Public Participation in Environmental Law Enforcement and Access to Justice (Online)

05 **Mr. Rakhyun E. Kim:** From Global Environmental Governance to Earth System Governance: A Planetary Turn?

06 **Ms. Marina Dutra Trindade:** Law's Path Dependence and the Challenges to Sustainable Energy: Insights from the Energy Charter Treaty and stranded Resources and Stranded Assets Research

INTRODUCTION

Parallel Session 1, titled “Governance: Emerging Trends in Global Environmental Governance”, was chaired by Professor Agnès Michelot, from the University of La Rochelle and a member of the WCEL Steering Committee. This session brought together international experts and researchers to present the latest developments, insights, and experiences in global environmental governance.

The main objective of the session was to explore innovative approaches to strengthen the environmental rule of law, enhance public participation, and develop governance frameworks that are better suited to contemporary environmental challenges. The presentations covered a wide range of topics, including polycentric space-Earth governance, trade instruments facilitating access to environmental justice, and the challenges of sustainable energy and law’s path dependence in shaping public policy.

The speakers provided valuable perspectives on legal strategies and solutions to effectively address the complex and interconnected environmental issues of our time.

Summary of the Intervention by Mister Alvin Gachie

"The Montevideo Environmental Law Programme: A Decade of Action on Environmental Rule of Law"

The session began with a presentation by Mister Alvin Gahie, a career specialist and leader of the Early Career Specialist Group of the IUCN World Commission on Environmental Law. His talk focused on emerging trends in environmental law in a changing world.

He emphasized the evolving global challenges such as global warming, microplastics, air and water pollution, and illegal fishing, all of which require financial support and legal innovation. He also pointed to harmful trafficking as a pressing issue, particularly for the African continent.

Mister Gachie highlighted the increasing interconnection between international environmental law and other legal fields, including international criminal law and international humanitarian law, stressing that law must be seen as a multidimensional and adaptive tool in an evolving global context.

He asserted that law is a fundamental element for transformation, and discussed various mechanisms and case studies, such as the Chile–Guatemala conflict on air pollution. He emphasized that the role of law goes beyond drafting — it involves collecting best practices and aligning them with practical frameworks, citing the example of carbon market legislation.

The presentation further explored the integration of legal systems, the importance of climate law and capacity building, and the need to adapt laws to moving agents and changing circumstances, while taking into account the specific national contexts. Mister Gachie spoke in depth about the implementation of law within national contexts, and how effectiveness requires engagement and alignment at the national level.

He raised a critical question: What are the principles and building blocks that should guide environmental governance — regardless of discipline? He proposed that these foundational principles should shape the broader environmental law framework and its ability to respond to contemporary challenges.

Additionally, Mister Gachie addressed the importance of stability of the law and the need for clarity in "who does what" in the landscape of environmental governance. He concluded by emphasizing the relevance of programs like the Montevideo Program, which has helped articulate national priorities and reinforce the role of national focal points.

Summary of the Intervention by Ms. Elisa Cavallin

"The Potential Role and Limitations of the One Health Approach for Advancing Environmental Protection"

In her presentation, Ms. Elisa Cavallin discussed the One Health approach as a key strategy for advancing environmental protection, focusing on its potential and inherent limitations. She emphasized the importance of policy coherence across sectors, highlighting how One Health provides a framework that integrates human, animal, and environmental health to address interconnected challenges.

Ms. Cavallin outlined how health paradigms influence governance systems and emphasized the potential for improving governance and Monitoring, Evaluation, and Oversight (MEO) systems by focusing on health outcomes. She explained that while human health can yield mixed results, One Health aims to create more integrated, multi-sectoral strategies that benefit public health and the environment.

A critical point she raised was the problem of implementation, noting that even though the concept of One Health is ambitious, translating it into practice remains a significant challenge. She also pointed out how environmental law plays a crucial role in preventing diseases, linking environmental quality with human well-being through activities aimed at reducing pollution and preserving ecosystems.

Ms. Cavallin went on to introduce three categories related to the development of new legislation, and also discussed the need for health considerations within international law, stressing that such legislation must recognize the interdependence between health and environmental systems.

Summary of the Intervention by Mister Paolo solano (Online)

"How Trade Agreement Mechanisms Facilitate Public Participation in Environmental Law Enforcement and Access to Justice"

In this session, Mister Paolo Solano presented an exploration of how trade agreements can serve as a mechanism to enhance public participation in environmental law enforcement and access to justice. He began by explaining that trade agreements, often seen as focused solely on economic goals, have significant implications for environmental protection and can serve as instruments for strengthening environmental governance.

Mister Solano emphasized that environmental provisions embedded in trade agreements, particularly those related to the enforcement of environmental laws, can empower civil society by facilitating public participation in decision-making processes.

He highlighted that trade agreements often contain mechanisms that allow stakeholders, such as NGOs, local communities, and the private sector, to participate in environmental governance and push for stronger environmental safeguards.

One of the key points discussed was how trade agreement mechanisms allow for greater transparency and accountability in environmental law enforcement. By including environmental provisions that are subject to dispute resolution processes, these agreements create pathways for public actors to engage in holding governments accountable when environmental laws are not properly enforced or respected.

Mister Solano also explored the relationship between access to justice and trade agreements, pointing out that trade frameworks often provide mechanisms for individuals and communities to challenge violations of environmental laws, thereby promoting access to justice. He mentioned that environmental disputes can be addressed through trade dispute mechanisms, ensuring that environmental concerns are given due consideration within trade negotiations.

In conclusion, Mister Solano argued that trade agreements can play a significant role in fostering public participation in environmental governance by offering legal pathways for justice and accountability, and he encouraged further integration of environmental and trade laws to enhance overall governance outcomes.

Summary of the Intervention by Mister Michael Picard

"Space- earth Governance: A Polycentric Approach"

Mister Picard's presentation focused on the growing challenges and emerging trends in space governance, particularly the complex relationships between space activities and terrestrial governance. He emphasized the increasing concern of space debris, specifically in low-Earth orbit (LEO), and the urgent need for a controlled registry to track and manage these objects to prevent collisions and ensure the sustainability of space operations. Mister Picard highlighted the significance of new technologies such as G4G and ATAIR, which are developing ways to better monitor and mitigate space debris, and referred to the NXGK Protocol as part of a framework addressing space mitigation efforts.

Mister Picard also discussed the work of Vito De Lucia on dumped satellites, stressing the need for regulations controlling satellite disposal to prevent environmental degradation in space. Additionally, Mister Picard brought up the London Protocol, which has been in place for over 18 years, focusing on space debris and pollution management in Earth's orbit.

The concept of planetary thinking was contrasted with global thinking, with planetary thinking emphasizing the need for a holistic and interconnected approach to space, considering the long-term impacts on both Earth and outer space. This approach aims to guide the development of policies that prioritize the well-being of the entire planetary system, including the management of space debris and satellite activities.

In conclusion, Mister Picard stressed the importance of dialogue and collaboration among space stakeholders and terrestrial environmental regulators to foster inclusive, holistic, and effective policies that address the global challenges of space-Earth governance.

Summary of the Intervention by Ms. Marina Dutra Trindade

"Law's Path Dependence and the Challenges to Sustainable Energy: Insights from the Energy Charter Treaty and Stranded Resources and Stranded Assets Research"

Ms. Marina Dutra Trindade's presentation focused on the path dependence of law and the significant challenges it presents to sustainable energy, with a particular emphasis on the Energy Charter Treaty (ECT) and the concept of stranded resources and stranded assets. She discussed how legal frameworks, including the ECT, have often reinforced a legacy of energy practices that are not conducive to sustainable development, creating barriers to the transition to greener energy systems.
Ms. Trindade examined how international energy law has been shaped by historical agreements and treaties, which can create legal constraints that impede the development of renewable energy sources and the necessary shift away from fossil fuels. She pointed out that the Energy Charter Treaty, initially designed to promote energy cooperation and security, has often been criticized for favoring the protection of fossil fuel investments and making it difficult for countries to implement policies that align with climate goals.

The issue of stranded assets—resources or infrastructure that become obsolete due to the transition to cleaner energy sources—was also explored. Ms. Trindade discussed how the legal framework around these assets may delay or prevent their devaluation and the repurposing of such assets, creating economic and legal challenges for countries and companies that are trying to shift towards more sustainable energy practices.

Due to time constraints, Ms. Trindade was not able to delve deeper into her analysis, but she emphasized the importance of reforming existing energy laws to reduce the lock-in effect of old energy systems and promote policies that facilitate the transition to renewable energy.

She also highlighted the potential benefits of joining the IUCN membership, which could support more sustainable energy practices and facilitate access to resources for energy transition. Ms. Trindade also addressed the role of international law in supporting sustainable energy development and the potential for more flexible, forward-thinking frameworks to address the challenges posed by path dependency in energy law.

Summary of the Intervention by Mister Rakhyun E Kim

"From Global Environmental Governance to Earth System Governance: A Planetary Turn ?"

Mister Rakhyun E. Kim's presentation, titled "From Global Environmental Governance to Earth System Governance: A Planetary Turn?", explored the evolution of environmental governance and its shift toward a more integrated approach, driven by the concept of Earth System Governance. He highlighted the limitations of traditional global environmental governance frameworks that focus on isolated environmental issues, advocating instead for a holistic, planetary approach that recognizes the interconnectedness of human and ecological systems.

Mister Rakhyun discussed how Earth System Governance broadens the scope beyond global environmental challenges, considering the Earth as a complex, dynamic system that requires integrated governance solutions. He stressed the need to approach governance not just as a collection of separate policies for climate, biodiversity, and pollution, but as a unified framework that addresses the broader challenges of sustainability and resilience across planetary boundaries.

A key concept Mister Rakhyun introduced was carbon lock-in — the notion that existing carbon-intensive infrastructures, policies, and practices are difficult to change due to their deep integration into economic, political, and social systems. He explained that legal concepts can become similarly sticky, making it difficult to adapt governance structures to changing environmental realities, as laws and policies often evolve slowly and resist necessary transformations.

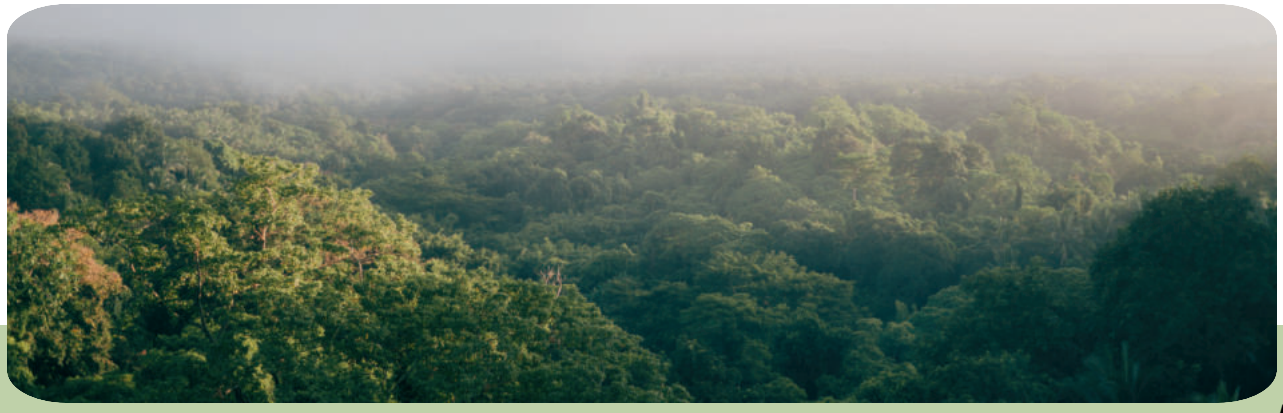
He also discussed International Investment Law (IIL) and survival clauses, which protect investments even in the face of policy changes that may be required to address environmental challenges. Mister Rakhyun highlighted that these clauses could pose significant obstacles to the implementation of progressive environmental policies, particularly in relation to climate change, where the legal protection of investments in fossil fuel industries can hinder efforts to transition to sustainable energy systems.

Due to time constraints, Mister Rakhyun was unable to dive deeper into his analysis. However, he did outline the key elements of this "planetary turn," emphasizing the need for governance systems that can address the complexity of global environmental issues and the need for transformative change across societal, institutional, and policy dimensions. He also touched upon the importance of cooperation between different governance levels and actors to build a more effective and inclusive approach to sustainability.

CONCLUSION

Parallel Session 1 highlighted emerging trends and key challenges in global environmental governance. The exchanges among the speakers emphasized the importance of strengthening the environmental rule of law, promoting international cooperation, and adopting innovative and adaptive approaches to address the complex and interconnected challenges facing our planet.

This session provided a valuable platform to share knowledge, identify practical solutions, and enhance participants' expertise in global environmental governance.



PARALLEL SESSION 2 –

INTEGRATED PROTECTION OF CLIMATE AND NATURE

CHAIR:

- **Prof. Francesco Sindico, Co-Chair,** WCEL Climate Law Specialist Group

SPEAKERS:

01 **Mr. James Correia, Mr. Yves Tiberghien, and Ms. Sheena Leong :** Climates of Cooperation – How International Environmental Organizations Coordinate Their Activities and Align their Instruments to Achieve their Policy Goals (Online).

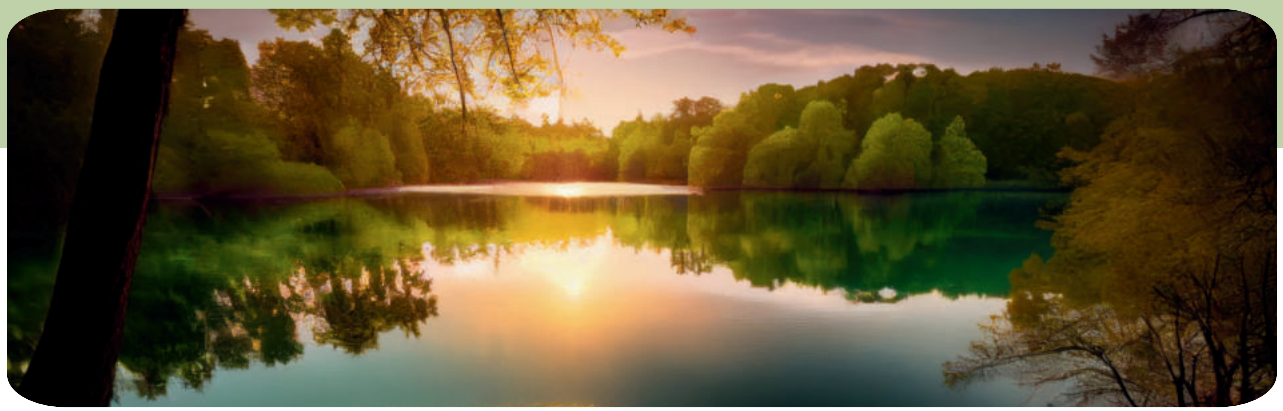
02 **Mr. Joel Ong Jie Hao:** Interconnected Governance Challenges in Addressing Climate Change and Maritime Transport.

03 **Mr. Ivano Alogna:** Corporate Climate Litigation as a Global Toolbox for Integrated Environmental Protection: Climate Governance, Ecosystem and Biodiversity Protection, and Indigenous Peoples' Rights.

04 **Ms. Angela Van der Berg:** A Climate Justice Reading of the South African Climate Change Act (No. 22 of 2024).

05 **Ms. Jessica Owley:** The Role of Private Land Conservation Organizations in Climate Change Mitigation and Adaptation.

06 **Mr. Temitope Tunbi Ouifade:** Effective Tripartite Regulation of Low-Carbon Economies.



INTRODUCTION

Parallel Session 2, chaired by Professor Francesco Sindico, Co-Chair of the WCEL Climate Change Law Specialist Group, addressed the synergies between climate protection and nature conservation. The session gathered scholars and practitioners from diverse backgrounds to examine the legal, institutional, and policy mechanisms that can effectively integrate these two pressing global challenges. Presentations highlighted the importance of coherent global governance capable of aligning international cooperation, climate justice, and regulatory innovation in order to tackle the interconnected issues of climate change and biodiversity loss.

Summary of the Intervention by Mister James Correia

“"Climates of Cooperation": How International Environmental Organizations Coordinate Their Activities and Align Their Instruments to Achieve Their Policy Goals”

Mister James Correia addressed the challenges of integrated climate and nature protection, presenting ongoing research conducted with Mister Yves Tiberghien and Ms. Sheena Leong on the coordination of international environmental organizations (IEOs). He emphasized that planetary boundaries and Earth systems are highly interdependent, illustrating this with examples such as forests—which absorb approximately half of fossil fuel emissions and host 80% of terrestrial biodiversity—and the Himalayas, which regulate hydrological cycles and provide fresh water to nearly two billion people. These interconnections, he argued, demonstrate the urgent need for coherent protection and governance.

Despite the existence of numerous frameworks, Mister Correia noted that global environmental governance remains fragmented. His research identifies three main drivers of this fragmentation: limited financial and resource capacities, weak policy coherence across overlapping mandates, and the institutional plurality created by the diffusion of responsibilities across a wide array of agreements and organizations.

The study, which combines quantitative data with semi-structured interviews, finds that while some international agreements include provisions for coordination, these are generally insufficient. Most mechanisms remain “light-touch,” consisting of cross-references to principles such as the Rio Declaration or the SDGs, soft law instruments, and clauses aimed at avoiding conflict rather than promoting substantive integration. Some progress has been achieved in addressing thematic overlaps (e.g., ozone and climate, chemicals and waste) and through cooperative mechanisms such as the FAO–CBD clearinghouse under the BBNJ framework.

Coordination among IEOs was found to occur mainly through observer status, distribution of responsibilities, and recognition in legal texts, particularly in the fields of research, information exchange, and financial governance (notably through the GCF and GEF). However, dynamic alignment and institutional consolidation remain rare, with European institutions standing out as an exception for their more integrated governance structures.

Mister Correia concluded that overcoming fragmentation requires a blended methodological approach, combining statistical analysis with comprehensive databases, and, most importantly, sustained institutional cooperation to move toward more coherent global environmental governance.

Summary of the Intervention by Mister Joel Ong Jie Hao

"Interconnected Governance Challenges Related to Climate Change and Maritime Transport"

Mister Joel Ong Jie Hao, research assistant at the Centre for International Law and graduate of the National University of Singapore, addressed the governance challenges of climate change and shipping, drawing on research published in the Carbon and Climate Review. He stressed that the shipping sector accounts for approximately 3% of global greenhouse gas (GHG) emissions—more than many individual states—placing it at the center of global trade and the energy transition.

Mister Ong Jie Hao highlighted the disconnect between international climate objectives and maritime legal frameworks, focusing on the International Maritime Organization (IMO). Traditionally a technical body for shipping regulation, the IMO has recently assumed a central role in climate mitigation. In July 2023, it adopted a revised GHG Strategy aligned with the Paris Agreement. The strategy envisions a two-phase approach: halving emissions between 2020–2030 and 2030–2040, with full decarbonization targeted by 2050. Mechanisms inspired by the EU Emissions Trading System—such as trading, pooling, and banking—were proposed.

Despite these efforts, the strategy faces significant legitimacy and implementation challenges. Several states, including the United States and small island developing states (SIDS), have expressed reservations or abstained from applying the policies. Concerns relate to the strategy's optional nature, weak enforceability, and the fragility of international consensus. Mister Ong also warned of the risks associated with alternative "green" fuels such as ammonia and methanol, citing toxicity, lifecycle emission inconsistencies, and the absence of liability frameworks. A critical governance gap lies in the disjunction between land-based fuel production and maritime regulation, underscoring the need for better coordination between the IMO and UNFCCC.

Further challenges arise from the limits of the IMO's mandate: while it sets global standards for safety, environmental protection, and security, emissions may continue to grow with rising global trade unless stricter regulations are adopted. Mister Ong therefore emphasized the need for lifecycle assessments, integrated liability regimes, and cross-regime governance. Only through coordinated, enforceable, and environmentally sound frameworks can maritime decarbonization contribute effectively to global climate goals.

Summary of the Intervention by Mister Ivano Alogna

"Corporate Climate Litigation as a Global Toolbox for Integrated Environmental Protection: Climate Governance, Ecosystem and Biodiversity Protection, and Indigenous Rights"

Mister Ivano Alogna, Senior Research Fellow in Environmental and Climate Change Law at BIICL, examined the role of corporate climate litigation as a toolbox for integrated environmental protection, with particular attention to indigenous rights and biodiversity. He argued that climate litigation has evolved beyond reducing emissions and holding states accountable, becoming a strategic global tool to enforce corporate responsibility, safeguard ecosystems, and protect vulnerable communities.

Mister Alogna highlighted that corporations in high-emission sectors—fossil fuels, agribusiness, and mining—are increasingly the focus of litigation. The financial sector, through investment, lending, and shareholder influence, also shapes corporate behavior and is becoming a key arena for climate accountability. He identified three core functions of this litigation:

- Transforming climate governance by obliging companies to disclose risks, align operations with climate goals, and integrate sustainability into decision-making. For example, under France's Duty of Vigilance Law, large corporations must develop plans to prevent environmental and human rights violations. Recent cases, such as those against Total Energies, challenge the adequacy of these plans and seek judicial enforcement.

- Protecting ecosystems and biodiversity through cases targeting deforestation, pollution, and environmental degradation, often invoking constitutional and human rights frameworks, including the right to a healthy environment.
- Defending indigenous rights and communities, exemplified by the case Arayara v. Funai and Copelmi in Brazil, where the court annulled a coal mine license due to the absence of mandatory consultations under ILO Convention No. 169. Similar cases challenge carbon credit projects imposed on public lands reserved for traditional communities. These efforts go beyond compensation, seeking to protect cultural survival, traditional knowledge, and the ecosystems sustaining them.

Mister Alogna emphasized that corporate litigation integrates environmental, human rights, and corporate law to foster responsible business practices and ensure accountability through transparent regulatory mechanisms. Strategic litigation is thus both a corrective and transformative force, reinforcing due diligence obligations and pushing states and corporations toward sustainable governance.

He concluded that climate mitigation increasingly merges diverse legal fields into integrated claims, employing innovative tools such as community impact assessments, mandatory disclosures, redefined fiduciary duties, science-based attribution, and expanded legal standing. These strategies position corporate litigation as a driver of societal transformation, essential for protecting ecosystems, biodiversity, and human rights within the broader climate crisis.

Summary of the Intervention by Ms. Angela Van der Berg

"A climate justice reading of South Africa's Climate Change Act 22 of 2024"

Ms. Angela Van der Berg analyzed South Africa's Climate Change Act 22 of 2024 through the framework of climate justice. She emphasized that while the Act positions South Africa as a continental leader in climate governance, the central question remains whether its provisions serve the most vulnerable populations in a context of entrenched inequality and the legacy of apartheid.

Climate justice, as presented, rests on five pillars: distributional, procedural, recognition, intergenerational, and emerging planetary justice.
Ms. Van der Berg argued that each of these principles is partially reflected in the Act but often in limited or symbolic ways.

The Act makes important strides, including a constitutional grounding in Section 24 on environmental rights, requirements for vulnerability assessments, and commitments to long-term climate planning. It also acknowledges the disproportionate climate burdens faced by marginalized groups and references ecological sustainability.

However, significant shortcomings persist. The legislation does not create binding mechanisms for redistributing resources, securing finance for vulnerable communities, or explicitly protecting groups such as informal settlement residents, Indigenous peoples, and persons with disabilities. Public participation provisions are present but risk superficiality due to minimal engagement standards. Long-term and intergenerational commitments are acknowledged but lack institutional support, while ecological considerations remain anthropocentric, failing to recognize intrinsic ecosystem rights.

In conclusion, Ms. Van der Berg characterized the Act as a milestone in South Africa's climate law but one that falls short of the transformative constitutional mandate. It represents progress in form, yet without stronger redistribution, inclusion, and systemic reform, it risks reinforcing rather than dismantling existing inequities.

Summary of the Intervention by Ms. Jessica Owley

"The Role of Private Land Conservation Organizations in Climate Change Mitigation and Adaptation"

Ms. Jessica Owley's intervention focused on the growing role of private land conservation organizations in climate change mitigation and adaptation. Unlike traditional environmental NGOs, these entities rely on private law tools—such as property and contract law—rather than public regulation, to secure conservation outcomes rooted in cultural, aesthetic, and community values.

Ms. Owley emphasized the rapid expansion of these organizations: over 2,000 operate in the United States, with international networks also expanding. In just five years, the U.S. has witnessed a 33% increase in privately conserved land. Collaborating with the International Union for Conservation of Nature (IUCN) and national trust organizations, these groups are increasingly engaging with carbon markets, positioning themselves as key actors in climate mitigation through carbon offsets and credits. Their operational flexibility and land management expertise allow them to fill governance gaps where public institutions face political or financial constraints.

The intervention highlighted both opportunities and challenges. On one hand, private organizations are adapting conservation models away from "frozen" parkland toward active forestry, agriculture, and climate-focused management. A majority (74% in the U.S.) now identify climate change as central to their mission. On the other hand, the use of perpetual private law instruments — sometimes embedded in national civil codes, such as in Spain and Chile — raises concerns about inflexibility in the face of evolving climate needs. This trend, while expanding legal recognition of private conservation, risks entrenching rigid systems that may not adapt to future challenges.

Ms. Owley noted emerging disputes over financialization, particularly regarding carbon markets. Landowners claim entitlement to credits and associated benefits (tax breaks, payments) since they own the land, while conservation organizations argue that their stewardship role justifies shared rewards. The lack of legal clarity foreshadows potential conflicts as carbon markets expand. She also flagged the fragility of current tax incentives, especially in the U.S., where political signals suggest their possible reduction, threatening the sustainability of private conservation financing.

Ms. Owley concluded by framing private land conservation as a form of private environmental governance, a field gaining traction in legal education and reshaping understandings of environmental law. While she initially viewed reliance on U.S.-style property models skeptically, she now recognizes their potential given state-level governance failures. Yet, questions of accountability, legitimacy, and adaptability remain central to evaluating whether private conservation can meet the demands of climate governance.

Summary of the Intervention by Mister Temitope Tunbi Onifade

"Effective Tripartite Regulation of Low-Carbon Economies"

Mister Temitope Tunbi Onifade's intervention explored the concept of Effective Tripartite Regulation in advancing low-carbon economies, with a particular focus on marginalized communities and Indigenous peoples. His analysis emphasizes the need to rethink environmental regulation not just in terms of process, but also in terms of who participates, whose knowledge counts, and how authority is shared.

Tripartite regulation is defined as collaboration among three categories of actors: governments, businesses, and civil society groups (including Indigenous communities, NGOs, youth, and grassroots organizations). Unlike traditional public participation, which is often symbolic and government-driven, tripartite regulation integrates these actors directly into both design and implementation, granting shared authority. Mister Onifade distinguished this model from the broader concept of "hybrid regulation," which often reinforces top-down control. Tripartite regulation, by contrast, offers a more egalitarian structure—but depends critically on the presence of a strong and respected coordinating actor.

The intervention also drew on the concept of decentered regulation and extended it through Indigenous and pluralist perspectives. Mister Onifade incorporated the idea of pluriversality—the coexistence of multiple worldviews (spiritual, Indigenous, Western)—arguing that inclusive regulation must account not only for diverse participation but also for the different value systems stakeholders bring.

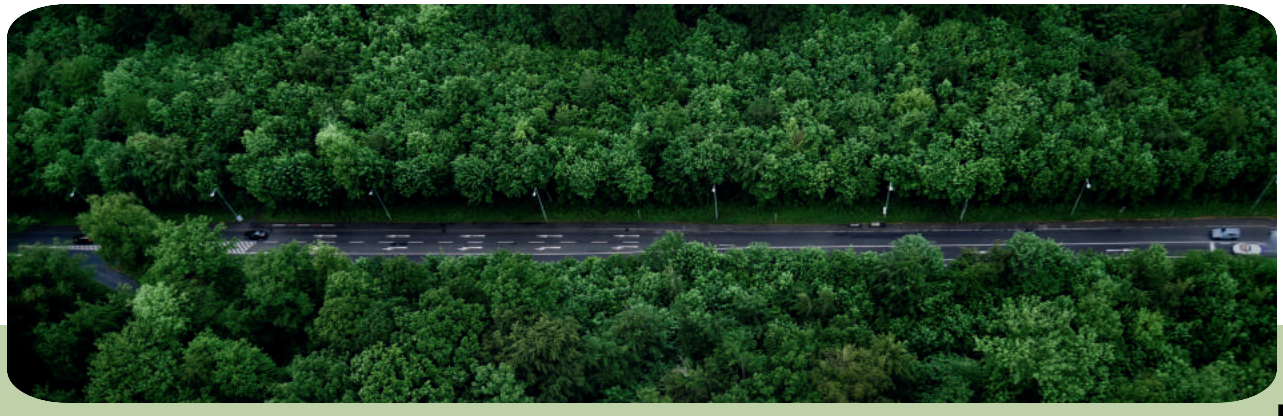
Methodologically, his research combines legal analysis with empirical data, including 32 interviews. Two case studies illustrate the framework:

- Green Power Partnership (United States): A strong model, facilitated by the U.S. Environmental Protection Agency (EPA), which successfully convenes corporations, tribal governments, and civil society actors. The EPA's legitimacy enhances inclusivity and effectiveness.
- Emissions Reduction Alberta (Canada)**:** A weaker model, marked by limited inclusiveness, lack of Indigenous representation, and absence of racial diversity in leadership, undermining legitimacy and outcomes.

Mister Onifade concluded that effective tripartite regulation requires not just formal structures but also credible, inclusive coordination that fosters trust and integrates multiple knowledge systems. When done well, it can advance environmental justice and low-carbon transitions; when done poorly, it risks reproducing inequality. His intervention forms part of a broader book project aimed at refining the theory and practice of pluralistic, inclusive regulation in environmental governance.

CONCLUSION

The session underscored the urgency of moving beyond fragmented approaches to international environmental law. Presentations demonstrated that only an integrated governance framework — linking climate instruments, biodiversity protection mechanisms, and human rights safeguards — can adequately respond to systemic challenges. Discussions emphasized the pivotal role of courts, international organizations, and private actors in building inclusive and sustainable solutions. This momentum reflects a growing consensus: climate and nature protection cannot be addressed in isolation but must be framed within a coherent and interconnected legal and policy architecture.



PARALLEL SESSION 3 —

PROCEDURES: ENVIRONMENTAL IMPACT ASSESSMENT AND RISK ASSESSMENT

CHAIR:

- **Prof. Claudia de Windt,** Executive Director, Inter-American Institute on Justice and Sustainability (IIJS) / WCEL Steering Committee member

SPEAKERS:

01 **Mr. Morten Walløe Tvedt:** How Environmental Impact Assessment Can be Applied in the Course of Regulation of Gene-editing in Animals.

02 **Ms. Rebekah Church and colleagues :** A New Approach to Assessing Global Nature-related Regulatory Risk.

03 **Mr. Nicholas Renzler and Ms. Isabella Uria:** Restoring the Coastal State: Compensatory Damages in Inter-State Disputes Concerning IUU Fishing in the EEZ (Online).

04 **Mr. Ndumiso Innocent Nzaca:** Meaningful Public Participation in Environmental Decision-making from a South African Law Perspective: The Wild Coast Struggle in Sustaining the Wild Coast & Others v. Minister of Mineral Resources and Energy (Online).

05 **Ms. Rachael Chasakara and Ms. Ntemesha Maseka**: From Doctrine to Duty: Public Trust and Human Rights as Legal Tools to Fortify South Africa's Ocean Space (Online).

INTRODUCTION

Parallel Session 3, chaired by Professor Claudia de Windt, Executive Director of the Inter-American Institute on Justice and Sustainability (IIJS) and a WCEL Steering Committee member, focused on environmental impact assessment (EIA) procedures and risk management. The panel addressed a wide range of issues, from biotechnology regulation to marine resource governance, public participation, and innovative legal frameworks. The presentations highlighted the critical role of EIA and related environmental management policy instruments in strengthening the effectiveness of international environmental law

Summary of the Intervention by Mister Morten Walløe Tvedt

"How Can Environment Impact Assessment be Applied in the Course of Regulation of Gene-editing in Animals"

Mister Morten Walløe Tvedt's intervention addressed the question of how environmental impact assessment (EIA) can be applied to the regulation of gene-editing in animals, an emerging field at the intersection of biotechnology, environmental law, and animal welfare. He began by situating his remarks in the context of scientific progress between 2003 and 2014, when significant advances in protocols improved understanding of key biological processes, including the reproduction of organisms and protein dependencies. These developments made possible new forms of gene-editing in animals and brought questions of environmental and regulatory oversight to the forefront.

During this period, technical working groups were established to address risks and opportunities associated with animal gene-editing. Unlike earlier debates surrounding genetically modified organisms in plants, concerns about containment for animals did not raise major alarm, yet the absence of strong frameworks for oversight created an urgent need for legal and regulatory guidance. Mister Tvedt noted that while international attention has often focused on plants, particularly agricultural crops, animals require equal and distinct consideration given the ecological, ethical, and socio-economic implications of their genetic modification.

More recently, more efforts have been deployed to prepare a global regulatory framework for gene management in small animal species, with the Food and Agriculture Organization (FAO) playing a central role. These frameworks are being designed to take into consideration animals' well-being, environmental impacts, and biosafety. In this context, Mister Tvedt highlighted the relevance of applying environmental impact assessments as a regulatory tool. EIAs could provide structured methodologies to evaluate potential risks, such as the spread of edited traits in wild populations, unintended ecological interactions, or impacts on biodiversity. Importantly, EIAs would also ensure that local contexts and ecological specificities are systematically accounted for before gene-editing activities are authorized.

Mister Tvedt further noted that the issue of consent — whether national, regional, or community-based—plays a critical role in legitimizing decisions about the release and management of gene-edited organisms.

He suggested that applying EIAs systematically in this domain would not only strengthen environmental safeguards but also provide a transparent process to balance innovation with precaution. The intervention concluded by stressing that as global regulations are developed, integrating EIA into the governance of gene-editing in animals will be essential to ensure that both environmental and public health dimensions are adequately addressed.

Summary of the Intervention by Ms. Rebekah Church

"A New Approach to Assessing Global Nature-related Regulatory Risk"

Ms. Rebekah Church addressed the growing complexities of environmental regulation, noting that recent policy shifts, such as Ontario's relaxation of environmental requirements for energy leasing projects, have often backfired, resulting in financial losses and delays. This example, she argued, underscores the increasing global challenge of managing environmental regulation, which has become a decisive factor in shaping corporate strategies. Some companies have already faced revoked permits, heightened compliance obligations, and reputational damage in the wake of expanding sustainability frameworks. At the same time, many firms are under pressure to assess nature-related risks despite a persistent lack of reliable data.

To respond to this challenge, Ms. Church described the development of practical tools designed to improve corporate risk assessment. The WWE Ritz Filter Suite, launched in 2023, provides companies with a mechanism to evaluate their environmental impact using global biodiversity data. The tool has already been adopted by more than 20,000 companies to assess risks across 3 million sites worldwide. In addition, a strategic partnership with Legal Atlas, a geospatial legal analysis provider, has enabled the creation of a dedicated database on global regulatory risks. This collaboration focuses on identifying companies exposed to rising "regulatory breathers," thereby equipping firms to anticipate and manage the pressures of evolving regulatory environments.

Framing regulatory risk as both a legal and strategic concerns, Ms. Church emphasized that businesses must adapt proactively to shifting environmental frameworks. Rather than seeing compliance solely as a burden, she argued, companies should view effective engagement with regulatory risks as an opportunity to strengthen resilience, credibility, and long-term sustainability.

Summary of the Intervention by Mister Nicholas Renzler and Ms. Isabela Uria (Online)

"Restoring the Coastal State: Compensatory Damages in Inter-State Disputes Concerning IUU Fishing in the EEZ"

Mister Nicholas Renzler spoke online on the topic "Restoring the Coastal State: Compensatory Damages in Inter-State Disputes Concerning IUU Fishing in the EEZ." Opening his remarks, Mister Renzler began by underlining the seriousness of illegal, unreported, and unregulated (IUU) fishing. He noted that the United Nations recognizes IUU fishing as one of the most pressing threats to global fish stocks, undermining food security and disproportionately affecting the economies of developing countries.

Acknowledging the inefficiency of maritime controls, particularly for coastal states with limited resources, Mister Renzler proposed a legal pathway to strengthen accountability. He argued that coastal states should be entitled to bring claims directly against the flag states of vessels engaged in IUU fishing. This approach builds on the 2015 advisory opinion of the International Tribunal for the Law of the Sea, which clarified flag state obligations under international law.

Furthermore, he structured his intervention around four elements. First, he examined the involvement of flagged vessels in IUU fishing and the jurisdictional complexities this creates. Second, he reviewed mechanisms for reporting illicit acts and the evidentiary standards required. Third, he drew connections to broader jurisprudence on environmental impacts addressing EIA which could provide a model for structuring legal remedies. Finally, he stressed the importance of establishing a clear requirement to prove a lack of due diligence on the part of the flag state, positioning this as the legal threshold for assigning liability.

Through this framework, the speakers emphasized the potential for compensatory damages to restore the rights of coastal states while reinforcing compliance with international obligations. The intervention underscored the role of EIA and the need to move beyond declarations of principle toward operational remedies that can provide meaningful recourse in inter-state disputes over IUU fishing.

Summary of the Intervention by Mister Ndumiso Innocent Nzaca (Online)

"Meaningful Public Participation in Environmental Decision-making on South African Law perspectives : The wild Coast Struggle in Sustaining the Wild Coast and Others v. Ministry of Mineral Resources and Energy"

Mister Ndumiso Innocent Nzaca spoke online on "Meaningful Public Participation in Environmental Decision-Making on South African Law Perspectives: The Wild Coast Struggle in Sustaining the Wild Coast and Others v. Ministry of Mineral Resources and Energy." He emphasized that true participation goes beyond formal consultation — it must address the unique needs of communities and recognize their limited access to financial and informational resources. In South Africa, persistent gaps in disclosing proposed activities and adhering to existing regulations, particularly those related to food management, highlight the urgent need for strengthened EIA access to information and participatory rights implementation as well as for systematic monitoring and oversight.

The speaker highlighted the role of creative media initiatives in fostering public involvement, citing the broadcasting of poems on the radio as an example of how communities can be mobilized and granted access to relevant information and databases.

He also emphasized the importance of tracking regulatory issues such as license expiration and rights management, which directly affect local populations. Communities, he noted, often miss opportunities for federal or provincial support due to inadequate communication channels, particularly in the case of gas exploration projects.

Mister Nzaca stressed that the government bears primary responsibility for ensuring that consultation processes are both transparent and inclusive. Beyond procedural compliance, this requires sustained dialogue with stakeholders, genuine respect for community perspectives, and recognition of the outcomes of participatory processes. He questioned the state's commitment to meaningful engagement, particularly in relation to informed consent and the long-term rights of affected communities and institutions such as schools and hospitals. His intervention ultimately framed public participation not as a procedural formality but as a substantive legal and ethical requirement in South African environmental governance.

CONCLUSION

The session underscored that environmental impact assessment is not merely a technical process but also a vital legal and policy instrument to anticipate and manage risks. Presentations emphasized the importance of integrating scientific innovation, public participation, and human-rights-based approaches to ensure more inclusive and sustainable governance. Ultimately, the session demonstrated that strengthening risk management procedures is a cornerstone of ecological and legal resilience in the face of global pressures.

PARALLEL SESSION 4 —
OPERATIONALISING BIODIVERSITY PROTECTION TO SUPPORT AREAS AFFECTED BY ARMED CONFLICT

CHAIR:

- **Prof. Karen Hulme, Chair,** WCEL Environmental Security and Conflict Law Specialist Group

SPEAKERS:

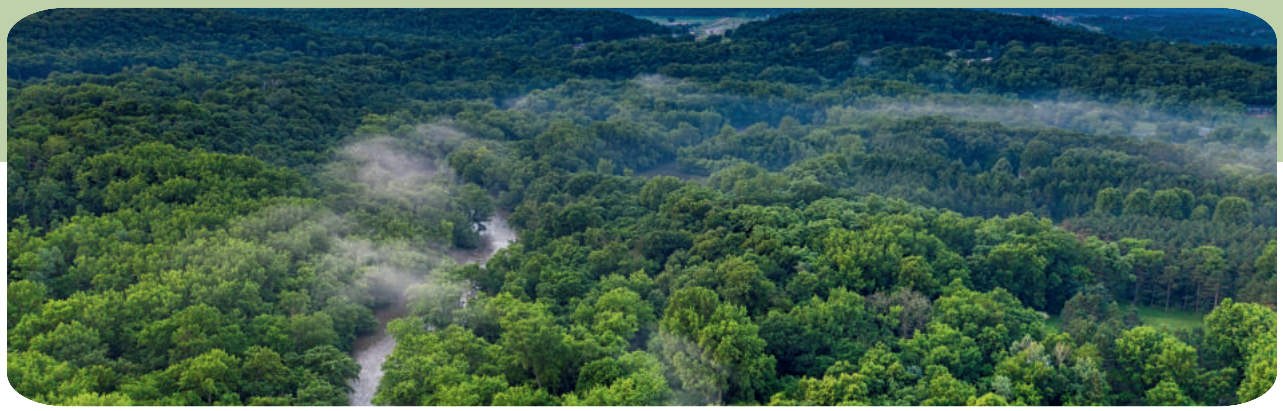
01 - **Dr. Britta Sjöstedt,** Lund University: Area-based protection and military responses

02 - **Prof. Daniëlla Dam-de Jong,** Leiden University / Deputy Chair of Environmental Security and Conflict Law Group of WCEL : Use of Biodiversity MEAs to Curb the Flow of Conflict Resources

03 - **Mr. Doug Weir,** Director, Conflict and Environment Observatory: Components of Conflict-Sensitive Conservation

04 - **Dr. Stavros Pantazopoulos,** National and Kapodistrian University of Athens: Climate Change Impacts Relating to Armed Conflict

05 - **Ms. Eva Baudichau:** Safeguarding Terrestrial and Marine Protected Areas in Ukraine: Legal Responses to Wartime Environmental Threats Under Selected MEAs



INTRODUCTION

This session, chaired by Professor Karen Hulme, an expert in environmental law and environmental security in armed conflict, brought together a panel of international experts to address a central question: how can environmental protection tools be adapted to the realities of war zones?

The session opened with a video contribution by Mister Mariano Castro Jimenez, who presented an innovative initiative aimed at fostering dialogue between peacebuilding and biodiversity conservation. His presentation laid the groundwork for a multidisciplinary discussion on the legal and political challenges of preserving biodiversity in contexts of armed conflict.

Dr. Britta Sjöstedt then analyzed area-based protection in the face of military responses, highlighting the tensions between security imperatives and environmental conservation. Professor Daniëlla Dam-de Jong explored the strategic use of multilateral environmental agreements (MEAs) to curb the flow of natural resources that finance conflicts.

Mister Doug Weir emphasized the principles of conflict-sensitive conservation, calling for the systematic integration of environmental protection into humanitarian and military operations. Contributions from Dr. Stavros Pantazopoulos and Ms. Eva Baudichau offered complementary perspectives on the impacts of climate change related to armed conflict and the legal responses to wartime environmental threats, with a particular focus on the situation in Ukraine.

Together, these interventions underscored the urgent need for a legal approach that is tailored, proactive, and cross-sectoral to safeguard ecosystems in the most vulnerable and unstable regions of the world.

Summary of the Intervention by Mister Doug Weir

"Components of Conflict-Sensitive Conservation"

In his presentation, Mister Doug Weir addressed the specific challenges of biodiversity protection in areas affected by armed conflict, distinguishing between the direct and indirect impacts on the environment. He emphasized that many ecologically valuable zones overlap with regions experiencing conflict or severe fragility, highlighting the urgent need to rethink conservation strategies in such contexts.

Direct impacts include habitat destruction — through fires, mechanical damage, and pollution — as exemplified by military river crossings in Ukraine. Mister Weir also pointed to the proliferation of small arms, which fuels poaching activities, particularly in Libya and North Africa. He further noted the dangers posed by landmines and unexploded ordnance, which render access to natural sites hazardous for both local populations and conservation practitioners.

On the indirect side, Mister Weir highlighted how armed conflict weakens environmental governance, fostering illegal exploitation of natural resources (such as timber and minerals), the collapse of ecological management systems, and the suspension of conservation initiatives — often due to the withdrawal of NGOs. He also stressed the disruptive effects of mass population displacement, which significantly alters the pressures exerted on local ecosystems.

In response to these challenges, Mister Weir advocated for the concept of "conflict-sensitive conservation", a framework already recognized in humanitarian and peacebuilding sectors but still underutilized in environmental policy.
This approach requires:

- Prior contextual analysis;
- Genuine involvement of local communities;
- Implementation of violence-prevention safeguards, as demonstrated in the DRC.

Mister Weir also introduced innovative tools and practices, including:

- Satellite imagery for real-time monitoring of environmental damage;
- Participatory science, involving collaboration with local actors, including former armed groups;
- A pilot project in Ukraine, using tools from the Emerald Network (under the Bern Convention) to assess conflict-related damage to natural habitats.

Despite these advances, several gaps remain: limited operational capacity on the ground, insufficient commitment from major donors, and a lack of integration of peace and security dimensions into key legal frameworks—most notably, the Global Biodiversity Framework, which largely overlooks these issues.

In conclusion, Mister Weir called for a structural reform of conservation strategies in conflict zones — one that better adapts to local contexts, leverages technological tools, and systematically incorporates peace and security considerations into environmental governance. Such an approach, he argued, is essential to building resilient, inclusive, and sustainable conservation efforts in the world's most vulnerable regions.

Summary of the Intervention by Dr. Britta Sjöstedt

"Area-Based Protection and Military Responsess"

Dr. Britta Sjöstedt, Senior Lecturer in Environmental Law at Lund University, focused her presentation on the legal challenges of protecting natural areas during armed conflict. She emphasized that warfare severely accelerates ecosystem degradation, driven by uncontrolled arms circulation, illegal resource exploitation, and the collapse of environmental governance systems.

A central point of her intervention was the growing importance of area-based protection, a strategy commonly used in peacetime but essential in conflict settings to safeguard vulnerable ecosystems. Several international legal instruments support this approach, including the UNESCO World Heritage Convention, the Ramsar Convention on Wetlands, the Convention on Biological Diversity (CBD), and the International Law Commission's PERAC principles (notably, Principles 4 and 18). While non-binding, these principles reflect a trend toward recognizing environmental protection as part of customary international law. However, international humanitarian law still lacks specific regimes for protected zones, posing significant legal limitations.

Dr. Sjöstedt also addressed the use of militarized conservation responses, citing cases in the Democratic Republic of Congo and Colombia, where armed forces were deployed to combat deforestation. She warned of serious human rights risks, including abuses by military personnel or armed park rangers. Moreover, arming conservation actors could classify them as combatants under international humanitarian law, making them lawful military targets. The presence of armed groups in resource-rich protected areas further complicates conservation efforts.

She critically examined the legacy of "fortress conservation," a colonial model that excluded local communities under the pretext of nature protection, often to benefit trophy hunting by colonial elites. In contrast, she highlighted the shift toward more inclusive conservation frameworks that recognize the rights and knowledge of Indigenous peoples and local communities.

For instance, in Colombia, transitional justice mechanisms now acknowledge Indigenous territories as victims of armed conflict and incorporate traditional ecological knowledge into environmental reparation strategies. Legal pluralism was also discussed as a way to harmonize customary and formal legal systems for sustainable resource management.
In conclusion, Dr. Sjöstedt called for a rethinking of biodiversity conservation in times of conflict, advocating for inclusive, rights-based approaches that integrate both existing international legal frameworks and local community participation — essential for effective and equitable environmental protection in fragile contexts.

Summary of the Intervention by Professor Daniëlla Dam-de Jong

"Use of Biodiversity MEAs to Curb the Flow of Conflict Resources"

Professor Daniella Dam-De Jong, an expert in international sustainable development law at Leiden University and advisor to the Peace and Biodiversity Dialogue Initiative (PWDR), focused her presentation on the role of multilateral environmental agreements (MEAs) in addressing the exploitation of living natural resources—such as wildlife, flora, and valuable timber—as a means of financing armed conflicts. While non-living resources (e.g., diamonds, minerals) have long been classified as "conflict resources," living resources are increasingly trafficked by armed groups, exacerbating global biodiversity loss and fueling criminal networks.

Armed conflicts significantly weaken environmental governance by disrupting institutions and fostering impunity. Even if the link between conflict and illicit trade is not always direct, conflict settings enable and intensify illegal exploitation of natural resources by eroding the rule of law and undermining enforcement mechanisms.

Professor Dam-De Jong highlighted three key international legal frameworks relevant to this issue:

- The UN peace and security framework, particularly through Security Council sanctions, has targeted the illegal trade of natural resources (e.g., timber in Cambodia; wildlife in the DRC and Central African Republic). While impactful, this approach remains ad hoc and is contingent on a direct link to an armed conflict.
- International criminal law offers possibilities to prosecute environmental crimes, including wildlife trafficking. However, it primarily functions post-facto and lacks the preventive capacity necessary for effective biodiversity protection.
- Multilateral environmental agreements, such as CITES, regulate the trade of endangered species through a permit system. Yet, this system only applies to species already listed, leaving many exploited resources unregulated.

To address these gaps, Professor Dam-De Jong advocated for enhanced legal complementarity between MEAs, international criminal law, and peace and security mechanisms. She recommended creatively leveraging the institutional mechanisms of CITES to support the goals of the Convention on Biological Diversity (CBD), especially in the context of Target 5 of the Global Biodiversity Framework, which aims to ensure the sustainable and legal trade of wild species.

In conclusion, Professor Dam-De Jong emphasized the need for a coordinated, interdisciplinary legal response to tackle the financing of armed conflict through the illicit exploitation of natural resources. Breaking down silos between legal regimes is essential to building effective governance and safeguarding biodiversity in fragile and conflict-affected contexts.

Summary of the Intervention by Ms. Eva Baudichau

"Safeguarding Terrestrial and Marine Protected Areas in Ukraine: Legal Responses to Wartime Environmental Threats under Selected MEAs"

Ms. Eva Baudichau, PhD candidate at the Grotius Centre for International Legal Studies, examined how multilateral environmental agreements (MEAs) have responded to environmental damage affecting protected areas in Ukraine following the armed aggression by the Russian Federation. Her analysis focused on four MEAs that rely on geographically defined protection mechanisms and to which Ukraine is a party: the Ramsar Convention on Wetlands, the Bern Convention (and its Emerald Network), the ACCOBAMS Agreement on the conservation of cetaceans, and the Carpathian Convention on sustainable development and biodiversity conservation.

These instruments were mobilized by Ukraine in an unprecedented context, leading to varied institutional responses. The Ramsar Convention took a proactive approach by mandating its Secretariat to coordinate damage assessments and propose restoration recommendations. A detailed report based on field missions and site manager interviews was published in April 2025. ACCOBAMS tasked its Scientific Committee with drafting a post-conflict action plan for the Black Sea, emphasizing the urgency of implementing certain measures regardless of the conflict's duration. The Carpathian Convention adopted a non-binding decision identifying specific needs of protected areas, followed by the development of a project submitted to the Global Environment Facility (GEF). In contrast, the Bern Convention denied Ukraine's request for an on-site assessment, citing security concerns, although it did issue general recommendations for the protection of sensitive zones during wartime.

Several cross-cutting observations emerged from these institutional responses. First, environmental damage assessments in conflict zones face major methodological challenges, including quantification, site access, and traceability.

Second, the political neutrality of MEAs limits their ability to operate in occupied territories, thus undermining their effectiveness. Nevertheless, a normative shift is underway, as MEAs are increasingly acknowledging the relevance of environmental protection in the context of armed conflict, thereby reinforcing their legal significance. Lastly, a diplomatic controversy arose after the Ramsar Convention's call for the withdrawal of Russian troops—an action perceived by some states as exceeding its institutional mandate.

In conclusion, Eva Baudichau argued that while MEA responses remain largely reactive and ad hoc, they mark a significant evolution in how international environmental law addresses conflict-related threats. The Ukrainian experience may serve as a precedent for strengthening legal and institutional frameworks for the protection of natural areas during wartime.

Summary of the Intervention by Dr. Stavros Pantazopoulos

"Climate Change Impacts Relating to Armed Conflict"

Dr. Stavros Pantazopoulos, lecturer at the National and Kapodistrian University of Athens, and visiting scholar at the University of Helsinki, examined the complex interlinkages between armed conflict, climate change, and environmental protection. His presentation highlighted the normative gaps within existing international legal frameworks, while advocating for a dynamic interpretation of international humanitarian law (IHL) and international environmental law (IEL) to meet today's compounded global threats.

He began by emphasizing how climate change exacerbates ecosystem degradation, biodiversity loss, and environmental tensions—often intersecting with conflict dynamics. The legal rules currently regulating armed hostilities, particularly those developed in the 1970s, fail to reflect contemporary climate challenges. In this light, Dr. Pantazopoulos called for a renewed, climate-conscious reading of IHL provisions.

He underlined the bidirectional relationship between war and climate change: armed conflicts contribute to global warming through the destruction of industrial infrastructure, the release of greenhouse gases, and deforestation, while climate stressors — such as water scarcity, food insecurity, and loss of livelihoods — can fuel the outbreak or escalation of conflict, especially in already fragile contexts.

From a normative standpoint, he revisited IHL principles with climate relevance. The principle of distinction prohibits targeting civilian objects such as forests, which act as carbon sinks. The principle of proportionality requires that foreseeable environmental and climate-related impacts be considered in the collateral damage assessment—e.g., military operations in forested areas should account for carbon sequestration loss.

Turning to IEL, he stressed the importance of the Paris Agreement, particularly Article 5 (preservation of carbon sinks) and Article 7 (enhancing resilience to climate impacts). Although not explicitly designed for conflict settings, these provisions, he argued, remain applicable and could even bind occupying powers, thereby strengthening environmental protection in wartime.

In conclusion, Dr. Pantazopoulos advocated for an evolution in the interpretation of existing international law to address the intertwined realities of armed conflict and climate disruption. While current instruments were not conceived for this dual crisis, they offer legal entry points — provided the international community shows the political will to apply them meaningfully. The real challenge lies not in the absence of legal norms, but in their enforcement and effectiveness under conflict conditions.

CONCLUSION

The presentations at this conference have highlighted three essential imperatives for the future protection of the environment in contexts of armed conflict:

1. Strengthening Legal Frameworks

- Criminalizing war ecocide through binding and universal mechanisms.
- Enhancing the use of multilateral environmental agreements (MEAs), such as CITES and the Bern Convention, to curb illegal resource exploitation.

2. Innovation on the Ground

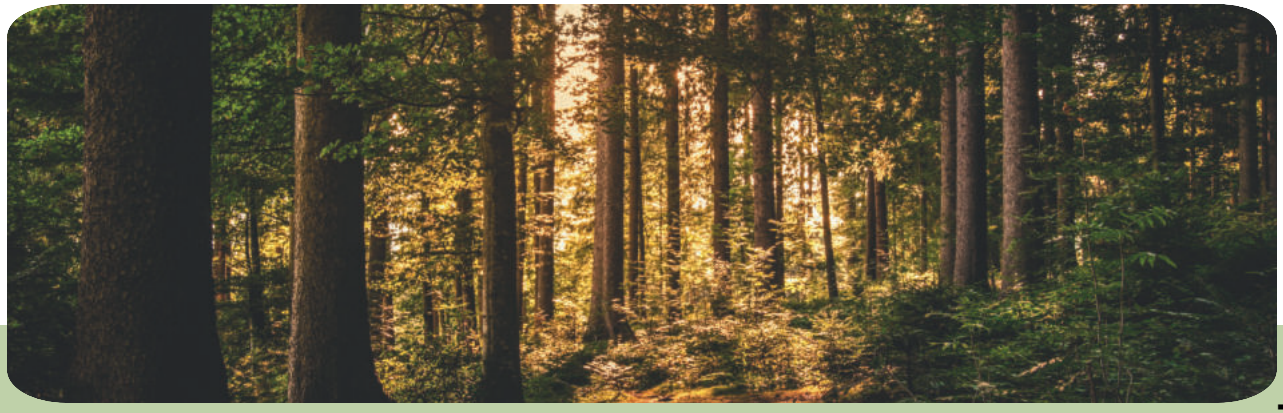
- Deploying advanced technologies (satellite monitoring, participatory science) to accurately document and monitor environmental destruction.
- Training and supporting local actors in “conflict-sensitive conservation” practices that reconcile security concerns with preservation efforts.

3. Political Mobilization

- Explicitly integrating environmental concerns into peace agreements and United Nations mandates.
- Persuading donors to invest in hybrid projects at the intersection of humanitarian and environmental objectives.

In conclusion, Doug Weir’s statement resonates as a powerful call to action: “Nature cannot wait for wars to end to be protected. It is by safeguarding nature that we build lasting peace.”

Although the road ahead remains challenging, the pathways for action are now clearly defined, offering a robust framework to jointly promote biodiversity conservation, human security, and durable peace.



SECOND HIGH-LEVEL PLENARY ROUNDTABLE -

AN IUCN VIEW ON INTEGRATED ENVIRONMENTAL MANAGEMENT

CHAIR:

- **Prof. Claudia de Windt,** Executive Director, Inter-American Institute on Justice and Sustainability (IIJS) / WCEL Steering Committee member

SPEAKERS:

01 **Mr. Maher Mahjoub,** Director, IUCN Centre for Mediterranean Cooperation (Online)

02 **Ms. Maud Lelièvre,** President, IUCN National Committee, France

03 **Ms. Gloria Ujor,** IUCN Councillor Africa Region

04 **Mr. Yacouba Savadogo,** Ministry of Environment, Water and Sanitation, of Burkina Faso

05 **Ms. Sonia Peña Moreno,** Director, IUCN Centre for Policy and Law (Online)

06 **Ms. Madhu Rao, Chair,** IUCN World Commission on Protected Areas (WCPA) (Online

07 **Mr. Manuel Pulgar-Vidal, Chair,** IUCN Climate Crisis Commission (CCC) (Online)

08 **Ms. Catherine Iorns,** Councillor, IUCN

INTRODUCTION

Ms. Claudia de Windt, Professor and Director of the Inter-American Institute for Justice and Sustainability, opened the session by emphasizing the essential foundations of effective environmental governance. She highlighted that clear rules, institutional transparency, accountability of stakeholders, and active public participation are not only democratic principles but also critical conditions for addressing today's environmental challenges. By integrating these elements into decision-making frameworks, environmental policies can gain legitimacy and effectiveness, while fostering trust among governments, civil society, and the private sector. De Windt reminded the audience that sustainability cannot be achieved without inclusive engagement and governance which places environmental justice at the heart of decision-making processes.

Summary of the Intervention by Ms. Sonia Peña Moreno (Online)

Director, IUCN Centre for Policy and Law

Ms. Sonia Peña Moreno, Director of the IUCN Centre for Policy and Law, underscored the deeply interconnected nature of contemporary environmental challenges, emphasizing that climate change, biodiversity loss, and societal well-being are inseparable dimensions of the same crisis. In her view, fragmented approaches are no longer adequate; instead, what is required is a holistic model of integrated environmental management that aligns responses across sectors, institutions, and international frameworks. She argued that this nexus perspective is not only a scientific necessity but also a policy imperative, as environmental degradation increasingly manifests through interdependent risks that affect ecosystems, economies, and communities simultaneously.

Drawing on IUCN's longstanding role in policy advocacy and norm development, Ms. Peña Moreno highlighted the importance of coherence among international environmental agreements. She stressed that the global community cannot afford siloed governance mechanisms, where treaties on climate, biodiversity, ocean, or pollution operate in parallel without meaningful coordination. Instead, global governance should be guided by principles of integration, ensuring that efforts reinforce one another and avoid duplication or contradiction. According to her, IUCN has been pivotal in promoting such coherence, building bridges between science, law, and policy to advance solutions that are both practical and ambitious.

Ms. Peña Moreno pointed to several landmark achievements in recent years that exemplify the promise of integrated environmental management. The 2022 Kunming-Montreal Global Biodiversity Framework was presented as a critical milestone in global conservation efforts, offering a comprehensive roadmap for halting and reversing biodiversity loss while embedding biodiversity considerations across sectors. Similarly, the Environmental Procedural Standards for Access to Sustainability (EPSAS) were highlighted as an important instrument for advancing procedural rights and ensuring transparency and accountability in environmental decision-making. She also drew attention to the adoption of the High Seas Treaty, a historic agreement that strengthens ocean governance beyond national jurisdictions, demonstrating how collective action can address ecological challenges at the planetary scale.

In closing, Ms. Peña Moreno reiterated that the urgency of the climate–biodiversity–society nexus requires robust and coordinated action. Integrated environmental management, backed by clear legal frameworks and political commitment, offers a pathway to achieve this goal. IUCN, she affirmed, will continue to play a leading role in ensuring that global environmental law evolves towards coherence, inclusiveness, and effectiveness in addressing the interconnected crises of our time .

Summary of the Intervention by Ms. Gloria Ujor

IUCN Councillor Africa Region

Ms. Gloria Ujor, IUCN Regional Councillor for Africa, highlighted these instruments as essential vehicles for advancing resilience, restoration, and regeneration in the face of accelerating environmental challenges. She underscored that effective governance requires not only technical expertise and scientific evidence, but also the meaningful involvement of all stakeholders at multiple levels of society. In this regard, Ms. Ujor stressed that inclusive engagement must begin with local communities—those most directly affected by environmental degradation—whose knowledge, experiences, and priorities are often overlooked in formal decision-making processes.

Her intervention emphasized that inclusion must extend beyond grassroots actors to encompass lawmakers and governments, ensuring that local perspectives are embedded into policy frameworks and that governance structures reflect both top-down and bottom-up approaches. By linking community engagement with political commitment, IUCN's regional programs aim to foster long-term resilience, restore degraded ecosystems, and promote regenerative practices that sustain both human and ecological well-being.

Ms. Ujor argued that such integrated and inclusive approaches are indispensable in addressing today's interconnected crises of climate change, biodiversity loss, and environmental inequality. She reaffirmed IUCN's commitment to facilitating platforms for dialogue and cooperation across scales, ensuring that environmental policies and programs are not only scientifically sound but also socially just and locally grounded.

Summary of the Intervention by Ms. Catherine Iorns

Councillor, IUCN

Ms. Catherine Iorns, IUCN Regional Councillor for Oceanía, focused her intervention on the growing threats to Antarctica and the Southern Ocean, underscoring the combined pressures of industrial fishing and climate change on these fragile ecosystems. She warned that these dual drivers are accelerating ecological degradation in one of the planet's last great commons, with consequences for global biodiversity, oceanic systems, and climate regulation.
Beyond identifying the risks, Ms. Iorns issued a call for a deeper and more holistic form of integration in governance approaches. While existing frameworks emphasize legal instruments and scientific evidence, she argued that these alone are insufficient for reimagining the future of Antarctica. Instead, she urged the incorporation of art, emotions, and imagination into the conversation.

These dimensions, she suggested, are not merely peripheral but are vital for challenging entrenched assumptions and inspiring alternative visions of how humanity relates to nature.

Her intervention highlighted the importance of moving beyond purely technocratic or legalistic responses toward approaches that combine rational governance with cultural and creative tools. By bridging law, science, and human imagination, Ms. Iorns proposed that the international community can cultivate a more profound sense of stewardship—one that respects both the ecological integrity of Antarctica and its symbolic value as a shared heritage of humankind.

Summary of the Intervention by Mister Manuel Pulgar-Vidal (Online)

IUCN Climate Crisis Commission (CCC)

Mister Manuel Pulgar-Vidal, Chair of the IUCN Climate Crisis Commission, framed his intervention around the urgent need to connect climate governance with economic decision-making. He observed that the current geopolitical context, marked by heightened awareness of environmental risks and the growing pressure for sustainability in global markets, presents a strategic window of opportunity to advance integrated management. For him, the climate crisis cannot be treated in isolation: it must be addressed through frameworks that link environmental goals directly to economic systems and incentives.

Mister Pulgar-Vidal underscored that economic policy is a critical lever in shaping climate outcomes. He argued that mechanisms such as the European Union's taxonomy for sustainable finance and the expansion of carbon pricing regimes demonstrate how financial systems can be aligned with environmental imperatives. The EU taxonomy, for instance, provides clarity on what qualifies as sustainable investment, helping redirect capital flows toward low-carbon and nature-positive activities. Carbon pricing, in turn, operationalizes the polluter-pays principle, embedding the true cost of emissions into economic transactions and encouraging innovation in cleaner technologies.

He noted that such tools are not just regulatory instruments but catalysts for systemic change, creating predictable and transparent conditions for businesses, investors, and governments. Mister Pulgar-Vidal stressed, however, that their effectiveness depends on ensuring global coherence, avoiding fragmentation, and on ensuring accessibility for developing economies. Without inclusive design, the transition risks widening inequalities between regions and sectors.

The intervention also highlighted the broader role of integrated management, which requires aligning climate policies with biodiversity, energy, and social agendas.

Mister Pulgar-Vidal emphasized that environmental management must be embedded in long-term economic planning, ensuring that climate action becomes part of fiscal, trade, and industrial policies rather than an external consideration. Such integration is essential not only for meeting climate goals but also for maintaining social legitimacy and enabling just transitions.

In conclusion, Mister Pulgar-Vidal framed the climate crisis as both a challenge and an opportunity. By leveraging the current geopolitical momentum, governments and institutions can accelerate the alignment of environmental and economic governance. He positioned the IUCN Climate Crisis Commission as a key actor in promoting this integration, advocating for approaches that combine technical rigor, financial innovation, and social inclusivity. For him, mechanisms like the EU taxonomy and carbon pricing illustrate the practical pathways through which the global community can translate environmental goals into actionable economic frameworks, moving closer to a resilient and sustainable future.

Summary of the Intervention by Ms. Maud Lelièvre

President, IUCN National Committee, France

Ms. Maud Lelièvre, President of the French IUCN National Committee and IUCN Regional Councillor for Western Europe, addressed the multifaceted challenges of managing protected areas in France, underscoring the tension between legal designation and effective implementation. She noted that France has an extensive network of conservation zones—ranging from Natura 2000 sites to national and regional parks—but the sheer variety of legal categories, combined with overlapping territorial and administrative authorities, creates complexity and inefficiency. This fragmentation, she explained, often results in areas that appear well-protected “on paper” yet face continued pressures in practice due to gaps in enforcement, monitoring, or coordinated management.

Ms. Lelièvre stressed that achieving meaningful protection requires an integrated approach capable of reconciling competing mandates across sectors and levels of governance. For her, effective conservation is not simply about declaring protected status, but about ensuring that ecological objectives are embedded in planning, financing, and local implementation. She emphasized the importance of cross-sectoral collaboration, noting that the success of France’s protected area system depends on sustained cooperation among national agencies, regional authorities, local communities, and civil society organizations.

Moving beyond the national context, Ms. Lelièvre highlighted the urgent need for international progress on deep-sea protection, with a particular focus on the upcoming United Nations Ocean Conference (UNOC). She recalled that deep-sea ecosystems are among the least understood yet most vulnerable on the planet, increasingly threatened by industrial fishing, seabed mining, and the impacts of climate change. Their fragility, combined with limited governance structures, makes international cooperation indispensable.

In her view, advancing deep-sea protection under the framework of global negotiations is critical to safeguarding biodiversity beyond national jurisdiction and to upholding the ocean's role in regulating climate and supporting human well-being.

Her intervention thus underscored two complementary priorities: improving the governance of existing terrestrial and coastal protected areas, and advancing ambitious new frameworks for the deep sea. By linking the domestic challenges of managing France's conservation zones with the broader international agenda, Ms. Lelièvre positioned integrated governance as the essential condition for ensuring that protected areas—whether in national territories or in the global commons—deliver tangible and lasting ecological outcomes.

Summary of the Intervention by Mister Maher Mahjoub

Director, IUCN Centre for Mediterranean Cooperation

Mister Maher Mahjoub, Director of the IUCN Centre for Mediterranean Cooperation, reflected on the Mediterranean experience as both a challenge and a source of innovation for environmental governance. He emphasized that the region's complexity—stretching across diverse legal systems, socio-economic contexts, and political priorities—means that implementation of environmental frameworks often varies significantly from one country to another. Yet, despite these differences, a set of common principles has emerged, pointing toward the necessity of moving away from fragmented, siloed approaches and embracing holistic governance models.

Mister Mahjoub noted that the Mediterranean is particularly emblematic of the urgent need for such integration, given its position as both a biodiversity hotspot and a region under intense pressure from urbanization, climate change, pollution, and overexploitation of resources. He highlighted the Barcelona Convention as a pivotal framework in this context, one that has succeeded in fostering cooperation among states with otherwise divergent legal and institutional systems. This convention, by establishing common standards and mechanisms for monitoring and enforcement, demonstrates the potential of multilateral instruments to build shared responsibility across borders.

At the same time, Mister Mahjoub stressed the importance of grounding governance not only in regulation but also in practical, resilient solutions. In this regard, he underscored the value of nature-based solutions (NbS) as a scalable tool for addressing intertwined challenges of climate adaptation, ecosystem restoration, and sustainable livelihoods. Drawing on Mediterranean examples, he illustrated how NbS—ranging from wetland restoration to coastal ecosystem management—can deliver ecological, social, and economic benefits simultaneously, while reinforcing a sense of shared stewardship.

His intervention ultimately positioned the Mediterranean as a microcosm of broader global governance challenges, where fragmentation threatens to undermine environmental resilience but where cooperative frameworks and innovative approaches also provide a path forward.
For Mister Mahjoub, the lesson is clear: environmental governance must transcend narrow silos and embrace integrative, cross-sectoral models that combine legal frameworks, multilateral cooperation, and nature-based practices to achieve durable sustainability outcomes

Summary of the Intervention by Mister Yacouba Savadogo

Ministry of Environment, Water and Sanitation, of Burkina Faso

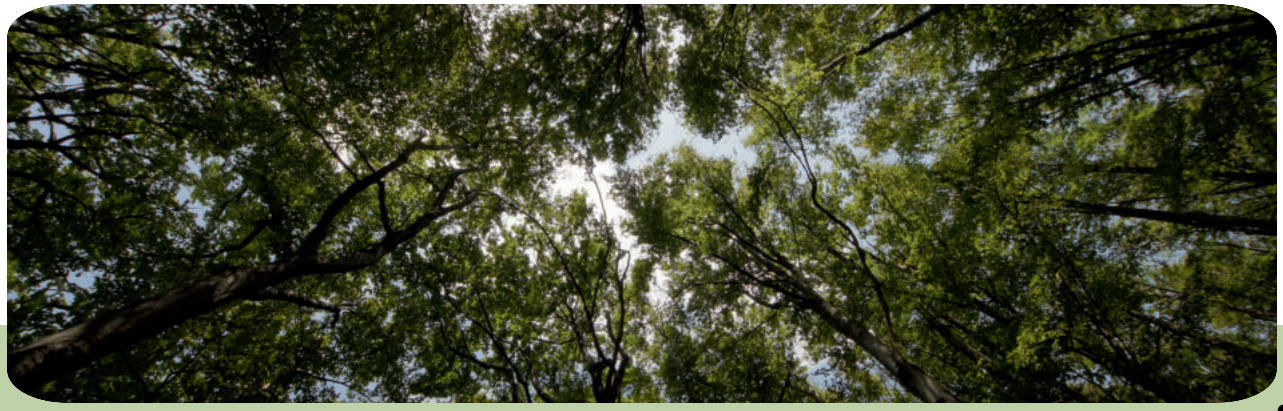
Mister Yacouba Savadogo, Ministry of Environment, Water and Sanitation of Burkina Faso, underscored the urgency of advancing legal harmonization as a cornerstone of integrated water and environmental governance. He argued that fragmented management systems—where water, land, biodiversity, and environmental protection are treated in isolation—pose significant risks to both ecosystems and human well-being. In Burkina Faso, as in many countries, overlapping mandates, conflicting regulations, and uneven enforcement reduce the effectiveness of policies, leaving critical resources vulnerable to overuse, degradation, and climate stress.

Minister Mister Savadogo stressed that developing coherent and integrated legal frameworks is therefore not only a national priority but also an international imperative. He highlighted that water resources transcend political boundaries and require governance models capable of reflecting their ecological interdependence. Fragmentation in legal systems, whether between ministries at the domestic level or between states at the regional and global levels, undermines the collective capacity to address pressing environmental challenges.
Drawing on Burkina Faso's experience, he pointed to the importance of aligning domestic reforms with international commitments and instruments. He endorsed UNEP's broader call for the effective enforcement of environmental law, noting that legal harmonization must go hand in hand with implementation, monitoring, and capacity-building. Enforcement gaps, he argued, often turn ambitious legal provisions into symbolic gestures rather than practical tools.

For Mister Savadogo, the way forward lies in embedding integration as a guiding principle of governance. This requires legislation that is coherent across sectors, aligned with international environmental law, and equipped with mechanisms for coordination among institutions. By reducing fragmentation and strengthening legal enforcement, countries can better safeguard water resources, enhance resilience to climate change, and advance sustainable development. His intervention ultimately framed harmonized legal frameworks as both a national necessity and a pathway for collective action in addressing global environmental crises.

CONCLUSION

As a matter of conclusion, the roundtable reinforced the central importance of integrated environmental management as the foundation for effective, equitable, and sustainable responses to global environmental crises. The discussions highlighted that siloed governance models are increasingly inadequate in the face of interconnected challenges such as climate change, biodiversity loss, pollution, and resource scarcity. At the same time, the exchanges reaffirmed IUCN's multifaceted role as a convener and catalyst — bridging conservation practice, climate policy, legal frameworks, and community-based approaches — while fostering dialogue across scientific, political, and societal spheres



PARALLEL SESSION 5 —

BIODIVERSITY GOVERNANCE AND LAW

CHAIR:

- **Prof. Emmanuel Kasimbazi** Chair, WCEL Biodiversity Law Specialist Group - A Leap Forward for Biodiversity Litigation in Africa.

SPEAKERS:

01 - **Prof. Markus Gehring:** Biodiversity and Trade - Integrated Legal Protection advancing the Global Biodiversity Framework?.

02 - **Mr. Margaret Palaghicon Von Rotz:** Decolonising 30x30: Using Fourth World Approaches to International Law to Establish Indigenous Protected Areas.

03 - **Mr. Siemen Kalders:** Knowing the Unknown. The protection of insects in the EU Habitats Directive in light of scientific uncertainty

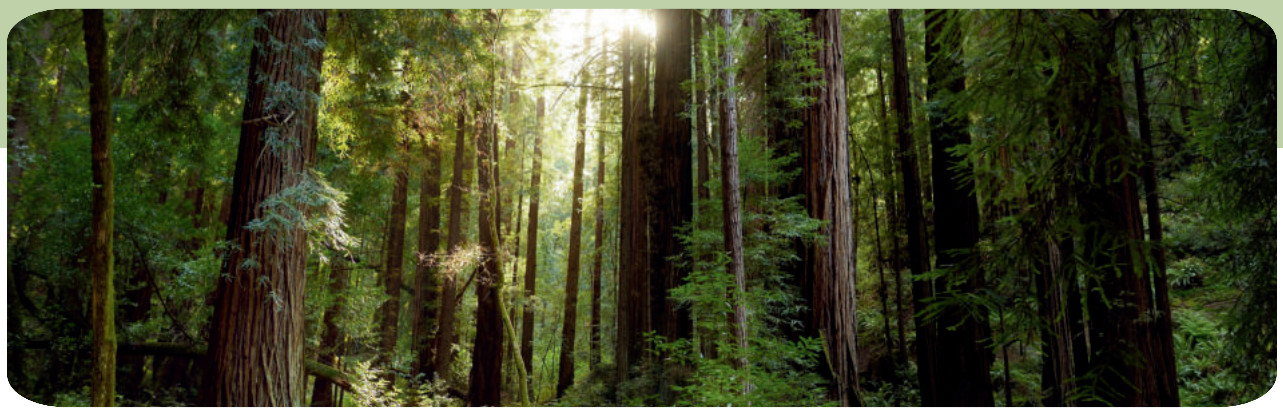
04 - **Ms. Rimona Afana:** Individuals vs. Species: A Critique of Environmental Law's Focus on Biodiversity.

05 - **Ms. Catherine Iorns:** Legal and governance tools to better protect Antarctic biodiversity.

06 - **Mr. Gustavo Alanís Ortega, Juan Carlos Carrillo Fuentes, Tomás Severino Ortega:** El Acuerdo de Escazú, una herramienta innovadora para el Complimiento Global de Biodiversidad.

07 - **Mr. Chad Patrick Osorio,** Francesca Leucci, Nancy Wu and Donatella Porrini: Is Biodiversity a Worldwide Concept in Climate Change Litigation?

08 - **Mr. Eugenio Sartoretto**, **Francesca Coli & Lola Nihotte**: The Sustainable Wildlife Management Legal Hub: turning legal analysis into a catalyst for integrated biodiversity protection.



INTRODUCTION

This session, chaired by Professor Emmanuel Kasimbazi, was devoted to exploring legal tools, institutional dynamics, and critical approaches aimed at rethinking global biodiversity governance. It took place against a backdrop of ecological urgency and the growing need to renew legal and normative frameworks in response to the accelerating loss of biodiversity.
In his opening remarks, Professor Kasimbazi emphasized the crucial role of legal conceptual frameworks in shaping and transforming conservation policies. He underlined that legal innovation, environmental litigation, and normative pluralism are essential levers in addressing today's biodiversity challenges — particularly on the African continent. The central question guiding the session was as follows: How can we rethink biodiversity law and governance at the intersection of trade regimes, Indigenous rights, global ecological imperatives, and technological developments, through a decolonial and inclusive lens?
To foster this reflection, several international experts shared their insights.

Professor Markus Gehring of the University of Cambridge, an expert in EU law, international trade law, and sustainable development law, opened the session by examining the role of trade and international law in advancing the global biodiversity framework.

Ms. Margaret Palaghicon Von Rotz, an Indigenous environmental lawyer and Public Interest Environmental Law Fellow at the Environmental Law Institute (ELI) in Washington, D.C., brought a decolonial perspective, advocating for the integration of Indigenous legal worldviews in the creation of protected areas, particularly through the lens of the Fourth World.

Ms. Rimona Afana, a Romanian-Palestinian researcher, activist, and artist working at the intersection of law, environmental ethics, and decolonial justice, offered an ethical critique of current environmental law, which she views as overly species-centric and insufficiently attentive to ecosystems and individual beings.

Professor Catherine Iorns of Victoria University of Wellington (New Zealand), a specialist in environmental law, Indigenous peoples' rights, and international law, addressed the legal challenges of Antarctic governance, calling for bold reforms to protect this uniquely vulnerable region.

Mister Gustavo Alanís Ortega, a Mexican environmental lawyer and founder and president of the Mexican Center for Environmental Law (CEMDA), highlighted the potential of the Escazú Agreement as a powerful instrument for enhancing participation, transparency, and environmental justice across Latin America.

Mister Chad Patrick Osorio, a Filipino lawyer, economist, and academic specializing in environmental law, international trade, and human rights, questioned the legal relevance of biodiversity as a mobilizable concept in climate litigation.

Lastly, Mister Eugenio Sartoretto, Legal Officer at the FAO and contributor to the SWM Legal Hub, presented the progress of this platform, designed to transform legal analysis into practical tools for sustainable wildlife management.
To fully grasp the depth and richness of the discussions, it is necessary to review the key contributions made by each speaker.

Summary of the Intervention by Professor Markus Gehring

"Biodiversity and Trade - Integrated Legal Protection advancing the GlobalBiodiversity Framework?"

As part of a three-year research project conducted by the Centre for International Sustainable Development Law, Professor Markus Gehring analyzed the legal and practical effects of the European Union's free trade agreements, particularly those concluded with Latin American countries. His study reveals that trade agreements, often perceived as antagonistic to environmental goals — can, under certain legal conditions, serve as powerful tools for biodiversity protection.

One of the major breakthroughs he highlighted is the incorporation of compliance with the Paris Agreement as an essential element in trade agreements. This mechanism, well established in international law, not only shapes the interpretation of trade commitments but also enables the suspension or even termination of agreements in cases of serious violations. This legal innovation has significantly reshaped trade negotiations, bringing climate concerns to the forefront of economic relations.

Professor Gehring argues for extending this approach to the Kunming-Montreal Global Biodiversity Framework (2022), which sets out national biodiversity targets analogous to the nationally determined contributions (NDCs) under the Paris Agreement. He proposes that compliance with this framework be included as an essential clause in future trade agreements.
Through this proposal, he envisions the establishment of a common baseline of protection, the inclusion of non-regression clauses, and the possibility of unilateral sanctions for failure to meet biodiversity commitments. This approach would send a strong signal about the primacy of biodiversity commitments by embedding them directly into the legal architecture of international trade.
In conclusion, Professor Gehring emphasized the urgency of action: if the international community fails to reconcile trade, climate, and biodiversity, future environmental damage may far exceed what we are already witnessing.

Summary of the Intervention by Ms. Margaret Palaghicon Von Rotz

"Decolonizing 30x30: Applying Fourth World Approaches in International Law to Establish Indigenous Protected Areas"

In her presentation, Ms. Margaret Palaghicon Von Rotz examined the Global Biodiversity Framework known as "30x30" — which aims to protect 30% of the planet by 2030 — through the lens of Indigenous peoples' rights. While widely welcomed as a step forward, this goal has also drawn criticism, with some viewing it as a new form of land grabbing, echoing historical colonial practices.

She recalled that many conservation policies have historically been rooted in legal doctrines such as terra nullius, which disregarded Indigenous land rights and facilitated the establishment of protected areas without their consent. This so-called "fortress conservation" model marginalized Indigenous governance systems in favor of state-led and Western-centric visions of nature.

According to Ms. Von Rotz, international instruments such as the Convention on Biological Diversity (CBD) and ILO Convention No. 169, though important, remain fundamentally state-centric and often fail to fully recognize Indigenous peoples' legal and institutional autonomy. She also criticized the rigid separation between nature and culture enshrined in certain frameworks — such as the World Heritage Convention — which contradicts Indigenous holistic worldviews that see nature and culture as intrinsically interconnected.

As an alternative, she advocated for the promotion of Indigenous Protected and Conserved Areas (IPCAs) — a model based on co-management and land rights recognition. She presented several real-world examples: in Australia, Aboriginal peoples have co-managed national parks since 1996 through ancestral land titles; in Sweden, the Sámi people co-named a World Heritage site; in New Zealand, the Māori have established legal guardianship systems (kaitiakitanga) for their territories.

IPCAs offer multiple advantages: they foster legal pluralism, incorporate traditional knowledge into land governance, and have demonstrated positive conservation outcomes, particularly when Indigenous rights are respected (IPBES, 2019). Moreover, they strengthen political resilience against authoritarianism and extractive pressures, empowering communities to safeguard their autonomy and cultural identity.

However, challenges remain: some sites are still designated without the Free, Prior and Informed Consent (FPIC) of communities — as seen in the case of the Banaue rice terraces in the Philippines — and economic benefits derived from protected areas are often absorbed by states, leaving Indigenous communities with limited tangible gains.
To address these issues, Ms. Von Rotz recommended:

- The international recognition of IPCAs as a central pillar of the 30x30 framework;
- The establishment of direct funding mechanisms for Indigenous-led initiatives, outside conventional state frameworks;
- The integration of Indigenous protocols and knowledge systems into global instruments such as the CBD and the World Heritage Convention.

In conclusion, IPCAs represent a promising path to reconcile biodiversity conservation with social justice. Their success will depend on the ability of global institutions to move beyond the colonial legacy of conservation and to embrace genuine legal pluralism. As she affirmed:
“Pluralism is not an option, but a necessity in the face of ecological collapse.”

Summary of the Intervention by Mister Siemen Kalders

"Knowing the Unknown: Insect Protection under the EU Habitats Directive in the Face of Scientific Uncertainty"

In his intervention, Mister Siemen Kalders addressed the challenges of insect conservation within the framework of the EU Habitats Directive, highlighting the structural delays in effectively integrating this crucial group of species into conservation policies. While the Directive has contributed to significant progress in biodiversity protection, it remains ill-suited to the complexity and scale of the threats facing insects, which are often overlooked in policy frameworks.

A key issue raised by Mister Kalders is the lack of reliable and up-to-date scientific data. Of the more than one million insect species described globally, only about 13,000—less than 1%—have a defined conservation status. In Europe, 47% of insect species are still missing from the IUCN Red List. This data gap severely hampers the development of targeted and effective conservation strategies.

Mister Kalders also emphasized the absence of long-term historical data and the late start of systematic insect monitoring, which began only in the 1990s. As a result, current knowledge remains fragmented, delaying the identification of emerging threats. He cited the dramatic case of butterflies in the Netherlands, whose range has declined by 84% since the early 20th century—evidence that conservation measures are often implemented too late.

Beyond conservation concerns, he underscored the broader ecological implications of insect decline: disruptions to nutrient cycling due to the loss of decomposers, breakdowns in food chains affecting insectivorous species, and reductions in pollinator populations, directly threatening food security and the sustainability of agricultural systems.
To address these challenges, Mister Kalders proposed several key recommendations:

- Accelerate assessments of threatened species to prioritize conservation actions;
- Expand monitoring programs, particularly through cross-border citizen science initiatives to improve data collection on insect distribution and population trends;
- Apply the precautionary principle by protecting insect habitats even in the absence of complete data;
- Reduce the use of harmful pesticides, whose detrimental effects on insect populations are well documented.

In conclusion, Mister Kalders emphasized the urgent need for action. Insect conservation is not a secondary concern, but a foundational requirement for maintaining ecosystem resilience and safeguarding long-term ecological balance.

Summary of the Intervention by Ms. Rimona Afana

"Individuals versus Species: A Critique of Environmental Law's Focus on Biodiversity"

In her intervention, Ms. Rimona Afana offerd a thorough and critical analysis of the dominant conceptual framework in environmental law, particularly regarding biodiversity protection. She challenged the population-based approach — focused on species, ecosystems, and habitats — which overlooks the sentience, suffering, and moral value of individual non-human beings.

She highlighted that environmental law has been developed within a deeply anthropocentric context, shaped by histories of extractivism, colonialism, and productivism. This instrumental view reduces nature to a resource to be managed or heritage to be preserved, thereby ignoring the individual interests of animals within protected populations.
Through concrete examples, Ms. Afana exposed ethical contradictions in conservation policies: the killing of individuals deemed "nuisances" to maintain ecosystem balance, or the tolerance of cruel control methods (trapping, culling) justified by genetic "purity" or ecological interests. She also criticized the arbitrary differentiation between wild and domestic animals based on their perceived utility to humans.

In response, Ms. Afana called for a paradigm shift toward recognizing animals as sentient beings, possessing intrinsic moral worth and individual interests. She advocated for a fundamental reform of environmental law based on an ethical individualism that complements broader ecological goals.

She proposed three criteria to guide this legal reform:

1. Sentience (capacity to experience pain and pleasure);
2. The individual's contextual vulnerability;
3. Direct exposure to harmful human practices.

Finally, she pointed out the inadequacy of current environmental criminal law to address systemic harms to animals and ecosystems. She urged a comprehensive overhaul, including explicit recognition of animals as full legal victims and stronger legal tools to combat structural violence against non-human life.

In conclusion, Ms. Afana champions the development of a renewed environmental law that moves beyond utilitarian and conservationist logics toward a more inclusive, just, and respectful framework for all living beings — human and non-human alike.

Summary of the Intervention by Professor Catherine Iorns

"Legal and Governance Tools to Better Protect Antarctic Biodiversity"

In her intervention, Professor Catherine Iorns delivered a critical analysis of the legal framework governing environmental protection in Antarctica, highlighting its inadequacy in responding to the escalating climate and ecological crises affecting the region.

Antarctica currently faces a dual emergency: the accelerated melting of ice due to global warming and the collapse of marine biodiversity. According to the Scientific Committee on Antarctic Research (SCAR), up to 90% of emperor penguins could disappear by 2100. Additionally, unsustainable fishing practices are putting the marine ecosystem at risk, with the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) estimating that 60% of Antarctic fish species are endangered. These declines are disrupting the entire food chain, from subglacial algae to whales and seabirds.

Ms. Iorns emphasized the structural limitations of the Antarctic Treaty System and the Madrid Protocol, which, despite having preserved peace on the continent, are now showing signs of fatigue in the face of mounting anthropogenic pressures. She underscored the lack of flexibility in existing legal instruments, the insufficient integration of up-to-date scientific knowledge into decision-making processes, and the reliance on outdated climate projections that are ill-suited to anticipating current and future environmental changes.

She also raised concerns about the cumulative impacts of human activity: the rapid expansion of tourism (from 20,000 to over 100,000 visitors annually in two decades), industrial overfishing, and the development of extractive aquaculture that depletes the ocean to sustain global supply chains. Climate-induced species migration is further intensifying conflicts between human activities and marine life.

In response, Ms. Iorns called for a comprehensive reform of Antarctic governance. Her recommendations include:

- A legal overhaul to enhance the responsiveness and adaptability of the existing regime;
- Greater inclusion of Indigenous knowledge systems and environmental NGOs such as IUCN in decision-making processes;
- Formal recognition of the intrinsic value of nature, beyond economic or state interests;
- Sustainable funding for scientific research and conservation efforts;
- Strict application of the precautionary principle, supported by scientific foresight and innovation.

In conclusion, Ms. Iorns underscored the urgency of moving beyond sovereignty-based governance toward a system of shared ecological responsibility. For her, Antarctica represents a global common good, and its degradation offers a stark warning of what may await the entire planet in the absence of bold legal and environmental reform.

Summary of the Intervention by Mister Gustavo Alanís Ortega

"The Escazú Agreement, an Innovative Tool for the Global Respect of Biodiversity"

In his presentation, Mister Gustavo Alanís Ortega introduced the Escazú Agreement as a groundbreaking regional legal instrument, essential for strengthening democratic environmental governance in Latin America and the Caribbean. Entered into force in April 2021, the Agreement is built on three fundamental pillars: access to environmental information, public participation in environmental decision-making, and access to justice (Article 1). These procedural rights are vital to the effective implementation of the Convention on Biological Diversity (CBD), particularly with regard to the recognition of traditional knowledge (Article 8(j) of the CBD).

Mister Alanís Ortega emphasized the significance of Article 9, which requires Parties to ensure a safe and enabling environment for environmental human rights defenders. He solemnly recalled that 25 environmental defenders were killed in Mexico in 2024, highlighting the urgent need for robust protection mechanisms, especially for Indigenous communities, who are often excluded from decision-making processes.

He further highlighted Articles 7 and 8, which mandate inclusive, free, prior and informed public participation, and Article 6, which obliges States to provide environmental information that is accessible, updated, understandable, and culturally appropriate. These provisions are designed to prevent environmental conflicts, enhance transparency in natural resource management, and ensure a fair distribution of biodiversity-related benefits.

Regarding implementation, Mister Alanís Ortega underscored the relevance of Article 12, which establishes monitoring and compliance mechanisms to assess the effectiveness of public environmental policies, and Article 10, which requires specific measures to recognize, respect and protect the rights of Indigenous peoples and vulnerable groups in environmental contexts.

In conclusion, Mister Ortega stated that the Escazú Agreement offers a complementary and synergistic framework to the CBD. It embodies a strengthened model of environmental democracy, securing rights of access to information, participation, and justice. Its effective implementation is a key lever for protecting environmental defenders, preventing biodiversity loss, and promoting equitable, sustainable and inclusive natural resource governance grounded in human rights.

Summary of the Intervention by Mister Chad Patrick Osorio

“Is Biodiversity Global Concept in Climate Litigation?”

Mister Chad Patrick Osorio addressed a largely overlooked issue in international climate litigation: the integration of biodiversity into the legal assessment of climate-related harm. He criticized the ongoing separation between climate and biodiversity concerns — what he termed "disciplinary silos" — which he sees as a major barrier to effectively addressing today’s interconnected environmental crises.

Drawing from a comparative analysis of 47 judicial decisions and an automated review of approximately 1,400 climate-related cases, he demonstrated that biodiversity is rarely a central consideration in climate litigation. Even when mentioned, it is almost never used as a substantive criterion for assessing damage or awarding reparations. This omission raises serious concerns about the coherence of judicial reasoning and the fairness in the allocation of compensatory funds.

Mister Osorio argued that this disconnect undermines both environmental justice and the efficiency of legal remedies. He advocated for a more interdisciplinary approach to climate litigation—one that systematically includes biodiversity to reflect ecological realities and enhance legal coherence.
In conclusion, he raised several critical questions:

- Should biodiversity be a central element of climate litigation, even at the cost of increased procedural complexity?
- Are there legal tools capable of quantifying biodiversity loss in a litigation context?
- Would such integration enhance environmental justice, or would it risk undermining the practicality of existing mechanisms?

These questions, far from being rhetorical, call for a fundamental reconsideration of environmental law. As he emphasized, in the face of systemic crises, climate and biodiversity can no longer be treated in isolation.

Summary of the Intervention by Mister Eugenio Sartoretto

"The Sustainable Wildlife Management Legal Hub: Transforming Legal Analysis into a Catalyst for Integrated Biodiversity Protection?"

Mister Eugenio Sartoretto introduced the SWM Legal Hub, an innovative digital platform developed within the framework of the Sustainable Wildlife Management (SWM) Programme, launched in 2017 with the support of several African governments. The programme aims to reconcile biodiversity conservation, food security, and poverty reduction, while highlighting the often-overlooked importance of legal frameworks in sustainable wildlife management policies.

The Legal Hub was designed to address a major gap in legal knowledge by providing free access to detailed national legal profiles. These profiles offer comprehensive analyses of legislative frameworks, including statutory laws, customary norms, and obligations arising from multilateral environmental agreements (e.g., CBD, CMS, CITES). Going beyond wildlife-specific laws, the Hub adopts a cross-sectoral perspective by integrating related fields such as land tenure, hunting, fishing, tourism, human-wildlife conflict, animal health, and food security.

At the core of the platform is a legal diagnostic tool, built around a set of normative questions that enable a systemic assessment of national legal systems. Its goal is to make legal information actionable and accessible for practitioners, public authorities, researchers, and legal professionals.
Mister Sartoretto emphasized that the Hub's impact is already visible. In countries such as the Republic of the Congo, the Democratic Republic of the Congo, and Zambia, the tool has supported the drafting and reform of national wildlife policies, engaging relevant ministries and fostering local ownership. The Legal Hub thus serves as both a capacity-building mechanism and a concrete driver for legislative reform.

Building on these achievements, the FAO plans to expand the platform's thematic scope and geographic coverage, while integrating advanced technologies such as artificial intelligence to automate complex legal analysis and further improve accessibility.

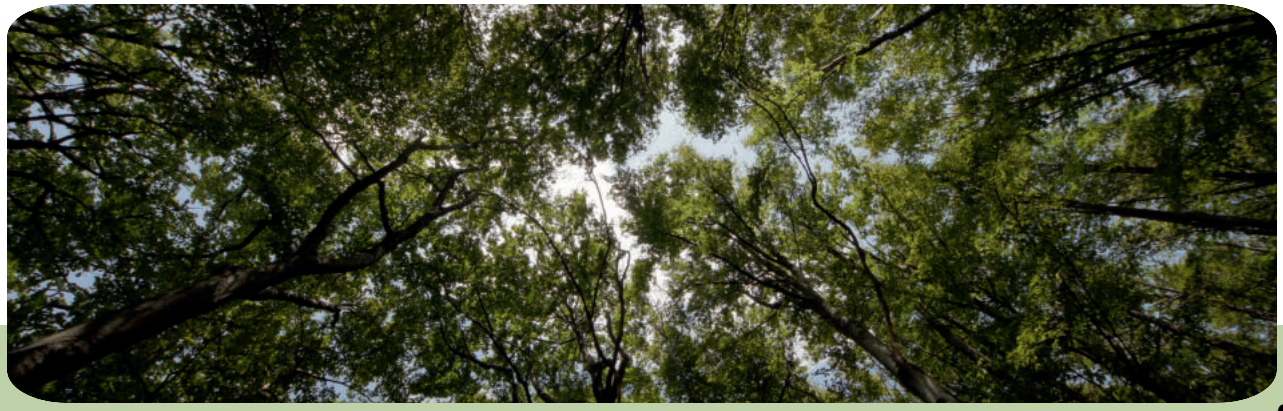
In conclusion, Mister Sartoretto called for dismantling the silos between disciplines, institutions, and levels of governance. The SWM Legal Hub contributes to this effort by making legal tools more transparent, participatory, and rooted in local realities. It exemplifies how legal frameworks can serve as catalysts for integrated biodiversity protection and the sustainability of socio-ecological systems.

CONCLUSION

In his closing remarks, Professor Emmanuel Kasimbazi praised the richness of the discussions and the diversity of approaches presented, ranging from the rights of Indigenous peoples to commercial law, as well as governance tools enhanced by artificial intelligence. He called for strengthening the dialogue between legal theory, ecological realities, and community action, emphasizing the importance of combining normative innovation with participatory governance to reverse the decline in biodiversity.

This session highlighted the necessity of a transdisciplinary approach to biodiversity law, based on the integration of scientific, legal, and Indigenous knowledge, as well as cooperation among state, community, and international actors. The contributions demonstrated that transforming existing legal systems, grounded in equity, environmental justice, and innovation, is essential to address the increasing threats facing living beings.

Ultimately, Parallel Session No.5 opened concrete and inspiring pathways to rethink biodiversity governance on a global scale, with a spirit of solidarity, shared responsibility, and collective commitment to future generations.



PARALLEL SESSION 6 -

HUMAN RIGHTS: INDIGENOUS RIGHTS, ENVIRONMENTAL HUMAN RIGHTS AND ENVIRONMENTAL JUSTICE

CHAIR :

- **Prof. Cristiane Derani,** Deputy Chair, WCEL Ethics Specialist Group.

SPEAKERS :

01 **Ms. Verena Kahl:** The Right to a Safe Climate – Leading Human Rights Law into the Anthropocene (Online).

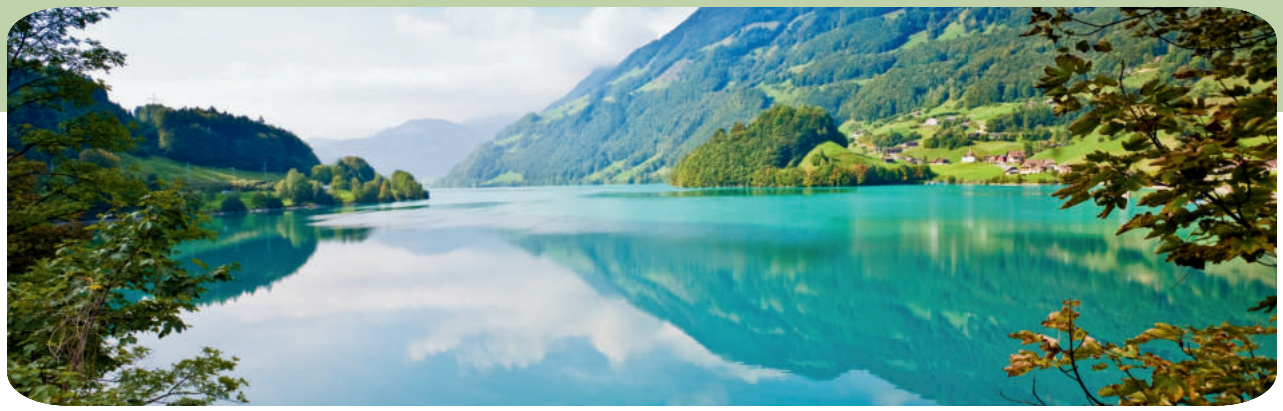
02 **Mr. Richard Humphreys:** Prioritising the Climate Emergency in Planning Decisions: An Integrated View of the Right to a Healthy Environment.

03 **Mr. Abbas Poorhashemi:** Role of Environmental Justice in Integrated Legal Protections for Vulnerable Ecosystems (Online).

04 **Ms. Elena Kavanagh:** From Summit of the Future to CBD COP16: Integrating Indigenous Knowledge in Global Governance

05 **Mr. Pag-yendu M. Yentcharé:** The “Adapted” Patent Law to the Rescue of Environmental Law: Towards Genuine Legal Protection of Traditional Medicinal Knowledge of Indigenous Peoples and Local Communities.

06 **Ms. Delphine Missone:** Harnessing Science, Policy and Law to Deliver Clean Air and a Healthier Environment (Online).



INTRODUCTION

Parallel Session 6, chaired by Professor Cristiane Derani, Deputy Chair of the WCEL Ethics Specialist Group, focused on the intersection between human rights, environmental justice, and the protection of Indigenous People's rights. The presentations highlighted how environmental rights are being strengthened through international law, the recognition of traditional knowledge, and the adaptation of legal mechanisms to contemporary challenges. The session also emphasized the importance of integrating science, policy, and law to secure a healthy environment and inclusive governance.

Summary of the Intervention by Mister Richard Humphreys

"Prioritising the Climate Emergency in Planning Decisions: An Integrated View of the Right to a Healthy Environment"

Mister Humphreys' intervention offered a critical reflection on the limitations of environmental law in addressing the climate emergency. He raised a provocative question: could environmental law, in its current form, paradoxically act as a barrier to environmental protection? He argued that existing legal frameworks are often too rigid and too slow to adapt to contemporary challenges.

Drawing on the IPCC's findings regarding the narrow timeframe available to secure a sustainable future, he pointed out the paradox of certain European projects being classified as "in the public interest" despite their detrimental impacts on ecosystems and biodiversity. For Mister Humphreys, the rights to a healthy environment and to a stable climate only have real meaning if they are supported by effective and concrete implementation mechanisms.

In conclusion, he called for a thorough re-evaluation of the current legal framework which, despite more than fifty years of existence, has yet to overcome its structural barriers and become truly transformative and protective

Summary of the Intervention by Ms. Verena Kahl (Online)

"The Right to a Safe Climate – Leading Human Rights Law into the Anthropocene"

Ms. Kahl presented a reflection on how international human rights law must evolve in the Anthropocene. She highlighted that human activities — population growth, modern lifestyles, and the overexploitation of natural resources — have accelerated climate change, triggered severe environmental degradation, and contributed to the sixth mass extinction.

Her presentation focused on three key points:

- An unprecedented challenge for human rights: climate change affects both present and future generations, causing harms that remain largely invisible under traditional human rights law.
- Persistent legal challenges: climate justice, adaptation for vulnerable communities — particularly small island states — and the absence of adequate legal mechanisms for extraterritorial environmental damages.
- The unresolved status of victims: affected communities often lack proper legal recognition as victims.

To address these gaps, Ms. Kahl advocated for the establishment of a "right to a safe climate" as a global, fundamental right, encompassing both the protection of nature and the rights of future generations. She also called for extending the extraterritorial application of human rights law and incorporating the rights of nature within human rights frameworks, underpinned by principles such as intergenerational equity and universal cooperation. She referred in particular to the 2017 Advisory Opinion of the Inter-American Court of Human Rights, which recognized nature's protection as an autonomous right and affirmed the right to a healthy environment as a universal entitlement.

Summary of the Intervention by Ms. Elena Kavanagh

"From the Summit of the Future to CBD COP16: Integrating Indigenous Knowledge in Global Governance"

Ms. Kavanagh highlighted both the challenges and opportunities of integrating Indigenous knowledge into global governance frameworks, particularly in the context of sustainable environmental management. She emphasized the complexity of reconciling diverse knowledge systems and decision-making approaches, advocating for more inclusive governance.

Her presentation focused on three key dimensions:

- The value of Indigenous sustainable practices: illustrated notably through examples from Brazil, where community-led stewardship reflects long-term ethical responsibility.
- Persistent normative tensions: the lack of a unified global framework governing knowledge rights, especially regarding Indigenous peoples' right to self-determination, continues to be a critical barrier. These rights, disputed for over a century, remain legally fragile.
- Linkages with the global agenda: Ms. Kavanagh referred to the Sustainable Development Goals (SDGs), particularly the 2030 restoration targets, stressing the need for financial support mechanisms that effectively empower local communities.

In conclusion, she called for a genuine rebalancing between traditional wisdom and modern governance structures, as a pathway toward fairer and more sustainable global governance.

Summary of the Intervention by Mister Pag-yendu M. Yentcharé

"An 'Adapted ' Patent Law in Support of Environmental Law: Towards Genuine Legal Protection of Indigenous and Local Communities' Traditional Medicinal Knowledge"

Mister Yentcharé addressed the pressing issue of legally protecting traditional medicinal knowledge belonging to Indigenous peoples and local communities, with a particular focus on "biopiracy"—the unauthorized appropriation of knowledge without proper recognition or fair compensation.
He argued that existing "intellectual property frameworks", especially patent law, are inadequate because they are rooted in individualistic and commercial logics that fail to reflect the "collective, cultural, and spiritual dimensions" of traditional knowledge.
As an alternative, he proposed the development of an "adapted" legal framework", specifically tailored to safeguard traditional knowledge. This would involve:

- Recognizing "community-based and functional medicine" as a distinct field of legal protection,
- Ensuring the direct involvement of Indigenous and local communities in the management and stewardship of their knowledge,
- Promoting legal and entrepreneurial strategies that simultaneously support knowledge preservation and uphold cultural integrity.

In conclusion, Mister Yentcharé called for a fundamental rethinking of current legal instruments, advocating for an equitable framework that both values and protects traditional knowledge against exploitative practices.

Summary of the Intervention by Ms. Delphine Missone (Online)

"Harnessing Science, Policy, and Law to Deliver Clean Air and a Healthier Environment"

Ms. Missone emphasized that air quality is both a "local and global challenge", yet there is currently no "specific international instrument" that enables structured dialogue among lawyers, scientists, and policymakers on this issue.

She identified a major gap: "37 countries" lack any mechanism to monitor or publicly report on air quality. This deficit represents not only a barrier to environmental justice but also a missed opportunity to empower citizens through access to information.

Drawing on concrete examples, she referred to local initiatives such as "air monitoring by the Princeton Embassy", which were discontinued due to political changes. She also criticized the fact that, in some countries, air quality standards

are treated as “private property”, thereby restricting public access and preventing citizen-led monitoring.

Even where standards exist, their “implementation and feasibility” remain uneven and problematic.
In conclusion, Ms. Missone called for “greater global coherence and harmonization” on air quality issues. She referred in particular to findings from a report published in “Atmosphere” (July), co-authored with colleagues, which provides a global overview of air quality legislation.

CONCLUSION

This session demonstrated that human rights and environmental justice are inseparable from climate and biodiversity issues. Discussions showed that recognizing traditional knowledge and Indigenous communities’ rights is a crucial step toward more equitable and resilient governance. By placing fundamental rights at the core of environmental protection, the debates opened new perspectives for strengthening international law and ensuring a more sustainable future.

PARALLEL SESSION 7–

SAFEGUARDING THE ENVIRONMENT DURING PAST WARS AND CONFLICTS

CHAIR:

- **Prof. Daniëlla Dam-de Jong,** Deputy Chair of Environmental Conflict and Law Specialist Group of WCEL

SPEAKERS :

01 **Ms. Anne Dienelt & Dr. Britta Sjöstedt:** Tech Guardians: Empowering Citizens and Innovations to Safeguard the Environment in Warfare

02 **Mr. Bellantuono Giuseppe:** Integrating legal pluralism into transition theories (ONLINE)

03 **Ms. Federica Montanaro:** Criminalization trends in the green transition(s): protecting the environment or securing it?

04 **Ms. Lea Weimann:** Transforming the Mandate of the International Criminal Court: Advancing Global Justice through Ecocide Law

INTRODUCTION

Professor Daniëlla Dam-de Jong made a brief presentation on the general overview of the session on protecting the environment during conflicts. During her speech, she emphasized that the session will be on themes such as the intersection of environmental protection, accountability, and conflict, broadly defined to include armed warfare, community-government tensions, and the darker side of the energy transition. From citizen science monitoring wartime environmental crimes to the criminalization of environmental defenders, the speakers will explore how legal frameworks both fail and innovate in safeguarding people and ecosystems. Amid rising conflicts over critical minerals and green policies, the round table aims to confront a pressing question: Can the law be a tool for environmental justice, or does it risk perpetuating the very harms it seeks to resolve? With insights from criminal law, Indigenous rights, and ecocide advocacy, this discussion challenged us to rethink accountability in an era of planetary crisis

Summary of the Intervention by Ms. Anne Dienelt & Dr. Britta Sjöstedt

"Tech Guardians: Empowering Citizens and Innovations to Safeguard the Environment in Warfare"

Ms. Anne Dienelt and Dr. Britta Sjöstedt presented on the concept of Tech Guardians, exploring how citizen science and technological innovation can strengthen legal frameworks for protecting the environment during armed conflict. Their intervention drew on the Brumada Project, an EU-funded higher education partnership focused on civic engagement, environmental monitoring, and citizen science in response to war-related environmental damage in Ukraine.

The speakers argued that citizen science offers unique potential to document and respond to environmental harm in real time. By engaging local populations in data collection—through tools such as mobile phones, drones, and open-source platforms—citizens can help establish timelines of environmental damage, thereby reclaiming ownership of their environments and contributing to resilience and restoration. Importantly, citizen-generated data is not meant to replace scientific assessments but to serve as a baseline for future investigations and policy-making.

Ms. Anne Dienelt detailed the technologies enabling this work, including remote sensing, temporal satellite image analysis, artificial intelligence, and drones. These tools allow researchers and citizens alike to document environmental degradation, even in active conflict zones, and provide foundational evidence for future scientific and legal assessments.

Dr. Britta Sjöstedt emphasized the legal challenges of integrating citizen science into judicial processes. While citizen data may enrich environmental monitoring, its admissibility in court is complicated by issues of scientific rigor, attribution of pollution sources, and differing evidentiary standards across jurisdictions. The tension between civil and common law traditions further complicates the reliability and weight of such evidence. Protocols are being explored, but significant hurdles remain.
Dr. Sjöstedt also discussed the Registry for Damage in Ukraine, established under the Council of Europe. Although environmental harm is listed as a claimable category, only the Ukrainian state may submit claims, excluding citizen contributions. By contrast, individuals may report property damage, which occasionally overlaps with environmental concerns. This exclusion highlights a missed opportunity to fully leverage citizen science in post-conflict accountability.

In conclusion, Ms. Dienelt and Dr. Sjöstedt argued that while citizen science holds significant promise as both a monitoring tool and a form of community empowerment, its integration into legal frameworks remains underdeveloped. To fulfill its potential, stronger mechanisms are needed to ensure scientific validity, legal admissibility, and inclusive participation in post-conflict environmental governance.

Summary of the Intervention by Mister Bellantuono Giuseppe (Online)

"Integrating Legal Pluralism into Transition Theories"

Mister Bellantuono Giuseppe, Professor of Comparative Law at the University of Trento, discussed the integration of legal pluralism into transition theories, focusing on how legal and social science perspectives can be better aligned in advancing low-carbon futures. He emphasized that while transition theories in the social sciences are well developed, the legal dimensions remain underexplored, creating gaps in interdisciplinary dialogue.

Rather than developing a uniquely legal theory of transition or allowing social scientists to coin pseudo-legal terms, Giuseppe argued for mutual engagement: legal scholars and social scientists should collaborate to clarify the role of institutions in shaping transitions. Legal pluralism — concerned with the interaction between state law and other normative systems (customary, cultural, local) — was presented as a promising framework to bridge these disciplinary divides.

Legal pluralism, he noted, is typically associated with Indigenous contexts in Australia, Africa, and the Americas, yet it is equally relevant to European and Western policy-making. EU climate policies, for example, often have extraterritorial effects, shaping governance and cultural landscapes globally. Integrating pluralist approaches into Western climate law is therefore both necessary and urgent.
The speaker proposed six areas where legal pluralism could provide conceptual clarity and practical insights:

- EU Critical Raw Materials Act – ensuring procedural rights for Indigenous peoples are meaningful and not symbolic.
- Environmental Impact Assessments (EIAs) – incorporating Indigenous and local knowledge alongside Western scientific methods.
- Climate Adaptation Planning – grounding resilience strategies in Indigenous knowledge systems.
- Policy Measures for Indigenous Communities – tailoring policies to align with local economic needs and avoid top-down impositions.
- Certification of Hydrogen Policy Measures – expanding assessments to include justice and Indigenous rights criteria.
- Corporate Indigenous Policies – scrutinizing global value chains to ensure policies are substantive and not performative.

Mister Bellantuono concluded that legal pluralism offers conceptual building blocks for more inclusive transition theories. It can help explain how legal and institutional change occurs while amplifying marginalized voices in global climate governance. By embedding pluralism into transition theory, legal categories become more connected to lived realities, ultimately fostering more just and effective climate policies.

Summary of the Intervention by Ms. Federica Montanaro

"Criminalization Trends in the Green Transition(s): Protecting the Environment or Securing it?"

Ms. Federica Montanaro's presentation addressed the dual and evolving role of criminal law in environmental governance, contrasting its application as a protective tool for ecosystems with its increasing use against climate activism.

The first trend concerns the use of criminal law to safeguard the environment. Many jurisdictions now recognize and prosecute environmental crimes, with some —such as France—adopting the concept of ecocide, categorizing severe environmental destruction as a criminal offense. This reflects a growing commitment to embedding environmental protection within legal systems.

The second trend, however, is more contentious: the criminalization of climate activism. Ms. Montanaro highlighted cases where non-violent movements such as Extinction Rebellion and Last Generation have faced arrests and prosecutions for civil disobedience actions like sit-ins or road blockades. In Rome, for instance, 12 activists were arrested in December during a peaceful demonstration calling for governments to declare a climate emergency, halt biodiversity loss, and reduce emissions—demands aligned with stated governmental objectives.

Ms. Montanaro underscored the paradox: governments and activists often share similar long-term goals, yet authorities respond to protest with punitive measures rather than engagement. This reflects two key explanatory dynamics.

- Structural repression of dissent – Across Europe (and to some extent North America.), peaceful protest increasingly meets legal sanctions when it disrupts economic or political order, even in pursuit of urgent global concerns.
- Normative divergence – Activists frame environmental protection as a fundamental human right, intrinsically tied to justice, equity, and survival. In contrast, European institutions and many states tend to adopt a technocratic, economic lens, protecting the environment primarily to safeguard resource flows, infrastructure, and market stability.

The speaker pointed to the European Green Deal (2019) as illustrative of this tension. While promising decoupling of growth from emissions and a net-zero trajectory by 2050, activists view such strategies as insufficient because they fail to challenge deeper systemic drivers of harm, such as extractivism and neocolonialism. Movements like Last Generation articulate an alternative vision rooted in environmental justice and systemic transformation.

Ms. Montanaro concluded that this clash of worldviews—intrinsic versus instrumental approaches to environmental protection—helps explain the growing criminalization of climate activism. While legal frameworks expand to recognize environmental crimes, they simultaneously constrain the very civil society actors pushing for more ambitious and just ecological futures.

Summary of the Intervention by Ms. Lea Weimann

"Transforming the Mandate of the International Criminal Court: Advancing Global Justice through Ecocide Law"

Ms. Lea Weimann's intervention examined the evolving role of the International Criminal Court (ICC) in addressing environmental harm, with a particular focus on proposals to recognize ecocide as a standalone international crime. She emphasized the urgency of advancing global justice mechanisms that respond to the climate and biodiversity crises, which disproportionately affect the Global South and small island states.

Ms. Weimann began by outlining the current limitations of the Rome Statute. Environmental damage is only indirectly addressed under Article 8 (war crimes), which criminalizes widespread, long-term, and severe environmental damage caused by excessive military operations. However, the article's strict triple mens rea requirements (intent, awareness of likely harm, and disproportionality relative to military advantage) have rendered it largely ineffective.
Against this backdrop, the speaker highlighted the momentum behind the ecocide law initiative. If adopted, ecocide would join genocide, crimes against humanity, war crimes, and crimes of aggression as the fifth core international crime under the Rome Statute. She cited the Independent Expert Panel's widely accepted definition: "unlawful or wanton acts committed with knowledge of a substantial likelihood of severe and either widespread or long-term environmental damage." Small island states (Vanuatu, Fiji, Samoa) submitted this definition to the ICC Working Group, and other states, including the Democratic Republic of Congo, have since endorsed it. The issue will be further debated at the 2025 IUCN World Congress in Abu Dhabi.

The speaker also noted important developments within the ICC itself. In December 2024, the Office of the Prosecutor (OTP) released a draft environmental crimes policy for consultation. The policy adopts a more expansive interpretation of the Rome Statute, recognizing that its preamble's reference to protecting the "world" should encompass both humanity and nature. This reflects a forward-looking mandate to protect present and future generations and to prevent impunity for environmental crimes. The draft also introduces eco-centric considerations, acknowledging the intrinsic value of the natural environment alongside human interests.

Ms. Weimann stressed that national engagement remains essential. Even if ecocide is recognized at the international level, states must ratify and incorporate it into domestic legal systems to ensure enforcement. Thus, a two-way process of international norm-setting and national implementation is critical.

Turning to challenges, the speaker acknowledged the difficulty of codifying complex principles such as sustainable development and the right to development within criminal law frameworks. She stressed that deliberate legal choices are necessary to provide judges and practitioners with workable definitions and principles, drawing from human rights, humanitarian, and environmental law. To illustrate this, she referenced Matthew Gillett's scholarship on integrating environmental crimes into ICC practice.

Ms. Weimann concluded that advancing ecocide law requires sustained dialogue, clear definitions, and careful legal innovation. Crucially, criminal accountability must extend to powerful corporate actors implicated in mass environmental destruction. By embedding ecocide within the ICC's mandate, international law could take a transformative step toward global environmental justice.

CONCLUSION

The debates in this session underlined the urgent need to rethink "legal and institutional frameworks" to better safeguard the environment in times of armed conflict. Whether through technological tools, the recognition of ecocide, or new perspectives on legal pluralism, the presentations converged on a central message: protecting nature must remain a priority, even under the most extreme crisis conditions

PARALLEL SESSION 8 –
RIGHTS OF NATURE

CHAIR:

- **Pr. Philippe Cullet Chair,** WCEL Rights of Nature Task Force.

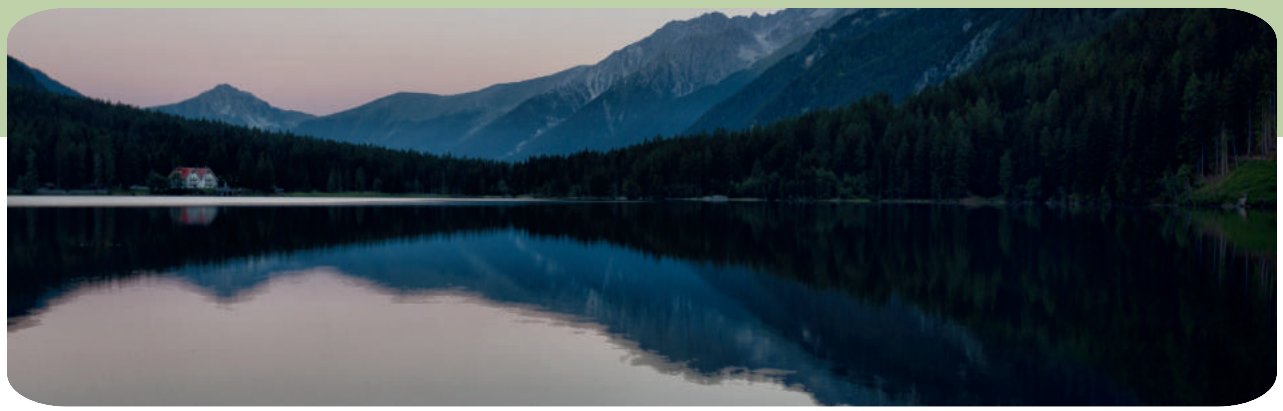
SPEAKERS :

01 **Ms. Michelle Bender:** The Rights of Nature and Legal Personhood in an Ocean Context (Online)

02 **Mr. Julian Suarez:** Towards a rights of nature approach to environmental Protection beyond performance, aspirations and symbolism .

03 **Ms. Violaine du Pontavice:** Making the rights of Nature operational through their implementation in territories by integrated legal protection

04 **Ms. Rupa Basnet:** Bagmati River Case : Analysis on River Conservation in Nepal.



INTRODUCTION

This session explored the development and operationalization of the “rights of nature” across diverse legal and geographical contexts. It highlighted efforts to integrate this concept into national and international legal frameworks, thereby enhancing ecosystem protection. From the European Union to Nepal, and from ocean governance to local territories, the presentations offered innovative mechanisms to make the rights of nature a practical reality.

Summary of the Intervention by Ms. Michelle Bender (Online)

"The Rights of Nature and Legal Personhood in an Ocean Context"

Ms. Michelle addressed the concept of Rights of Nature, which has largely been applied to forests but is gaining attention in the context of ocean protection. The ocean, as an interconnected entity, exists under complex national jurisdiction and sovereignty rights frameworks. However, 15 laws and policies already explicitly referred to the protection of ocean ecosystems and species, with notable focus on specific species like sharks.

Ms. Bender emphasized that Rights of Nature are gaining ground internationally, with frameworks like the Universal Declaration of Ocean Rights being explored to protect marine ecosystems. The presentation highlighted key legal developments, including Article 192 of the UN Convention on the Law of the Sea (UNCLOS), which mandates the protection of the environment, particularly the integrity of marine ecosystems. There is growing recognition that the ocean has a right to regenerate, a principle that promotes the protection of marine biodiversity by integrating cultural values into decision-making processes and shifting focus from financial interests to the ecological integrity of the ocean.
The Rights of Nature framework has further been applied through various legal cases, such as Ecuador's constitutional recognition of migratory species' rights, which emphasizes the removal of barriers to migration for species to sustain ecosystems. This reflects the broader necessity to protect the right to a healthy environment, particularly for migratory species that depend on both land and marine-based regulations.

A critical example Ms. Bender provided was the issue of deep-sea mining in areas beyond national jurisdiction. In these areas, restrictive measures are being considered in line with the precautionary principle, which calls for halting activities when their potential environmental consequences are uncertain. The principle of ecological sustainability is central to the discussion, where activities are scrutinized based on the value they provide to the ocean, their harmful alternatives, and the necessity of such activities.

Three key legal criteria for Rights of Nature applications in ocean governance were outlined:

1. Value of the Ocean as a material protected entity,
2. Harmful Alternatives that could cause irreversible damages
3. Necessity and Proportionality of actions to ensure ecological sustainability.

These criteria form the basis for protecting the ocean and ensuring that legal frameworks reflect ecocentric principles, aiming for a holistic and sustainable approach to marine conservation.

Summary of the Intervention by Mister Julian Suarez

"Towards a Rights of Nature Approach to Environmental Protection beyond Performance, Aspirations and Symbolism"

Mister Suarez's presentation delved into the evolving concept of Environmental Law with a focus on Rights of Nature and its legal effectiveness. He addressed the normative functions of environmental law, pointing out that while legal norms are essential, their effectiveness is critical in protecting nature. He discussed the complexity of finding an equivalence between legal effectiveness and normative functions, especially in French scholarship, where the relationship between law and environmental protection is intricate and challenging. Key to this is the law's ability to protect nature in a substantive way, which requires not only strong enforcement powers but also robust legislation. Environmental law must address complex, uncertain relationships in nature, taking into account factors such as endangerment and the role of regulatory frameworks in fostering substantive protection.

Mister Suarez then focused on the substantive effects of formality in environmental law. He pointed out that while Rights of Nature have not been widely incorporated at large scales, Colombia's Supreme Court has set a precedent by integrating these rights into the legal system, reflecting a public debate on the need for social and environmental protection. This highlights a growing recognition that environmental protection is not just a regulatory issue but one that involves societal and political engagement.

In discussing Rights of Nature and Legal Effectiveness, Mister Suarez emphasized the building blocks required for successful integration into legal frameworks. These include:

1. Transnational advocacy networks that prioritize nature and humanity over other interests.
2. Fostering human dignity within environmental governance.
3. The challenge scholars face in defining the Rights of Nature within legal contexts.

Mister Suarez introduced several proposals related to ecological scarcity and environmental liability. He stressed the need to:

- Establish environmental liability for activities that cause harm to ecosystems.
- Provide full compensation for the social and ecological costs resulting from environmental degradation.
- Implement optimization mandates that enhance resilience, capacity building, and the transfer of knowledge.

Lastly, he referenced the IUCN (International Union for Conservation of Nature), which has proposed frameworks to support Rights of Nature, focusing on the need for ecological resilience and robust legal frameworks that align human activity with sustainability and environmental justice.

Summary of the Intervention by Ms. Violaine du Pontavice

"Making the rights of Nature Operational through their Implementation in Territories by Integrated Legal Protection"

Ms. Violaine addressed the evolution of environmental law, emphasizing the need to shift our perspective on legal rights, particularly in relation to nature. She challenged the anthropocentric view that places humans at the top of the hierarchy, with nature and animals below, treated as objects for human use. This traditional viewpoint, she suggested, must evolve into one where humans are part of a broader ecological circle and are not seen as separate or superior.
The key concept Ms. du Pontavice introduced was the recognition of the rights of nature. This involves reversing the current paradigm to one where nature itself holds legal rights, and humans are part of this interconnected web. This shift in perspective isn't about placing humans and nature in a position of equality but about raising awareness of the interdependence of all life forms.

Ms. du Pontavice first focus was on how to move forward with the recognition of the rights of nature and the legal protection of the environment. She suggested that the modification of nature's status is essential, but rather than providing a concrete solution, she posed the question: "How can we legally recognize the rights of nature?" She highlighted the role of constitutional changes in embedding these rights into law and raised the question of who will represent nature. This is a central debate — whether it would be civil society, indigenous peoples, or state agencies.

A major concern in this process is the legal representation of nature. Ms. du Pontavice pointed out that, like corporate entities or legal persons, nature might need a representative to act on its behalf. For example, when engaging with a company, one interacts with its representative, not the company itself. Similarly, nature would need someone or something to stand for its rights.

Ms. du Pontavice also touched on the importance of protected areas in this context. She suggested that recognizing more rights for protected areas could strengthen efforts to safeguard biodiversity, with a focus on the green list and the safeguarding of ecosystems. However, questions arose about who would be responsible for protecting nature in these areas, particularly in cases of harm or litigation.

She further discussed the concept of environmental democracy and how recognizing the rights of nature could potentially strengthen ecological protection. By introducing ecological harm as a legal prejudice, it could lead to more concrete legal mechanisms for environmental responsibility. She also advocated for the possibility of financial reparations for communities impacted by environmental degradation, thus supporting the effectiveness of environmental law.

Summary of the Intervention by Ms. Rupa Basnet

"Bagmati River Case Analysis on River Conservation in Nepal"

Ms. Rupa Basnet addressed the 2024 devastating flood in Kathmandu Valley, focusing on the establishment of a 20-meter buffer zone along the river, aimed at mitigating flood risks and preserving the environment. While the Supreme Court's verdict to implement this zone was seen as a landmark decision, it did not address critical issues like water pollution and river conservation, leaving key ecological concerns unresolved.

The decision sparked protests due to the economic impact on livelihoods, businesses, and the local community, particularly given the limited compensation and displacement caused by the buffer zone. Despite these challenges, the buffer zone presents opportunities to reduce flood risks and stabilize riverbanks, but implementation has been hindered by political resistance and insufficient pollution control measures. Ms. Basnet concluded by emphasizing the need for Nepal to guarantee the right to a clean environment and to integrate environmental protection laws more effectively into its legal framework. While laws exist, such as forestry and environmental acts, Nepal's approach lacks integration and public engagement, underscoring the need for stronger political will and sustainable development practices

CONCLUSION

The discussions in this session emphasize that the “rights of nature” must move beyond symbolic recognition to become effective legal tools adapted to both local and global realities. Whether addressing river conservation, marine ecosystems, or sensitive habitats such as the Wadden Sea, the shared experiences demonstrate that granting legal recognition to nature can strengthen environmental governance and pave the way for more integrated ecological justice.

THIRD PLENARY ROUNDTABLE 3 –
THE IUCN AT INTERNATIONAL COURTS

CHAIR:

- **Prof. Christina Voigt,** Chair, IUCN WCEL.

SPEAKERS:

01 **Prof. Francesco Sindico,** Co-Chair WCEL Climate Change Law Specialist Group.

02 **Prof. Claudia de Windt,** WCEL Steering Committee member.

03 **Prof. Cymie Payne, Chair,** WCEL Ocean Law Specialist Group (Online).

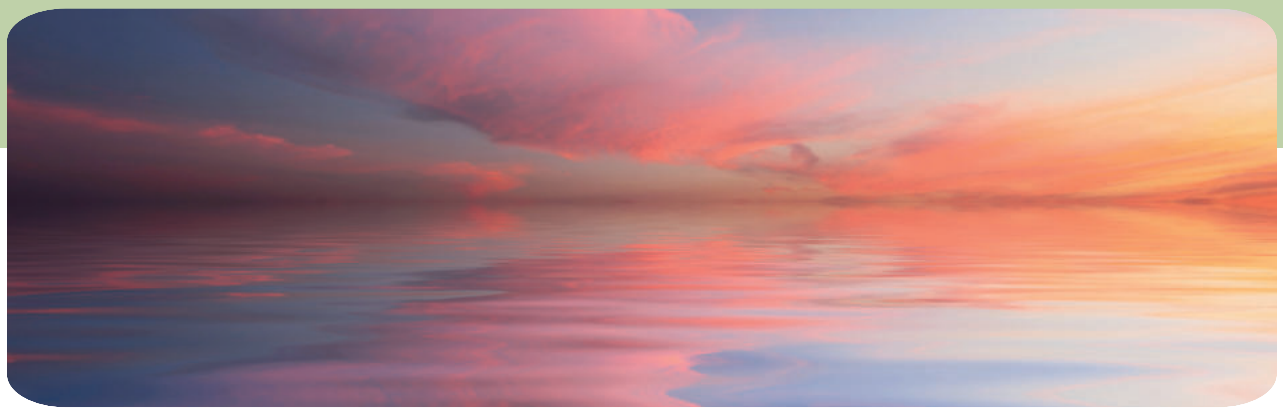
04 **Mr. Sandeep Sengupta,** Global Policy Lead, Climate Change, WCEL Center for Policy and Law.

05 **Mme Corina Heri,** Assistant Professor of Constitutional and Administrative Law at Tilburg Law School at Tilburg University

06 **Ms. Anastasia Kantzelis,** Public international law consultant and Associate Member of Six Pump Court Chambers

07 **Ms. Yusra Suedi,** University of Manchester.

08 **Mr. Bastiaan Klerk ,** University of Tromsø (Norway).



INTRODUCTION

This high-level plenary session, chaired by Professor Christina Voigt, Chair of the IUCN World Commission on Environmental Law (WCEL), provided an opportunity to take stock of the IUCN's unprecedented engagement in three ongoing climate-related advisory proceedings before major international courts: The International Tribunal for the Law of the Sea (ITLOS), the Inter-American Court of Human Rights, and the International Court of Justice (ICJ).

In her opening remarks, Professor Voigt emphasized the tremendous work undertaken by the IUCN-appointed legal teams, including countless hours devoted to drafting legal submissions, harmonizing arguments across jurisdictions, and presenting them during oral hearings. She highlighted the central role of the principle of integration — at the core of the IUCN's legal strategy — which seeks to align the Paris Agreement with other international legal instruments in order to enhance coherence and unity in environmental law.

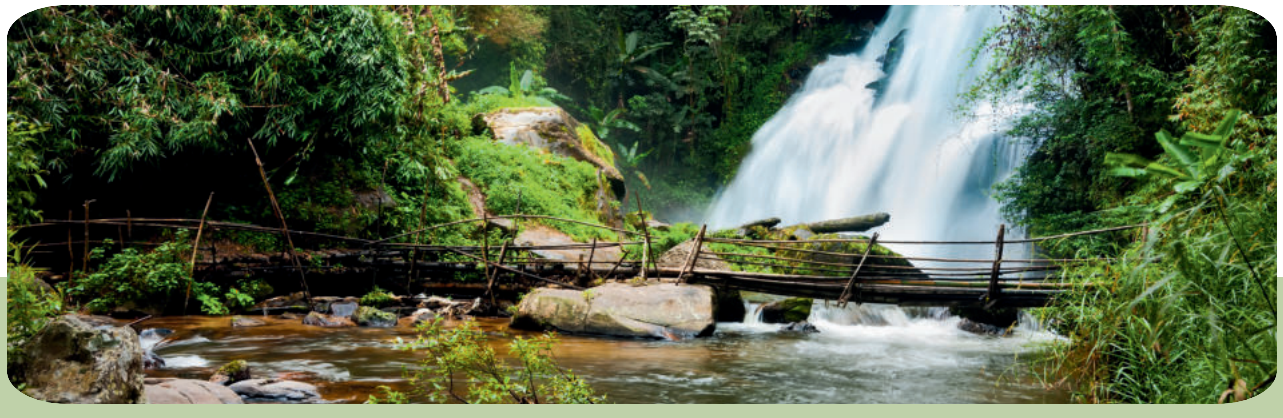
Professor Voigt further underscored the importance of recognizing nature conservation as a cross-cutting lever in both climate mitigation and adaptation strategies. She introduced the teams that led the IUCN's submissions before the three international fora:

- International Tribunal for the Law of the Sea (ITLOS): Team led by Professor Cymie Payne (Rutgers University), with contributions from Mister Bastiaan Klerk, doctoral candidate at the University of Tromsø.
- Inter-American Court of Human Rights: Team led by Professor Claudia de Windt, also founder of the Inter-American Institute on Justice (New Zealand).
- International Court of Justice (ICJ): Team coordinated by Professor Francesco Sindico, with the participation of Ms. Yusra Suedi, Ms. Corina Heri, and Ms. Anastasia Kantzelis.
- Mister Sandeep Sengupta, Senior Policy Advisor, Center for Policy and Law of WCEL.

The session was structured around three guiding questions:

- What are the key legal issues at stake in these proceedings?
- What role has the IUCN played in shaping the advisory processes?
- What are the expected outcomes and implications of the advisory opinions?

This introduction laid the groundwork for in-depth analyses by the panelists, who offered legal and strategic insights into the IUCN's engagement before international judicial bodies in the context of the global climate emergency.



Summary of the Intervention by Professor Cymie Payne (Online)

Professor at Rutgers University, Chair of the WCEL Ocean Law Specialist Group, and Head of the IUCN Legal Team before the International Tribunal for the Law of the Sea (ITLOS)

Speaking remotely, Professor Cymie Payne presented the landmark advisory opinion issued by the International Tribunal for the Law of the Sea (ITLOS) in response to a request submitted by the Commission of Small Island States on Climate Change and International Law. Frustrated by the lack of effective global action on climate change, these States turned to the Tribunal to seek legal clarification on the State obligations under the United Nations Convention on the Law of the Sea (UNCLOS) regarding greenhouse gas emissions.

Two principal questions were brought before the Tribunal:

1. What are the specific obligations of UNCLOS States Parties to prevent, reduce, and control land-based pollution that adversely affects the marine environment—particularly in relation to climate change impacts such as ocean warming, acidification, and sea-level rise?
2. What are the legal duties of States to protect and preserve the marine environment in the context of climate change?

The opinion delivered by ITLOS is a legal milestone, affirming the application of international law to greenhouse gas emissions. While recognizing the Paris Agreement and the UN Framework Convention on Climate Change (UNFCCC) as the primary frameworks for climate regulation, the Tribunal emphasized that UNCLOS also establishes independent and complementary obligations concerning both marine and land-based pollution.
One of the most significant aspects of the opinion is the explicit recognition that greenhouse gases, including those originating from land-based activities, constitute marine pollution under UNCLOS. The Tribunal stressed that States' obligations go beyond a mere duty of due diligence. Given the severity of environmental threats, States are required to implement robust measures — including environmental impact assessments and ongoing monitoring of emission-generating activities.

The opinion also highlighted the vital role of climate science, particularly the findings of the Intergovernmental Panel on Climate Change (IPCC). It established, for the first time, the 1.5°C threshold as a legally relevant benchmark for climate mitigation. States are expected to incorporate this target into their national policies, thus binding them to specific climate objectives.

Furthermore, the opinion underscored the ocean's role as a carbon sink and draws attention to the need to regulate emerging technologies, such as geoengineering, which may pose risks to marine biodiversity. States must comply with UNCLOS Articles 195 and 196, which impose obligations to prevent harmful technological interventions and to control pollution from new technologies.

Finally, the opinion reaffirmed the principle of international cooperation. States are required to collaborate continuously, in good faith, and in coordination with relevant organizations. Failure to meet these duties — including the disregard of best available scientific evidence—may trigger State responsibility under UNCLOS. Professor Payne concluded by noting that although UNCLOS was adopted in 1982, during a time when many national anti-pollution laws were being enacted, the Convention remains a powerful legal instrument for the protection of the marine environment in today's climate context.

Summary of the Intervention by Mister Bastiaan Klerk on His Experience Working with the WCEL Executive Committee

PhD Candidate, University of Tromsø (Norway), and Member of the Legal Team before ITLOS .

In his remarks, Mister Bastiaan Klerk shared the valuable and formative experience of working as a member of the WCEL legal team in preparation for the advisory opinion requested by the International Tribunal for the Law of the Sea (ITLOS). As an early-career researcher, he emphasized the significance of collaborating with highly regarded experts such as Christina Lucini, Lisa Benjamin, and Harold Attenborough. For him, this was a unique opportunity to move beyond traditional academic boundaries and contribute directly to a concrete international legal case, which had a substantial impact on his professional development.

Mister Klerk particularly appreciated witnessing how his prior academic work — including his master's thesis on the intersection between law and the language industry — came to life in a real-world context. The experience of contributing to an active legal case allowed him to make tangible inputs to the written submissions of the Executive Committee, many of which were reflected in the advisory opinion, with discernible resonance in the final outcome. He also highlighted the added value of the oral submissions in influencing the proceedings.

This engagement marked a pivotal moment in his career, bridging the gap between theoretical scholarship and impactful legal work. It demonstrated to him how the legal arguments and materials developed by the team could shape international legal discourse and contribute meaningfully to the Tribunal's decision-making process.

Second Intervention of Professor Cymie Payne (Online)

Chair, WCEL Ocean Law Specialist Group – IUCN Lead Counsel before the International Tribunal for the Law of the Sea (ITLOS)

It is worth noting that Professor Cymie Payne, Lead Counsel for the IUCN team before the International Tribunal for the Law of the Sea (ITLOS), was invited to speak a second time during the session. This follow-up intervention, prompted by the session chair, aimed to further explore the concrete impact of IUCN's participation in the advisory proceedings and the implications of the Tribunal's opinion for the Union's future work.

Professor Payne began by thanking the previous speakers for sharing their experiences and commended the collective effort that led to the advisory opinion issued by ITLOS. She emphasized the notable influence of IUCN throughout the proceedings, highlighting the significant alignment between the Tribunal's conclusions and the positions advanced by the organization.

She explained that IUCN had played a crucial role as an independent expert, holding a unique status as a permanent observer to the United Nations. Unlike advocacy-oriented NGOs, IUCN is not a lobbying group, but rather a recognized scientific and legal body known for its objectivity and rigor. This standing enabled it to provide the Tribunal with credible submissions grounded in robust legal argumentation and reliable scientific data.

Among the key contributions of IUCN, Professor Payne highlighted:

- The emphasis on the urgent need to reduce greenhouse gas emissions in order to meet the 1.5 °C target;
- The integration of geoengineering issues within the legal analysis;
- The application of core legal principles such as due diligence, ecosystem resilience, and the precautionary principle in the context of protecting the marine environment from climate change impacts.

Although the judges did not explicitly cite IUCN's positions, she observed that the final advisory opinion closely mirrored the Union's recommendations. This, in her view, demonstrated the substantial and influential nature of IUCN's contribution.

In conclusion, Professor Payne underlined the importance of IUCN's multidisciplinary expertise—spanning law, science, and environmental policy—in a context where the ocean are increasingly affected by climate change. IUCN, she affirmed, is well-positioned to support States in implementing their legal obligations, fostering international cooperation, and encouraging concrete, science-based measures.

Summary of the Intervention by Professor Claudia de Windt

Steering Committee Member of WCEL, Executive Director of the Inter-American Institute on Justice and Human Rights, and Head of the IUCN Legal Team before the Inter-American Court of Human Rights (IACtHR)

In her intervention, Professor Claudia de Windt highlighted the growing importance of the right to a healthy environment within the framework of international law. She noted that while this right was universally recognized in 2022, it has long been integrated into the legal systems of the Americas. In her home country, she explained, the right to a healthy environment has been enshrined in the Constitution since 2010, and its scope is reinforced through the Protocol to the American Convention on Human Rights. She also recalled that in a landmark 2018 advisory opinion, requested jointly by Colombia and Chile, the Inter-American Court of Human Rights affirmed that climate protection falls within the ambit of this right. That opinion laid the groundwork for clarifying the obligations of States in the face of the climate emergency and firmly anchored human rights within climate governance.

Professor de Windt then outlined six key issues raised by the advisory opinion, which now form the core of legal discourse on this subject across the region. She elaborated on their significance in defining State obligations at the intersection of human rights and environmental protection:

1. The duty of prevention and the guarantee of human rights;
2. Access to information;
3. Intergenerational equity;
4. Public consultation and access to judicial remedies;
5. The rights of environmental defenders, civil society, Indigenous peoples, and women;
6. The shared but differentiated responsibility of States in addressing climate-related loss and damage.

She explained that these points are intended to build a legal framework capable of protecting individuals from the adverse effects of climate change while promoting social justice and safeguarding vulnerable groups.

One of the most significant aspects of the advisory opinion, she added, is its attention to the specific vulnerabilities of small island nations, which face existential threats due to sea-level rise, and to environmental conflicts aggravated by the actions of transnational corporations. These corporations, she argued, often exacerbate local social and environmental challenges due to their lack of responsible conduct. This reality underscores the urgent need to protect the most exposed communities and to identify both legal and practical solutions for addressing transboundary environmental threats.

In response to these challenges, Professor de Windt emphasized the crucial role played by IUCN in this legal process. As a neutral and scientifically grounded organization, IUCN provided critical legal and technical expertise.

She underlined IUCN's focus on the principles of cooperation and prevention, as well as its commitment to preserving the integrity of natural systems. In particular, IUCN advanced an innovative approach to the issue of climate-related loss and damage, promoting nature-based solutions as effective, practical strategies to support vulnerable communities—especially within the Americas.

Professor de Windt concluded by stating that the integration of the right to a healthy environment into the jurisprudence of the Inter-American Court represents a major step forward in the recognition of environmental human rights. She stressed that the impact of such advisory opinions should not be underestimated, as they contribute to the evolution of legal standards on environmental rights while reinforcing the obligations of States. The insights and submissions gathered through this process, she added, are essential for guiding future actions and strengthening the enforcement of these rights at both national and regional levels.

Summary of the Intervention by Professor Francesco Sindico

Professor of International Law, University of Strathclyde (UK) – Coordinator of the IUCN Legal Team for the Advisory Opinion Before the International Court of Justice (ICJ)

Professor Francesco Sindico provided an analysis of the strategic role played by the International Union for Conservation of Nature (IUCN) in the advisory proceedings currently underway before the International Court of Justice (ICJ). His intervention highlighted the legal and political complexities involved in clarifying the international climate obligations of States, particularly in a context marked by diplomatic sensitivities and the coexistence of multiple legal frameworks.

He began by recalling that the request for an advisory opinion was initiated by the United Nations General Assembly, following a proposal led by Vanuatu and the Coalition of Small Island States (COSIS). The primary objective of this initiative is to determine the existence and scope of States' legal obligations regarding climate change, and to identify the legal consequences arising from a failure to fulfil those obligations.

As an intergovernmental organization with consultative status, IUCN chose to submit a written statement, thereby contributing to the global legal discourse on these pressing issues. Professor Sindico emphasized that the IUCN did not adopt a narrow interpretation of climate law centered solely on the Paris Agreement.

Instead, the legal team he coordinated pursued an integrated approach—drawing upon customary international law, core principles of international environmental law, and human rights law. The objective was to provide the Court with a coherent and ambitious interpretive framework, rooted in the interconnectedness of international legal regimes.

Professor Sindico underlined the remarkable scope of the proceedings, which saw the participation of nearly 130 States through written and oral submissions. This unprecedented level of engagement reflects the global relevance of the case. He described the public hearings as a unique moment, with numerous States seizing the opportunity to address the Court, which for the first time was being asked to consider a matter so deeply embedded in the intersection of climate change, environmental protection, and international law. The judges of the ICJ, he observed, are themselves confronted with novel concepts and legal constructions, making the role of legal education and interpretive clarity particularly vital.

In this context, Professor Sindico stressed the importance of IUCN's efforts to ensure consistency across its interventions before multiple international legal fora —including the International Tribunal for the Law of the Sea (ITLOS), the Inter-American Court of Human Rights, and the ICJ. These coordinated submissions aimed to maintain normative coherence while adapting to the specific mandates and legal frameworks of each tribunal.

Finally, Professor Sindico expressed the hope that the forthcoming ICJ advisory opinion would affirm the existence of binding climate obligations that go beyond the softer mechanisms of the Paris Agreement. He noted that such a development could significantly bolster both domestic and international climate action. However, he also cautioned that this progress may provoke political resistance, particularly from States reluctant to see their legal responsibilities expanded. He concluded by emphasizing the importance of strategic communication to support the reception of the advisory opinion and to safeguard the credibility of international judicial institutions against potential political backlash.

Summary of the Intervention by Dr. Yusra Suedi

PHD of Public International Law, Researcher at the University of Manchester – Specialist in Human Rights and Climate Change

Dr. Yusra Suedi began by recalling her close engagement with the oral hearings held before the International Court of Justice (ICJ), which she attended in their entirety over the course of two weeks. She highlighted the diversity of States' positions presented during the proceedings and drew attention to a stark contrast: while many countries from the Global South called for a strong and binding legal response to the climate crisis, several developed countries appeared more hesitant, often resisting the notion of legally enforceable obligations beyond those outlined in the Paris Agreement.

According to Dr. Suedi, this divergence illustrates an underlying tension in the interpretation and evolution of international environmental law.
She emphasized one of the most significant contributions of the International Union for Conservation of Nature (IUCN) to the proceedings: the articulation of an integrated legal approach that bridges the Paris Agreement, customary international law, human rights law, and foundational principles of international environmental law. Dr. Suedi underscored that this convergence of legal regimes is essential for ensuring the effectiveness of climate norms and promoting a holistic understanding of States' climate obligations. In this sense, the IUCN's intervention helped bring an ethical and intergenerational perspective to the Court's deliberations.
However, Dr. Suedi also issued a note of caution regarding the potential political consequences of an overly ambitious advisory opinion. She warned that certain States may react negatively—possibly rejecting the opinion outright or challenging the legitimacy of the ICJ and the broader multilateral process. In light of these risks, she advocated for proactive legal communication and political mediation to ensure that the advisory opinion is accessible, intelligible, and broadly accepted—not only by States but also by civil society actors.

Finally, Dr. Suedi stressed the transformative potential of the forthcoming opinion, noting that it could serve as a catalyst for a new wave of climate litigation at the national level. Domestic courts, she argued, may be inspired by the reasoning and conclusions presented before the ICJ, thereby strengthening the enforceability of climate commitments under national law. Within this dynamic, the IUCN would have a key role to play in ensuring continuity between international advocacy and national implementation, helping to translate global legal developments into local climate action.

Summary of the Intervention by Ms. Corina Heri (Online)

Assistant Professor of Constitutional and Administrative Law at Tilburg Law School at Tilburg University

With methodological clarity, Ms. Corina Heri emphasized the growing relevance of anchoring climate obligations within human rights frameworks, exploring how the International Court of Justice (ICJ) might draw inspiration from other international jurisdictions, notably the Inter-American Court of Human Rights.

She first highlighted the deeply human dimension of climate change, stressing that its impacts directly undermine the exercise of fundamental rights such as the rights to life, health, and a healthy environment. From this perspective, she argued that the ICJ's advisory opinion could become a structuring instrument by consolidating the link between environmental obligations and human rights.

Ms. Heri notably drew parallels between the ICJ's referral and the Inter-American Court's jurisprudence, recalling that the latter has already paved the way for a dynamic interpretation of human rights in the face of environmental challenges. According to her, the IUCN has played a key role in transmitting these cross-jurisdictional precedents, fostering inter-jurisdictional fertilization that strengthens the normative scope of climate obligations.

She insisted on the necessity of interpreting international obligations not solely through the letter of the Paris Agreement, but also in light of customary international law principles and human rights instruments. This integrated approach, she contended, is essential to ensure States' responsibility and their duty to prevent serious harm to vulnerable populations, including future generations.

Finally, Ms. Heri addressed the role of national courts in implementing the advisory opinion, emphasizing that it could be invoked by domestic judges to interpret States' climate commitments through the lens of international law. She thus reaffirmed the strategic contribution of the IUCN in bridging international forums and internal decision-making processes.

Summary of the Intervention by Ms. Anastasia Kantzelis

Barrister at the London Bar, specialist in international environmental litigation, active member of the "Climate Change Law" working group within WCEL (IUCN)

Ms. Kantzelis began by emphasizing that advisory opinions issued by international courts, although not legally binding, can have a transformative impact at the domestic level. According to her, future rulings stemming from cases before the ICJ, ITLOS, and the Inter-American Court could act as catalysts for the evolution of constitutional and administrative jurisprudence in States.

She highlighted the concept of cross-jurisdictional fertilization: legal arguments, stated principles, and emerging standards are likely to influence how supreme or constitutional courts incorporate climate obligations into their reasoning. The barrister cited concrete examples in which national courts have already relied on international principles to strengthen environmental rights.

Ms. Kantzelis also stressed the educational and mobilizing role of the IUCN: beyond its function as a legal contributor, the Union is also an actor in dissemination, ensuring that the arguments presented before international tribunals are understood, relayed, and appropriated by practitioners and national policymakers.

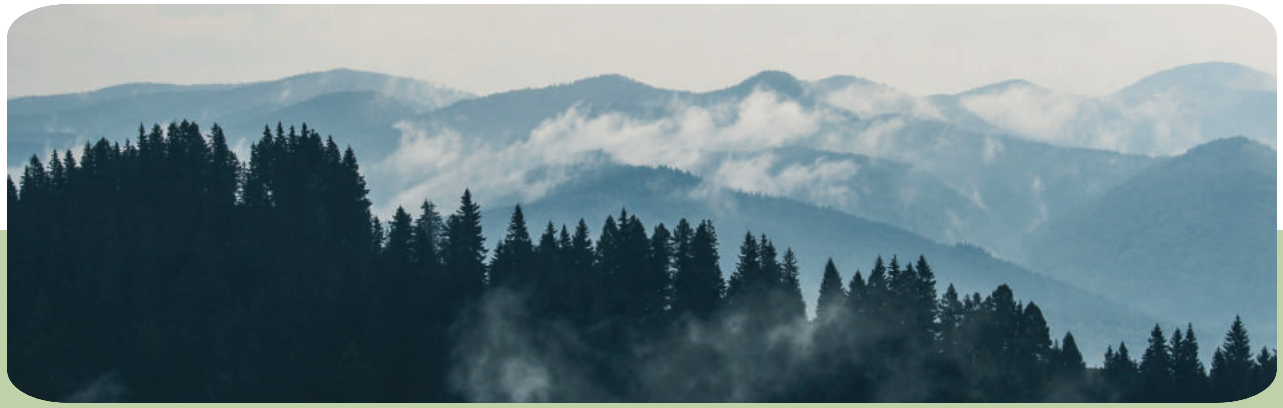
Finally, she concluded by underlining that the development of international environmental law, particularly the recognition of binding climate obligations, will not occur solely through written texts but through the living interpretation that courts—both local and international—will give it. In this context, the proactive role of the IUCN is an essential vector for normative alignment to strengthen the effectiveness of climate law.

CONCLUSION

The third plenary roundtable, titled “IUCN Before International Courts”, vividly illustrated the International Union for Conservation of Nature’s (IUCN) committed involvement in major international advisory proceedings on climate change. Chaired by Professor Christina Voigt, the panelists detailed the concerted efforts to present an expert, coherent, and legally grounded voice before three key forums: The International Court of Justice, the Inter-American Court of Human Rights, and the International Tribunal for the Law of the Sea.

The discussions highlighted an integrated strategy based on the intersection of multiple legal regimes—international environmental law, human rights law, customary law, and treaty law—to advance an ambitious interpretation of States’ climate obligations. In this context, the IUCN emerges as a pivotal normative actor, both as a producer of scientific knowledge and a proponent of cross-cutting legal solutions.

By weaving connections between courts, disciplines, and legal communities, this roundtable emphasized the structuring role international advisory opinions can play in strengthening the coherence of global climate law and paving the way for increased legal accountability of States in facing climate change challenges.
Following the roundtable, exchanges among professors, researchers, doctoral candidates, and experts yielded several key insights while also highlighting the richness of the legal approaches advanced by the IUCN before international jurisdictions.



FOURTH PLENARY : ROUNDTABLE HUNGER – POVERTY AND THE ENVIRONMENT: INTEGRATED APPROACHES

CHAIR :

- **Prof. Cristiane Derani,** Deputy-Chair, WCEL Ethics Specialist Group.

SPEAKERS :

01 - **Mr. Osmar Ribeiro de Almeida Júnior,** Executive Secretary of Ministry of Development and Social Assistance, Family and Combating Hunger, Brazil

02 - **H.E. Ambassador Alexandre Parola,** Ambassador of Brazil to the Kingdom of Morocco

03 - **Mr. João Paulo Santos,** Head of the Legal Advisory Office of the Ministry of Development and Social Assistance, Family and Fight Against Hunger, Brazil

04 - **H.E. Ambassador Jimoh Murtala,** Ministry of Foreign Affairs, Nigeria

05 - **Mr. Auxence Estimé Malongo Iyangui,** Gabon, Ministry of Foreign Affairs (Law of the Sea General Directorate)

06 - **Mr. Donald Kaniaru**, Former UNEP Law Division Director

07 - **Mr. Tianbao Qin, Director,** Research Institute of Environmental Law (RIEL), Wuhan University (Online)

08 - **Mr. Riad Balaghi,** Adaptation de l'Agriculture Africaine (AAA)

INTRODUCTION

Professor Derani opened the session by firmly emphasizing that the fight against hunger and poverty can only be effective if it is based on an integrated approach, coherently linking the legal, social, and environmental dimensions. She stressed that poverty and food insecurity are not merely economic or technical issues, but challenges deeply connected to governance, societal choices, and environmental justice.

From this perspective, she highlighted the essential role of ethics and law in guiding public policies toward sustainable and equitable development models — ones that meet the needs of present generations without compromising those of the future. According to her, legal frameworks must not only regulate but also inspire structural transformations that place human dignity and the preservation of natural resources at the core of policy priorities.

Summary of the Intervention by Mister Osmar Ribeiro de Almeida Júnior

Executive Secretary, Ministry of Development and Social Assistance, Brazil

Mister Almeida Júnior focused his intervention on the issue of climate injustice, highlighting how the impacts of climate change are distributed in profoundly unequal ways. According to him, it is the already vulnerable populations — particularly women, children, and rural communities directly dependent on natural resources — who suffer the most severe consequences. Drawing on the findings of the FAO report The Unjust Climate, he emphasized that climate crises are not merely environmental phenomena, but act as multipliers of social, economic, and health vulnerabilities. They exacerbate poverty, undermine food security, and increase the risk of forced displacement, further weakening community structures.
In response, he presented Brazil's integrated approach, designed to link social protection, climate resilience, and ecological sustainability. The Bolsa Família program was highlighted as a central pillar of this strategy, providing direct support to the poorest families and strengthening their ability to withstand climate shocks. In parallel, Mister Almeida Júnior stressed the growing importance of agroecological initiatives, which enable rural communities to develop sustainable agricultural practices that are environmentally friendly and adapted to changing climate conditions. These approaches not only promote local food security but also contribute to better ecosystem management.

He emphasized the need to establish rapid response protocols for families displaced by climate events, particularly in areas most exposed to floods, droughts, or wildfires. These mechanisms, he argued, must provide immediate support — such as shelter, food aid, or socio-economic reintegration — while also preparing for long-term solutions to reduce future risks. The focus on prevention and resilience demonstrates that addressing climate impacts requires anticipatory, coordinated, and inclusive responses. Beyond the national level, Mister Almeida Júnior underscored Brazil's sense of responsibility in global climate leadership, especially due to its strategic role in protecting the Amazon and its tradition of multilateral diplomacy. He reminded the audience that international solidarity is not optional, but essential to collectively meet the climate challenge. In this spirit, he presented COP30 in Belém—set in the heart of the Amazon—as a historic and decisive moment. According to him, this summit must not only strengthen emission reduction commitments but also place social justice and equity at the center of global climate negotiations.

In conclusion, Mister Almeida Júnior affirmed that the climate crisis, far from being solely an environmental challenge, must be addressed as a matter of justice. It demands responses that integrate law, ethics, and solidarity in order to protect the most vulnerable and build a future where sustainable development goes hand in hand with social inclusion and human dignity.

Summary of the Intervention by His Excellency Ambassador Alexandre Parola

Ambassador of Brazil to the Kingdom of Morocco

His Excellency Ambassador Alexandre Parola dedicated his intervention to presenting the Global Alliance Against Hunger and Poverty, a major international initiative launched in 2024 that already brings together over 180 members, including states, international organizations, and civil society actors. This alliance aims to offer a collective and innovative response to the structural challenges of food insecurity and inequality, in a context where environmental and climate crises are deepening population vulnerabilities. In outlining the current situation, the Ambassador reminded the audience that hunger and poverty remain daily realities for hundreds of millions of people, despite global commitments enshrined in the 2030 Agenda.

His Excellency detailed the Alliance's three strategic pillars. The first focuses on national policies, which are essential for embedding the fight against hunger and poverty within strong legislative and institutional frameworks. Each member country is encouraged to tailor its priorities to local needs, ensuring coherence between social, environmental, and economic policies. The second pillar addresses financial alignment, aiming to coordinate public and private investment flows to maximize impact and ensure resources are directed toward programs that benefit vulnerable communities. The third pillar emphasizes knowledge exchange and best practices, fostering innovation, technology transfer, and mutual learning among Alliance members.

His Excellency Ambassador Parola highlighted Brazil's model as an example of good practice that integrates environmental and social dimensions into a unified strategy. Among the initiatives cited were targeted cash transfers in rural areas, which strengthen the economic resilience of poor families while reducing their exposure to climate risks. He also mentioned school meal programs that combine food security, child nutrition, and support for local producers through responsible public procurement. Additional projects include access to clean water and sanitation, which are vital for improving public health, reducing inequality, and promoting sustainable development.

Beyond these concrete measures, the Ambassador advocated for a human rights-based approach, stressing that the right to food and the right to a healthy environment must form the foundation of poverty reduction policies. According to him, these rights should not be seen as aspirations but as legal and ethical obligations binding on states and the international community. By linking social, environmental, and economic issues, he affirmed that the Global Alliance offers a unique platform to turn commitments into tangible outcomes and to place social justice at the heart of ongoing transitions.

In conclusion, H.E. Ambassador Parola emphasized that the Global Alliance is not merely a framework for cooperation, but a political vision: one of a world where hunger and poverty can be eradicated through integrated policies, aligned financing, and international solidarity grounded in universal human rights.

Summary of the Intervention by Mister João Paulo Santos

Head of the Legal Advisory Office, Ministry of Development and Social Assistance, Brazil

Mister João Paulo Santos, Head of the Legal Advisory Office at Brazil's Ministry of Development and Social Assistance, focused his intervention on the intersections between law, food systems, and the environment. He reminded the audience that agriculture and food production chains are among the leading contributors to global greenhouse gas emissions — not only through deforestation and the intensive use of chemical inputs, but also through globalized consumption and distribution patterns. This reality, he argued, calls for a rethinking of the legal framework governing food systems to fully integrate climate and ecological imperatives.

Mister Santos emphasized the role of legal tools as levers for transformation. Law can, on one hand, guarantee and enforce the fundamental right to food, which remains insufficiently protected in many countries. On the other hand, it serves as a means to challenge harmful practices by agribusinesses, especially when they jeopardize public health, exploit natural resources, or deepen social inequalities. Finally, law must also be used to protect vulnerable ecosystems, which are essential for climate resilience and the food security of future generations.

Acknowledging the limitations of current legal mechanisms, he issued a call to the academic and research communities. He stressed the urgency of mapping the true environmental costs of food systems to provide a solid empirical foundation for legal reform. He advocated for building legal bridges between food justice and climate action, arguing that these two dimensions can no longer be addressed in isolation.

In conclusion, Mister Santos asserted that the future of food systems depends on our ability to connect law, science, and public policy. For him, only integrated legal governance can reconcile the fight against hunger, the protection of human rights, and the response to the climate emergency.

Summary of the Intervention by Mister Auxence Estimé Malongo Iyangui

Ministry of Foreign Affairs, Gabon (Directorate General for the Law of the Sea)

Mister Auxence Estimé Malongo Iyangui, representing Gabon's Ministry of Foreign Affairs, highlighted a major issue in his country: human–wildlife conflict, particularly involving elephants, which severely affects rural communities and small-scale farmers. He explained that these conflicts result in crop losses, damage to livelihoods, and sometimes even social tensions, undermining food security and economic stability in rural areas.

In response, he presented several conservation measures implemented by Gabon. These include the installation of electric fences to reduce elephant intrusions into cultivated fields, the creation and management of marine protected areas to preserve fishery resources and ensure their sustainability, and the development of community-based conservation initiatives that directly involve local populations in the stewardship and protection of natural resources.

He emphasized that Gabon's approach goes beyond biodiversity protection — it also aims to strengthen climate resilience and support rural livelihoods. Conservation, when designed as an integrated policy, can become a driver of sustainable development, combining ecosystem protection, poverty reduction, and improved food security.

In conclusion, Mister Iyangui stressed that Gabon aspires to serve as a model in Central Africa, demonstrating that biodiversity and human development are not opposing goals, but must be pursued together in a framework of inclusive and participatory governance.

Summary of the Intervention by Mister Donald Kaniaru

Former UNEP Law Division Director

Mister Donald Kaniaru, former Director of the Legal Division at UNEP, emphasized the urgent need for systemic approaches to simultaneously address the crises of hunger, poverty, and environmental degradation. According to him, these three challenges are deeply interconnected and cannot be tackled in isolation. He expressed concern over the growing control of natural resources by large corporations, often driven by extractivist logics that exacerbate social inequalities and accelerate biodiversity loss.

In this context, he advocated for land to be recognized not merely as an economic asset, but primarily as an ecological good essential to the survival of present and future generations.

Mister Kaniaru also highlighted the central role of women in agriculture, noting that they make up the majority of the agricultural workforce in many African countries and are custodians of traditional knowledge vital for sustainable farming. He stressed that this indigenous knowledge, passed down through generations, is a strategic resource for strengthening food and climate resilience, yet remains too often marginalized in public policy.

Additionally, he criticized the environmental and social consequences of rural exodus, which weakens farming communities, increases pressure on urban areas, and contributes to the breakdown of local ecosystems. To address this, he recommended the implementation of decentralized and inclusive strategies that strengthen rural–urban linkages while promoting local initiatives.

In conclusion, Mister Kaniaru called for a paradigm shift that acknowledges the interdependence of social justice, environmental protection, and inclusive governance. He asserted that only such an approach can build food systems that are fair, sustainable, and truly resilient in the face of global challenges.

Summary of the Intervention by Mister Riad Balaghi

Representative of the Initiative for the Adaptation of African Agriculture (AAA)

Mister Riad Balaghi presented the Initiative for the Adaptation of African Agriculture (AAA), designed as a strategic response to the continent's specific vulnerabilities to climate change. He emphasized that African agriculture—largely rain-dependent and dominated by small family farms — is particularly exposed to droughts, floods, and extreme weather events. In this context, the AAA Initiative promotes sustainable agricultural practices such as agroforestry, resilient family farming, and the protection of agricultural land, which are seen as key levers for strengthening food security while preserving ecosystems.

Mister Balaghi stressed the importance of technology transfer to enable African farmers to access climate-smart innovations, including water-efficient irrigation systems, digital tools for crop management, and adaptive agricultural techniques. He also highlighted the need for targeted investments in rural women, who play a central role in agricultural production but are often marginalized in access to credit, training, and markets.

He pointed out that Nationally Determined Contributions (NDCs) must be revised and strengthened to systematically integrate the agricultural and rural dimension —a sector that is both a source and a victim of climate change. He called for a coordinated effort to place agriculture at the heart of climate policies, in line with commitments under the Paris Agreement.

Finally, Mister Balaghi advocated for stronger South–South and North–South cooperation, arguing that African solutions must be recognized and supported globally, while benefiting from knowledge exchange and equitable partnerships. He concluded by calling for increased and predictable financing, which he sees as essential to support the climate resilience of African food systems and ensure inclusive, sustainable agricultural development capable of meeting future challenges.

SPECIAL INTERVENTION

HER EXCELLENCY THE AMBASSADOR-AT-LARGE OF HIS MAJESTY THE KING OF MOROCCO

In her concluding remarks, Her Excellency Ambassador Alaoui highlighted Moroccan agricultural innovation as a strategic lever to address the challenges of rural poverty, food security, and land degradation. She emphasized the importance of international partnerships, citing successful collaborations with institutions such as MIT, Cuba, and France, which enable the integration of technological expertise, scientific research, and locally adapted practices.

She introduced a new micro-foundation dedicated to promoting green rural economies led by women, underscoring their central role in transforming rural territories and enhancing community climate resilience. This initiative aims to create inclusive economic opportunities while strengthening women's autonomy and leadership in the agricultural sector.

Additionally, the Ambassador spotlighted sustainable soil fertilization programs led by the OCP Foundation, which seek to improve agricultural productivity while preserving natural resources. These initiatives contribute not only to the restoration of degraded lands but also to reducing rural inequalities and building a more equitable and sustainable agricultural model. She concluded by affirming that Morocco's experience demonstrates how an integrated approach—combining scientific innovation, social justice, and environmental sustainability—offers a promising path to tackle global challenges related to hunger, poverty, and climate change.

CONCLUSION

The discussions highlight that tackling hunger and poverty cannot be separated from “protecting natural resources” and ensuring “social justice”. An integrated approach, based on international cooperation and legal innovation, is essential to build resilient and sustainable societies capable of addressing the joint challenges of climate change, food security, and development.

BOOK LAUNCHES

During the event, several books were launched and presented by their authors, reflecting the diversity of expertise and perspectives in environmental law, policy, and governance:

Research Handbook on Climate Change Litigation, by Francesco Sindico, Kate McKenzie, Gaston Medici-Colombo, and Lennart Wegener.

CITES Implementation in Nepal and India: Law, Policy and Practice, by Ravi Sharma Aryal.

Climate Justice and Extractive Industries in African Law through the Lens of the RADE, by Mohamed Ali Mekouar.

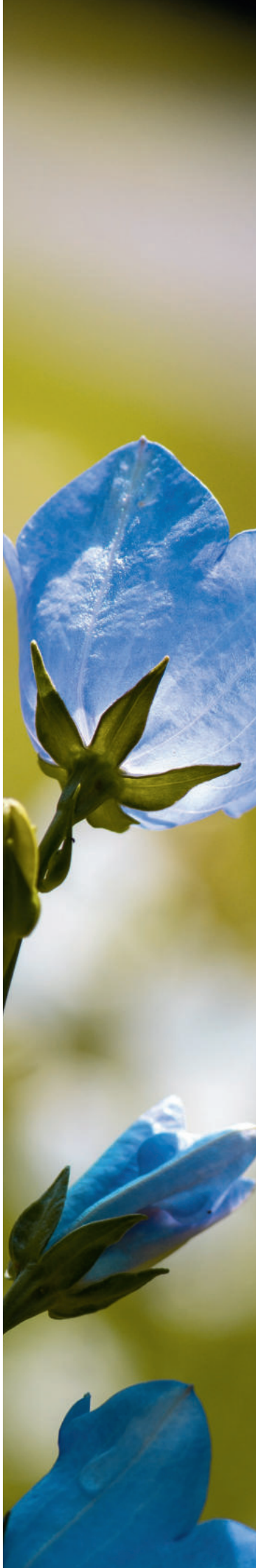
Food Systems and Biodiversity in the Context of Environmental and Climate Risks: Dynamics and Evolving Solutions, by Mohamed Behnassi, Mirza Barjees Baig, Himangana Gupta, Rachid Sabbahi, Gitanjali Nain Gill, and El Haiba Mahjoub.

Report on the Situation of Environmental Human Rights Defenders, Individuals, and Communities in Mexico, presented by Gustavo Alanís Ortega.

Routledge Handbook of Climate Law and Governance: Courage, Contributions and Compliance, by Marie-Claire Cordonier Segger and Christina Voigt.

Waste Law and Sustainable Development: The Case of Household Waste, by Nabil Madani.

Patents, Genetic Resources, and Traditional Knowledge in International Law: Towards the Construction of a Law of Recognition, by Pag-yendu Yentcharé.



PARALLEL SESSION 9 —INTEGRATED ENVIRONMENTAL ETHICS AND LAW

CHAIR:

- **Ms. Katy Gwiazdon** Chair of the WCEL Ethics Specialist Group

SPEAKERS:

01 **Mr. Danilo B. Garrido Alves:** When Development Banks Finance Environmental Destruction: an Assessment of Compliance Investigations and the (non-)Actions Taken by the IFC to Address Them.

02 **Ms. Gitanjali Nain Gill:** Environmental Public Hearings in India: The Need for a Corrective and Gender-Balanced Legal Framework to Advance Environmental Justice.

03 **Ms. Hillary Renick:** Green Colonialism and Biodiversity Protection.

04 **Mr. Kelvin Kariuki Muli, Ms. Elizabeth Nyambura and Mr. Joel Onyango (Online):** Preserving Knowledge Systems Through the Integration of Indigenous Knowledge: a Case Study of the Ogiek Community in the Mau Forest, Kenya.

05 **Ms. Maria Antonieta Nestor and Mr. Freddy Sebastián Medina:** Towards Environmental Justice: Indigenous Rights, Sustainable Development and the Defense of Ancestral Lands.

06 **Ms. Séverine Carrez:** For an Ethics of the Rights of Nature.

07 **Mr. Eugenio Sartoretto, Ms. Francesca Coli and Ms. Lola Nihotte:** The Sustainable Wildlife Management Legal Hub: Turning Legal Analysis into a Catalyst for Integrated Biodiversity Protection.

INTRODUCTION

Parallel Session 9, entitled “Integrated Environmental Ethics and Law”, brought together experts and scholars from diverse backgrounds to explore the intersections between legal frameworks and ethical imperatives in environmental protection. Chaired by Ms. Katy Gwiazdon, Executive Director of the Center for Ethics and Law, the session highlighted the importance of a comprehensive ethical framework to enhance the effectiveness of environmental law and foster inclusive governance.

The presentations addressed a wide range of themes, from environmental non-compliance by development banks to the integration of indigenous knowledge, including issues of gender justice, green colonialism, the recognition of the rights of nature, and the challenges of sustainable wildlife management. Together, these contributions underscored the need for continuous dialogue between law and ethics to meet today’s global challenges.

Summary of the Intervention by Mister Danilo B. Garrido Alves

"When Development Banks Finance Environmental Sestruction: an Assessment of Compliance Investigations and the (non-)Actions Taken by the IFC to Address Them"

Mister Danilo B. Garrido Alves delivered an assessment of a project financed by the International Finance Corporation (IFC), which supported the expansion of a cement company through a shift in its energy source from gas to coal. This transition triggered strong opposition from neighboring communities, who raised concerns about excessive noise, health impacts, increased pollution, and breaches of environmental standards. Two formal complaints were filed, leading to an IFC compliance investigation.

The evaluation report, released five years later, revealed significant shortcomings in IFC's risk management, as crucial environmental and social risks had not been adequately identified or addressed prior to project implementation. Despite these findings, IFC's remedial actions remained minimal. However, the report was later used by an NGO to reinforce another similar case. Additionally, more than two million US dollars were spent by the IFC on consultations and studies related to the project, raising questions about the efficiency and value of such expenditures. Mister Alves concluded by questioning the actual capacity of international financial institutions like the IFC to prevent or remedy the environmental and social harm caused by the projects they fund.

Summary of the Intervention by Ms. Gitanjali Nain Gill

"Environmental Public Hearings in India: The Need for a Corrective and Gender-Balanced Legal Framework to Advance Environmental Justice"

Environmental Public Hearings in India: the need for a gender-balanced corrective legal framework to promote environmental justice. Professor Gitanjali Nain Gill highlighted the crucial role of gender integration in India's environmental governance mechanisms. She recalled that key international frameworks – including Agenda 21 (1992), the Beijing Declaration (1995), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) – provide a solid legal foundation for such integration. She placed particular emphasis on CEDAW's General Recommendation No. 34, which uniquely addresses the rights of rural women and recognizes their essential role in environmental protection.

According to the speaker, ensuring the full participation of rural women in decision-making enhances governance, promotes inclusive economic development, guarantees fair resource distribution, and fosters sustainable development.

She advocated for a corrective legal framework that recognizes, protects, and strengthens women's participation in these processes, framing it as a prerequisite for achieving genuine environmental justice.

Summary of the Intervention by Ms. Hillary Renick

"Green Colonialism and Biodiversity Protection"

In her presentation, Ms. Hillary Renick focused on the issue of critical minerals, defined by the U.S. Department of the Interior as essential to the nation's economic and national security. In 2022, the U.S. Geological Survey identified 50 critical minerals, including manganese (Mn), cobalt (Co), nickel (Ni), zinc (Zn), titanium (Ti), and rare earth elements (REE). These resources are indispensable for the production of technological devices (such as mobile phones), national defense applications, healthcare, and industries linked to green growth. Ms. Renick also presented data from the U.S. Renewable Energy Program, highlighting electricity sales, offshore commercial and research leases, approved site assessment plans, and other activities connected to offshore wind projects.
Through this analysis, she emphasized the tensions between the large-scale exploitation of these resources and the imperative to safeguard biodiversity, thereby questioning the dynamics of so-called "green colonialism."

Summary of the Intervention by Ms. Maria Antonieta Nestor & Mister Freddy Sebastián Medina

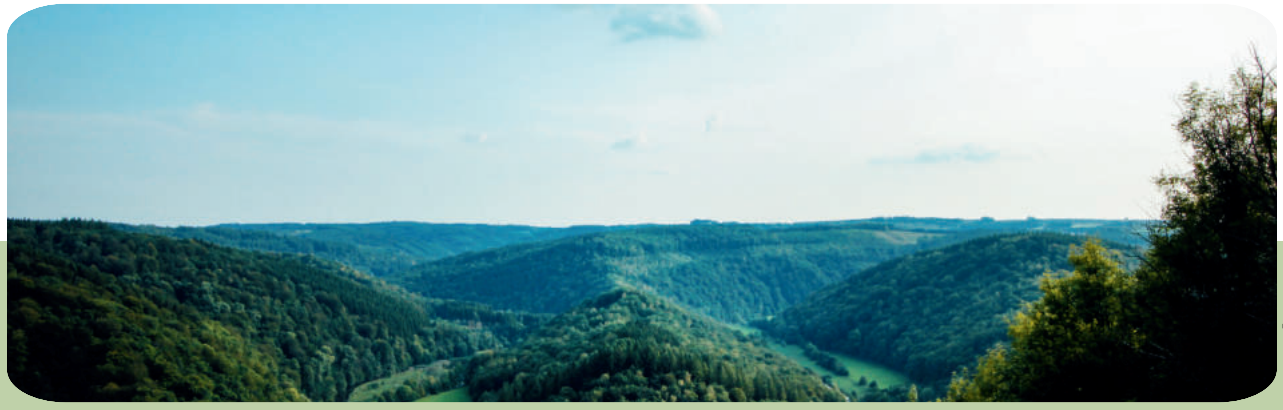
"Towards Environmental Justice: Indigenous Rights, Sustainable Development and the Defense of Ancestral Lands"

Ms. Maria Antonieta Nestor and Mister Freddy Sebastian Medina focused their presentation on the nexus between Indigenous peoples' rights and sustainable development. They emphasized that Indigenous communities hold traditional knowledge and land management practices that are crucial for biodiversity preservation and climate action. Yet, they continue to face systemic marginalization and violations of their territorial rights, undermining their role as guardians of nature.

The speakers advocated for stronger international and national legal frameworks, notably through the effective implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). They stressed that full recognition of Indigenous peoples' land, cultural, and political rights is an essential precondition for achieving sustainable development goals and ensuring genuine environmental justice.

CONCLUSION

This session demonstrates that the “intersection of law and ethics” is crucial in addressing contemporary environmental crises. It highlights the need to integrate social justice, indigenous knowledge, and inclusive approaches into legal frameworks to safeguard biodiversity and the rights of future generations.



PARALLEL SESSION 10 —
INTEGRATING DIVERSE OBJECTIVES IN OCEAN GOVERNANCE

SESSION CHAIR:

- **Mr. Pradeep Singh,** Deputy Chair, WCEL Ocean Law Specialist Group

SPEAKERS:

01 **Ms. Frances Disiga (Online):** Strengthening Ocean Governance in Oceania: Advancing the BBNJ Treaty for Regional Conservation and Sustainability.

02 **Mr. Amiel Ian Valdez:** Examining the Interaction Between the Precautionary Principle and Environmental Impact Assessments in the Context of Deep-Sea Mining**.**

03 **Ms. Bastiaan Klerk:** Dynamic Spatial Management Tools for a Changing Ocean: A Case Study**.**

04 **Ms. Zunaida Moosa Wadiwala:** Navigating the New: Implications of the 2024 ITLOS Advisory Opinion for National Marine Legislation**.**

05 **Mr. Youness Taissir :** Cracking Down on Illegal Oil Discharges from Ships in Africa: The Challenge of Evidence and Prospects for Marine Environmental Protection**.**

06 **Ms. Lea Weimann :** Exploring the Rights of Nature for Coral Reefs: An Ecocentric Legal Framework for Climate Resilience.

07 **Ms. Marie Bonnin:** Assessing Ocean Legal Protection Using Artificial Intelligence: The NAWRAS Project.

INTRODUCTION

Climate, and social challenges. It is within this framework that Parallel Session No. 10, titled “Integrating Different Objectives in Ocean Governance”, was held under the insightful leadership of Dr. Pradeep Singh, a recognized expert in international law of the sea and ocean governance.

The session brought together a diverse group of speakers from academia and research institutions, who explored complementary approaches to strengthening ocean protection. Their contributions highlighted both the tensions and synergies within evolving environmental law and governance frameworks.
Mister Amiel Ian Valdez, a doctoral candidate, advocated for rethinking environmental law from a marine-centered perspective. He called for the legal recognition of marine plastic waste through an eco-centric and ethical lens, aimed at ecosystem restoration.

This perspective was further developed by Mister Bastiaan Klerk, a PhD candidate in international law, who examined the fragmentation of the law of the sea. His presentation emphasized the limitations of current legal frameworks in effectively addressing growing threats to the high seas and shared marine resources.
Ms. Zunaida MoosaWadiwala, a specialist in international climate law, enriched the discussion with a rigorous analysis of the May 2024 advisory opinion by ITLOS (International Tribunal for the Law of the Sea) on states’ obligations in the context of climate change. She highlighted the emergence of customary climate law and stressed the need for strengthened international cooperation.

Mister Youness Taissir, a PhD candidate under the supervision of Professor Samira Idllalene, offered a critical reflection on the role of customary international law in confronting the climate crisis. His intervention called for an evolving interpretation of international norms in light of ecological urgency.

Ms. Lea Weimann, a researcher in law and political ecology, brought an original contribution by proposing a legal framework based on the rights of nature, specifically applied to coral reefs. Drawing on case studies from Central America, she demonstrated the transformative potential of integrating Indigenous cosmologies into marine resilience strategies.

Finally, Ms. Marie Bonnin, an environmental law researcher, presented findings from her research team under the NAWRAS project, which leverages artificial intelligence to quantitatively assess the effectiveness of legal bans related to ocean protection in several African countries. Using two indicators—the scope and the operationalization of legal norms—the project introduces an innovative method for measuring both progress and setbacks in the effectiveness of environmental law.

The detailed summaries of the presentations delivered during this session appear below. Collectively, they illustrate the richness of the perspectives shared and underscore a shared ambition: to rethink ocean governance in light of the challenges of the 21st century.

Summary of the Intervention by Mister Amiel Ian Valdez

"Exploring the Interaction between the Precautionary Principle and Environmental Impact Assessment in the Context of Deep-Sea Mining"

Mister Amiel Ian Valdez offered a reflection on the integration of the precautionary principle and environmental impact assessment (EIA) within the complex regulatory framework governing deep-sea mining beyond national jurisdiction. Limited to an eight-minute presentation, his intervention focused on questioning the normative clarity and legal effectiveness of current rules, particularly in light of growing global demand for critical minerals essential to the energy transition.

He began by highlighting the current rush to access deep-sea resources, such as polymetallic nodules rich in cobalt, nickel, and other strategic elements. He referenced a recent U.S. executive order encouraging licensing in international seabed areas, underscoring the geopolitical and economic urgency surrounding these resources.

Mister Valdez outlined the regulatory structure being developed by the International Seabed Authority (ISA), which is drafting a Mining Code divided into three phases: prospecting, exploration, and exploitation. The exploitation draft includes an entire chapter on EIA procedures and annexes a model Environmental Impact Statement (EIS).
However, he emphasized persistent legal ambiguities, especially regarding the binding nature of these requirements. While the EIA form is formally “prescribed,” it is described in the annex as merely a “recommended format,” creating uncertainty over whether the obligation is one of means or of result. Moreover, the precautionary principle is framed as an “approach” shared by the ISA, sponsoring states, and private contractors — without clarifying each actor’s degree of responsibility.

Turning to case law, Mister Valdez noted that international precedents, such as the ICJ Pulp Mills judgment, are hard to transpose to the legal regime governing the global commons. While the 2011 Seabed Advisory Opinion recognized the relevance of Pulp Mills, it failed to clarify crucial issues, such as the evidentiary threshold for “irreversible harm” under Principle 15 of the Rio Declaration, or the required level of precaution in situations where environmental damage is likely permanent.
He further stressed that both EIA and the precautionary principle are now embedded within a broader duty of due diligence for states. Yet two key tensions remain unresolved: (1) determining the appropriate level of due diligence in the high seas context, and (2) whether the presence of irreversible risk should automatically trigger the precautionary principle.

In conclusion, Mister Valdez advocated for a comparative study of domestic jurisprudence addressing similar trade-offs between development and irreversible environmental risk. Such an approach could inform the finalization of the ISA's mining framework, aiming to balance sustainability, ecological justice, and equitable global governance of shared resources.

Summary of the Intervention by Mister Bastiaan Klerk

"Dynamic Management of Marine Protected Areas (MPAs) in the Marginal Ice Zone (MIZ)"

Mister Bastiaan Klerk began by emphasizing the inherently dynamic nature of marine environments, increasingly impacted by climate change and human activities. These factors cause species migrations and ecosystem shifts, rendering traditional fixed-boundary MPAs inadequate, especially in the Arctic.
To address this, he proposed the concept of dynamic MPAs, evolving along three dimensions:

- Spatial dynamism, with geographic boundaries regularly adjusted according to habitat and species changes;
- Normative dynamism, requiring flexible regulations to adapt to ecological changes;
- Institutional dynamism, involving adaptive governance mechanisms capable of responding to rapid marine transformations.

As an example, Klerk discussed a hypothetical case in the Marginal Ice Zone (MIZ) of the central Arctic Ocean, where ice coverage varies seasonally between 15% and 80%. He envisioned establishing a 250,000 km² dynamic MPA within the northern area under the OSPAR Commission's jurisdiction in the high seas, with boundaries annually redefined via satellite data between the MIZ's maximum southern winter position and minimum northern summer limit.

The management regime would be updated at least biennially to reflect ecological evolution. However, he highlights significant legal and institutional challenges in the Arctic's complex governance landscape, involving:

- The United Nations Convention on the Law of the Sea (UNCLOS) as the main legal framework;
- The Convention on Biological Diversity (CBD) and its 30x30 target, though its application to dynamic MPAs remains uncertain;
- Ecologically or Biologically Significant Areas (EBSAs), identified but not yet officially recognized in this region;
- Sectoral instruments such as those of the International Maritime Organization (IMO) and the International Seabed Authority (ISA).

Mister Klerk also noted the limited role of the OSPAR Commission, which unsuccessfully attempted to establish an MPA network in the Arctic.
Finally, he pointed to the 2023 Agreement on Biodiversity Beyond National Jurisdiction (BBNJ), currently under ratification, as a promising framework to improve coordination among regimes and strengthen adaptive governance of the high seas, particularly for dynamic MPAs.

He concluded by calling for adaptive governance models able to respond to the shifting realities of marine ecosystems, especially in sensitive and legally complex areas like the MIZ. Despite their ambitious nature, dynamic MPAs are essential to meet 21st-century marine conservation challenges.

Summary of the Intervention by Ms. Zunaida Moosa Wadiwala

"The Impact of International Judicial Decisions on Climate Law, with a Focus on the 2024 ITLOS Advisory Opinion and National Legal Obligations"

Ms. Zunaida Moosa Wadiwala highlighted the evolution of global climate litigation, structured around three "waves": the first focused on the United States and Australia prior to 2007; the second, from 2007 to 2015, marked by legal and geographical diversification; and a third wave, emerging after the Paris Agreement, characterized by a notable expansion toward international jurisdictions. The year 2024 marks a turning point, with three landmark rulings delivered by international courts: The European Court of Human Rights (April 9), the Inter-American Court of Human Rights (April 22), and the International Tribunal for the Law of the Sea (ITLOS, May 21).

Her analysis focused primarily on the ITLOS advisory opinion, requested by the Commission of Small Island States on Climate Change and International Law (COSIS) in December 2022. The Tribunal unanimously recognized that anthropogenic greenhouse gas (GHG) emissions constitute marine pollution under Article 1 of the United Nations Convention on the Law of the Sea (UNCLOS). Consequently, States parties are subject to specific obligations, including the prevention, reduction, and control of such pollution, and the exercise of due diligence to avoid transboundary harm. This marks the first time an international court has explicitly applied the law of the sea to the fight against climate change impacts.

The opinion raised several major legal implications:

- States must base their policies on the best available scientific evidence to act in a preventive and adaptive manner;
- It establishes normative interlinkages between UNCLOS, the United Nations Framework Convention on Climate Change (UNFCCC), and the Paris Agreement, reinforcing the coherence of international climate law;

- It recognizes a human rights dimension by addressing the impacts of climate change on human health and dignity;
- It clarifies that the duty of due diligence requires action even in the absence of absolute scientific certainty.

Ms. Moosa Wadiwala stressed that this opinion sets a legal precedent that strengthens State responsibility regarding transboundary marine climate pollution. At the national level, she presented the case of South Africa, which has a 3,000 km coastline rich in biodiversity and marine activities. While South African law already includes provisions on marine pollution, it will need to evolve to incorporate new international obligations for preventing both point-source and diffuse climate-related pollution.

In conclusion, she emphasized the transformative role of the ITLOS opinion, which gives concrete legal weight to the fight against the marine impacts of climate change and reinforces the duty of States to act. The unanimous nature of the decision reflects a growing consensus in favor of a dynamic and evolving interpretation of international environmental law.

Summary of the Intervention by Mister Youness Taissir

"The Prosecution of Illegal Discharges of Hydrocarbons by Ships in Africa: The Problem of Evidence and Prospects for Marine Environmental Protection"

Mister Youness Taissir drew attention to the deliberate and persistent marine pollution occurring in the Mediterranean, where ships intentionally discharge hydrocarbons into the sea, exploiting gaps in the MARPOL Convention and weaknesses in its enforcement. These are not accidents, he emphasized, but calculated acts, particularly along the North African coasts.

Relying on recent satellite data, Mister Taissir revealed the scale of the problem: hundreds of oil slicks, ranging from oily residues to contaminated bilge water, have been detected between Morocco and Egypt. Despite this, such environmental offences go largely unpunished. He attributes this impunity to limited monitoring capacity, insufficient training of national courts, and fragmented inter-state cooperation in North Africa.

He recalled that operations like ballast water discharge and tank cleaning (degassing) are strictly regulated under Annex I of the MARPOL Convention, which permits certain discharges only under precise conditions (vessel type, distance from shore, residual concentration, etc.). Yet, he observed, these rules are often bypassed — even in ecologically sensitive areas like the Mediterranean.

The core issue, according to Mister Taissir, lies in the difficulty of gathering admissible evidence. Although North African states have ratified MARPOL and incorporated its provisions into national law, their courts often lack the technical and institutional tools needed to identify offenders and prosecute them effectively. To address this, Mister Taissir proposed a three-pronged reform strategy:

1. Strengthening judicial capacity: by training judges, prosecutors, and lawyers in maritime and environmental law, taking inspiration from the Bonn Agreement model in the North Sea;
2. Integrating surveillance technologies: such as satellite imaging, marine sensors, artificial intelligence, and computer vision to detect spills, trace polluters, and generate court-admissible evidence;
3. Raising awareness within maritime and judicial institutions: to ensure that satellite data and digital tools are recognized as legitimate forms of legal proof, which also implies adapting regulatory frameworks and legal mindsets.

In closing, Mister Taissir made a clear and urgent call to action: The African Mediterranean must no longer be a blind spot in environmental governance. While MARPOL provides a strong legal framework, its implementation remains critically weak. This enforcement gap is accelerating marine degradation, causing significant economic losses, and undermining international environmental law.
He concluded with a powerful reminder: "MARPOL is only as strong as states' willingness to enforce it. Inaction costs more than technology."

Summary of the Intervention by Ms. Lea Weimann

"The Rights of Nature Applied to Coral Reefs: Toward an Eco-centric Legal Recognition of Marine Ecosystems"

Ms. Lea Weimann began her presentation with a stark warning: coral reefs, which support around 25% of marine life, are in grave danger. Since 2025, more than half of these vital ecosystems have already disappeared, despite conservation efforts, notably through marine protected areas. In response to this rapid decline, she called for a paradigm shift by invoking the "rights of nature" as a bold legal tool to protect coral reefs. This approach seeks to recognize nature as a subject of law, rather than a mere object. It enables legal action to be taken on behalf of ecosystems themselves, bypassing the common procedural obstacle of proving direct human or economic harm.

Ms. Weimann illustrated her point with real-world examples. In Panama, a 2022 law recognized the rights of nature, and in 2023, a resolution granted coral reefs in the Saboga Wildlife Refuge the right to regenerate their natural cycles. She also referred to a 2011 case in Belize, where the state proclaimed itself "guardian" of its reef system, raising legal debates on natural entities' legal representation.

These cases demonstrate how the rights of nature challenge the dominant anthropocentric legal model.
At the international level, she cited the 2017 advisory opinion by the Inter-American Court of Human Rights, which explicitly linked the rights of nature to the human right to a healthy environment, as well as the Global Biodiversity Framework (COP15), which recognizes the rights of nature and Indigenous peoples as implementation pillars.

However, several challenges remain: limited understanding of the concept among legal professionals, lack of training for judges, and the complexity of incorporating Indigenous worldviews without distorting them. She advocated for a genuinely ecocentric legal approach — one that integrates rather than opposes human rights and environmental protection.

Ms. Weimann concluded with an urgent appeal to recognize the legal rights of coral reefs, as nearly 90% of them are threatened by climate change by 2030. According to her, the rights of nature offer a promising pathway to give the ocean and its ecosystems a true legal voice in international law.

Summary of the Intervention by Ms. Marie Bonnin

"Assessing Legal Protection of the Ocean Through Artificial Intelligence: The NAWRAS Project"

Ms. Marie Bonnin presented the NAWRAS project, an innovative initiative aiming to analyze international environmental prohibitions at sea through empirical and quantitative methods powered by artificial intelligence.

The primary objective of the project is to provide an objective, data-driven assessment of international legal norms protecting the ocean, with a particular focus on globally regulated prohibitions. NAWRAS draws on national-level legal texts to verify the existence of such prohibitions and assess their legal characteristics. Two main indicators structure the analysis:

- The scope of the prohibition, which includes its definition, geographical, temporal, and material reach, and any possible exceptions;
- The operationalization of the prohibition, which assesses the enforcement frameworks, including monitoring mechanisms and sanction procedures.

Initial findings focus on several countries in North, West, and Central Africa and cover four specific prohibitions. While the data is still being consolidated, the results already allow for a preliminary mapping of progress and shortcomings in marine environmental law across these regions.

NAWRAS stands out for its empirical and interdisciplinary methodology — still rare in the legal field, especially in maritime law. By combining legal expertise with advanced technologies, the project opens up new avenues for strengthening the effectiveness of international ocean protection norms.

Ms. Bonnin emphasized the growing relevance of this approach in the context of escalating environmental challenges. She also expressed the research team's openness to further discussion and collaboration in order to advance understanding of legal protection mechanisms for the ocean.

Her presentation highlighted how artificial intelligence can serve as a strategic tool to assess the effectiveness of international environmental law and to guide efforts toward stronger, fairer ocean governance.

Summary of the Intervention by Ms. Frances Disiga

"Strengthening Ocean Governance in Oceania: Advancing the BBNJ Treaty for Regional Conservation and Sustainability."

Ms. Frances Disiga delivered a reflection on ocean governance in the Oceania region, emphasizing the importance of the new Agreement on Biodiversity Beyond National Jurisdiction (BBNJ) as a key instrument to strengthen marine conservation in Areas Beyond National Jurisdiction (ABNJ). She highlighted the unique challenges faced by Pacific Small Island Developing States (SIDS), whose economic, social and cultural identity is deeply tied to the ocean.

While acknowledging the foundational role of the United Nations Convention on the Law of the Sea (UNCLOS), Ms. Disiga pointed out its legal gaps—particularly regarding the governance of marine genetic resources, environmental impact assessments, and area-based management tools. She stressed that the BBNJ Agreement aimed to fill these gaps through four core pillars:

1. Benefit-sharing of marine genetic resources,
2. Area-based management tools (ABMTs), including marine protected areas,
3. Environmental Impact Assessments (EIAs),
4. Capacity-building and transfer of marine technology.

She supported her arguments with concrete regional examples, such as marine conservation policies in Palau, Vanuatu, and the Solomon Islands. She emphasized the central role of Indigenous traditional knowledge and customary marine governance systems, which enrich global governance by making it more legitimate, adaptive, and effective.

In conclusion, Ms. Disiga called on Pacific island nations to:

- Ratify and domesticate the BBNJ Agreement,
- Develop national strategies for ABNJ,
- Strengthen regional cooperation, and
- Build on existing frameworks such as the Pacific Islands Regional Ocean Policy (PIROP) and the 2050 Strategy for the Blue Pacific Continent.

For her, the BBNJ treaty represents a historic opportunity for Oceania to reaffirm its leadership in ocean governance by combining traditional knowledge, scientific innovation, and international legal responsibility.

CONCLUSION

Parallel Session No. 10 offered a cross-cutting and enriched perspective on the challenges of ocean governance by intersecting contributions from international law, legal innovation, societal dynamics, and technological tools. Each presentation, through distinct yet complementary themes, contributed to a shared diagnosis: that of an ocean governance system that remains fragmented and unevenly operationalized, yet undergoing significant normative evolution.

Several key areas of convergence emerged. On one hand, there is growing recognition of the need to integrate human rights, climate justice, and the rights of nature into marine legal regimes, as highlighted by Lea Weimann and Amiel Ian Valdez. On the other hand, the reflections of Zunaida MoosaWadiwala and Youness Taissir on the consolidation of customary international law in the face of the climate crisis underscore the need to transcend traditional legal silos to effectively address ecological urgency.
At the same time, the interventions by Bastiaan Klerk and Marie Bonnin brought to light the technical and institutional challenges impeding the effectiveness of existing rules: lack of harmonization, absence of robust enforcement mechanisms, and a scarcity of quantifiable legal data. The use of artificial intelligence, as exemplified by the NAWRAS project, represents a promising advancement for objectively assessing the legal protection of the ocean, particularly in the African context.

Ultimately, the session demonstrated that ocean governance cannot be approached solely through sectoral or disciplinary lenses. It requires an integrated approach that combines law, science, technology, ethics, and community participation. The discussions not only highlighted ongoing doctrinal and methodological innovations, but also reaffirmed the urgent need for a paradigm shift — from governance focused on States and resource use, toward governance centered on ecosystems, shared vulnerabilities, and differentiated responsibilities.

PARALLEL SESSION 11 —

INTEGRATED LEGAL PROTECTION TO ENSURE SOIL MULTIFUNCTIONALITY

CHAIR:

- **Dr. Irene Heuser,** Chair of the WCEL Specialist Group on Soil Law and Sustainable Agriculture – Introduction to Soil Security Law

SPEAKERS:

01 **Mr. Edwin Alblas:** Integrated Legal Protection of Soils: The Need to Connect Law and Soil Science

02 **Mr. Enrico Mezzacapo:** Converging Pathways: Analysis of Synergies between the EU Nature Restoration Law and the Common Agricultural Policy in the Transition to Sustainable Food Systems

03 **Ms. Julie Celia Itey:** Strengthening Soil Protection through Judicial Transparency and Public Access: Insights from French Jurisprudence

04 **Ms. Rahel Zimmermann:** Is contaminated Site Law Fit to Deal with “Forever Chemicals”?

05 **Mr. Marko Perišić:** Soil Remediation and Protection Together: an Impossible Story? Let’s Talk about Phytoremediation

06 **Mr. Matteo Fermeglia:** Deciphering the Legal Puzzle of Nature-Based Soil Remediation and Sustainable Biofuel Production in the European Union

INTRODUCTION

Dr. Irene Heuser opened the session by presenting the concept of integrated legal protection of soils. She emphasized the critical importance of bridging the gap between existing legal frameworks and scientific knowledge to ensure effective and sustainable protection of soil multifunctionality.

In her opening and concluding remarks, she highlighted the existing necessity of legal instruments for soil protection, particularly compared to other natural resources, and stressed the need for a comprehensive approach. She called for the integration of legal, socio-economic, and scientific instruments to prevent degradation, preserve, and restore soils, while promoting enhanced international coordination to achieve effective and integrated soil protection.

Summary of the Intervention by Mister Edwin Alblas

"Integrated Legal Protection of Soils: Bridging the Gap between Law and Soil Science"

Edwin Alblas, Professor of Environmental Law, discussed the significant gaps between legal frameworks and scientific knowledge regarding soil protection. He emphasized that current legislation lacks uniformity across jurisdictions, which undermines the effectiveness of soil protection efforts. He also noted that legal frameworks often fail to adequately recognize the critical role of soils as carbon sinks, despite scientific consensus on their importance in climate change mitigation.

According to Alblas, existing laws are not ambitious enough to meet the urgency of soil protection, and standardized indicators are needed to assess soil health across regions. He stressed the importance of closer collaboration between legal experts and soil scientists to develop science-informed legal models capable of effectively safeguarding this vital resource.

Summary of the Intervention by Mister Enrico Mezzacapo

"Converging Pathways: Synergies between the EU Nature Restoration Law and the Common Agricultural Policy (CAP)"

Enrico Mezzacapo, PhD candidate in Environmental Law, examined the synergies between the European Union's Nature Restoration Law and the Common Agricultural Policy (CAP) in the transition toward sustainable food systems. He acknowledged that while agriculture significantly contributes to biodiversity loss and ecosystem degradation, it also holds the potential to support restoration efforts. Mezzacapo highlighted the ambitious EU restoration plans, which require Member States to take concrete measures to restore ecosystems.

However, he emphasized several challenges to the effective implementation of these laws, including political pressures, conflicting interests, and economic crises such as inflation and the energy crisis. He stressed that for these laws to be effective, they must balance farmers' needs with environmental protection imperatives, proposing a holistic and socio-economically viable approach to achieve this equilibrium.

Summary of the intervention by Ms. Julie Celia Itey

"Strengthening Soil Protection through Judicial Transparency and Public Access: Insights from French Law"

Ms. Julie Celia Itey, a research engineer specializing in science-based policy, focused her presentation on the critical role of judicial transparency in enhancing soil protection, drawing on French case law from 1970 to 2023. Her research revealed that soil quality is seldom addressed in French courts, with less than 5% of cases directly engaging with soil-related issues. When it is addressed, the emphasis tends to be on agricultural utility and land tenure, rather than ecological considerations or ecosystem preservation.

Ms. Itey highlighted a significant gap in the French legal framework for soil protection, which contributes to legal uncertainty. She emphasized the need for clearer legal definitions of soil health and safety, as well as greater judicial transparency. Finally, she advocated for stronger legal instruments at both national and international levels, promoting better access to judicial decisions and the use of scientifically validated indicators in legal decision-making.

Summary of the intervention by Ms. Rahel Zimmermann

"Are Site Contamination Laws Adequate to Address "Forever Chemicals"?"

Ms. Rahel Zimmermann, a practicing lawyer, discussed the challenges posed by "forever chemicals" such as PFAS, which persist in the environment for long periods without breaking down. She emphasized that these substances pose significant risks to human health and ecosystems but remain largely unregulated under international law. Although several countries, including Switzerland, have adopted national legislation to address contamination, there is still no global legal framework to manage these substances.

Ms. Zimmermann highlighted the high costs of cleaning contaminated sites and the long-term nature of the problem. She called for stronger legal frameworks and enhanced international cooperation to address the risks posed by persistent chemicals

Summary of the intervention by Mister Marko Perišić

"Soil Remediation and Soil Protection Together – An Impossible Story? Let's Talk About Phytoremediation"

Mister Marko Perišić, a PhD candidate in environmental law, discussed the tension between proactive soil protection and remediation activities, focusing on phytoremediation, a technique using plants to clean contaminated soils. He emphasized that remediation should never replace soil protection but should complement it when necessary.

According to him, priority should be given to soil preservation and prevention, with remediation as a secondary measure. Mister Perišić also highlighted the role of the Convention on Biological Diversity (CBD) in promoting mitigation techniques for soil health, noting that soil erosion and desertification have significant impacts on biodiversity and food security. He advocated for an integrated approach combining protection and remediation to ensure long-term soil health and resilience.

Summary of the intervention by Mister Matteo Fermeglia

"Deciphering the Legal Puzzle of Nature-Based Soil Remediation and Sustainable Biofuel Production in the EU"

Mister Matteo Fermeglia, Professor at the University of Amsterdam, analyzed the legal complexities surrounding nature-based soil remediation and sustainable biofuel production within the European Union. He examined the interaction between EU biofuel policies and soil remediation efforts, highlighting competing interests such as biodiversity protection, carbon emission reduction, and waste management.

Mister Fermeglia emphasized the lack of coordination among these policies, which complicates the development of a coherent strategy. He recommended a more integrated approach to balance these competing objectives and ensure that soil protection and sustainable biofuel production are managed in a harmonized and effective manner.

CONCLUSION

The session highlighted the crucial importance of an integrated approach combining law, science, and policy to protect soil multifunctionality. Speakers emphasized that soil protection cannot be limited to isolated measures; it requires coordination between national and international legal frameworks, consideration of scientific knowledge on soil health, and alignment with agricultural and energy policies. The discussions also stressed the need for greater judicial transparency, improved public access to information, and urgent action to address complex challenges such as persistent chemicals and soil remediation. Overall, these contributions convey a clear message: only integrated and collaborative governance can ensure the long-term health and sustainability of soils.

PARALLEL SESSION 12 —

HUMAN RIGHT TO A CLEAN AND HEALTHY ENVIRONMENT

CHAIR :

- **Prof. David M. Forman,** University of Hawai'i at Manoa - William S. Richardson School of Law / WCEL Steering Committee member

SPEAKERS :

01 **Ms. Evelyn Li Wang:** The Right to a Healthy Environment: Recognised as a Human Right but to What Extent Can Environmental Wrongs Be Righted?

02 **Ms. Maria Gabriela Mesias Zambrano:** Climate Governance in Ecuador: Is the Recognition of the Rights of Nature Enough? (Online)

03 **Ms. Kleoniki Pouikli:** The 'Ilva' Saga before the Court of Justice of the European Union: Judgment C-626/22 and Its Implications for EU Environmental Law and Human Rights Across Europe (Online)

04 **Mr. Roger Joseph Guzman:** Towards the Development of a Regional Framework for Environmental Rights in ASEAN: Evolution and Experiences

05 **Ms. Oumayma Nejjar:** The Proclaimed Urgency of Recognizing Legal Personhood as a Lever for Protection: Toward Nature as a Subject of Law and a Path of Understanding with Humanity.

06 **Mr. Otamirzaev Oybek**: Environmental rights of citizens (Online)

INTRODUCTION

Parallel Session 12, chaired by Professor David M. Forman (University of Hawai'i at Manoa, William S. Richardson School of Law, and WCEL Steering Committee member), focused on the human right to a clean and healthy environment. Bringing together scholars and practitioners from diverse regions, the session provided a platform for rich and multidimensional discussions on the recognition, effectiveness, and practical implications of this fundamental right. Presentations addressed a wide range of topics, from the contractualization of environmental justice in Sub-Saharan Africa to climate governance in Ecuador, the jurisprudential interpretation of environmental rights in Europe, and the recognition of legal personality for nature.

Summary of the Intervention by Ms. Evelyn Li Wang

"The Right to a Healthy Environment: Recognised as a Human Right but to What Extent Can Environmental Wrongs Be Righted?"

While some commentators view this recognition as transformative, Ms. Wang emphasized the need for a more critical examination of its scope, coherence, and practical effectiveness. Her intervention raised three central critiques:

1. Ambiguity of Content.

Terms such as "clean," "healthy," and "sustainable" lack precise legal definitions, leaving their meaning dependent on case-specific interpretation at the national level. Moreover, concepts such as sustainable development have been criticized as illusory, masking the ecological limits of growth while contributing to social and environmental degradation.

2. Unclear Legal Nature.

The right's legal scope remains contested:

- It is unclear whether it is substantive (ensuring actual environmental quality) or procedural (linked to access to information, participation, and justice, as in the Aarhus Convention).
- Its status as an individual or collective is also ambiguous, varying between constitutional rights (e.g., France) and collective "peoples' rights" (e.g., African

3. Risks of Overextension.

Dr. Wang warned that expanding human rights to encompass environmental rights may dilute existing frameworks and strain democratic governance.

By turning inherently political choices—such as balancing growth and protection—into legal disputes, courts risk assuming responsibilities better suited for democratic deliberation. Furthermore, courts may lack the technical capacity to address complex environmental issues, which specialized agencies might handle more effectively.

She also noted practical risks: judicial rulings have limited scope compared to policy decisions; litigation may disproportionately benefit wealthy actors who can afford to mobilize legal mechanisms; and environmental rights could be co-opted to protect privileged interests rather than vulnerable populations most affected by ecological harm.

Finally, Ms. Wang questioned the ontological and ethical limitations of a human rights-based approach. Rooted in anthropocentrism, this framing risks obscuring the systemic economic and structural drivers of environmental harm. While the recognition of the right to a healthy environment is an important milestone, she argued it is insufficient on its own. Meaningful environmental justice demands deeper structural transformation and more inclusive, systemic approaches that extend beyond the human rights paradigm.

Summary of the Intervention by Ms. Maria Gabriela Mesias Zambrano (Online)

"Climate Governance in Ecuador: Is the Recognition of the Rights of Nature Enough?"

Ms. Maria Gabriela Mesias Zambrano intervened on climate governance in Ecuador, posing the question: Is the recognition of the rights of nature sufficient? She recalled Ecuador's historic move in 2008 to become the first country to enshrine the rights of nature in its constitution (Articles 71–74). This framework recognizes nature as a living entity with the right to exist, maintain its vital cycles, and regenerate—an innovation that has enabled important victories, such as the Constitutional Court's revocation of mining concessions in the Los Santos Forest. Yet, sixteen years on, the speaker argued that the recognition of these rights has not translated into consistent or effective protection.

Despite aligning with international agreements such as the UNFCCC and the Paris Agreement, Ecuador continues to prioritize economic development and extractive industries, undermining constitutional commitments. Environmental degradation, deforestation, and pollution persist, revealing a profound gap between law and practice. Key critiques included:

- The conditionality of ecosystem rights: Ecuador's courts have clarified that rights of nature are not absolute—potentially harmful activities may proceed if considered "sustainable."
- Weak institutional capacity: government agencies tasked with protection and monitoring often fail to enforce environmental rights.
- Extractive dominance: oil and mining industries frequently take precedence over ecological and community well-being.

To advance effective climate governance, Ms. Zambrano stressed that recognition of rights must be complemented by:

- Robust institutional frameworks capable of implementing protections.
- Coordinated action across all levels of government.
- Active citizen participation and Indigenous leadership.
- Adequate financing and international support, without deepening dependency or debt.

She proposed the creation of a decentralized technical unit on climate change, mandated to: coordinate policies, manage climate funding, and ensure territorial planning incorporates adaptation and mitigation. Importantly, she underlined the role of Indigenous knowledge systems as vital for a just ecological transition, aligning with the Paris Agreement's call for inclusive climate action.

Judicial institutions were also identified as critical actors in ensuring that local voices and non-state actors are represented in both national policies and transnational governance frameworks. However, without sufficient political will and financial investment, the speaker cautioned, constitutional protections risk remaining symbolic.

Ms. Zambrano concluded that Ecuador's recognition of the rights of nature must be understood as a starting point rather than an endpoint. Genuine climate governance requires structural reform, policy coherence, and alignment between constitutional ideals and on-the-ground realities.

Summary of the Intervention by Ms. Kleoniki Pouikli

"The 'Ilva' Saga before the Court of Justice of the European Union: Judgment C-626/22 and Its Implications for EU Environmental Law and Human Rights Across Europe" (Online)

Ms. Kleoniki Pouikli intervened online to present the Ilva steel plant case in Taranto, Italy—Europe's largest steelworks, employing 11,000 workers and producing 40% of Italy's steel. The case epitomizes the tension between industrial priorities and environmental and human rights. Since the 1990s, Taranto has been designated a high environmental risk zone due to toxic pollution linked to cancer and respiratory illness. Yet, successive Italian governments delayed remediation, citing the plant's economic importance, and even undermined accountibility by granting legal immunity to executives.

Ms. Pouikli described this saga as an "ecological thriller", illustrating the clash between business freedoms and the rights to health and environmental protection. On one side stands economic dependence on Ilva; on the other, residents suffering severe environmental harm, despite scientific evidence and repeated domestic court rulings.

Ms. Pouikli highlighted transnational legal interventions. At Strasbourg, the European Court of Human Rights (ECtHR) ruled in Varia Cordella and Others v. Italy that Italy violated Articles 8 and 13 of the European Convention on Human Rights by failing to protect residents' health and provide effective remedies. The Court imposed an obligation of result, requiring decontamination and health protection, with compliance monitored by the Committee of Ministers.

At Luxembourg, the Court of Justice of the European Union (CJEU) delivered a landmark ruling in June 2024 (Case C-626/22), interpreting the Industrial Emissions Directive (IED) alongside EU Treaty and Charter provisions on health and environmental protection. The Court answered three key questions affirmatively:

1. Comprehensive impact assessments are mandatory before permitting industrial operations;
2. All scientifically harmful emissions must be considered, with assessments updated as science evolves;
3. Industrial operations must be suspended where serious risks persist—national laws cannot extend deadlines at the expense of health or the environment.

The judgment thus reaffirmed the centrality of the EU Charter of Fundamental Rights in environmental law, strengthened the IED as a regulatory cornerstone, and underscored the primacy of EU law over national derogations.

Ms. Pouikli concluded that the Strasbourg and Luxembourg courts work in complementarity: Strasbourg establishes environmental protection as a human rights obligation, while Luxembourg operationalizes it through strict permitting and compliance rules. This jurisprudential dialogue represents a significant victory for environmental justice and democratic accountability across Europe, compelling Italy—and all EU Member States—to ensure no industrial activity endangers human health or the environment

Summary of the Intervention by Mister Roger Joseph Guzman

"Towards the Development of a Regional Framework for Environmental Rights in ASEAN: Evolution and Experiences"

Mister Roger Joseph Guzman spoke on the development of a regional framework for environmental rights in Southeast Asia, reflecting on his experience as a legal expert in the ASEAN Environmental Rights Working Group. He began by situating the initiative within a broader context of threats to environmental and human rights defenders in the region. Drawing on Global Witness data, he noted that between 2012 and 2021 there were approximately 1,700 killings of environmental defenders worldwide, 300 of which occurred in Southeast Asia, with the Philippines alone accounting for 270 cases. Beyond killings, defenders in the region continue to face arbitrary arrest, enforced disappearance, and defamation, underscoring the urgency of institutional protection.

Against this background, the ASEAN Intergovernmental Commission on Human Rights (AICHR) has been tasked with developing a regional instrument on environmental rights. Formally launched in 2022, the ASEAN Environmental Rights Working Group held five meetings before being disbanded in July 2024, after which the draft declaration was forwarded to AICHR for review. The declaration is now under government deliberation, with adoption possible at the ASEAN Summit in Kuala Lumpur in May 2025 or, failing that, at the November Summit. If adopted, it would be followed by an implementation plan to operationalize the provisions of the declaration.

The proposed framework builds on the 2012 ASEAN Human Rights Declaration, which already recognizes the right to a safe, clean, and sustainable environment, but aims to extend this recognition by combining substantive rights—such as access to clean air, water, healthy ocean, and coastal zones—with procedural rights, including access to environmental information, public participation in decision-making, and access to justice. These provisions align with global evelopments, notably the Rio Declaration, the Aarhus Convention, and the Escazú Agreement, while also introducing practical tools such as Environmental Impact Assessments and Strategic Environmental Assessments to make the rights enforceable.

Mister Guzman stressed that this initiative represents a holistic and rights-based approach tailored to Southeast Asia's specific challenges and opportunities. At the same time, he acknowledged that its development was marked by significant obstacles. The draft remains heavily bracketed, reflecting disagreements among member states over whether the document should be a broad statement of principles or a comprehensive framework that explicitly addresses indigenous rights, environmental assessments, and substantive protections. The process was further complicated by a lack of transparency and limited stakeholder engagement. Despite an initial commitment to participation, only the first draft produced in 2022 was made public, and subsequent versions were not shared for consultation. Civil society organizations, youth groups, and environmental defenders were only marginally involved, raising concerns about whether their perspectives will be incorporated into the final declaration or its eventual implementation. ASEAN's institutional culture of closed drafting processes compounded these challenges, even though this initiative is one of the first to involve non-state actors in such a way.

In conclusion, Mister Guzman emphasized the critical importance of this emerging framework. Although the drafting process has been contested and at times exclusionary, the adoption of a regional environmental rights instrument in ASEAN would mark a historic step. If implemented with genuine inclusivity and institutional commitment, it could provide an enabling environment for defenders, civil society, and communities across Southeast Asia to advance environmental rights and justice in a region where both remain acutely under threat.

Summary of the Intervention by Ms. Oumayma Nejjar

"The Proclaimed Urgency of Recognizing Legal Personality as a Lever for Protection: Toward Nature as a Subject of Law and a Path of Reconciliation with Humanity."

Ms. Oumayma Nejjar, a PhD candidate in environmental law, addressed the theme of the legal personality of nature as a potential path to reconciling humanity with the environment in Morocco. She opened her intervention by stressing the urgency of rethinking humanity's relationship with nature amid escalating ecological crises and recurring environmental threats. Citing the Rachel Carson Centre for Environment and Society, she noted that recognizing nature as a subject of law represents one of the major legal innovations of our time, shifting from an anthropocentric to an ecocentric worldview in which nature is valued not for its utility but for its inherent worth. She raised several questions that continue to guide research in this field: can recognizing nature as a legal subject truly advance environmental protection? Should nature be granted rights similar to those of human beings? And what legal and conceptual challenges arise from this shift?

To situate these questions, Ms. Nejjar traced the development of the idea of legal personality for nature, which gained visibility in the 1970s through the rights of nature movement. This conceptual shift required breaking with the traditional legal framework that regarded nature as an object of human use, and instead acknowledging the interdependence of humans and ecosystems. She highlighted landmark developments, including Ecuador's 2008 Constitution recognizing Pachamama, Bolivia's 2010 "Law of the Rights of Mother Earth," New Zealand's recognition of the Whanganui River as a legal entity, and Spain's 2022 recognition of the Mar Menor lagoon as Europe's first natural entity with legal personality. These examples demonstrate a growing global trend toward ecocentric legal innovation.

Turning to Morocco, Ms. Nejjar observed that while the legal personality of nature has not yet been codified, the country has established strong environmental governance structures. Morocco has long positioned itself as a leader in global environmental efforts, particularly since the 1992 Rio Summit, and has ratified numerous international conventions. Domestically, the 2011 Constitution includes provisions, such as Article 35, affirming the protection of natural resources and the rights of future generations, while Framework Law No. 99-12 anchors the National Charter for Environment and Sustainable Development and recognizes natural resources as a common good of the nation. Although not framed in rights-of-nature terms, these legal developments provide a foundation for further evolution.

According to Ms. Nejjar, Morocco has two possible avenues for advancing the legal personality of nature. One would be through judicial innovation, whereby courts adopt progressive jurisprudence and recognize certain natural entities as rights holders in the context of environmental litigation. The other would be through legislative reform, in which Parliament enacts new laws codifying rights for nature, drawing inspiration from international models but adapting them to Morocco's legal system and cultural context. Both approaches would allow Morocco to gradually transform its environmental governance in line with global trends.

At the same time, Ms. Nejjar warned that such legal innovation brings challenges. These include the absence of a clear definition of nature's rights, the potential for conflict with human or corporate interests, cultural and philosophical resistance to moving beyond anthropocentrism, and the complex issue of legal representation of natural entities.

In closing, she argued that recognizing the legal personality of nature offers a profound opportunity to reshape Morocco's legal and ethical relationship with the environment. Its realization, however, will require both institutional courage and careful reflection. The way forward may be found either in bold but cautious judicial interpretation or in legislative innovation, both of which could align Morocco's environmental governance with its national commitments and broader cultural realities.

Summary of the Intervention by Mister Otamirzaev Oybek (Online)

"Environmental rights of citizens"

Mister Otamirzaev Oybek, addressed the Environmental rights of citizens. The speaker emphasized that many national constitutions, including that of France, enshrine the right to a healthy environment—recognizing it as a fundamental human right crucial for the exercise of all other rights. He emphasized that environmental degradation and biodiversity collapse, driven by human activities, pose a significant threat to fundamental freedoms, including access to clean air, water, and safe living conditions.

Referencing Article 1 and Section 45 of France's Environmental Charter, the speaker noted that every individual has the right to live in a balanced environment that respects health, as well as a duty to preserve it. States are therefore responsible for regulating urban planning and preventing environmentally harmful activities.

The intervention also highlighted the 1992 Convention on Biological Diversity and the UN General Assembly's recognition of the right to a clean, healthy, and sustainable environment as a universal human right. In light of the worsening climate crisis, the speaker advocated for a multi-pronged response combining legal, policy, and scientific tools.

Key areas of focus included:

- Legal frameworks to strengthen environmental discourse in courts and ensure access to justice.
- Climate governance through smart policies and nature-based solutions.
- International cooperation and climate finance to mitigate ecological damage.
- Technological and scientific innovation, such as green energy, carbon capture, and renewable resources.
- Community empowerment, especially through ecological education and secure land rights.
- Accountability mechanisms compelling industries to limit emissions and conduct environmental impact assessments.

Mister Oybek concluded by asserting that protecting the environment requires systemic change, global cooperation, and the meaningful participation of civil society and businesses. Only by integrating human rights into climate governance can we secure the well-being of both present and future generations.

CONCLUSION

The session highlighted the diversity of approaches and legal frameworks mobilized to safeguard the right to a healthy environment. While a consensus is emerging on the need for universal and effective recognition of this right, the discussions also revealed ongoing challenges: conflicts between norms, structural inequalities between the Global North and South, and the ambiguous role of multinational corporations. Contributions emphasized that the right to a healthy environment cannot be reduced to a symbolic proclamation; it must be translated into concrete legal mechanisms, inclusive governance, and shared responsibilities. In this sense, the session reinforced the conviction that environmental protection is inseparable from human rights protection, requiring enhanced cooperation at local, regional, and international levels.

FIFTH PLENARY SESSION —
THE MODEL FOREST ACT INITIATIVE (MOFAI)

MODERATOR :

- **Mr. Andy Raine,** Deputy Director, Law Devision, UNEP

OPENING REMARKS :

- **Ms. Christina Pak,** Principal Counsel, Asian Development Bank, and head of the Secretariat of MoFAI (Online)

SPEAKERS :

01 - **Prof. Nicholas Bryner,** Louisiana State University, MoFAI co-rapporteur

02 - **Mr. Eeshan Chaturvedi,** Stanford University, MoFAI Co-rapporteur (Online)

03 - **Ms. Juliana Almeida,** Law Division, UNEP, MoFAI Secretariat

INTRODUCTION

The session opened with remarks by Mister Andy Raine, Deputy Director of the Law Division at the United Nations Environment Programme (UNEP), who also served as chair. He introduced the focus of the session: The Model Forest Act Initiative (MoFAI), a collaborative legal and governance tool designed to assist countries in strengthening their forest governance frameworks, particularly with respect to native forests and vegetation. Raine emphasized the importance of strong leadership, political will, and strategic partnerships as critical elements for the success of MoFAI.

The panel featured a mix of in-person and online speakers, including Ms. Christina Pak (Principal Counsel at the Asian Development Bank and head of the MoFAI Secretariat), Mister Eeshan Chaturvedi (Stanford University and MoFAI co-rapporteur), Professor Nicholas Bryner (Louisiana State University and co-rapporteur), and Ms. Juliana Almeida (UNEP lawyer supporting the MoFAI Secretariat).

Mister Raine underscored the diversity of MoFAI’s supporting organizations, ranging from UN bodies and development banks to academic institutions, describing this broad coalition as central to the initiative's strength and potential impact.

Summary of the Intervention by Ms. Christina Pak

"Strategic Foundations and Global Consultations"

Ms. Christina Pak, Principal Counsel at the Asian Development Bank (ADB) and head of the MoFAI Secretariat, spoke on the urgent challenges facing global forests and the need for stronger, modernized legal frameworks. She began by acknowledging the event organizers and underscored that while the environmental community often emphasizes integrated and multistakeholder solutions, outdated and fragmented laws remain a major barrier to addressing deforestation and forest degradation. At present, there is no binding international agreement dedicated exclusively to forests, and many national forest laws remain rooted in historical approaches that fail to incorporate contemporary priorities such as climate change, biodiversity loss, or the evolving principles of multilateral environmental agreements like the Paris Agreement and the Global Biodiversity Framework.

Ms. Pak stressed that reforming forest law is vital but highly demanding. Governments seeking to modernize their legal frameworks often face significant constraints in expertise, human resources, and budgets. The Model Forest Act Initiative (MoFAI) was launched to help address these gaps systematically. Conceived under the leadership of Chief Justice Antonio Benjamin through the IUCN World Commission on Environmental Law (WCEL) and the Global Judicial Institute on the Environment, and supported by institutions including UNEP and ADB, the initiative aims to create a "general part" of a model forest act and a legislative guide that can be adapted to national contexts. The inspiration for MoFAI came from repeated urgent requests from governments seeking technical assistance for forest law reform, reflecting the pressing nature of the issue.

From ADB's perspective, Ms. Pak emphasized that this type of legal innovation is essential to confront the gravity of the forest crisis. Through its Law and Policy Reform Program, ADB has been able to support governments in strengthening their legal frameworks. Addressing the concern of applying a single model to diverse national contexts, she clarified that MoFAI does not impose uniformity but rather builds on shared governance challenges and universal legal principles. Drawing from civil, common, and customary law traditions as well as international treaties, it provides flexible and adaptable elements. Its design is informed by contemporary scientific and technological advances in forest governance, ensuring its relevance across jurisdictions.

The initiative was officially launched in 2023 in New York with founding partners including WCEL, the Global Judicial Institute on the Environment, UNEP, the United Nations Forum on Forests, ADB, and the World Bank. Since then, its coalition has expanded to include IFAD, CIFOR-ICRAF, ACTO, UNCCD, and UNDP, among others, reflecting growing multilateral support.

MoFAI is scheduled to publish the final general part of the Model Forest Act and its legislative guide by June 2026, accompanied by capacity-building programs to support implementation. Its “shopping cart” approach allows countries to adopt selected provisions suited to their contexts or implement the model in full where appropriate.

In conclusion, Ms. Pak positioned MoFAI as both innovative and pragmatic, designed to equip lawmakers and policymakers with essential tools for modernizing forest legislation. She described it as a compelling example of coordinated multilateral action for a global public good, illustrating how legal and development communities can work together to create tangible impact in advancing environmental governance.

Summary of the Intervention by Mister Eeshan Chaturvedi

“Legal Architecture and Principles of the Zero Draft Eeshan”

Mister Chaturvedi, legal academic and member of the MoFAI drafting committee, reflected on the distinctive contribution of the Model Forest Act Initiative. Building on the groundwork laid by Ms. Christina Pak and Mister Andy Raine, he highlighted the initiative’s rare strength in combining an international scope with a domestic footprint. This dual character allows it to address a globally shared challenge while providing practical, adaptable legal solutions for national contexts—making it a particularly compelling instrument for legal reform.

He then outlined the core legal and conceptual structure of the Model Forest Act, noting that the drafting process began with the deceptively simple but foundational question: **What is a forest?** This question generated rigorous debate, as definitions vary significantly depending on canopy cover, acreage, species type, and cultural or scientific context. The committee ultimately embraced a shared understanding that “forests are life”—the lungs of the planet—providing irreplaceable ecosystem services, regulating water and carbon cycles, protecting biodiversity, and sustaining livelihoods.
This conception marks a decisive shift away from traditional forest laws, which historically prioritized exploitation rights, toward a legal framework that embeds the intrinsic ecological and social value of forests.

Mister Chaturvedi emphasized that this reform effort takes place against the backdrop of accelerating deforestation, whose consequences are environmental, social, economic, and deeply human. Within this context, MoFAI positions law not as a static regulatory tool, but as a dynamic instrument of systemic change.
Designed through a multidisciplinary and multistakeholder process, the Act is being co-created by scientists, legal experts, and other stakeholders to ensure that it is scientifically credible, socially equitable, and legally operational.
Substantively, the Act harmonizes core legal principles and best practices across jurisdictions.

It provides for a clear scope and objectives, definitions and guiding principles, stakeholder obligations, and institutional mechanisms of governance. These provisions are structured to align with international commitments while remaining adaptable to diverse domestic legal systems. In addition, the Act institutionalizes shared responsibilities, promotes transparency through open forestry data, and addresses emerging issues—such as forest fires, ecosystem services, and financial rights—that have been historically underrepresented in forest law. A notable innovation is MoFAI's integration of scientific and technological tools, including remote sensing and data analytics, to ensure enforceability and effective monitoring. This reflects its commitment to building adaptive and resilient governance systems that respond dynamically to ecological realities.

In closing, Mister Chaturvedi described the Model Forest Act as more than a legal innovation: it is a blueprint for global action and a moral, social, and legal imperative. By redefining the relationship between forests, law, and society, it embodies a new ethos for environmental governance.

Summary of the Intervention by Ms. Juliana Almeida

"Country Engagements and Adaptive Legal Pathways"

Ms. Juliana Almeida, who works in Law Division, UNEP and is a MoFAI Secretariat, opened her intervention by inviting participants to "open the window" into the heart of the Model Forest Act (MoFAI) process: its consultative journey. She emphasized that the initiative's development has been deeply participatory, evolving over years of stakeholder engagement, beginning with efforts led by Justice Antonio Herman Benjamin during his tenure as Chair of the IUCN World Commission on Environmental Law.

Ms. Almeida explained that the groundwork for MoFAI began more concretely two years ago, starting in South Asia. The process began with consultations to analyze forestry legislation in the region and understand the diverse national objectives that a global model act would need to address. From there, the initiative officially launched in New York, drawing broad political and institutional support.

From the beginning, these consultations have served a dual purpose:

1. Gathering substantive input from a wide range of legal, ecological, and regional perspectives to inform the drafting of the Act.
2. Socializing the initiative—building a global community of supporters and champions who can help bring the Act into practical use within states and institutions

Ms. Almeida also underscored that each consultation had both commonalities and unique contributions. For example, in Indonesia, discussions helped shape implementation mechanisms, focusing on how forest governance instruments would be operationalized within the Act. In Brazil, the consultation had a dual impact: at the national level, wildfire management and the need for an integrated fire management were emphasized.

On the regional level, implementation of the Amazon Cooperative Treaty increased Pan-Amazonian concerns, which reaffirmed the importance of regional cooperation, communication, and integrated monitoring systems. Ms. Almeida Juliana further explained that the process has involved legal experts and institutional actors from various fields, whose feedback improved the Act's environmental law principles.
Many concerns raised the need to anchor LOFAE in established international environmental law norms, such as the Rio Declaration principles. In addition, IUCN commission chairs played a valuable role in providing some inputs in areas such as nature-based solutions, monitoring mechanisms and aligning the Act with broader global conservation goals. The speaker stressed that these inputs have helped shape a global and inclusive legal framework but also made it clear that the work is far from being done. One of the major upcoming projects is to conduct a consultation in the Congo Basin region, a significant omission given the ecological importance of that forest system. Collecting insights from stakeholders in the Congo Basin will be central to enhancing the Act's relevance and legitimacy.

Ms. Almeida closed by announcing to the attendees that this event is also a part of the journey, inviting them to reflect and share opinions on what they believe is a good forest law.

Summary of the Intervention by Professor Nicholas Bryner

"Legal Effectiveness, Enforcement and Survey Findings"

Professor Nicholas Bryner, Co-Rapporteur of the Model Forest Act Initiative (MoFAI), opened his intervention by inviting audience participation through a QR code survey, designed to gather practitioner insights on the implementation of forest law across jurisdictions. Before discussing survey results, he framed the broader context: while environmental law has achieved notable progress globally, forests remain under acute threat. Deforestation persists, CO_2 emissions continue to rise, and biodiversity loss has accelerated into what many describe as a sixth mass extinction. Against this backdrop, Professor Bryner presented MoFAI as both a consolidation of foundational forest governance principles and a forward-looking tool for conservation and sustainable use.
At its core, MoFAI seeks to provide practical, adaptable legal instruments that translate broad commitments into enforceable action.

These include clear legislative objectives, mechanisms for forest protection, restoration, and sustainable management, and a flexible framework capable of being applied across diverse legal systems. Professor Bryner stressed that the initiative's relevance lies in filling gaps left by outdated or incomplete national laws, many of which have failed to adequately integrate climate change into forest governance. While some countries reference climate issues in forest laws, these mentions are often symbolic or lack operational detail. In contrast, climate considerations tend to be more robustly addressed in energy legislation, creating a significant imbalance within governance frameworks.

Professor Bryner emphasized that law alone cannot stop climate disruption or halt forest loss, yet it remains a crucial tool for institutionalizing sustainability and guiding collective behavior. He reminded participants that forests are not merely symbolic or ecological assets but sources of livelihood for 1.6 billion people worldwide, while also providing indispensable ecosystem services and cultural and spiritual value for humanity as a whole.

The survey results underscored both the urgency and scale of the governance challenge. No participant rated their national forest law implementation as "highly effective." Most responses clustered at moderate levels (2–3 on a 5-point scale), suggesting partial progress but significant shortcomings in addressing contemporary crises. Respondents agreed that while national frameworks exist, implementation remains inadequate. A second round of detailed responses confirmed these concerns, pointing to persistent barriers including weak institutional capacity, limited political will, corporate and commercial interference, vague or outdated mandates, insufficient monitoring in remote areas, financial shortfalls, restricted community participation, and ongoing tensions between conservation imperatives and extractive economic priorities.

Professor Bryner concluded by stressing that these shortcomings reflect not only legal deficiencies but also deeper structural, political, and financial challenges. He thanked participants for their contributions and emphasized that the World Commission on Environmental Law provides a vital platform to convert such collective feedback into concrete policy guidance. MoFAI, he argued, represents a timely opportunity to bridge the gap between principle and practice by equipping governments with tools that are both operationally viable and responsive to the triple planetary crises of climate change, biodiversity loss, and pollution.

SECOND CONGRESS KEYNOTE —

OCEAN AT THE CROSSROADS (BETWEEN LAND- AND VESSEL-BASED POLLUTION, CLIMATE CHANGE AND BIODIVERSITY, CONSERVATION AND USE)

CHAIR :

- **Mr. Pradeep Singh,** Deputy Chair, WCEL Ocean Law Specialist Group

KEYNOTE :

- **Prof. Nilufer Oral,** National University of Singapore / WCEL Steering Committee member (Online)

COMMENTS FROM :

01 - **Prof. Sara Sefrioui,** Abdelmalek Essaâdi University

02 - **Prof. Ronan Long,** World Maritime University (Online)

03 - **Prof. Cymie Payne,** Rutgers University; Chair, WCEL Ocean Law Specialist Group (Online)

05 - **Ms. Iatimad Zair,** Administration and Finance Executive Manager , Mohammed VI Foundation for Environmental Protection

INTRODUCTION

In his role as chair of the Second Congress Keynote, Pradeep Singh skillfully guided the discussion across the intersecting themes of ocean governance, marine pollution, and biodiversity protection. His moderation created space for both high-level insights and grounded regional perspectives, ensuring a balanced and forward-looking exchange among diverse stakeholders.

Summary of the Intervention by Professor Nilufer Oral (ONLINE)

WCEL Steering Committee member

Starting with Professor Nilufer Oral, who was a keynote speaker at this session on the ocean at the crossroads. Professor Nilufer began by mentioning the recent ITLOS advisory opinion, emphasizing its significance in reaffirming and clarifying the legal obligations of states in regards to climate change and the marine environment. Although she expressed disappointment about the absence of a follow up case that would have possibly tested the opinion's application, she recognized the ruling as a valuable legal milestone. It reinforces the state's duty to protect and preserve the marine environment under international law in general, and under the United Nations Convention on the Law of the Sea (UNCLOS) in particular, in light of the climate crisis.

Professor Oral then shifted her focus to the multiplying threats to marine health and biodiversity, especially as scientific understanding of ocean ecosystems advances. She mentioned that coral reefs are seen both as a symbol of oceanic beauty and as ecosystem fragility. Notably, the Great Barrier Reef, a UNESCO World Heritage Site, is unfortunately facing existential harm due to ocean warming and ocean acidification. She referred to projections that up to 90% of coral reefs could disappear by 2050 without urgent action, with severe consequences for marine species dependent on reef ecosystems. She praised the International Maritime Organization's designation of "Particularly Sensitive Sea Areas (PSSAs)", such as the Great Barrier Reef, as an important tool to ensure the protection of ecologically vulnerable regions that are impacted by shipping.

However, she underscored that governance gaps are consistent, particularly in areas beyond national jurisdiction, which constitute approximately 64% of the ocean and fall outside the protective scope of any single state.

Professor Nilufer also recalled scientists' protests, including Sylvia Earle, as early as 1991 to establish "wild ocean reserves." She traced the evolution of international concern over high seas biodiversity, noting pivotal moments such as the 2001 marine workshop on the Isle of Vilne and the 2000 IUCN resolution on high seas conservation. An important breakthrough came with the adoption of the BBNJ (biodiversity beyond national jurisdiction) Agreement, which was finalized after extensive negotiations at the United Nations. She praised IUCN's strong involvement in the process and underscored the leadership of President Rena Lee in steering the negotiations to a successful conclusion. As of September 2023, 120 countries had signed the agreement, with 21 having ratified it.

Professor Nilufer expressed hope that reaching 60 ratifications would soon be realized, enabling the agreement's entry into force and its implementation. The speaker concluded her intervention by giving some reflections on the evolving role of international law in addressing ocean-related challenges caused by climate change and pollution.

She highlighted the growing attention to ocean health within international legal and political systems, although she noted that institutional political responses have often been slow vis-à-vis the urgent threats. In this context, she emphasized the proactive role that is played by the small island developing states, which have increasingly turned to international judicial systems to clarify state obligations and responsibilities. Professor Nilufer referred to the advisory opinion that has been delivered by the International Tribunal for the Law of the Sea (ITLOS), which reiterated state obligations under UNCLOS concerning climate change. She added the significant contributions made by the World Commission on Environmental Law (WCEL) and the International Union for Conservation of Nature (IUCN) during both the written and oral proceedings. A pending advisory opinion before the International Court of Justice (ICJ) was also mentioned, with many states having raised environmental dimensions, further demonstrating growing engagement with legal avenues to confront climate issues.

In addition to climate change, Professor Oral drew attention to marine plastic pollution, describing it as one of the most dangerous emerging threats to the marine environment. She identified plastic pollution primarily as a land-based issue, with some marine-based contributions, especially from fishing activities. Nevertheless, its destructive impact is more intensely felt in marine ecosystems. She emphasized the role of international law and its capacity to address this issue, particularly through the United Nations Environment Programme (UNEP). Moreover, in 2022, the UN Environment Assembly adopted a resolution to negotiate a legally binding instrument to end plastic pollution.
Professor Nilufer stated that negotiations are ongoing, with recent and upcoming sessions held in Busan and Geneva respectively. While acknowledging the rising pressure on the ocean since 1972 Stockholm Declaration (including new challenges such as marine plastics, climate change, and illegal, unreported, and unregulated (IUU) fishing).

Professor Nilufer concluded on a note of cautious optimism. She underscored that, despite the ongoing environmental degradation, international law offers a set of tools that are increasingly being used by the international community. She also urged continued reliance on legal mechanisms to encourage environmental progress and emphasized the crucial role played by by organizations like IUCN and WCEL in advancing the legal protection of the natural world. She closed by paying tribute to her colleagues' tireless efforts to safeguard the planet — from forests and the atmosphere to the ocean — and emphasized the need for continued commitment to international legal solutions to protect the Earth for future generations.

Summary of the Intervention by Professor Cymie Payne (Online)

Chair, WCEL Ocean Law Specialist Group

In Professor Cymie Payne's intervention, she underscored the vital importance of international cooperation in safeguarding and protecting the ocean. She focused particularly on two issues that have been previously mentioned by Professor Nilufer, which are the BBNJ Agreement as a landmark achievement, illustrating how states can collectively address the complex and pressing challenges facing the marine environment. Second, the speaker focused on the risks posed to the marine environment by the climate change solutions, notably geoengineering techniques and carbon dioxide removal. She reflected on the broader geopolitical context in which these issues arise, expressing concern over the global trend away from multilateral cooperation and toward unilateralism where states rarely cooperate and compete in global affairs. At the same time, she stressed the difficulty of translating complex, technical scientific knowledge into policy decisions that could have far-reaching environmental consequences. In this light, she praised the BBNJ Agreement as a much-needed example of international cooperation and a powerful demonstration of multilateralism at work.

The BBNJ Agreement, which was discussed for over 30 years, now represents the commitment of over 80% of the world's states to protect biodiversity in more than half of the planet's surface—the high seas. Professor Cymie highlighted the crucial role the ocean plays in sustaining life on earth and mitigating climate change effects. She also emphasized the role of the seas in supporting life on land, describing it as 99% of the habitable space for multiple communities and the provider of half the world's oxygen. However, much of the ocean remains under discovered, especially the deep sea ecosystems that are now increasingly under threat from industrial activities such as destructive fishing, shipping, noise pollution, seabed mining, and geoengineering.

The speaker explained that the Law of the Sea Convention (UNCLOS), which was discussed without the benefit of current-day scientific knowledge, lacks a robust institutional mechanism for implementation—unlike other environmental agreements that feature a Conference of the Parties. The BBNJ Agreement seeks to address this gap. Its four core components are:

1. Access and Benefit Sharing of marine genetic resources, with a focus on equity.
2. Creation of marine protected areas and use of other spatial planning tools.
3. Mandatory environmental impact assessments, including monitoring and mitigation.
4. Capacity building and technology transfer, ensuring all states can participate effectively.

The professor continued by adding that unlike UNCLOS, which lacks a governing body like a COP, the BBNJ Agreement introduces institutional mechanisms for implementation, including a Conference of the Parties (COP) process.

As of Professor Cymie's intervention, 114 states had signed the agreement and 21 had ratified, with several more expected to deposit instruments of ratification at the upcoming UN Ocean Conference in Nice, France. Payne projected that the treaty will enter into force in 2025, once the 60-state ratification threshold is met. The first COP must take place within one year of that milestone. The speaker noted that the international community is currently in the phase of institution building, with a Preparatory Commission working to shape the mechanisms for scientific input, stakeholder engagement (including civil society and Indigenous Peoples), and operational details. The first meeting took place in April, with future discussions scheduled in August and beyond.

She highlighted with optimism that the session held in April ended ahead of the planned schedule, a rare event in multilateral negotiations, attributed to the high level of convergence among states. Though time did not permit a full exploration of her second issue, Professor Cymie briefly flagged a second issue of concern: the growing interest in climate-related geoengineering, particularly marine carbon dioxide removal. She explained that the twilight zone (mesopelagic layer) of the ocean plays a critical role as a natural carbon sink, yet is poorly understood and insufficiently governed. She mentioned that efforts are employed (including IUCN's resolutions) to explore new possible governance instruments for this region, and encouraged continued attention in this emerging area of research.

Professor Cymie concluded by urging continued support for transparent, science-based multilateralism in ocean governance. She underscored the BBNJ Agreement as a powerful example of states working together to protect the ocean as a shared global common and hinted at future work to address the governance of new frontiers like the mesopelagic zone. "The kind of adaptive, inclusive governance we are building through the BBNJ Agreement is exactly what is needed to meet the ecological, legal, and political challenges of our time."

Summary of the Intervention by Professor Sara Sefrioui

Abdelmalek Essaâdi University

Professor Sara Sefrioui, a renowned international law and law of the sea professor at the Abdelmalek ASSAADI University, opened her intervention by reflecting on a powerful truth: the ocean is no longer an untouched, limitless expanse beyond human reach. It is now a deeply contested legal, political, and ecological space under mounting pressure. Building on the keynote's insights, she explored how pollution, biodiversity loss, and climate change intersect to form not discrete problems, but an interconnected web — with the ocean at its center.

Professor Sara introduced the expression of the crossroads to characterize the current state of ocean governance. It is not merely a symbolic concept, but a real and urgent issue that calls for moral, legal and ecological solutions. Are we to continue down a fragmented path of inaction, or can we shift course toward restoration and long-term sustainability?

This choice, she underscored, will determine the future state of the health of our ocean and the fate of the planet. Professor Sara began with the problem of pollution, establishing land-based pollution as the leading cause of marine degradation. While the 1982 United Nations Convention on the Law of the Sea (UNCLOS) acknowledges this issue, it leaves regulation largely to national and regional initiatives. The speaker also stressed the challenges related to vessel source pollution, which represents a vital intersection of different areas of law, trade, and environmental protection. With 90% of global trade transported by sea, maritime activities produce a number of impacts, from greenhouse gas emissions to underwater noise that disrupts marine mammals, and invasive species spread via ballast water.

While international instruments like MARPOL and the work of the International Maritime Organization provide a framework, enforcement remains decentralized, depending on flag states, port authorities, and inadequate at-sea monitoring. Professor Sara called for an integrated approach that traces the full journey of pollutants and establishes binding international compliance mechanisms. Turning to biodiversity, the speaker stressed the alarming loss of marine species, coral reefs to pelagic species. The causes are multiple: overfishing, pollution, habitat destruction, and climate stress.

To this effect, Professor Sara praised the recent adoption of the BBNJ Agreement as a significant milestone. It introduced tools for establishing and maintaining marine protected areas and conducting environmental impact assessments in areas beyond national jurisdiction. However, it should be noted that its success depends heavily on political will, technical capacity, and equitable benefit-sharing mechanisms. Importantly, she called for a broader understanding of biodiversity that includes not only conservation but also reparation, particularly for communities that have been marginalized or harmed by marine exploitation. In addition, Professor Sara designed the blue economy as a potential path forward to align development with climate resilience, food security, and social equity.

She recalled Professor Oral's reference to whale conservation as one of the earliest expressions of ecological ethics in law. This shift—from sovereign exploitation to shared stewardship—requires normative evolution. The speaker advocated for the revitalization of the principle of common concern of humankind in ocean governance. While this principle applies to deep seabed resources under UNCLOS, it hasn't been extended to other shared ocean areas.On the other hand, the idea of "common concern"— though more loosely defined—is becoming more widely accepted in agreements like the UNFCCC and the Convention on Biological Diversity.

Though it hasn't been included in the final BBNJ text,the speaker argued that it should still guide the agreement interpretation and application.It provides a unifying lens for addressing biodiversity loss, marine genetic resources, and climate-driven changes not as fragmented issues but as shared global responsibilities.

In closing, the professor urged the audience not to overlook the human losses related to ocean degradation, especially for coastal communities, Indigenous peoples, and climate migrants. The indigenous communities are not only passive victims, but also active members employing ancestral knowledge to adapt and preserve the environment. She also called for international legal mechanisms, such as UNCLOS, BBNJ and the UNFCCC, to ensure indigenous inclusion and knowledge integration. Finally, she emphasized that emerging technologies, including marine geoengineering, must be guided by the principles of precaution, equity, and inclusivity—not used to exacerbate exclusion or ecological harm.

Summary of the Intervention by Professor Ronan Long (Online)

World Maritime University

Professor Ronan Long, Director of the WMU-Sasakawa Global Ocean Institute at the World Maritime University in Malmö Sweden, opened his remarks with an assertion: the governance of the ocean is a matter of international law at its core and a matter of the international law of the sea specifically. However, this body of law is slow-moving by nature, both in its creation and implementation, showcasing a fundamental tension between the slow legal progress and developments and the rising ecological crises. He stressed that we are no longer facing hypothetical threats.

The evidence of the destruction of the marine environment is unequivocal. Humanity is at a crossroads, a term echoed by other speakers, where the decisions made today will determine the future health of the ocean, and by extension, the planet. One of the central critiques in Professor Long's intervention was the constant reliance on one sector-based regulation, a fragmented legal and institutional approach that was shown to be ineffective and weak after more than 50 years of ocean governance attempts. From the Stockholm conference back in 1972 to this day, this model has failed to deliver on the promises that were established for the conservation and sustainable use of marine resources.

The speaker noted that this critical failure lies in the lack of integration. For the first time, however, the BBNJ Agreement has been presented as a new mechanism for coordination and cooperation, which could mark a turning point in how the international community addresses governance of the high seas and international waters. Professor Long argued that the current goal of reaching 60 ratifications for the BBNJ Agreement, although necessary, is insufficient. What is truly significant is universal participation.

The challenges facing the ocean are global, and only a comprehensive international commitment can ensure substantive progress. The first sign of optimism lies in the European Union's new Ocean Pact, announced by the President of the European Commission and backed by the Council and the European Parliament. This ambitious initiative consolidates the creation of a wide range of EU strategies related to the ocean, bringing greater coherence and political weight to the Union's maritime agenda. The speaker highlighted that among these frameworks, which were created under these circumstances, are key regulatory and strategic instruments such as:

- The Integrated Maritime Policy
- The Marine Strategy Framework Directive
- The Maritime Spatial Planning Directive
- The Blue Economy Strategy
- The International Ocean Governance Agenda (2022)
- Research and restoration initiatives like the "Restore Our Ocean and Waters" mission
- The Common Fisheries Policy

Stationed for a formal adoption during the June 2025 Ocean Conference in Nice, the Ocean Pact is built around five strategic pillars:

1. Ensuring a healthy and productive ocean (conservation first)
2. Boosting sustainable blue economic development
3. Closing the ocean science gap to support evidence-based decisions
4. Reinforcing EU global leadership in ocean governance
5. Building resilience and opportunities for coastal communities and cities

This pact consolidates not only an institutional engagement but also a shift toward more integrated, science-driven, and community-engaged ocean governance — an encouraging development in a time of mounting marine pressures. Professor Long's second point addressed the G7 communiqué from the 2023 Summit in Italy, which examined the triple planetary threat: climate change, pollution and biodiversity loss. Some of the key commitments included the ratification and implementation of the BBNJ Agreement, Fulfillment of the 30x30 target under the Montreal Global Biodiversity Framework, supporting a global plastic treaty, recognizing the key regional challenges such as the 750 tons of daily plastic pollution entering the Mediterranean — a figure he cited from Professor Oral's writing and endorsing dispute resolution and advisory processes under international law including the South China Sea arbitral award.

To conclude, Professor Long urged bold leadership, active participation, and called to end the fragmented sectoral responses. He pointed out that while some actions spark hope and optimism, particularly within the EU and G7 frameworks, opportunities for meaningful action are rapidly decreasing.

Summary of the Intervention by Ms. Iatimad Zair

Administration and Finance Executive Manager, Mohammed VI Foundation for Environmental Protection

Speaking on behalf of the Mohammed VI Foundation for Environmental Protection, Ms. Iatimad Zair presented the Foundation's mission, strategy, and flagship initiatives, emphasizing its role in raising awareness and fostering sustainable environmental practices for present and future generations. Established more than 25 years ago under the direction of His Majesty King Mohammed VI and led by Her Royal Highness Princess Lalla Hasnaa, the Foundation's core mission centers on communication, education, and awareness, with a particular focus on youth.

She stressed that while law and science are crucial to environmental and ocean governance, education and communication remain essential tools for advancing sustainability goals. Guided by a structured vision of sustainable development — anchored in education, citizen participation, innovation, and community engagement — the Foundation has consistently adapted to emerging challenges, increasingly using digital platforms to expand its outreach.
Among its flagship programs, Ms. Zair highlighted "Plages Propres" (Clean Beaches), now in its 25th edition, which covers over 109 beaches across Morocco's Mediterranean and Atlantic coasts. Initially a simple cleanup initiative launched in 2001, it has evolved into broader projects, including the African Youth Climate Hub, a digital platform fostering youth engagement. The Foundation also organizes sustainable coastal action awards, recognizing efforts in marine and coastal conservation.

Its partnerships span both national ministries (Economy, Finance, Agriculture, Fisheries, Youth, Children) and international organizations such as UNEP and UNESCO. It has hosted national dialogues on the blue economy, ocean science conferences, and preparatory meetings for the UN Ocean Conference.

Ms. Zair described initiatives aimed at building youth capacity in oceanography, notably through training 250 African students in collaboration with INRCH and the Secretariat of State for Maritime Fisheries. Courses combine online instruction, laboratory work, and participation in scientific expeditions. Further, the International Hassan II Environmental Training Center, inaugurated in 2019 and overseen by Her Royal Highness Princess Lalla Hasnaa, has become a hub for education and innovation. Its Green Education Factory designs interactive tools and digital resources for learners from kindergarten to university, encouraging ocean literacy and environmental entrepreneurship. The Center also organizes Ocean Literacy Days and an annual Ocean Week, aligned with the UN Decade of Ocean Science, featuring immersive activities on biodiversity, plastic pollution, and blue economy careers.

The Foundation also runs a summer awareness campaign, now in its sixth edition, integrating workshops into vacation programs for thousands of children, transforming summer camps into strategic platforms for environmental education with a strong focus on ocean protection and reducing plastic waste.

In conclusion, Ms. Zair emphasized that collective responsibility, innovation, and partnerships are the driving forces of the Foundation's mission. Through its diverse initiatives, the Foundation continues to mobilize institutions, communities, and especially youth to protect Morocco's coasts and ocean and to foster a culture of sustainable stewardship.

PARALLEL SESSION 13 —
AGRICULTURE: INTEGRATING THE PROTECTION OF SOILS, BIODIVERSITY, AND CLIMATE CHANGE

CHAIR :

- **Ms. Katy Gwiazdon, Chair,** WCEL Ethics Specialist Group

COMMENTS FROM :

01 - **Ms. zilvia Csevár and Yasmine Rugarli:** Seeds of Power: from the 'green' revolution to Indigenous food sovereignty

02 - **Mr. Michael Addaney and Nastasia Thebaud-Bouillon-Njenga:** Food and climate justice in Africa: Human rights dimensions (Online)

03 - **Ms. Viktoriia Pylaieva:** EU "From Farm to Fork" Strategy As A Conceivably Global Standard For Sustainable Agriculture And Food Security

04 - **Ms. Renee Valerie Fajardo:** Optimizing Legal Frameworks to Reduce Nitrogen Pollution from Agriculture

05 - **Ms. Mei-Line Le Gouëff:** Balancing Agriculture and Solar Energy Development: Legal Challenges and Emerging Frameworks for Agrivoltaics integration in the European Union to Support Sustainable Development Goals

06 - **Mr. Roberto Talenti:** To Eat or Not to Eat (Too Much Meat) - An Analysis of the European Regulatory Framework Governing Livestock GHG Emissions and Its Compatibility with the Climate Neutrality Objective (Online)

INTRODUCTION

Katy Gwiazdon, Chair, WCEL Ethics Specialist Group

This session, presided over by Katy Gwiazdon, explored the critical intersections between agriculture, soil health, biodiversity, and climate change, emphasizing the urgent need for integrated approaches to ensure sustainable food systems. Speakers highlighted the role of innovative practices, inclusive governance, and international cooperation in addressing land degradation, protecting ecosystems, and promoting climate-resilient agriculture.

The discussions underlined how protecting soils and biodiversity is not only essential for mitigating climate impacts but also for securing livelihoods, strengthening rural economies, and achieving long-term environmental sustainability.

Summary of the Intervention by Ms. Szilvia Csevár & Ms. Yasmine Rugarli

"Seeds of Power: From the 'Green' Revolution to Indigenous Food Sovereignty"

Ms. Szilvia Csevár and Ms. Yasmine Rugarli delivered a presentation examining the evolution of global agriculture from the industrial "Green Revolution" model to the growing recognition of Indigenous food sovereignty. They stressed the need to decolonize agricultural frameworks and shift away from extractive, industrialized models of production, which have prioritized yield maximization at the expense of biodiversity, cultural traditions, and ecological balance. By contrast, Indigenous food systems were presented as resilient, sustainable, and deeply rooted in cultural knowledge, offering viable alternatives for addressing today's global food and climate crises.

The speakers framed their arguments within broader ecofeminist, environmental justice, and intersectional perspectives, emphasizing that food sovereignty is inseparable from issues of equity, human rights, and cultural survival. They argued that centering Indigenous practices not only safeguards biodiversity but also ensures intergenerational food security and strengthens communities' autonomy in the face of global economic pressures.
To illustrate these principles, they drew on case studies from different regions:

- The Three Sisters cultivation system in North America (corn, beans, and squash planted together), which promotes biodiversity and soil health through complementary growth cycles, demonstrating sustainable mutualism in agricultural practice.
- Cassava and medicinal plant farming in Brazil, which highlights the resilience of Indigenous farming systems that rely on native crops adapted to local ecosystems, combining food production with health and cultural values.
- Agroecological practices in Aotearoa/New Zealand, where local communities integrate traditional ecological knowledge with modern sustainability frameworks to strengthen food sovereignty while protecting the environment.

Ms. Csevár and Rugarli also pointed to gaps in international legal and policy frameworks, noting that existing instruments such as the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), the Convention on Biological Diversity (CBD), and even WTO trade frameworks do not adequately support or protect Indigenous food systems. These mechanisms often overlook traditional ecological knowledge, prioritize commercial agricultural interests, and fail to guarantee Indigenous communities effective participation in decision-making.

In conclusion, the speakers called for agroecological reform and culturally appropriate food policies that actively recognize Indigenous knowledge systems, empower local communities, and ensure sustainable food production. They argued that a true transformation of agriculture requires moving beyond the legacy of the Green Revolution and embracing Indigenous-led approaches that integrate culture, ecology, and justice at the heart of food systems.

Summary of the Intervention by Mister Michael Addaney & Ms. Nastasia Thebaud-Bouillon-Njenga (Online)

"Food and Climate Justice in Africa: Human Rights Dimensions"

Dr. Michael Addaney and Ms. Nastasia Thebaud-Bouillon-Njenga jointly explored the intersections of climate change, food security, and human rights in Africa, highlighting both the vulnerabilities and the opportunities for transformative policy. Dr. Addaney opened the session by underscoring the extent to which climate change exacerbates food insecurity across the African continent. Rising temperatures, erratic rainfall patterns, prolonged droughts, and floods increasingly disrupt agricultural production, threatening food availability and livelihoods. These impacts are most severe for vulnerable groups, particularly smallholder farmers, women, and children, who often depend directly on subsistence agriculture and have limited access to adaptive resources. He argued that the right to food is a fundamental human right that must be recognized, protected, and operationalized by African states. Ensuring this right, he explained, requires not only securing the physical availability of food but also guaranteeing economic access, affordability, cultural adequacy, and meaningful participation in decision-making processes that affect food systems.

Ms. Thebaud-Bouillon-Njenga built on this by addressing the legal and institutional dimensions of the right to food in Africa. While not all African constitutions explicitly enshrine this right, many recognize it indirectly through commitments to health, dignity, and livelihood. She highlighted the role of regional instruments such as the African Charter on Human and Peoples' Rights and the jurisprudence of the African Commission, both of which interpret the right to food as a core element of broader human rights obligations. She emphasized that this legal recognition provides a basis for holding states accountable and for framing food justice as a rights-based imperative.

The speakers jointly called for inclusive and participatory agroecological strategies as a pathway to achieving climate-resilient food systems. They stressed that solutions must not be imposed from above but should instead integrate Indigenous knowledge systems, traditional agricultural practices, and local community priorities. Such approaches, they argued, enhance biodiversity, strengthen resilience to climate shocks, and promote food sovereignty. At the same time, they insisted that human rights principles—particularly equality, non-discrimination, and accountability—should serve as the foundation of food and climate policies.

In conclusion, Dr. Addaney and Ms. Thebaud-Bouillon-Njenga urged African governments and regional bodies to adopt stronger commitments to food and climate justice, ensuring that no community is left behind in the face of mounting climate challenges. By grounding agricultural transformation in human rights, they argued, Africa can build more equitable, sustainable, and resilient food systems that serve both present and future generations.

Summary of the Intervention by Ms. Viktoriia Pylaieva

"The EU "Farm to Fork" Strategy as a Conceivable Global Standard for Sustainable Agriculture and Food Security"

Ms. Viktoriia Pylaieva presented an analysis of the European Union's "Farm to Fork" Strategy, adopted as part of the European Green Deal. She emphasized that this strategy serves as a roadmap for fundamentally transforming the EU's food system by aligning environmental sustainability, food security, and social justice. Its central goal is to make food systems healthier, fairer, and more environmentally friendly, while maintaining the competitiveness of European farmers.

Pylaieva highlighted the strategy's ambitious and quantifiable targets, including: a 50% reduction in the use and risk of chemical pesticides, at least a 20% decrease in fertilizer use, and a goal to dedicate 25% of agricultural land to organic farming by 2030. These measures are accompanied by initiatives for soil regeneration, biodiversity protection, and food waste reduction. She noted that the strategy also emphasizes sustainable consumption by promoting more balanced diets based on local and seasonal products.
On the economic front, Ms. Pylaieva pointed to incentive mechanisms such as agricultural carbon credits and financial support schemes for farmers who adopt sustainable practices. She also stressed the importance of traceability and transparency in food value chains, enabling consumers to make informed choices and holding producers accountable.

Beyond Europe's borders, she reminded the audience that the strategy's success depends on alignment with international trade and research policies. Pylaieva emphasized the need for the EU to foster scientific cooperation, technology transfer, and the sharing of standards with global partners to avoid trade distortions and support a fair global transition.

However, the strategy is not without criticism and challenges. Some economic stakeholders and trade partners fear that the new EU standards may act as disguised trade barriers, penalizing exports from third countries and exacerbating inequalities. Moreover, the shift toward more sustainable agricultural models remains a major challenge for farmers themselves, especially small-scale operations facing high adaptation costs.

Despite these limitations, Ms. Pylaieva defended the idea that the "Farm to Fork" Strategy could serve as a global reference standard, capable of inspiring other regions. She argued that lessons learned from the European experience could inform international discussions on the future of food systems, offering a framework that combines innovation, social equity, and environmental sustainability. In her view, this integrated approach represents a unique opportunity to reconcile agriculture, climate, and food security on a global scale.

Summary of the Intervention by Ms. Renee Valerie Fajardo

"Optimizing Legal Frameworks to Reduce Nitrogen Pollution from Agriculture"

Ms. Renee Valerie Fajardo's intervention centered on the pressing global challenge of nitrogen pollution from agriculture, a largely overlooked yet critical driver of environmental degradation and public health risks. She emphasized that the overuse of synthetic fertilizers and poor nutrient management practices contribute not only to declining soil quality and water contamination but also to biodiversity loss and climate change through nitrous oxide emissions—a potent greenhouse gas.

Ms. Fajardo argued that current international treaty frameworks remain insufficient to address the nitrogen crisis. While agreements such as the Vienna Convention (which successfully reduced ozone-depleting substances) and the Paris Agreement (focusing on climate change) demonstrate the potential of international cooperation, they lack explicit and enforceable provisions on nitrogen. She called for the expansion or adaptation of such treaties to include nitrogen pollution, positioning it as a global priority requiring collective responsibility.

Turning to practical examples, Fajardo highlighted China's fertilizer reduction programs, which have combined regulatory mandates with scientific innovation and farmer engagement. These efforts illustrate how top-down government interventions, when combined with strong institutional support, can reduce excessive fertilizer use while maintaining agricultural productivity. She stressed that such policies must be paired with investments in scientific research, extension services, and community-based initiatives to ensure effective implementation at the ground level.

From a legal perspective, Ms. Fajardo suggested that domestic reforms should focus on incentivizing eco-friendly agricultural practices—for instance, through subsidies for organic fertilizers, tax breaks for farmers adopting nitrogen-efficient technologies, and stricter penalties for polluters. She also called for the development of clear monitoring and reporting frameworks, ensuring that nitrogen emissions are tracked as rigorously as carbon emissions.

Finally, Ms. Fajardo underscored that nitrogen pollution is a transboundary issue, with impacts that cross rivers, seas, and atmospheric systems. As such, it cannot be resolved by individual countries acting in isolation. She urged for enhanced international cooperation, knowledge sharing, and harmonized standards to manage nitrogen use more sustainably.

In conclusion, Ms. Fajardo framed the nitrogen crisis as both an environmental and governance challenge, requiring innovation, accountability, and coordination. She insisted that by embedding nitrogen management into global legal frameworks and national agricultural policies, the world can take a decisive step toward reducing pollution, protecting ecosystems, and ensuring sustainable food systems for future generations.

Summary of the Intervention by Ms. Mei-Line Le Gouëff

"Balancing Agriculture and Solar Energy Development: Legal Challenges and Emerging Frameworks for Agrivoltaics in the EU"

Ms. Mei-Line Le Gouëff's presentation explored the concept of agrivoltaics, an innovative land-use strategy that combines agriculture and solar energy production on the same plot of land. This dual-use approach offers significant potential to reconcile two pressing global challenges: ensuring food security while advancing the transition to renewable energy. By enabling farmers to maintain or even improve agricultural yields while producing clean energy, agrivoltaics represents a promising path toward sustainable development and climate resilience.

Despite its promise, Ms. Le Gouëff noted that agrivoltaics faces major legal and regulatory hurdles within the European Union. Among the most pressing challenges are the fragmentation of rules across member states, the absence of clear and uniform definitions of agrivoltaic projects, and administrative bottlenecks that delay project approvals. These obstacles have limited the scalability of agrivoltaics, despite increasing interest from both the agricultural and energy sectors. She contrasted the regulatory approaches of Germany and France to illustrate these challenges. Germany has developed a more advanced and supportive legal framework, where agrivoltaics is integrated into agricultural and energy policies, encouraging farmers to diversify income sources while contributing to renewable energy targets. In contrast, France maintains a more restrictive regulatory environment, with tighter land-use rules and slower administrative procedures that make it more difficult to launch agrivoltaic projects. This disparity highlights the urgent need for greater harmonization across the EU.

Ms. Le Gouëff argued that a cohesive EU-wide legal framework is essential for agrivoltaics to realize its potential. Such a framework would provide clarity on project eligibility, standardize permitting procedures, and encourage cross-border investment. It would also facilitate the alignment of agricultural, energy, and climate policies, ensuring that agrivoltaics contributes meaningfully to the EU's Green Deal objectives and long-term low-carbon transition.

Beyond the regulatory dimension, she emphasized the importance of balancing economic incentives with ecological safeguards. Legal frameworks must ensure that agrivoltaic projects do not compromise soil health, biodiversity, or food production capacity. Instead, they should foster innovation in farming practices that maximize synergies between crop cultivation and solar generation, particularly in regions facing climate stress.

In conclusion, Ms. Le Gouëff highlighted agrivoltaics as a transformative opportunity for Europe, but one that requires legal clarity, policy coherence, and stakeholder collaboration to succeed. By integrating agrivoltaics into the EU's broader sustainability agenda, policymakers can help farmers and energy producers jointly address the twin crises of climate change and food security, while strengthening Europe's resilience in the face of environmental and economic uncertainty.

Summary of the Intervention by Mister Roberto Talenti (Online)

"To Eat or Not to Eat (Too Much Meat): Livestock GHG Emissions and the EU Regulatory Framework"

Mister Roberto Talenti's presentation provided an analysis of the European Union's regulatory framework on livestock-related greenhouse gas (GHG) emissions, exposing the sector as one of the most overlooked contributors to climate change. Despite the EU's ambitious climate goals under the European Green Deal and its commitment to achieving climate neutrality by 2050, Talenti argued that livestock emissions remain insufficiently addressed within EU climate policy.

He underlined that livestock emissions now exceed those from the transport sector, a striking reality that calls into question the effectiveness and priorities of EU climate governance. While the Union has introduced a series of legal instruments and strategies targeting energy, industry, and transport emissions, the agriculture sector — particularly meat production—continues to enjoy regulatory leniency. This omission undermines the EU's capacity to meet its long-term mitigation goals and perpetuates environmentally unsustainable food systems.

Mister Talenti critiqued the dominant narrative of "green growth", highlighting its limitations in the context of livestock production. He argued that this concept often obscures the real environmental costs of intensive farming and meat consumption by focusing narrowly on efficiency improvements rather than systemic change. For example, incremental technological solutions, such as methane inhibitors or improved feed efficiency, may reduce emissions marginally, but they do not address the fundamental unsustainability of high meat consumption and production levels. Instead, Mister Talenti called for a precautionary approach that integrates environmental law, agri-food policy, and international law. Such an approach would not only regulate emissions but also rethink global food systems and dietary patterns. He stressed the need to move beyond treating agriculture as a "special case" exempt from strict regulation, and to acknowledge the disproportionate environmental footprint of the livestock sector. As part of his proposed reforms, Mister Talenti advocated for:

- Stricter regulatory frameworks that explicitly target livestock GHG emissions;
- Incentives for sustainable dietary shifts, including support for plant-based alternatives and reduced meat consumption;
- Greater alignment of EU agricultural policy (CAP) with climate objectives, ensuring subsidies do not reinforce environmentally harmful practices;
- International cooperation, recognizing that livestock production and trade are global in nature and require transnational solutions.

In conclusion, Mister Talenti emphasized that achieving meaningful reductions in livestock emissions will require challenging entrenched economic interests and cultural norms around meat consumption. Addressing the livestock sector is not only a climate imperative but also a question of environmental justice, given its impact on biodiversity, land use, and global equity in resource distribution.

By adopting a more ambitious and precautionary framework, the EU could lead the way in transforming global food systems towards sustainability and resilience.

Summary of the Intervention by Mister Stefano Teixeira Lopes Silveira (Online)

"Denmark's Livestock Carbon Tax: A Model for Reducing Agricultural Emissions in Global Governance"

Mister Stefano Teixeira Lopes Silveira's presentation examined the innovative livestock carbon tax recently adopted in Denmark, positioning it as a pioneering model in the fight against agricultural greenhouse gas (GHG) emissions. Denmark has set an ambitious target of **reducing its agricultural emissions by 70% by 2050**, and the livestock carbon tax forms a central component of this strategy. By placing a direct price on emissions from cattle and other livestock, the policy creates strong economic incentives for farmers to adopt more sustainable practices and reduce their overall carbon footprint.

Mister Silveira emphasized that while the measure may increase consumer prices for meat and dairy products, it could simultaneously make plant-based diets more affordable and attractive, thereby contributing to broader food system transformation. He argued that such a fiscal mechanism goes beyond voluntary commitments or technological fixes by directly linking emissions to economic costs, thereby ensuring accountability within the agricultural sector.
Importantly, Silveira positioned Denmark's carbon tax as a potential model for global governance, suggesting that similar frameworks could be replicated in other countries seeking to align agricultural production with climate objectives. He highlighted how the measure bridges climate, agricultural, and fiscal policy, offering a coherent approach to emissions reduction. Moreover, by signaling to markets and consumers the true environmental cost of livestock products, the tax could help shift consumption patterns and stimulate innovation in sustainable farming practices.

However, Mister Silveira cautioned against a "one-size-fits-all" approach. He noted that countries like Brazil, where livestock production is a cornerstone of the national economy and a major source of exports, face different political and economic realities. For such contexts, a tailored strategy that balances emissions reduction with economic development is essential. He suggested that while Denmark's model may not be directly transplantable, its principles of accountability, transparency, and fiscal incentives could inspire adapted solutions in other regions.

Mister Silveira concluded by affirming that carbon taxation should play a central role in global agricultural governance, particularly with respect to the livestock sector, which remains a significant and underregulated contributor to climate change. He called for greater international dialogue and cooperation to integrate fiscal measures like carbon taxes into multilateral climate frameworks. By doing so, he argued, the global community could move closer to sustainable food systems that are both environmentally responsible and economically resilient.

SESSION PARALLÈLE 14 –

GOVERNANCE: MEASURING EFFECTIVENESS

CHAIR :

- **Mr. Alejandro Iza,** Director of the IUCN Environmental Law Centre

SPEAKERS:

01 **Mr. Yacouba Savadogo :**
The Low Effectiveness of Environmental Law in Africa

02 **Mr. Michel Prieur :**
Measuring the Legal Effectiveness of the Implementation of the Sustainable Development Goals (SDGs)

03 **Mr. Tejas Rao :**
Legal Approaches in the Functioning of Implementation and Compliance Committees Across Air, Ocean, and Land Protection Treaties

04 **Mr. Roberto Coll :**
Measuring the Effectiveness of Environmental Law through Legal Indicators and Quality Analyses

05 **Ms. Angela María Amaya-Arias :**
Proposal of Legal Effectiveness Indicators for the Protection of Biodiversity in Colombia

06 **Mr. Michael Hantke-Domas :**
Environmental Crimes: Between Legal Principles and Scientific Indicator

INTRODUCTION

Parallel Session 14, titled "Governance: Measuring Effectiveness", was chaired by Mister Alejandro Iza (IUCN/WCEL). In his opening remarks, Mister Iza reminded participants that, while environmental law has undergone significant normative expansion in recent decades, its effectiveness remains a central and unresolved issue. The challenge is no longer simply to adopt new rules, but to ensure that these rules produce concrete and measurable outcomes in practice.

The session was structured around several complementary presentations, each offering a different lens through which to examine legal effectiveness, including the use of indicators, the role of implementation institutions, and the contribution of science in interpreting legal norms.

Thus, Professor Michel Prieur presented a detailed analysis of tools used to assess the effectiveness of implementing the Sustainable Development Goals (SDGs). Mister Tejas Rao discussed the legal mechanisms established within implementation and compliance committees under international treaties for the protection of air, ocean, and land. Ms. Angela María Amaya-Arias offered a judicial perspective from Colombia, proposing effectiveness indicators to evaluate environmental court decisions. Mister Roberto Coll advocated for a rigorous approach inspired by quality assurance, aimed at objectively assessing environmental law using legal indicators based on explicit standards. Finally, Mister Michael Hantke-Domas addressed the specific challenges of applying environmental criminal law and emphasized the need for stronger integration of scientific indicators to enhance coherence and legitimacy.

This session thus opened an interdisciplinary and comparative dialogue around a fundamental issue: how can we concretely measure the effectiveness of environmental law using reliable, scientifically grounded, and legally actionable tools?

It is through the following summaries of the presentations that one can better grasp the depth and diversity of the ideas explored.

Summary of the Intervention by Mister Michel Prieur

"Measuring the Legal Effectiveness of the Sustainable Development Goals (SDGs)"

In his presentation, Mister Michel Prieur highlighted the limitations of the current monitoring approach used to assess progress on the Sustainable Development Goals (SDGs), adopted by the United Nations in 2015. Although the SDGs fall under soft law, they still carry normative value, and therefore require implementation based on effective legal mechanisms.

Mister Prieur emphasized that the tools currently employed to measure SDG progress are primarily quantitative and statistical, developed by the United Nations Statistical Commission, which lacks legal expertise. This methodological gap undermines a comprehensive understanding of SDG implementation, as it overlooks the legal dimension.
Drawing notably on the UN Environment Programme's report Environmental Rule of Law (2019), Mister Prieur reiterated that the effective achievement of the SDGs is impossible without a foundation of environmental rule of law, which depends on accessible, enforceable, and justiciable norms.

Accordingly, he called for the adoption of legal indicators capable of measuring:

- The existence of appropriate legal norms,
- Their integration into national legal systems,
- Their concrete enforcement by competent institutions, including the judiciary.

Mister Prieur pointed out that this need has been formally acknowledged in several United Nations General Assembly resolutions, as well as in Resolution 050 of the IUCN World Congress, which explicitly recommends, in paragraph 2, the implementation of such indicators.

The speaker made a clear distinction between two key concepts:

- Effectiveness, referring to the concrete environmental outcomes of a norm, which can be measured through scientific indicators;
- Effectivity, understood as the actual legal implementation of the norm, which requires legal indicators to assess its scope and real-world application.

In conclusion, Mister Michel Prieur asserted that the integration of legal indicators is essential to ensure a faithful, comprehensive, and operational evaluation of SDG implementation — and more broadly, of the effectiveness of environmental law.

Summary of the Intervention by Mister Tejas Rao

"Legal Approaches in the Function of Implementation and Compliance Committees in International Environmental Protection Treaties"

Mister Tejas Rao delivered an analysis of international implementation and compliance mechanisms, focusing on their operational role within multilateral environmental agreements (MEAs). His presentation drew on findings from his doctoral research, which employed a qualitative methodology combining participant observation, fieldwork, and interviews conducted during various Conferences of the Parties (COPs).

The core issue addressed was the practical effectiveness of international environmental governance instruments. Rather than limiting evaluation to national reporting or financial flows, Mister Rao argued for a deeper analysis of the mechanisms that make these instruments function in practice — particularly the implementation and compliance committees. He challenged the narrow perception of these committees as mere monitors of reporting obligations. Instead, he emphasized their evolution toward more dynamic, quasi-judicial roles. These bodies now contribute to the development of compliance jurisprudence by issuing decisions, adapting working methods, and interpreting treaty provisions based on context and purpose. Their interpretive work increasingly relies on the Vienna Convention on the Law of Treaties, applying textual, contextual, and teleological methods.

Mister Rao supported his argument with examples from key MEA bodies, including:

- The Implementation and Compliance Committee under the Montreal Protocol,
- The Committee for the UN Convention to Combat Desertification,
- The Compliance Committee under the Basel Convention,
- The Paris Agreement's Implementation and Compliance Committee.

He highlighted a recent decision by the Paris Agreement committee interpreting Article 4.9, which clarified important legal concepts such as "operationalization" and "nationally determined contributions (NDCs)." This case illustrates how these committees are shaping international environmental law through precise legal reasoning, beyond mere administrative oversight.
Furthermore, Mister Rao noted that the structural model of these committees is increasingly being adopted in emerging agreements, such as the new treaty on biodiversity beyond national jurisdiction (BBNJ) and the global plastics treaty, reflecting states' recognition of their effectiveness.

In conclusion, Mister Rao underscored the central role that implementation and compliance committees play in strengthening the legal and operational framework of international environmental treaties. By generating interpretative guidance and adapting legal norms to diverse contexts, these bodies contribute to building a more coherent, responsive, and effective international environmental governance system.

Summary of the Intervention by Mister Roberto Coll

"Measuring the Effectiveness of Environmental Law through Legal Indicators and Quality Analyses"

Mister Roberto Coll delivered a presentation on methods for assessing the effectiveness of environmental law, drawing on the collective work behind the publication Measuring the Effectiveness of Environmental Law, co-edited by IUCN and other international partners. His approach adopts an interdisciplinary methodology, blending legal analysis with tools inspired by industrial quality control systems. He addressed a central challenge: how can we concretely measure whether environmental law achieves its objectives in practice?

Moving beyond formal legal evaluation, Mister Coll proposed a structured framework based on legal indicators organized into six categories:

1. Existence – the formal presence of legal norms;
2. Applicability – conditions that allow for practical enforcement;
3. Substantive Content – clarity and enforceability of obligations;
4. .Institutional – functionality and capacity of enforcement bodies;
5. Informal – social acceptability and local ownership of norms;
6. Implementation – measurable outcomes, both qualitative and quantitative.

These indicators offer a robust, comparative evaluation tool applicable at international, regional, and national levels. Mister Coll illustrated their application through various case studies, including the Ramsar and Barcelona Conventions, EU environmental regulations, and Brazil's forest law.

A key component of his intervention focused on the role of implementation and compliance committees in multilateral environmental regimes. He emphasized the preference for the term "implementation and compliance" over "non-compliance mechanisms," highlighting their constructive and evolutionary functions. These bodies now serve three essential roles:

1. Developing procedural law through their working methods and decisions;
2. Contextual treaty interpretation aligned with objectives and purposes, following the Vienna Convention on the Law of Treaties;
3. Generating legal data that supports empirical assessments of state compliance.

Mister Coll paid particular attention to the Paris Agreement's Implementation and Compliance Committee, discussing a recent decision clarifying Article 4.9, which requires states to submit Nationally Determined Contributions (NDCs) every five years. This decision defined precise expectations regarding the content and timing of submissions, enhancing transparency and comparability. Such compliance jurisprudence is now influencing emerging frameworks, including the BBNJ treaty and the global process on plastic pollution.

In conclusion, Mister Coll stressed that this systematic approach aims to “make the invisible visible” by identifying implementation gaps, institutional weaknesses, lack of participation, and discrepancies between legal norms and local realities. Ultimately, the goal is to transform environmental law into a results-driven governance tool — tangible, measurable, and adaptable to changing contexts.

Summary of the Intervention by Ms. Angela María Amaya-Arias

"Judicial Perspective on the Effectiveness of Environmental Law in Colombia"

Angela María Amaya-Arias presented an analysis of the 2018 landmark ruling by the Colombian Supreme Court, which recognized the Amazon rainforest as a subject of rights in the context of combating deforestation. The decision emerged from a constitutional action (tutela) filed by 25 children and youth against the Colombian State, claiming a violation of their fundamental rights due to governmental inaction on deforestation. The Court granted the petitioners’ claims and issued several ambitious orders: the legal recognition of the Amazon as a rights-bearing entity; mandates to reduce greenhouse gas emissions; a five-month deadline for municipalities to update land-use plans; the creation of an Intergenerational Pact for the Life of the Amazon (PIVA) through a participatory process; and emergency measures to be implemented by environmental authorities.

Despite its groundbreaking nature, the ruling did not achieve substantial progress in halting deforestation. Ms. Amaya-Arias argues that the failure lies not in the judicial decision itself but in broader institutional, political, and social constraints. The absence of clear enforcement mechanisms, vague definitions (notably around the concept of PIVA), and the unrealistic timeframe for local governments severely hampered implementation. The participatory dimension was also difficult to fulfill in remote and resource-poor regions. In 2024, faced with clear implementation gaps and the persistence of deforestation—despite a slight decline between 2023 and 2024 — a lower court adopted 15 management indicators to better assess compliance. These indicators focus on procedural effectiveness rather than direct environmental impact. They cover the quality of planning instruments, institutional frameworks, funding, concrete actions taken, wildfire reduction, restoration of degraded areas, public involvement, timeline clarity, and adaptive governance mechanisms.
According to Amaya-Arias, while these tools do not guarantee success, they offer a practical methodology to enhance judicial environmental decisions, especially in countries like Colombia where no specialized environmental courts exist.

She concluded that, although indicators alone cannot resolve the complex challenges of deforestation, their structured integration into judicial and administrative processes can improve the design, implementation, and monitoring of environmental rulings—moving toward more accountable and adaptive environmental governance.

Summary of the Intervention by Mister Michael Hantke-Domas

"Environmental Crimes: Between Legal Principles and Scientific Indicators"

Mister Michael Hantke-Domas offered a reflection on the challenges of effectively applying criminal law to environmental protection. Drawing on his experience evaluating national legal systems, he highlighted a key paradox: although many countries have comprehensive environmental legislation, its practical enforcement remains weak. This is not due to a lack of norms, but to their low effectiveness—largely caused by the vague legal concepts used in criminal provisions, such as “serious environmental damage” or “significant impact on an ecosystem.” These terms, while accepted in law, lack operational clarity and leave judges with wide interpretative discretion, undermining legal certainty.

Compounding this problem are the high evidentiary standards of criminal law, which require proof “beyond reasonable doubt.” In environmental cases, evidence is typically scientific, technical, and often probabilistic. This disconnect between the demands of criminal law and the nature of environmental data complicates prosecution, especially when socio-environmental conflicts and economic interests are at stake.

To address these gaps, Mister Hantke-Domas advocated for the integration of precise legal and scientific indicators into judicial practice. He proposed a methodology based on concrete assessment criteria, including:

- Adverse environmental change in a defined natural area,
- Spatial extent and ecological importance of the damage,
- Duration and persistence of the effects (e.g., pollutants that remain for years),
- Difficulty or impossibility of remediation,
- Impact on protected or vulnerable species, or risks to human health.

These indicators would enhance legal predictability, reduce arbitrariness, and provide judges with more objective tools for assessing harm. He noted that some recent legislative reforms, including in the European Union, have begun to incorporate these elements into environmental criminal codes. To illustrate his approach, he referred to a case involving chemical discharge from an industrial facility into a river system. Using well-defined indicators, it was possible to demonstrate that the pollution extended over 30 kilometers, had long-term ecological impacts, and posed serious threats to biodiversity — legally justifying the classification of the damage as “serious.”

In conclusion, Mister Hantke-Domas emphasized the need for better integration between criminal law and environmental science. The goal is not merely to increase convictions, but to clarify legal thresholds and provide courts with robust, transparent, and measurable tools—ultimately contributing to a more coherent and effective environmental justice system.

CONCLUSION

The session highlighted the complexity of assessing the effectiveness of environmental law and underscored the growing importance of solid methodological tools, such as legal and scientific indicators. The interventions converged on a unanimous finding: without clear, transparent, and context-sensitive evaluation mechanisms, environmental law risks remaining a norm without real impact. To address current challenges, it is therefore essential to strengthen the articulation between legal norms, scientific evidence, and institutional capacities.

PARALLEL SESSION 15 —

INTEGRATED CLIMATE CHANGE LAW AND GOVERNANCE

CHAIR:

- **Mr. Ayman Cherkaoui,** Deputy-Chair, IUCN WCEL & Director, Hassan II International Center for Environmental Training

SPEAKER :

01 **Mr. Gregorio Rafel P. Bueta :**
We Didn't Start The (Climate) Fire : A Comparative Analysis of Climate Litigation and the evolving Concept of Climate Justice in Asia and the Pacific

02 **Mr. Jorge Alejandro Carillo Banuelos :**
Climate Litigation and Nationally Determined Contributions : Above and Beyond Accountability

03 **Ms. Paulina Rundel :**
Strengthening Children's Participation Rights in Climate Justice.

04 **Ms. Mara Wendebourg :**
Ocean Interventions for Climate Change Mitigation: Reinterpreting Ambition under the Paris Agreement?

05 **Ms. Leticia Elizeu Duarte :**
Emissions Trading System in Brazil: Lessons from Learned from California's Cap-and-Trade Program

06 **Ms. Maria del Mar Martín Aragón :**
Human Rights in the Era of Climate Change (Online)

07 **Ms. Varnika Chalwa :**
How can legal frameworks balance sustainable development while respecting the knowledge and rights of indigenous and local communities

INTRODUCTION

Parallel Session 15, dedicated to Integrated Climate Change Law and Governance, brought together experts from diverse regions of the world to examine the links between climate science, social justice, and emerging legal frameworks. Chaired by Mister Ayman Cherkaoui, Vice-President of the IUCN World Commission on Environmental Law (WCEL) and Director of the Hassan II International Center for Environmental Training, this session highlighted the importance of an integrated legal approach to address the systemic complexity of climate change.

Through seven complementary presentations, participants explored how national and international legal systems can catalyze climate accountability, strengthen environmental justice, and ensure inclusive governance. The discussions covered a wide range of topics: from climate litigation in the Asia-Pacific and Latin America, to the implications of Nationally Determined Contributions (NDCs), the participation of children in climate justice, the regulation of ocean carbon capture, emissions trading systems, recognition of human rights, and the role of Indigenous peoples in environmental governance.

This multidimensional dialogue highlighted the need for a legal paradigm shift, moving from a fragmented and reactive approach to climate governance based on rights, equity, and solidarity. It also demonstrated that courts, public institutions, and civil society play complementary roles in consolidating a climate rule of law. By integrating the social, cultural, and intergenerational dimensions of climate change, this session illustrated the path toward a truly global environmental law, sensitive to local realities and oriented toward justice for all.

Summary of the Intervention by Mister Gregorio Rafel P. Bueta

"Climate Litigation in the Asia-Pacific"

Mister Gregorio Rafael P. Bueta delivered a comparative analysis of climate litigation trends across the Asia-Pacific region, emphasizing that this vast and diverse area is increasingly becoming a crucial arena for advancing climate justice. He began by noting that climate change is not just an environmental challenge but a systemic and rights-based issue, with profound implications for human rights, economic development, and social equity. The region is among the most climate-vulnerable in the world, facing rising sea levels, stronger typhoons, floods, droughts, and biodiversity loss, which disproportionately affect marginalized groups such as rural communities, Indigenous peoples, women, and children.

Mister Bueta illustrated his argument by drawing from landmark climate cases in several Asia-Pacific countries. In Pakistan, courts have recognized that the failure of the state to implement climate policies violates constitutional rights, including the right to life and human dignity. In Nepal, litigation has pushed the government to take stronger action on adaptation, especially in relation to mountain ecosystems and glacier melt. In the Philippines, a pioneering case led by youth petitioners before the Commission on Human Rights explored the accountability of fossil fuel companies, framing climate harms as violations of fundamental rights. Meanwhile, in Fiji and other Pacific Island states, litigation and advocacy efforts highlight the existential threat of rising sea levels to entire nations, pressing for stronger international obligations to address displacement and loss and damage.

From these cases, Mister Bueta argued that the jurisprudence of the region is gradually shifting toward embedding climate justice principles within legal systems. Courts and commissions are increasingly recognizing that climate harms are inseparable from human rights violations, thereby broadening the legal frameworks available for holding governments and corporations accountable.

A central theme in his intervention was the importance of cultural and contextual sensitivity in shaping legal responses. He stressed that legal systems cannot simply replicate Western models of climate litigation; rather, they must integrate local traditions, Indigenous knowledge, and regional vulnerabilities. For example, in Pacific Island contexts, customary land tenure systems and the cultural significance of land and ocean must inform both legal arguments and remedies. Similarly, in South and Southeast Asia, where agriculture and rural livelihoods are central, climate litigation must address food security and community resilience alongside environmental protection.

Mister Bueta further highlighted the need to reconceptualize litigation as more than a technical or adversarial process. Instead, it should be seen as a transformative tool for inclusive and people-centered governance, capable of amplifying the voices of the most vulnerable and shaping long-term policy reforms. He underscored that litigation can serve as a catalyst for accountability, transparency, and participation, ensuring that climate governance reflects the lived realities of affected communities.

In conclusion, Mister Bueta argued that climate litigation in the Asia-Pacific is at a critical juncture: it has the potential not only to advance justice within national borders but also to contribute to global debates on climate responsibility and equity. By placing people and ecosystems at the heart of legal strategies, the region can help redefine climate governance to be more inclusive, just, and effective.

Summary of the Intervention by Mister Jorge Alejandro Carillo Banuelos

"Litigation and Nationally Determined Contributions (NDCs)"

Mister Jorge Carrillo Bañuelos examined the emerging role of climate litigation as a tool to strengthen the ambition and enforceability of Nationally Determined Contributions (NDCs) under the Paris Agreement. He framed his presentation around the idea that while the Paris framework relies heavily on voluntary pledges and state-led ambition cycles, litigation can provide the necessary accountability mechanism to close the gap between commitments and implementation.

Mister Carrillo focused on the Latin American experience, particularly Mexico and Brazil, where civil society groups, NGOs, and youth movements have increasingly resorted to the courts to demand stronger climate action. In Mexico, he highlighted the Greenpeace v. INECC case, in which Greenpeace challenged the adequacy of the country's NDC, arguing that it was inconsistent with both the Paris Agreement's temperature goals and domestic constitutional rights. The lawsuit sought a judicial declaration that the NDC was insufficient, accompanied by an order mandating its revision. Similarly, in Brazil, climate litigation has been used to contest governmental inaction, with youth groups and Indigenous communities arguing that weak or delayed climate measures directly violate their rights to life, health, and a healthy environment.

Mister Carrillo explained that these cases rely on a combination of legal strategies, including:

- Prohibitory injunctions, aimed at preventing governments from proceeding with insufficient or unlawful climate plans.
- Mandatory injunctions, which compel authorities to revise NDCs, adopt stronger policies, or enforce existing obligations.

He stressed that these approaches are not limited to the domestic sphere but carry potential implications for the international climate regime. One of the provocative questions he raised was whether the outcomes of domestic litigation should be reported to the UNFCCC as part of the Paris Agreement's transparency and accountability mechanisms. Doing so, he argued, could create an important bridge between domestic enforcement and global oversight, ensuring that court rulings feed into the broader stocktake process.

Mister Carrillo also emphasized that litigation is not only about legal remedies but also about enhancing democratic participation. Climate lawsuits, particularly those initiated by youth, represent an effort to reclaim agency in climate decision-making processes that often exclude marginalized voices. By challenging governments in court, citizens force public debate, increase scrutiny of official climate policies, and shift political incentives toward greater ambition.

In conclusion, Mister Carrillo argued that climate litigation has become a critical driver of accountability and ambition under the Paris framework. While courts cannot singlehandedly solve the climate crisis, they play a vital role in ensuring that NDCs are not treated as empty promises but as legally enforceable obligations tied to fundamental rights. Litigation thus serves both as a corrective mechanism to enforce existing commitments and as a democratic tool to demand ambition, transparency, and meaningful public participation in shaping climate futures.

Summary of the Intervention by Ms. Paulina Rundel

"Children's Participation in Climate Justice"

Ms. Paulina Rundel's intervention focused on the central role of children and young people in advancing climate justice, arguing that they must be recognized not merely as symbolic future stakeholders but as current rights-holders with agency in shaping environmental governance. She highlighted that children are among the most vulnerable to the impacts of climate change—facing threats to health, education, and livelihoods—yet they are systematically excluded from formal decision-making structures that determine their future.

Ms. Rundel drew attention to the global wave of youth climate protests and movements, which have demonstrated the determination and capacity of young people to hold governments and corporations accountable. However, she stressed that activism alone cannot ensure long-term structural change. What is needed is a translation of this civic energy into formal legal mechanisms that empower children to influence climate policy and litigation outcomes in a systematic way.

She called for the integration of children's rights into climate laws and governance frameworks, building on the principles enshrined in the UN Convention on the Rights of the Child (CRC), particularly the rights to life, health, and participation. Ms. Rundel noted that while many states have adopted environmental legislation, few explicitly address the rights and participation of children, leaving a critical gap in climate justice.

To close this gap, Rundel advocated for institutionalized pathways for child participation. This could include youth advisory councils within environmental agencies, participatory consultation processes in climate lawmaking, and procedural innovations that lower barriers for young people to bring cases before national and regional courts. She pointed to recent examples of child-led climate litigation, such as cases in Germany, Colombia, and at the European Court of Human Rights, where children have successfully asserted their rights and influenced legal standards. These cases, she argued, demonstrate that children can act as powerful agents of accountability when provided with legal standing and procedural support.

Another key aspect of her intervention was the intersectional dimension of children's climate justice, particularly the need to ensure inclusion of marginalized groups such as Indigenous youth, girls, and children from low-income or climate-vulnerable regions. Meaningful participation, she emphasized, is not only about opening doors but also about addressing systemic inequities that limit whose voices are heard.

In conclusion, Ms. Rundel argued that climate justice cannot be achieved without intergenerational justice, and intergenerational justice requires legally recognizing children as active participants in environmental decision-making. She urged states, courts, and international bodies to create structured, accessible, and enforceable mechanisms that allow children to contribute to climate governance on equal footing. By doing so, societies would not only uphold children's rights but also strengthen the legitimacy, inclusivity, and effectiveness of climate action.

Summary of the Intervention by Ms. Mara Wendebourg

"Ocean-Based Carbon Removal and Legal Ambition"

Ms. Mara Wendebourg's presentation examined the legal and governance challenges posed by emerging ocean-based carbon dioxide removal (CDR) technologies, such as carbon capture, ocean alkalinization, and large-scale fertilization schemes. These technologies are increasingly presented as potential climate solutions to help states achieve net-zero targets. However, she emphasized that their rapid promotion often outpaces legal clarity, creating a patchwork of regulations that leaves critical environmental and human rights concerns unaddressed.

Ms. Wendebourg argued that ocean-based CDR occupies a legal grey zone between existing climate treaties—such as the Paris Agreement—and other international instruments like the London Convention and Protocol on Marine Pollution. While the Paris Agreement provides a broad framework for mitigation, it does not explicitly regulate geoengineering. Meanwhile, the London Protocol has provisions restricting ocean fertilization but leaves open loopholes regarding research and emerging techniques. This fragmented governance architecture, she noted, risks undermining both climate ambition and marine protection, as states may exploit regulatory gaps to pursue large-scale experiments without sufficient safeguards.

A key theme of her intervention was the concept of "ambition" under the Paris Agreement. Ms. Wendebourg cautioned that ambition should not be equated with merely expanding the toolbox of technological options but should instead be reinterpreted to prioritize rapid and verifiable emissions reductions over uncertain and potentially dangerous geoengineering approaches. In her view, ocean-based CDR carries risks of ecological disruption, transboundary harm, and inequitable impacts on coastal and Indigenous communities, all of which demand rigorous legal scrutiny. She called for the development of robust legal frameworks that integrate principles of due diligence, transparency, environmental safeguards, and liability into any governance of ocean-based CDR. Such frameworks should ensure that states and private actors are held accountable for both intended and unintended consequences of interventions in marine ecosystems. Wendebourg also stressed the importance of international cooperation to avoid fragmented or unilateral experimentation, which could exacerbate geopolitical tensions and further weaken trust in global climate governance.

Her intervention underscored the broader need to rethink the relationship between climate mitigation and marine governance, arguing that the ocean cannot simply be treated as a dumping ground or experimental site for technological fixes. Instead, legal regimes must reinforce the precautionary principle and ensure that ocean protection is central to climate policy.

In conclusion, Ms. Wendebourg framed the debate as one of climate justice and legal ambition: true ambition lies not in relying on risky technological interventions but in committing to deep, structural emissions cuts while safeguarding ecosystems and communities. She urged policymakers and jurists to craft coherent, binding legal standards that prevent ocean-based CDR from becoming a dangerous loophole in global climate governance.

Summary of the Intervention by Ms. Leticia Elizeu Duarte

"Emissions Trading Systems and Environmental Justice in Brazil"

Ms. Leticia Duarte delivered an assessment of Brazil's proposed Emissions Trading System (ETS), situating it within the broader global debate on market-based climate mechanisms. She began by comparing the Brazilian draft framework with the more established California Cap-and-Trade program, underlining how lessons from California reveal both the potential and pitfalls of emissions markets.

According to Ms. Duarte, the Brazilian ETS suffers from major shortcomings that threaten its credibility and effectiveness. One of the most striking flaws is its sectoral exclusion: agriculture, which is responsible for a significant share of Brazil's greenhouse gas emissions, is left outside the proposed trading scheme. This omission not only undermines the environmental integrity of the ETS but also weakens Brazil's ability to meet its climate commitments under the Paris Agreement.

Ms. Duarte also highlighted the lack of clear and regulated methodologies in the Brazilian proposal. Without robust rules to measure, report, and verify emissions reductions, she argued, the system risks becoming a tool for "greenwashing" rather than genuine decarbonization. The vagueness of the framework leaves ample room for manipulation by powerful corporate actors, who could benefit from the appearance of compliance without making substantial emissions cuts.

Another central concern raised by Ms. Duarte was the failure of the ETS to integrate social and environmental justice considerations. She stressed that market mechanisms, if not carefully designed, often exacerbate existing inequalities. In Brazil's case, she noted that only a minimal portion of ETS revenues are earmarked for Indigenous peoples and marginalized communities, despite the fact that these groups bear a disproportionate burden of climate change and environmental degradation. For Ms. Duarte, this allocation not only reflects a missed opportunity but also raises ethical questions about fairness and accountability in climate governance.

Drawing from California's experience, Ms. Duarte argued that the design of an ETS must go beyond technical and economic efficiency to address transparency, equity, and community participation. She called for reforms that would ensure:

- Expanded sectoral coverage, particularly including agriculture and land-use change.
- Rigorous monitoring and verification standards to prevent abuse and ensure real emissions reductions.
- Fair distribution of revenues, with significant funds directed to climate resilience projects for Indigenous peoples, traditional communities, and low-income populations.
- Institutional transparency and public oversight to guarantee accountability.

Her intervention closed with a warning: if designed without justice at its core, Brazil's ETS risks entrenching existing power imbalances and allowing major polluters to continue business as usual. Instead of becoming a tool for equitable decarbonization, it could serve as a mechanism of inequality. Ms. Duarte insisted that Brazil still has an opportunity to correct course, but only if its ETS is reshaped to put justice, inclusion, and real emissions reduction at the heart of its design.

Summary of the Intervention by Ms. Maria del Mar Martín Aragón

"Climate Change and Human Rights"

Ms. Maria del Mar Martín Aragón delivered a presentation on the deep interconnection between climate change and human rights, framing the climate crisis not only as an environmental or scientific problem, but as a profound human rights challenge. She argued that climate change directly undermines fundamental rights, including the right to life, dignity, health, housing, water, and education, which are enshrined in international treaties and national constitutions. By eroding these basic rights, the climate crisis places the most vulnerable populations at the greatest risk.

Ms. Martín Aragón underscored that the impacts of climate change are not evenly distributed. Communities already facing structural inequality—such as women, children, Indigenous peoples, and marginalized social groups—bear a disproportionate share of the burden. These groups often live in environmentally fragile areas, depend heavily on natural resources for their survival, and lack access to decision-making processes that shape climate policy. For her, addressing climate change without considering these inequalities risks reinforcing systemic injustices.

Drawing on case law from Latin America and Europe, Ms. Martín Aragón illustrated how courts are increasingly recognizing the link between environmental harm and human rights violations. For instance, constitutional courts and regional tribunals have begun to interpret the right to a healthy environment as integral to the protection of other fundamental rights. She stressed that this judicial trend marks a shift toward a rights-based approach to climate governance, in which states can be held accountable for failing to protect their citizens from the adverse effects of climate change.

A key theme of her intervention was the need to embed intergenerational equity at the heart of climate action. She argued that today's legal frameworks must not only address the rights of present populations but also ensure the well-being of future generations, who will inherit the long-term consequences of climate inaction. This requires policies and legal norms that prioritize sustainability, justice, and resilience across decades.

Ms. Martín Aragón concluded by calling for a legal paradigm shift in which environmental protection is treated as a core human rights obligation, rather than a secondary policy concern. She urged states to integrate human rights principles into climate legislation, international agreements, and domestic policies, ensuring that the response to climate change is equitable, inclusive, and just. Only by anchoring climate action in human rights, she argued, can governments effectively confront the climate emergency while safeguarding dignity, equality, and justice for all.

Summary of the Intervention by Ms. Varnika Chalwa

"Rethinking Sustainable Development through Legal Justice for Indigenous Communities"

Ms. Chalwa's intervention called for a fundamental reimagining of sustainable development (SD) frameworks by embedding accountability, opportunity, and inclusivity — particularly for Indigenous Peoples (IPs) and local communities — within carbon financing and climate law. She began by revisiting the legal definition of sustainable development, emphasizing the obligation to meet the needs of both present and future generations. She asserted that environmental needs must be addressed alongside climate justice, inclusivity, and the active involvement of all communities in the development and enforcement of environmental law.

Highlighting key instruments such as the Rio Declaration and referencing cases in Latin America and the Caribbean, Ms. Chawla Varnika advocated for the full recognition of Indigenous rights—including cultural identity, ancestral lands, and participation. Drawing from the UN Declaration on the Rights of Indigenous Peoples, she proposed a legal framework that centers climate justice on Indigenous communities. This includes ensuring that justice and equity are not framed as opposing development but as integral to its realization.
She stressed the importance of flexible, community-centered project co-design, as seen in the Philippines, where Indigenous Rights Acts support collaborative carbon finance projects. Ms. Chalwa addressed issues like land denial, calling for robust legal mechanisms to formally recognize Indigenous land rights and protect them from commercial encroachment. She advocated for decentralized governance models that empower Indigenous communities to manage and protect their territories.

Ms. Chalwa concluded by calling for inclusive climate finance metrics that reflect Indigenous knowledge and contributions. She raised two reflective questions:

1. Are youth truly interested and able to engage in climate legal action?
2. To what extent do courts integrate decisions from other jurisdictions?

CONCLUSION

The exchanges in this session confirmed that climate change law and governance have become a major field of normative and institutional innovation. The speakers demonstrated that climate justice is not an abstract concept, but a legal, ethical, and political imperative. Through case studies from Asia, Latin America, Europe, and the Pacific, one observation stands out: national jurisdictions are becoming actors of climate diplomacy, translating the principles of the Paris Agreement and international human rights instruments into concrete obligations.

The discussions also highlighted that addressing climate change requires integrated governance, linking environmental law, human rights law, economic law, and customary law. New generations—children and youth—as well as Indigenous communities, were recognized not only as beneficiaries but as co-architects of climate law. Their effective participation is now a condition for the legitimacy and effectiveness of any climate policy.

Finally, the contributions emphasized that emerging technologies and market mechanisms, such as carbon capture or emissions trading systems, can only be considered in light of the principles of precaution, transparency, and justice. Climate governance in the twenty-first century must therefore combine legal rigor with social inclusion to ensure a just and equitable transition.

This session thus contributed to a global dialogue on the transformation of law in the face of the climate crisis: a law that is more ambitious, more human, and more solidarity-based, commensurate with the planetary challenges of our time.

PARALLEL SESSION 16 — INTEGRATIVE LEGAL PRINCIPLES AND RULES TO ADDRESS POLLUTION, ESPECIALLY BY PLASTICS

CHAIR:

- **Mr. Marcos Orellana,** UN Special Rapporteur on Toxics and Human Rights

SPEAKERS :

01 **Mr. Ayoub Achbaro,** Junior Project Manager – Ocean Decade, Coastline & Ocean, Mohammed VI Foundation for Environmental Protection

02 **Ms. Vasilka Sancin :** Implications of Plastic Pollution for the Realization of the Right to a Clean, Healthy and Sustainable Environment (Online)

03 **Mr. Abid Hussain :** Translating the 'Cooperation Principle' into the Operational Measures of the Global Plastics Treaty: Implications for Transboundary Plastic Regulation (Online)

04 **Mr. Blaise-Pascal Ntirumenyerwa Mihigo :** Plastic Pollution in the Democratic Republic of Congo: An Analytical Review of the Legal Framework and its Impact on Terrestrial and Aquatic Ecosystems (Online)

05 **Mr. Olalekan A. Bello :** Making the Global Trade in Toxic and E-waste Ethical and More Sustainable: An Exploration of New Paradigms for the Governance of the Conventions on Transboundary Movement of Waste in Africa

06 **Mr. Samvel Gor :** Pollutant Release and Transfer Register Protocol: Past and Prospects

INTRODUCTION

Parallel Session 16, chaired by Marcos Orellana, focused on integrated legal principles to address pollution, particularly plastic pollution, bringing together international experts with diverse backgrounds. The interventions explored the complexity of the plastic crisis through complementary perspectives: human rights and the environment, cross-border cooperation, national specificities, international trade in waste, and instruments of transparency and monitoring.

Throughout the discussions, participants highlighted the need to address plastic pollution not only as an environmental issue, but also as a legal, economic, and social challenge. The debates thus demonstrated that only an interconnected approach, combining international law, local governance, citizen participation, and data transparency, will provide effective responses to a problem that impacts terrestrial and marine ecosystems, public health, and future generations.

Summary of the Intervention by Mister Ayoub Achbaro

"Junior Project Manager – Ocean Decade, Coastline & Ocean, Mohammed VI Foundation for Environmental Protection"

Mister Ayoub Achbaro, the Representative of the Mohammed VI Foundation for Environmental Protection, opened this session by sharing a tripartite approach to combating marine pollution. He noted that science raises awareness, awareness changes behavior, and law ensures long-term impact. This science awareness approach has been used by the Mohammed VI foundation, of which he is a part, and has shown great success throughout their working programs.

He began by emphasizing that while science alerts us to environmental degradation, it is awareness that changes behavior and drives impact. This connection between scientific evidence and environmental education has guided the Foundation's work for over 25 years. He noted that extensive research conducted across Morocco has demonstrated how plastic pollution threatens coastal ecosystems, marine life, and public health. However, such data, he argued, is only meaningful if shared openly and translated into actionable tools.

To that end, the Foundation publishes its findings on open data platforms, targeting both decision-makers and grassroots actors. These findings are then transformed into educational tools, notebooks, games, exhibitions, and school workshops, reaching more than 2 million people in 2024 alone through over 100,000 awareness sessions on plastic pollution.

Mister Achbaro highlighted the Foundation's "bottom-up and top-down" strategy. While it supports national ministries in updating coastal and beach management policies, it also begins with citizen engagement to ensure laws are rooted in community understanding and support. He cited the Clean Beaches Program, launched in 1999, which now includes over 100 beaches along Morocco's 3,500 km coastline, involving more than 200 local and national partners.

One of the program's flagship campaigns, The Parable of Plastic, targets single-use plastic reduction. The campaign has not only yielded environmental improvements but also economic benefits, supporting eco-tourism, recycling initiatives, and green entrepreneurship. Internationally, Morocco has received broad recognition, with more than 20 beaches, four marinas, and one natural lake earning the Blue Flag eco-label, the highest in the Arab world and second in Africa.

The speaker framed the Foundation's model around the first UN Decade of Ocean Science challenge: "Understand. Plan. Act." This three-step approach begins with:

- Understanding: Mapping and quantifying waste flows from land to sea using local partnerships;
- Planning: Using summary reports to identify priority areas, select appropriate governance tools, and tailor outreach; and
- Acting: Organizing clean-ups, education workshops, and legal advocacy rooted in data.

This initiative, developed in partnership with the Ministry of National Education, will reach all eco-schools, empowering students as environmental changemakers.

In conclusion, Mister Achbaro affirmed that: "Science helps us measure the problem. Awareness brings quick, visible results. Legislation ensures long-term fairness."
He stressed that in just 25 years, the Foundation has turned over 100 beaches into 'living laboratories' for sustainability, reached millions, and helped remove nearly 1 million kilograms of plastic, offering a model for integrated, community-based environmental governance.

Summary of the Intervention by Ms. Vasilka Sancin (On line)

"Implications of Plastic Pollution for the Realization of the Right to a Clean, Healthy and Sustainable Environment"

Ms. Vasilka Sancin intervened online to examine the implications of plastic pollution for realizing the right to a clean, healthy, and sustainable environment. She began by recalling the catastrophic scale of the plastic crisis, noting that the combined mass of plastics and associated chemicals now outweighs the total biomass of all marine and terrestrial animals. This exponential growth in plastic production, she argued, is not only driving pollution but also exacerbating biodiversity loss, climate change, and systemic ecological harm.

Against this backdrop, Ms. Sancin referenced UNEA Resolution 5/14 of March 2022, which launched negotiations toward a legally binding international instrument on plastic pollution. She emphasized that this treaty must adopt a full life-cycle approach, informed by the Rio Declaration, while being sensitive to national contexts. Crucially, however, she argued that the human rights dimension—too often sidelined in previous agreements such as the Paris Agreement—must be explicitly embedded in the treaty's operational provisions. Recognizing plastic pollution as a human rights issue, she stressed, would constitute a paradigm shift in international environmental law.
Ms. Sancin then highlighted the direct impacts of plastics across their life cycle on rights including life, health, food, water, culture, development, and access to justice and information.
Central among these is the right to a clean, healthy, and sustainable environment, now recognized by more than four-fifths of UN member states through national constitutions or regional instruments such as the Aarhus and Escazú Conventions.

She argued that this right forms part of general international law, with two key implications: first, it must guide the interpretation of state obligations under international law, including a future plastics treaty; second, it imposes due diligence duties on states to prevent and mitigate environmental harm from plastics, even when such harm remains within their borders.

In this light, she welcomed growing recognition of the issue within the UN system. She pointed in particular to Human Rights Council decision 56/117 (July 2024), which mandated the Advisory Committee to prepare a study on "Plastic Pollution: Implications for the Full Enjoyment of Human Rights." Serving as rapporteur for this process, Sancin underscored the importance of broad engagement with the forthcoming questionnaire that will inform the study, despite financial constraints on the UN system.

She concluded by reaffirming that embedding the right to a healthy environment into the plastics treaty is both a legal and moral necessity. A rights-based lens, she argued, is indispensable for ensuring that global governance of plastics addresses not only ecological sustainability but also the fundamental dignity and well-being of people worldwide.

Summary of the Intervention by Mister Abid Hussain (Online)

"Translating the 'Cooperation Principle' into the Operational Measures of the Global Plastics Treaty: Implications for Transboundary Plastic Regulation"

Mister Abid Hussain intervened online to address the integration of the principle of cooperation into the operational measures of the Global Plastics Treaty, with a focus on its implications for regulating transboundary plastic pollution. He began by recognizing the global commitment to negotiating a legally binding treaty on plastics and noted that while principles such as precaution and polluter-pays have long been prominent in international environmental law, the principle of cooperation has been underemphasized, especially in operative treaty provisions.
This omission, he argued, is problematic given that plastic pollution frequently crosses national and regional boundaries, making unilateral responses impractical. He highlighted freshwater systems as a crucial conduit for plastic waste into marine environments, reinforcing the need for collective transboundary responses.

Drawing on UNEP and UN reports as well as academic literature, Mister Hussain underscored the geographic interconnectedness of plastic pollution. Asia, for instance, both contributes substantially to global plastic leakage and possesses significant potential for collective mitigation, particularly in the management of shared river systems.

He suggested that this dynamic exemplifies the urgent need to embed cooperation more forcefully into treaty mechanisms.

Turning to the ongoing negotiations, Mister Hussain argued that symbolic references to cooperation in preambles or general provisions must be complemented by enforceable, operational clauses. He pointed to existing Regional Seas Programmes—approximately 18 to 20 worldwide—as underutilized platforms that could serve as vehicles for treaty implementation at scales aligned with ecological and political realities. Similarly, he called for the development of new regional and subregional regimes around shared water resources, stressing that treaty language should encourage or mandate such arrangements without undermining existing ones.

Mister Hussain emphasized that precise treaty language on cooperation is essential: vague formulations risk rendering obligations ineffective, whereas strong, clear provisions can institutionalize cooperation and provide concrete mechanisms for scientific exchange, technical capacity-building, and regional institutional strengthening. He noted encouraging signs from the INC process, including cooperative language in the zero draft, and from state submissions in forums such as ASEAN, South Asia, and the European Union, which reveal political momentum for embedding cooperation more robustly in the final treaty text.

He concluded by underlining the strategic importance of the forthcoming INC-5.2 session in Geneva. This, he argued, is a critical opportunity for researchers, academics, and civil society to influence negotiators by pressing for the operationalization of the cooperation principles in the treaty. Such provisions, he insisted, are indispensable for addressing the transboundary realities of plastic pollution and for ensuring that the treaty moves beyond symbolic commitments toward practical, enforceable cooperation.

Summary of the Intervention by Mister Blaise-Pascal Ntirumenyerwa Mihigo (Online)

"Plastic Pollution in the Democratic Republic of Congo: An analytical Review of the Legal framework and its Impact on Terrestrial and Aquatic Ecosystems."

Mister Blaise-Pascal Ntirumenyerwa Mihigo presented an analytical overview of plastic pollution in the Democratic Republic of the Congo (DRC), examining its impact on aquatic and terrestrial ecosystems through a geological and legal lens. His intervention was structured in four parts: the current status of plastic pollution in the DRC; the country's ecological and geological context; relevant international and African legal frameworks; and recommendations for strengthening national management of plastic pollution.

The DRC, the second-largest country in Africa, holds immense biodiversity and mineral wealth, including the world's second-largest tropical forest basin, a critical global carbon sink. However, these ecosystems are under mounting pressure from deforestation, climate shocks, unsustainable resource exploitation, and growing levels of plastic waste. In Kinshasa, plastic pollution is particularly severe, with over 2,000 sites—rivers, urban waterways, and public spaces—affected by waste accumulation.

Despite this scale of impact, Mister Mihigo noted that data on plastic pollution in the DRC remains fragmented and inadequate. The 2023 Voluntary National Review on SDG implementation identified gaps in environmental data collection as a major constraint, leaving the health and ecological consequences of plastic waste insufficiently documented. Weak infrastructure, low technical and financial capacity, and poor public awareness compound these challenges, undermining effective waste management.

While a legal framework to address plastic pollution exists, its implementation is hindered by institutional fragmentation, a lack of operational decrees, and limited enforcement. The DRC has yet to ratify key regional instruments, such as the Maputo Convention, and thus is missing opportunities to consolidate its legal obligations on environmental protection. Mister Mihigo recommended that the country adopt a comprehensive national policy on plastic waste management, complemented by provincial and municipal programs, to ensure coherence and localized action. Ratification of African regional agreements and active engagement in negotiations for a global plastics treaty were identified as urgent priorities.

Beyond legal reform, Mister Mihigo underscored the need for broad-based public engagement. He suggested that school curricula, awareness campaigns, and grassroots initiatives could play transformative roles in changing consumption and disposal behaviors. Financial mobilization—through both domestic resources and international cooperation—was also highlighted as essential to fund recycling initiatives, promote sustainable packaging alternatives, and support innovation in materials and waste management. He further stressed that structured monitoring and data systems must be established to track progress and inform policy.

In closing, Mister Mihigo emphasized that while the DRC has laid the groundwork for addressing plastic pollution, its success will depend on stronger institutional coordination, enforcement of existing laws, and active participation in both regional and international governance frameworks. Strengthening data, awareness, and financing mechanisms will be key to translating the country's commitments into tangible results.

Summary of the Intervention by Mister Samvel Gor

"Pollutant Release and Transfer Register Protocol: Past and Prospects"

Mister Samvel Gor, the last speaker of the roundtable, discussed the Pollutant Release and Transfer Register Protocol, which was established under the UNECE Protocol on PRTRs, which is a protocol to the Aarhus Convention. His presentation was centered around three major elements: the holistic approach, the effectiveness of implementation, and the issue of fragmentation.

Starting with the first element, the holistic approach to environmental protection, the speaker emphasized that the PRTR system represents a holistic legal mechanism for the integrated management of air, water, and land pollution. He explained that the protocol requires parties to ensure that industrial and waste-handling facilities operating within their jurisdiction report on emissions and waste transfers across all three environmental media. The obligation constitutes the basis and backbone of the protocol, which is part of a broader global trend towards integrated pollution monitoring and control. The speaker further highlighted that national PRTR systems are designed not only to collect environmental data but also to make it accessible to the public and therefore contribute to transparency and inclusive decision-making. He stressed that this approach ensures public participation, aligning with the core principles of the Aarhus Convention.

Turning to the second point, which focuses on implementation and compliance, the speaker highlighted the PRTR protocol as a notable success story. Drawing from his experience on the protocol's Compliance Committee, he explained that the last 15 years of practice have shown a high level of compliance among the parties. He added that most parties have already established functioning national PRTR systems, regularly collect data, and effectively make it accessible to the public.

However, he acknowledged that challenges remain. One significant issue is the reporting of emissions from diffuse sources, such as transportation and agriculture, which are harder to monitor and quantify. He also pointed to difficulties some states have faced in fulfilling their obligations to make PRTR data available in their national language, especially when reporting via the European PRTR (E-PRTR) system. The Compliance Committee noted that this may constitute a barrier to public access and a potential issue of non-compliance.

The speaker gave examples of Norway, Finland, and Malta, which initially relied solely on the E-PRTR platform. These countries have since taken steps to develop national interfaces that ensure compliance with the protocol's language requirements, demonstrating adaptive national responses to compliance challenges.

In addition, the speaker praised the impressive progress of Ukraine, which, despite ongoing conflict and Russia's aggression, has made significant strides in establishing its national PRTR system. The speaker highlighted this as a remarkable example of commitment to environmental governance under extremely difficult circumstances.

Addressing the third and last key element on Overcoming Fragmentation and Enhancing Integration, the speaker stressed that the PRTR system not only functions as an integrated tool in itself but also offers a facilitated and smoother transition across different environmental treaty regimes. He cited examples such as Canada and Slovakia, which have used PRTR data to assess implementation under the Stockholm Convention on persistent organic pollutants. He further explained that many treaty regimes — such as the Paris Agreement — share overlapping lists of activities and pollutants with the PRTR protocol. This creates opportunities for synergizing reporting processes, reducing duplication, and enhancing coherence in environmental governance.

In conclusion, Mister Gor emphasized that while the PRTR Protocol has been in place for nearly two decades and has proven effective, there is a growing need for its development. One potential direction, he suggested, could involve revising the lists of pollutants and activities under the protocol to align more closely with newer treaty regimes such as the Paris Agreement. For instance, agriculture is currently underrepresented in the protocol's annexes, and sub-categories within transportation could be expanded to facilitate broader integration.

CONCLUSION

The debates highlighted several points of convergence. First, the recognition of the global nature of plastic pollution, which requires coordinated responses beyond national borders and a clear articulation between international, regional, and national standards. Second, the importance of strengthening the founding principles of environmental law ,cooperation, precaution, prevention, and access to information , by translating them into operational and binding instruments. Third, the need to link legal frameworks to an inclusive vision that integrates human rights and the involvement of local communities.

The discussions also demonstrated that effectiveness depends on a combination of tools: reliable databases, monitoring and transparency mechanisms, the integration of trade and transboundary waste into fairer regimes, as well as strengthened institutional capacities and multi-stakeholder partnerships. Ultimately, this session emphasized that the fight against plastic pollution must be embedded within integrated, inclusive, and action-oriented environmental governance, an essential condition for transforming political commitments into tangible results in the service of the global public interest.

SIXTH PLENARY SESSION–

JUDICIAL DIALOGUE — THE ROLE OF THE COURTS IN INTEGRATED ENVIRONMENTAL PROTECTION

CHAIR :

- **Mr. Justice Ambeng Kandakasi,** National and Supreme Courts of Papua New Guine

OPENING REMARKS:

- **Chief Justice Antonio Herman Benjamin,** National High Court of Brazil (STJ), President of GJIE (Online)

SPEAKERS:

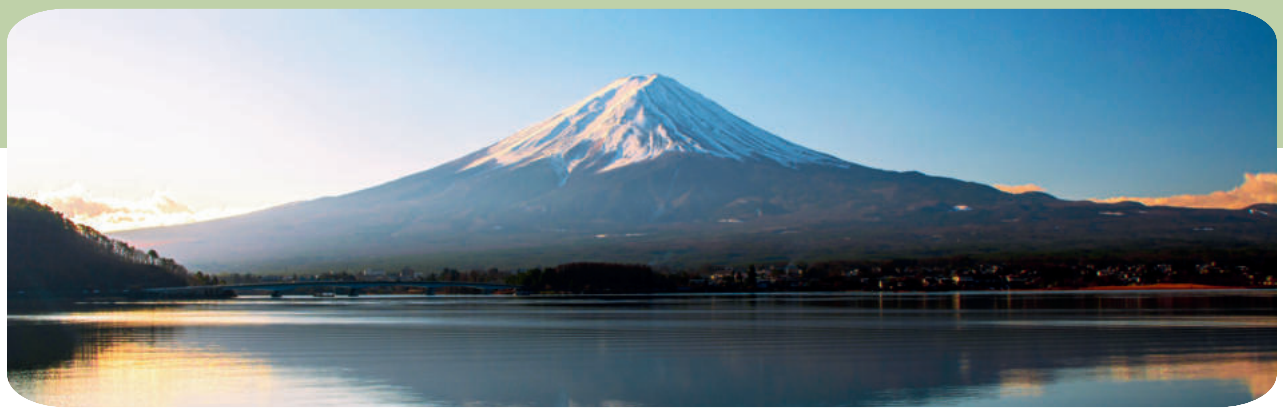
01 **Justice Luc Lavrysen,** Constitutional Court of Belgium (Online)

02 **Justice Swatanter Kumar,** (retired) Supreme Court of India

03 **Lord Robert Carnwath,** former Justice of the Supreme Court of the United Kingdom

04 **Justice Nambitha Dambuza,** Judge of the Supreme Court of Appeal, South Africa (Online)

05 **Mr. Anders Bengtsson :** How May Networking Increase Efficiency and Quality in Managing Environmental Cases in Court?

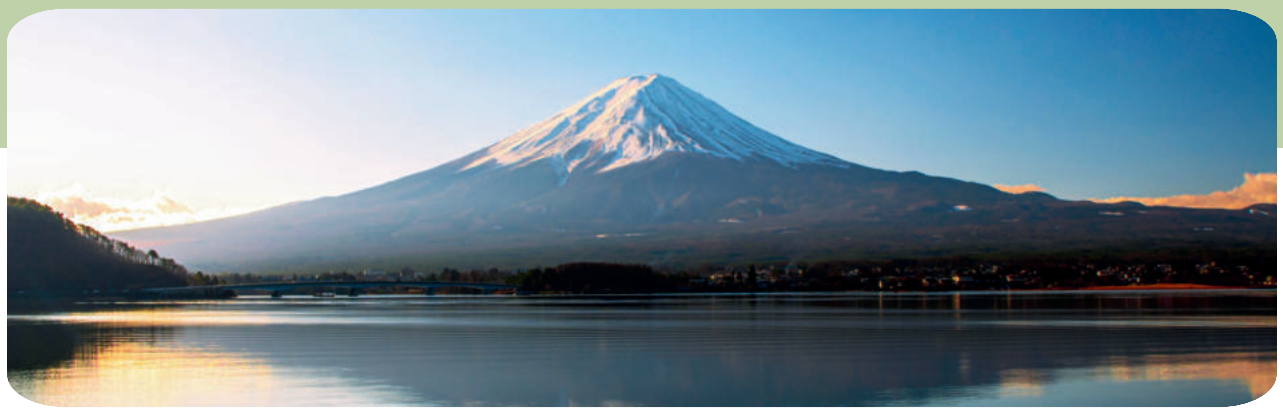


INTRODUCTION

The Judicial Dialogue: the Role of Courts in Integrated Environmental Protection, organized in partnership with the Global Judicial Institute for the Environment (GJIE), brought together high courts and comparative law experts to examine the role of judges in the context of climate emergencies and accelerated biodiversity loss. Chaired by Justice Ambeng Kandakasi (Supreme Court and National Court of Papua New Guinea), with opening remarks by Mister Antonio Herman Benjamin (President of the STJ, President of the GJIE, online), the session combined feedback from experience, procedural innovations, and avenues for structural reforms.

The interventions highlighted a dual trend. On one hand, the consolidation of environmental constitutionalism, where the right to a healthy environment and the principles of precaution, prevention, and polluter-pays form the basis of judicial intervention (Belgium, India, South Africa). On the other hand, the rise of institutional tools to overcome jurisdictional fragmentation: specialized courts (Sweden, Ireland), technical judges sitting alongside legal judges, continuous enforcement monitoring mechanisms (revolving mandamus), and even integrated “three-in-one” models to handle administrative, civil, and criminal aspects of the same case.

From a normative perspective, the discussions emphasized the need to articulate climate, biodiversity, and economic regimes. The presentation on the European Union illustrated the growing strength of legally binding objectives for nature restoration and the importance of effective justiciability supported by case law and assessment tools for compensation.



The Indian perspective showed the impact of broadened access to the judge (flexible standing, suo motu) for addressing systemic harms, while the South African analysis called for revitalizing case law that is sometimes too procedural at the expense of a substantive ecological reading. Finally, the Swedish and Irish experiences demonstrated that judicial networking, continuous training, digitalization, and pragmatic comparative approaches strengthen effectiveness, coherence, and the legitimacy of decisions.

Summary of the Intervention by Justice Luc Lavrysen (Online)

Constitutional Court of Belgium

Justice Luc Lavrysen of the Belgian Constitutional Court addressed the urgent global threat to biodiversity, noting that the principal international framework remains the Convention on Biological Diversity (CBD), supplemented by the Cartagena and Nagoya Protocols. He recalled the adoption of the Aichi Biodiversity Targets in 2010, which aimed to guide global and national action until 2020 but were only partially met. These have since been replaced by the Global Biodiversity Framework, setting 23 action-oriented goals to 2030, including the restoration of 30% of degraded ecosystems and the conservation of 30% of land, waters, and seas.

At the European level, Justice Lavrysen highlighted the importance of the Birds and Habitats Directives, supported by the Natura 2000 network, which forms the cornerstone of EU biodiversity protection. European and national courts, alongside the Court of Justice of the EU, have been central to their enforcement, with over 200 judgments ensuring strict interpretation. Despite these measures, biodiversity in the EU continues to decline due to habitat destruction, overexploitation, pollution, climate change, invasive species, urbanisation, and landscape fragmentation.

In response, the EU recently adopted the Nature Restoration Law, a directly applicable regulation aiming to secure the recovery of resilient ecosystems while contributing to climate adaptation and mitigation. It sets binding restoration targets: at least 20% of EU land and sea by 2030, and all degraded ecosystems by 2050. Member States must submit national restoration plans by 2026, subject to monitoring by the European Environment Agency and reporting by the Commission to the Parliament and Council.

Justice Lavrysen emphasized the judiciary's role in this new framework, from suspending harmful activities to ordering financial reparations to be directed towards restoration funds. He also presented the work of the EU Forum of Judges for the Environment, which he chairs, particularly its "Biobank Tool," an online instrument designed to calculate compensation for environmental damage, already applied in Belgium and being extended to other Member States.

He concluded by announcing the Forum's upcoming annual conference in Copenhagen (October 2025), which will convene judges, EU institutions, and international stakeholders to exchange legal strategies for nature protection and restoration. Lavrysen underscored that effective judicial engagement is indispensable for ensuring compliance with Europe's biodiversity commitments.

Summary of the Intervention by Mister Antonio Herman Benjamin (Online)

National High Court of Brazil (STJ), President of GJIE

Judge Antonio Herman Benjamin, a distinguished Brazilian jurist and environmental law expert, presented a framework outlining three perspectives on judicial involvement in environmental law, particularly in relation to biodiversity protection and climate change. The first, now largely marginal, excludes the judiciary from environmental governance, leaving responsibility to the executive and technical institutions. At the opposite extreme lies the notion of judges as "super actors" in environmental protection — an approach Benjamin cautioned against for overstating judicial power. Instead, he advocated for a balanced "middle ground," recognizing both the necessity and the limitations of judicial engagement in environmental disputes.

Mister Benjamin stressed that environmental governance is extensively regulated, ranging from constitutional provisions to detailed administrative rules, making judicial involvement inevitable. However, he also underscored the structural and practical challenges limiting judicial effectiveness. First, jurisdictional fragmentation—both geographical (e.g., different judges on either side of a river) and functional (environmental issues divided among administrative, civil, and criminal courts)—undermines coherent enforcement. Second, poor legislative quality, marked by contradictions and gaps, restricts judicial action, as courts must operate within the confines of existing law. Third, weak administrative implementation, especially in remote regions like the Amazon, leaves large areas without regulatory oversight, depriving judges of evidence and limiting enforcement.

He further identified additional obstacles: limited judicial expertise in environmental law and the difficulty of obtaining reliable scientific evidence. While praising capacity-building efforts by institutions such as the Global Judicial Institute on the Environment, UNEP, and the EU Forum of Judges for the Environment, he warned against training led by litigators, which risks compromising impartiality.
Despite these constraints, Mister Benjamin expressed optimism about the judiciary's evolving role. He highlighted emerging legal principles, including in dubio pro natura—resolving ambiguities in favour of nature—and the ecological function of property rights, which redefines ownership in light of environmental duties. Judicial remedies, he argued, remain vital instruments for protecting ecosystems and advancing climate justice.

To overcome fragmentation, he proposed two structural innovations: specialized environmental courts with full jurisdictional authority, and the "three-in-one" model, as seen in China, which allows a single judge to adjudicate environmental disputes across administrative, civil, and criminal domains. Such models, he concluded, can enhance coherence, ensure integrated adjudication, and strengthen judicial contributions to environmental governance.

Summary of the Intervention by Justice Swatanter Kumar

Supreme Court of India (retired)

Justice Swatanter Kumar, former Justice of the Supreme Court of India, began his remarks by stressing the severity of contemporary environmental degradation, describing the environment as a "sub-global subject" destabilized by the abuse of natural resources. He invoked ancient ecological wisdom from the Rig Veda (1500–1000 BCE), which conceives the sky, earth, and space as a familial unity, to illustrate that environmental harm destabilizes both human and planetary balance.

Turning to legal frameworks, Justice Kumar outlined three categories of environmental remedies in India. Constitutional remedies protect the environment as a fundamental right under Article 21, enforceable directly before the Supreme Court via Article 32. Statutory remedies, grounded in legislation such as the Water Act, the Environmental Protection Act, and the National Green Tribunal Act, operationalize India's international commitments through judicial and administrative enforcement, including the polluter-pays principle. Regulatory regimes empower agencies with both rule-making and enforcement authority, enabling them to impose penalties and close industries under judicial supervision.

He highlighted judicial innovations that have broadened environmental justice. Indian courts expanded standing rules, allowing any citizen or organization to litigate without showing direct injury. Courts also developed the "revolving mandamus", keeping cases under ongoing review until full compliance is achieved, exemplified by the Ganga-Yamuna pollution litigation. Further, Article 21's brief text has been interpreted creatively to encompass the right to a clean and healthy environment, reflecting judicial proactivity rather than original constitutional drafting.

Justice Kumar also defended suo motu powers, through which courts initiate cases based on media reports or inaccessibility of justice, notably benefiting marginalized communities. He endorsed the creation of specialized environmental courts to address complex ecological disputes across air, water, and land. Alongside these institutional measures, he emphasized the importance of consultative processes that involve stakeholders in environmental decision-making. Despite these advances, challenges remain. Implementation failures, weak enforcement, and lack of environmental education hinder progress. Kumar criticized reliance on post-pollution remedies rather than preventive measures, citing plastic proliferation in India as a case study. Economic pressures and institutional fragmentation further undermine effectiveness.

To conclude, he presented the Amarnath pilgrimage case, in which the Supreme Court, acting suo motu, addressed environmental degradation, climate impacts, and human rights simultaneously.

By ordering medical support, waste management, and measures against glacier melt, the Court demonstrated the inseparability of human rights, environmental law, and climate change. Justice Kumar argued that this triad will define the future of legal and judicial engagement with the environment.

Summary of the Intervention by Justice Nambitha Dambuza (Online)

Judge of the Supreme Court of Appeal, South Africa

Judge Nambitha Dambuza, began her intervention by noting that she had chosen to structure her contribution as a response to some of the criticisms that have been directed at the South African judiciary's handling of environmental law cases. Speaking from her experience as a judge in South Africa, she offered an overview of the role courts have played, or failed to play, in interpreting and implementing the constitutional right to a healthy environment. She recognized that the Constitution of South Africa codifies the right to a healthy environment, yet she noted that the courts have come under a lot of scrutiny for not doing enough to advance social justice or give meaningful content to the concept of a just transition.

Specifically, she argued that the judiciary has to embrace transformative environmental constitutionalism, an approach that integrates environmental protection with broader social, economic, and historical considerations. Judge Dambuza noted that although the South African Constitution enshrines the right to a healthy environment, judicial efforts to adopt and apply that right have been delayed since the pioneering judgments of the mid-2000s. During that period, while there were pathbreaking decisions, there has been little evolution since.
The speaker recalled that the South African Constitutional Court, during that transformative era, had adopted 3 important principles: first, that courts must play a crucial role in environmental protection; second, that such protection is interconnected with other fundamental rights; and third, that sustainable development requires integration across social, economic, and environmental dimensions.

Despite these progressive foundations, Judge Dambuza admitted that courts have since failed to develop these principles with the urgency and specificity required by the contemporary climate and ecological crisis. She argued that South African jurisprudence must evolve, particularly given current regional conditions: growing resource scarcity, severe socio-economic inequality, and the devastating effects of climate change, including extreme weather events. The judge also pointed out the missed judicial opportunities where cases could have applied earlier legal frameworks to respond to today's challenges. One such example involved a self-represented litigant who challenged the government's failure to implement environmental legislation. Rather than dismiss the case for not meeting formal thresholds for direct access, she suggested that the Court should have acknowledged the urgency of climate change and applied the precautionary principle, which advises decision-makers to act even when scientific certainty is lacking, especially in matters of environmental risk.

Another example concerned community resistance to large-scale mining and resource extraction. In such cases, she argued, courts often focus narrowly on common-law property rights, rather than grounding their analysis on environmental rights and the right to participation. The potential of environmental law to support community agencies and affirm collective property rights rooted in traditional and cultural frameworks has, in her view, not been adequately explored. While she acknowledged that South African courts have repeatedly protected land rights, these decisions have typically rested on the issue of landowners' lack of consent instead of environmental protection law.

Had the courts adopted a more environment-centered approach, she suggested, they might have recognized that unjust land dispossession is itself a form of environmental injustice. Such reorientation could have given greater impetus to the growth of environmental jurisprudence. Judge Dambuza also discussed the challenges posed by scientifically complex cases, particularly those involving oil exploration and seismic surveys. In such matters, she observed, South African courts tend to rely on procedural and property rights arguments to issue interdicts (injunctions). However, she encouraged the integration of substantive environmental principles—particularly precaution and ecological caution—to ensure that decisions align with environmental protection imperatives.

To conclude, Judge Dambuza redirected the conversation to the broader picture. She thanked the organizers and reflected on how, in many respects, South African environmental jurisprudence remains anthropocentric. The focus continues to be on human-centered rights and economic interests, rather than on ecosystem protection for its own sake. "We have a long way to go," she acknowledged, but stressed that these kinds of international and interjurisdictional conversations help courts recognize their own limitations—and inspire them to do better.

Summary of the Intervention by Mister Anders Bengtsson

How May Networking Increase Efficiency and Quality in Managing Environmental Cases in Court?

Mister Anders Bengtsson, drawing on over twenty years of experience in Sweden's specialized Land and Environment Courts, highlighted the distinctive and complex nature of environmental litigation. Unlike traditional cases, environmental and climate disputes are of a technical nature, meaning that they are constantly evolving and are deeply intertwined with international law, EU regulations, and comparative jurisprudence. This issue often requires the judges involved to assess scientific and technical reports beyond their own expertise, creating significant challenges for first-instance judges who may only encounter a limited number of such cases in their careers.

To address these difficulties, the UN's Environmental Courts and Tribunals Report (2021) introduced key actions necessary for a better understanding and result, such as specialization, training, and networking, as solutions. Sweden provides a notable example with its five Land and Environment Courts and one specialized appellate court. These courts handle both administrative and civil cases (though not yet criminal cases, despite repeated proposals) and benefit from a consistent flow of cases that fosters judicial expertise. Sweden's integrated Environmental Code enables a holistic approach in permit cases, ensuring that multiple environmental impacts of a single activity can be considered simultaneously. Crucially, technical judges with scientific backgrounds sit alongside legally trained judges, contributing discipline-specific expertise and enriching judicial deliberation.

The speaker further highlighted the importance of judicial networking, a strategy developed within the Swedish state, where all categories of personnel in the Land and Environment Courts participate in small, informal networks that meet twice yearly, fostering familiarity, trust, and deeper professional exchanges. These networks encourage open discussion, inspiration for procedural innovation, and mutual learning, with participants disseminating outcomes within their respective courts. Beyond the national perimeter, larger entities such as the EU Forum of Judges for the Environment and the Working Group on Environmental Law of the Association of European Administrative Judges provide additional platforms for transnational dialogue.

To conclude, the speaker stressed that judicial networking, whether small and informal or large and institutional, is a great vessel to strengthen both individual courts and the judicial function as a whole. By fostering knowledge exchange, procedural innovation, and institutional resilience, these networks ultimately enhance environmental adjudication and contribute to the broader public good.

Summary of the Intervention by Lord Robert Carnwath

Former Justice of the Supreme Court of the United Kingdom

Lord Robert Carnwath, a former Justice of the Supreme Court of the United Kingdom and a current judge at the Planning and Environment Court, established within the High Court of Ireland 18 months ago, is considered a significant institutional innovation since it deals with the issue of fragmentation, which was the main issue signaled by the previous judges. Previously, planning and environmental cases were dispersed among different judges; the new court consolidates them under a small body of specialized judges, reducing fragmentation. The court also embraces technological innovation, operating as a paperless system where all submissions are uploaded to a digital platform, greatly improving efficiency and sustainability.

However, even with these advances, the court still faces similar challenges: an excessive caseload, limited judicial resources, and the growing complexity of environmental and climate-related disputes. Lord Robert also noted the difficulty posed by the unpopularity of certain decisions, recalling Richard Posner's observation that judicial rulings inevitably divide opinion and cannot aim for popularity.

On integrated approaches, the speaker highlighted three practical needs:

- Enhanced comparative visibility and usable knowledge. While databases of foreign law and cases exist, they can be overwhelming and are most useful only when the user already knows precisely what to seek. The judge therefore urged academics to prioritise practical, comparative, and solution-oriented writing that provides judges with direct, actionable guidance rather than abstract theory.
- Judicial cooperation and networking. Multilateral and bilateral cooperation between judges (and exchanges with speakers such as Luke, Robert, and Antonio) was credited with promoting mutual learning and practical problem-solving. The court is exploring bilateral cooperation arrangements to strengthen judicial capacity and harmonise approaches.
- Clear policy guidance and hierarchy of norms. The judge identified policy incoherence as the most intractable problem: a proliferation of economic, environmental, and climate rules without explicit guidance on resolving conflicts.

Common areas of tension include agri-food, energy, and broader economic regulation vis-à-vis environmental protection. In the absence of legislative hierarchy, judges are often faced with difficult decisions. The speaker offered a working hierarchy: climate law should take precedence over environmental law (on grounds of its status as a global, long-term emergency), and environmental law should in turn generally prevail over purely economic law. He acknowledged the difficult trade-offs this can entail — for example, having to prioritize long-term climate objectives even where that may adversely affect local landscape or biodiversity interests when conflicts cannot be reconciled.

In sum, the Planning and Environment Court's establishment and digital procedures represent practical innovations to address fragmentation and inefficiency. However, persistent resource constraints, rising case complexity, and policy incoherence require complementary measures: accessible comparative scholarship, strengthened judicial cooperation (including bilateral exchanges), curated legal research tools, and clearer normative guidance from policymakers.

CONCLUSION

The discussions revealed a shared conviction: in the face of the magnitude of environmental crises, the judiciary is a pillar of integrated governance, both a guardian of fundamental rights and a catalyst for public action. Three guiding directions emerge.

Strengthening normative effectiveness. Courts have a range of tools, including constitutional review, injunctions, reparations and restoration funds, and precautionary measures, to give concrete effect to climate and biodiversity objectives. The proposed functional hierarchy of norms, prioritizing climate imperatives and linking environmental and economic law, provides guidance for arbitrating conflicts in public policies.

Adapting judicial institutions. The specialization of courts, support from technical judges, and the aggregation of administrative, civil, and criminal aspects limit fragmentation and improve evidentiary quality in highly scientific cases. Digitalization and exchange platforms (national networks, European Forum of Judges for the Environment, GJIE) facilitate peer learning, dissemination of best practices, and harmonized responses to cross-border challenges.

Consolidating substantive and inclusive justice. Effective access to the judge, including standing, collective actions, and suo motu powers, attention to affected communities, and recognition of the intrinsic value of ecosystems should complement traditional legal reasoning (property, procedure). Case law that integrates ecological knowledge, local expertise, and just transition principles enhances the democratic legitimacy of decisions.

In sum, the future of environmental litigation depends on a balance between ambition and rigor: ambition, to recognize climate urgency and nature restoration as legal imperatives, and rigor, to ensure legal certainty, evidentiary quality, and proportionality of measures. This dialogue confirms the judge as a key actor in integrated environmental protection, capable of transforming commitments into measurable results in the service of the public interest.

PARALLEL SESSION 17 —
FORESTS AT THE CROSSROADS: LEGAL PROTECTION REGIMES

CHAIR :

- **Prof. Nicholas Bryner,** Louisiana State University / Chair, WCEL Global Judicial Institute on the Environment Task Force

SPEAKERS :

à1 **Mr. Kenny Cetera :** The Legal Influence of EU Trade Policies to Tackle Deforestation in Southeast Asia

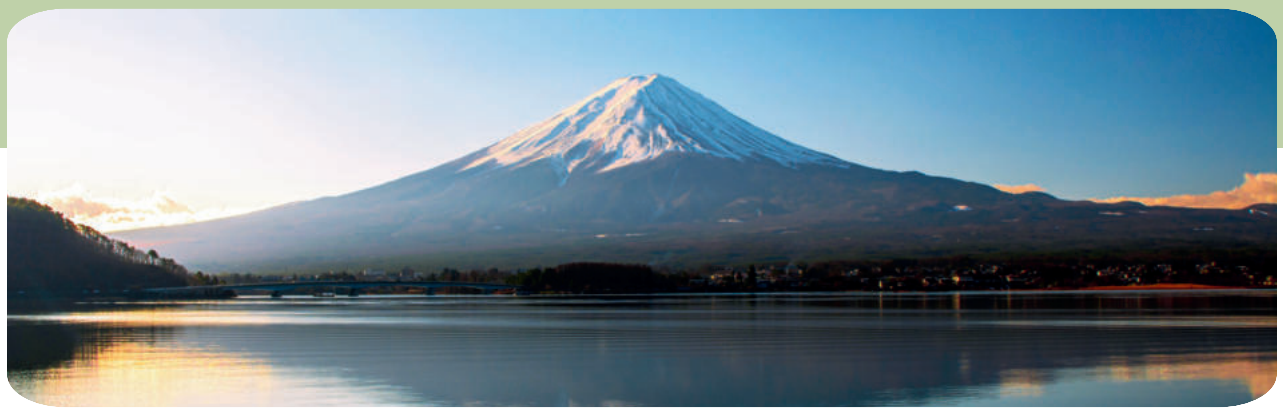
02 **Ms. Romy Klimke (Online) :** Trade policy as an Effective Instrument for Forest Protection? A Critical Analysis of the EU's Common Commercial Policy

03 **Mr. Kumarjeeb Pegu :** Voices of the Forest: A Socio-Legal Exploration of Tribal Identity, Rights, and Human-Wildlife Conflicts in India

04 **Ms. Salimataa Berte (Online) :** Community Involvement in the Conservation of Azagny National Park (PNA) in Côte d'Ivoire: The case of Braffedon Village

05 **Ms. Justine Bendel (Online) :** Does the Sea dominate the Land? The Protection of Coastal Forests Between Ocean and Land Governance.

06 **Ms. Anastasia Telesetsky:** Generation Restoration: Developing a Model Law to Incentivize Practical Ecological Restoration Efforts



INTRODUCTION

Parallel Session No. 17 was chaired by Professor Nicholas Bryner from Louisiana State University, who also serves as Chair of the WCEL Global Judicial Institute on the Environment Task Force. In his opening remarks, he underscored the urgent need to rethink legal frameworks for forest protection at a time when these ecosystems are facing unprecedented threats: economic pressures, escalating deforestation, competing land uses, and climate change. The session was thus framed as an interdisciplinary and comparative analysis of existing legal and policy instruments, aimed at identifying effective tools for forest protection and restoration in diverse national and international contexts.

A wide range of speakers from diverse backgrounds, legal scholars, environmental policy experts, economists, and field practitioners , shared their insights and experiences. Their contributions spanned numerous topics, including the impact of European trade policies on deforestation in Southeast Asia, conflicts between Indigenous communities and wildlife in India, community-driven conservation dynamics in West Africa, hybrid models of coastal governance, and innovative legal approaches to ecological restoration.

The following summaries reflect the richness and diversity of the discussions, highlighting the many ways in which law can, and must, support a just and sustainable transition in global forest governance.

Summary of the Intervention by Mister Kenny Cetera

"The Legal Influence of EU Trade Policies in Combating Deforestation in Southeast Asia"

Mister Kenny Cetera provided an analysis of the European Union's normative frameworks aimed at combating deforestation, focusing on Southeast Asian countries, including Indonesia, Malaysia, Laos, Vietnam, and Thailand. His presentation centered on two key instruments: The Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan initiated in 2003, and the European Union Deforestation Regulation (EUDR) adopted in 2023.

The FLEGT Action Plan relies on Voluntary Partnership Agreements (VPAs) between the EU and timber-producing countries, aiming to ensure the legality of wood exports to the European market. To date, only Indonesia has fully implemented an operational FLEGT licensing system certifying product compliance. Implementation requires a comprehensive review of national forest governance, including recognition of customary and indigenous land rights, alongside jointly defined legality criteria.

The 2023 EUDR expands the EU's scope to cover seven categories of agricultural and forestry commodities linked to deforestation: timber, cocoa, coffee, palm oil, soy, rubber, and cattle. It mandates a "deforestation-free" standard, prohibiting imports from land deforested after December 31, 2020. Unlike FLEGT, EUDR does not rely on bilateral agreements but establishes a universal country risk classification system (high, standard, low) based on objective indicators such as deforestation rates, agricultural expansion, production trends, and commitments to transparency and human rights. This classification dictates the due diligence obligations imposed on EU operators, with stricter requirements for high-risk countries.

Mister Cetera highlighted fundamental differences between the two frameworks: FLEGT operates through voluntary bilateral agreements with mandatory licensing focused on timber, whereas EUDR sets a binding, universal regulatory framework covering a broader range of products without bilateral negotiation. He also emphasized practical challenges posed by EUDR, particularly for smallholders and informal actors in Southeast Asia, who face significant technical, administrative, and financial burdens.

Finally, Mister Cetera pointed out the fragmented nature of forest protection policies in the region despite some regional initiatives, notably supported by Germany through certification programs within ASEAN. He concluded by stressing the dual challenge for producing countries: adapting their production and control systems to European requirements amid high costs, uneven enforcement, and the lack of flexible mechanisms comparable to those in the FLEGT framework.

Summary of the Intervention by Ms. Romy Klimke

"Trade Policy as an Effective Forest Protection Instrument? A Critical Analysis of the European Union's Common Trade Policy"

Ms. Romy Klimke provided an analysis of the role and potential effectiveness of the European Union's Common Commercial Policy as a tool for forest protection. She began by highlighting the strong connection between international trade and tropical deforestation, noting that global—and especially European—demand for "forest-risk commodities" such as timber, soy, cattle, leather, and palm oil significantly contributes to forest loss. In 2017, the EU was responsible for approximately 16% of global tropical deforestation linked to international trade, making it the world's second largest importer of deforestation after China.

Beyond political will, Ms. Klimke emphasized the legal obligation of the EU—under Article 21 of the Treaty on European Union—to incorporate sustainability objectives, including forest protection, into its trade policy. For over two decades, this policy has relied on a mix of unilateral and bilateral instruments. She presented two key instruments. The first is the Voluntary Partnership Agreements (VPAs), bilateral accords between the EU and timber-exporting countries. These agreements require partner countries to implement licensing systems that verify the legality of timber exports to the EU, which in turn commits to accepting only licensed products. The second instrument is the EU Timber Regulation (EUTR), in force since 2013, which bans the placing of illegally harvested timber on the EU market and imposes a due diligence obligation on operators to assess and manage supply chain risks.

While the EUTR has been praised for its regulatory approach, Ms. Klimke pointed out criticisms, particularly its exclusive focus on legality under national law without addressing the actual sustainability of forestry practices—potentially leading to a "race to the bottom" in some countries.
To address these shortcomings, the EU adopted a new Regulation on Deforestation-Free Products (EUDR) in 2023. This regulation marks a major shift by expanding requirements to deforestation-free supply chains across seven agricultural and forest-based products, mandating that imports must not be linked to deforestation occurring after December 31, 2020.

The EUDR introduces a risk-based classification of exporting countries (high, standard, low), based on objective indicators such as deforestation rates, agricultural expansion, transparency, and human rights records. This classification determines the level of due diligence required from EU importers.
However, Ms. Klimke underscored the practical and technical challenges faced by small-scale producers and informal sector actors in exporting countries—particularly concerning traceability, risk assessment, and geolocation requirements. These challenges led the European Commission to propose a postponement of the regulation's entry into force in October 2024 to allow more time for capacity building.

In conclusion, Ms. Klimke emphasized that the effectiveness of the EU's trade policy as a forest protection tool will largely depend on its ability to foster cooperative approaches, provide technical and financial support to producing countries, and ensure consistency between legal requirements and environmental sustainability objectives.

Summary of the Intervention by Mister Kumarjeeb Pegu

"Voices of the Forest: A Socio-Legal Exploration of Tribal Rights and Human-Wildlife Conflicts in India"

Mister Kumarjeeb Pegu, Assistant Professor of Law and Co-Director of the Centre for Tribal Studies at the National Law University of Odisha (India), delivered a socio-legal analysis of tribal land rights and human-wildlife conflict in India, placing them within a broader local, national, and international context.

He began by situating India's tribal peoples within the global Indigenous movement, emphasizing that land tenure and recognition are fundamental criteria for defining indigenous status. In this context, he discussed the human-wildlife conflict, a particularly pressing issue in India, where tribal communities live within or near forests that are home to protected wildlife. He raised a central question: Are these conflicts the result of public policy, or of structural imbalances that marginalize communities whose traditional habitat is the forest itself?

Mister Pegu highlighted the Forest Rights Act of 2006, a landmark law that recognizes the rights of tribal communities over forest land. However, the law is currently under challenge before the Indian Supreme Court by wildlife conservation groups claiming it is unconstitutional. This legal dispute illustrates the ongoing tension between biodiversity conservation and human rights protection.

He also discussed the legal definition of indigenous peoples, drawing on the 1999 report by Miguel Alfonso Martínez to the UN Commission on Human Rights. That report, shaped by a Western precolonial conception of indigeneity, excluded many communities from Asia and Africa. Mister Pegu challenged this restrictive view, arguing that tribal peoples in India meet legitimate criteria of indigeneity, especially through their ancestral relationship to the land.

To provide historical context, he reviewed the origins of Indian forest law, particularly the Indian Forest Charter of 1855, established under the East India Company and later expanded by the British colonial regime.

Far from being solely an ecological tool, this legal framework primarily served commercial interests in timber extraction, often at the expense of tribal communities. These policies entrenched the marginalization of forest dwellers in favor of dominant economic actors.
In conclusion, Mister Pegu announced that he would continue this discussion in the interactive session, drawing on the work of Indian scholars such as Nila B. Bhattacharya, specialists in tribal and forest governance issues.

Summary of the Intervention by Ms. Salimataa Berte

"Community Involvement in the Preservation of the Azagny National Park (Cote d'voire): The Case of Braffedon Village"

Ms. Salimataa Berte presented an initiative carried out around Azagny National Park in Côte d'Ivoire, specifically in the village of Braffedon, an area facing strong environmental pressure. The park's northern primary and secondary forests are increasingly degraded due to climate change, agricultural expansion, and growing population density. Although exploitation of the park is officially prohibited, unauthorized practices persist—such as snail collection and hunting of small animals—because these resources remain essential to local livelihoods.

In light of this, Ms. Berte described the dwindling availability of arable land, which particularly affects cassava farming, the main source of income for many women in the area. To address this vulnerability, a pilot project was launched to offer a sustainable alternative: the farming of small local game species. Primarily aimed at women and young people, the initiative seeks to provide both a steady income and to reduce pressure on the park's wildlife.
Prior to implementation, training sessions were held to teach adapted farming techniques. In parallel, consultations were conducted with administrative authorities and village leaders to secure their support and ensure long-term community involvement. So far, around twenty women from a local cooperative, along with several men, have been trained.

The project is currently in its experimental phase, testing various breeding methods to determine whether captive-raised animals can meet both dietary needs and cultural preferences. However, challenges remain—particularly in meeting environmental and health standards to ensure food safety and production quality.

In conclusion, Ms. Berte emphasized the dual objective of the project: to strengthen the economic autonomy of local populations, especially women and youth, while actively contributing to the conservation of Azagny National Park. She expressed hope that this model could be extended to other villages and associations, promoting a combined approach to environmental protection and sustainable socio-economic development.

Summary of the Intervention by Dr. Justine Bendel

"Does the Sea Dominate the Land? The Protection of Coastal Forests Between Ocean and Land Governance"

Dr. Justine Bendel, a Lecturer in International Environmental and Climate Law at the University of Leeds, presented a legal analysis of the challenges related to the protection of coastal forests—ecosystems located at the intersection of land and sea. These include mangroves, seagrass beds, kelp forests, and salt marshes. They play a crucial role as natural "blue carbon" sinks, highly efficient in absorbing oceanic CO_2, while also serving as biodiversity hotspots and key habitats for marine and terrestrial species.

Legally, Dr. Bendel first examined marine governance, particularly under the United Nations Convention on the Law of the Sea (UNCLOS), which establishes general obligations to protect the marine environment (Article 192) and sustainably manage marine resources (Articles 61 and 73), though without directly referencing coastal forests. However, Article 237 allows a coherent interpretation with other instruments, such as the Paris Agreement, offering an opportunity to better integrate coastal forest protection into a global governance framework.

She then turned to terrestrial forest governance, largely shaped by the Convention on Biological Diversity (CBD). While not explicitly addressing coastal forests, the CBD promotes an ecosystem and socio-economic approach to conservation, legal enforcement, and sustainable forest use. Nonetheless, implementation remains a major challenge due to weak enforcement mechanisms in many jurisdictions.

Finally, Dr. Bendel highlighted the relevance of climate law frameworks, particularly the REDD+ mechanism (Reducing Emissions from Deforestation and Forest Degradation), which provides voluntary financial and technical support to developing countries for sustainable forest management. National environmental institutions play a central role here, often setting conservation targets that could include coastal ecosystems.

Dr. Bendel concluded by emphasizing the complexity and fragmentation of legal regimes governing coastal forests—straddling both marine and terrestrial domains—and the urgent need for better integration between these systems to ensure more coherent and effective protection of these critical ecosystems.

Summary of the Intervention by Ms. Anastasia Telesetsky

"Generation Restoration: Developing a Model Law to Encourage Concrete Ecological Restoration Efforts"

Ms. Anastasia Telesetsky began her intervention by quoting a powerful message from the work of the ecological philosopher and children's author, Dr. Seuss. Through his character, the Onceler, she highlighted the importance of individual responsibility with the phrase, "unless someone like you cares a whole awful lot, nothing is going to get better." This metaphor illustrates the necessity for environmental laws to inspire care and mobilize individuals, overcoming apathy.
She proposed that ecological restoration is a key activity for reconnecting society with nature.
However, she emphasized that "nature-based solutions" should be approached cautiously. Unlike mathematical problems with a single solution, environmental challenges are complex and require dynamic engagement—a "living dialogue" with ecosystems. This dialogue should be founded on strong intrinsic values such as care, reverence for nature, and gratitude for biodiversity, which can motivate citizens to take action.

Ms. Telesetsky also cited a concerning article from The Washington Post, which reported that ecosystems are losing their ability to absorb CO2. This critical information was buried on page nine, reflecting the public's disinterest in this major crisis. Yet, forests, soils, and other natural ecosystems play a crucial role in climate regulation.

At this point, while the UN has declared the "Decade on Ecosystem Restoration," Ms. Telesetsky noted that legal efforts are still limited in promoting tangible restoration. She argued that laws must move beyond mere control and punishment to create opportunities for intrinsic community engagement in restoration projects.

She and her colleagues, including An Clicquete and Afshin Akthar-Khavari, at the Society for Ecological Restoration, are working on developing model laws to promote ecological restoration, considering both national legislation and local rights. There has been significant interest from parliamentary groups and environmental caucuses in such initiatives.

Additionally, Ms. Telesetsky referenced the French Environmental Code, particularly Article 110, which defines "common heritage" as not only forests but also day and night landscapes. This article introduces the principle of "environmental solidarity," which highlights the interdependence between ecosystems, living beings, and environments, representing an innovative approach.

In conclusion, she proposed the introduction of a "principle of ecological restoration" as a legal commitment to continually and beneficially improve the ecological relationships of a place, reaffirming or repairing these relationships. This principle is based on the idea that restoration is a dynamic social and ecological process, rooted in the territory.

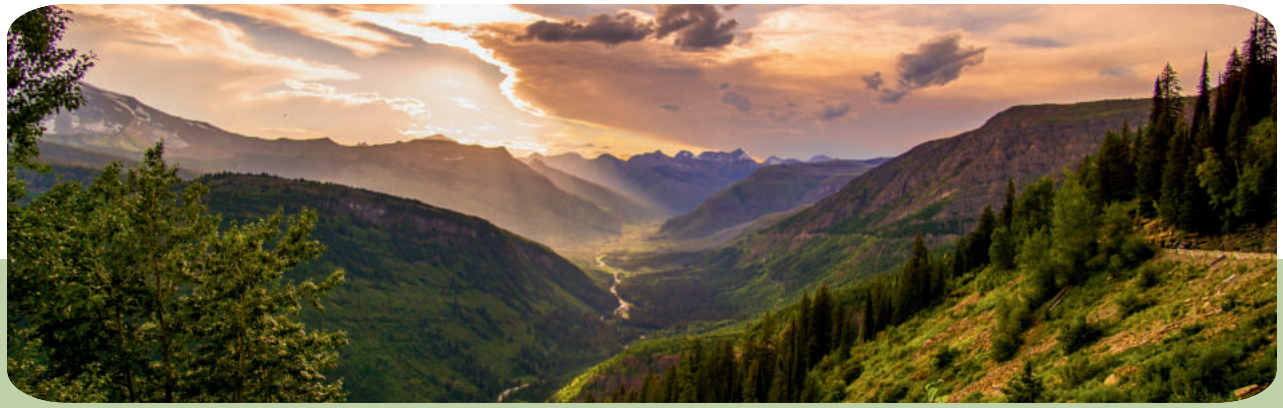
Finally, Ms. Telesetsky invited participants to reflect together on what a model law for restoration should contain and, more importantly, how to motivate individuals to genuinely care about local outcomes, with a focus on creativity and adaptation to national or sub-national contexts.

CONCLUSION

The discussions during this session highlighted the increasing complexity of the challenges related to the legal protection of forests, while also emphasizing the opportunities that law offers to support sustainable environmental transformations. The various interventions demonstrated that forests are far from being mere subjects of regulation; they are at the heart of multi-faceted issues: ecological, social, economic, cultural, and political. These contributions also illustrated the evolution of legal instruments—whether through the mobilization of commercial law, the recognition of the rights of local and indigenous communities, or the integration of ecological solidarity and restoration principles—toward more inclusive and adaptive approaches.

By valuing both locally grounded experiences and critical analyses of international frameworks, this session provided a rich and nuanced perspective on current forest governance regimes. Above all, it underscored that the effectiveness of law depends on its ability to align eco-centric visions, incentive mechanisms, and the active participation of the concerned communities.

Thus, the contributions presented in this session call for a rethinking of legal tools, not just as instruments of regulation but also as connectors between human societies and forest ecosystems, within the framework of ecological justice and global resilience.



PARALLEL SESSION 18 –
ENVIRONMENTAL GOVERNANCE: NEW PRINCIPLES TO REGULATE RISK AND THE UNKNOWN

CHAIR:

- **Prof. Michael Prieur,** The International Center for Comparative Environmental Law (CIDCE)

SPEAKERS:

01 **Mr. Petros Patronos :** The principle of biodiversity integration (Online)

02 **Mr. Thomas Baycock :** 'Ecological Embassies': Reimagining Legal and Ecological Space to Protect Biodiversity (Online)

03 **Mr. Volker Mauerhofer :** Phasing Down and Opting out: Legal perspectives for Net Improvements through the KM-Global Biodiversity Framework, Exemplified by ALPMEMA

04 **Mr. Cristiane Derani :** Integrating Indigenous Peoples' Cosmologies into Justice: An Analysis of the Request for an Advisory Opinion on the Climate Emergency and Human Rights submitted to the IACtHR

05 **Prof. Nabil Madani :** Perspectives on Environmental Law in Morocco: Toward an Integrated Protection of Ecosystems

INTRODUCTION

The workshop took place in a context of undeniable urgency, marked by the rapid erosion of biodiversity and the persistent inability of international law to address environmental risks and systemic uncertainties. Discussions converged on a shared demand: to move beyond traditional legal instruments and develop a form of governance capable of regulating the unknown, anticipating the irreversible, and integrating the logic of the living world.

Summary of the intervention by Mister Petros Patronos

"The Principle of Biodiversity Mainstreaming as a Lever for Legal Coherence"

Mister Petros Patronos highlighted a central paradox in international biodiversity governance: despite the multiplication of norms over the past 50 years, their effectiveness remains limited. He argued that this failure stems less from a lack of standards than from the absence of cross-sectoral implementation guided by structuring legal principles.

At the core of his proposal is the principle of biodiversity mainstreaming, enshrined in Article 6(b) of the Convention on Biological Diversity (CBD) and reinforced in the Global Biodiversity Framework (GBF). Mainstreaming requires the systematic integration of biodiversity concerns into all public policies—not only those related to the environment, but also to climate, finance, trade, and development. In this sense, biodiversity protection should no longer be the sole domain of environmental ministries but a transversal responsibility.

Mister Patronos emphasized that several GBF targets, including Targets 8, 12, 14, and 15, concretely reflect this principle: reducing climate impacts through nature-based solutions, aligning financial flows with conservation, and requiring corporate disclosure of ecological footprints. He further noted that biodiversity mainstreaming is beginning to gain interpretive traction in international courts, encouraging a more harmonized reading of law across climate, trade, and biodiversity regimes.

He concluded by advocating for the integration of biodiversity considerations into legal reasoning and litigation strategies at both national and international levels. For Patronos, biodiversity mainstreaming offers a pathway to move beyond rhetorical commitments and give real effect to international obligations, addressing the persistent gap between normative proliferation and practical effectiveness.

Summary of the Intervention by Mister Thomas Baycock

"Ecological Embassies: Reimagining Legal and Ecological Space to Protect Biodiversity" (Online)

Thomas Baycock introduced the original concept of "ecological embassies," a legal mechanism designed to safeguard ecosystems independently of national jurisdictions. Drawing inspiration from the extraterritorial protection granted to diplomatic embassies, he argued that ecological spaces—defined by nature itself, such as migratory corridors, watersheds, or habitats—should similarly enjoy a form of autonomous status guaranteed under international law.

The proposal envisions an international agreement establishing ecological embassies with three key features: continuous cross-border protection, the application of binding environmental standards, and the creation of a specialized judicial mechanism to enforce compliance. Such a framework would allow ecosystems to be preserved according to their ecological integrity rather than fragmented political boundaries.

Mister Baycock illustrated the shortcomings of current regimes through the example of the grey wolf, which benefits from legal protection in the United States but may be lawfully hunted once it crosses into Canada. This case reveals the limits of existing legal instruments in addressing ecological continuity and transboundary risks. Ecological embassies, by contrast, would provide a coherent and enforceable framework to overcome such systemic failures.

By shifting the legal focus from state sovereignty to ecological interconnectedness, Baycock's proposal challenges traditional doctrines of international law while offering a forward-looking mechanism to address global biodiversity loss. It underscores the urgent need for legal innovation to confront transboundary ecological crises that remain inadequately managed under current governance structures.

Summary of the Intervention by Ms. Cristiane Derani

"Integrating Indigenous Peoples Cosmologies into Justice: An Analysis of the Request for an Advisory Opinion on the Climate Emergency and Human Rights Submitted to the IACtHR"

Ms. Cristiane Derani underscored the need to rethink the foundations of international law through the lens of Indigenous cosmologies, particularly in the context of the advisory opinion on the climate emergency and human rights currently before the Inter-American Court of Human Rights (IACtHR). She reminded participants that international law has historically been shaped by a colonial logic, privileging extractive economic models while remaining largely indifferent to the environmental vulnerabilities of Indigenous peoples. This legacy has marginalized Indigenous voices in global governance, despite the fact that these communities are among the first and most severely affected by biodiversity loss and climate change.

Drawing on the jurisprudence of the IACtHR, Ms. Derani highlighted three transformative legal developments: the recognition of Indigenous peoples' collective self-determination, the acknowledgment of the spiritual dimension of territory, and the emergence of the legal personality of nature. Together, these innovations signal a departure from the individualistic and anthropocentric assumptions that underpin much of traditional international law. They recognize that the relationship between communities and ecosystems cannot be reduced to property rights or resource management, but instead reflects cosmological worldviews that value reciprocity, stewardship, and interconnectedness.

Ms. Derani argued that these developments go beyond the mere "inclusion" of Indigenous perspectives into existing legal frameworks. Rather, they reconfigure the normative structure of law itself by validating collective subjectivities and non-extractive relationships with nature. In doing so, they create the conditions for a decolonial ecological justice—one that reconciles human rights, the rights of nature, and Indigenous legal systems within a pluralistic legal order.

Her intervention concluded with a call to take Indigenous cosmologies not as cultural add-ons but as sources of legal innovation. In the face of the climate emergency, she contended, international law must evolve toward frameworks that recognize alternative epistemologies and integrate them into the pursuit of justice. This shift is not only necessary for protecting vulnerable communities but also for ensuring the resilience of global ecosystems.

Summary of the Intervention by Professor Nabil Madani

"Perspectives on Environmental Law in Morocco: Toward an Integrated Protection of Ecosystems"

Professor Nabil Madani concluded the session by reflecting on the specific challenges facing environmental law in Morocco, with a focus on how legal frameworks can address diffuse forms of environmental harm. Unlike large-scale ecological disasters, these harms—such as noise pollution, chemical contamination, or gradual soil degradation—are often invisible, cumulative, and difficult to regulate. Yet, he argued, they can be equally devastating for ecosystems and human health, making their regulation a critical dimension of modern environmental governance.

Mister Madani emphasized that an effective response requires the creation of an integrated institutional architecture, capable of systematically monitoring environmental externalities and coordinating responses across multiple sectors. Fragmented regulation, he noted, undermines enforcement and allows diffuse harms to proliferate unchecked. Building strong institutional mechanisms is therefore essential to bridge the gaps between environmental, health, agricultural, and industrial policies.

In addition to institutional reform, he stressed the importance of designing specific legal instruments to confront emerging risks. Rooted in the precautionary principle, such instruments would enable regulators to act proactively in the face of scientific uncertainty, rather than waiting for conclusive evidence of harm. This approach, he argued, is particularly necessary in a context where new forms of pollution and ecological stressors continue to arise with technological and industrial development.

More broadly, Mister Madani positioned Morocco as a country at a crossroads, where environmental law must evolve from a fragmented, reactive model toward a comprehensive system that integrates the protection of ecosystems into all spheres of governance. This transition, he suggested, is not only a matter of compliance with international commitments but also a condition for ensuring long-term ecological resilience and social well-being.

CONCLUSION

This workshop offered concrete pathways for a renewal of environmental law through new principles: systematic biodiversity mainstreaming, legal continuity of ecosystems, recognition of the rights of nature and Indigenous peoples, and the regulation of diffuse pollution.

In times of systemic tipping points, these approaches seek not merely to stabilize the present, but to anticipate ecological discontinuities by equipping the law to regulate risk, uncertainty, and the unknown.

SESSION PARALLÈLE 19 —

PARALLEL SESSION 19 –THE NEED FOR FRESHWATER LEGAL REGIME: A MANIFESTO FOR FRESHWATER

CHAIR:

- **Michael Hantke-Domas,** Associate Professor, Faculty of Law and Social Sciences, Universidad San Sebastián / Deputy-Chair, WCEL Specialist Group on Water and Wetlands Law

SPEAKERS :

01 **Mr. Francesco Sindico :** Islands and Sustainable Freshwater Management: What Role for Domestic and International Law? (Video Address)

02 **Ms. Samira Idlallène, Mr. Mouch Mohamed, Mr. Afifi Abdessamad et Ms. El Azali Monia :** Testing Legal Indicators of the Effectiveness of Environmental Law in Morocco: a Pilot Field Study

03 **Ms. Klaudia Szabelka :** Unpacking the EU Water Reuse Policy: A Justice-Oriented Analysis for Sustainable Governance (Online)

04 **Mr. Ravi Sharma Aryal :** Integrated Legal Protection for Water Resources in Nepal

05 **Mr. Andrés Martínez Moscoso :** Water as a Mechanism for Peace: Water Governance Through the Ecuador-Peru Binational Commission

06 **Mr. Alejandro Iza :** The legal Dimension of Glacier conservation

INTRODUCTION

This session, chaired by Professor Michael Hantke-Domas, explored the multiple legal dimensions of water and aquatic ecosystem governance. Through a series of case studies and comparative analyses, the speakers highlighted the specific challenges faced by islands, developing states, and transboundary regions, while proposing pathways toward sustainable and equitable freshwater management. From water reuse in the European Union to glacier protection, including the assessment of water law effectiveness in Morocco and shared governance between Ecuador and Peru, the session illustrates the richness and diversity of today's legal approaches. It invites reflection on the integration of domestic and international law, environmental justice, and the adaptation of legal frameworks to global water and climate crises.

Summary of the Intervention by Dr. Andrés Martínez

"Case Study – Ecuador and Peru: Water, Biodiversity, and the Role of Environmental Law in Peacebuilding and Resource Governance"

Dr. Andrés Martínez shared reflections on the Ecuador–Peru case as an example of how environmental law can serve not only as a framework for sustainability but also as a catalyst for peacebuilding and regional cooperation. For much of the 20th century, Ecuador and Peru were embroiled in territorial disputes rooted in colonial boundaries and competing claims over natural resources, particularly oil and shared water systems. These tensions led to three military conflicts, the last of which occurred in 1995. The contested regions are not only resource frontiers but also among the most biodiverse areas of the Amazon basin, home to Indigenous communities whose cultures and livelihoods are deeply tied to the ecosystems they inhabit.

A turning point came with the 1998 peace agreement, brokered by the United States, Brazil, Chile, and Argentina. A key innovation of this accord was the integration of environmental cooperation into the peace framework. A binational commission was established to co-manage transboundary water and biodiversity, guided by principles such as sustainable water use, hydrographic unit-based governance, and intercultural dialogue. Ecological interdependence was reframed as a foundation for collaboration rather than competition.

Despite its promise, implementation has faced challenges. Political turnover in both countries has disrupted continuity, while weak institutional capacity and chronic underfunding have undermined progress. Disputes persist over pollution, extractive projects, and water allocation, revealing the fragility of environmental cooperation without strong monitoring and enforcement mechanisms.

This case offers broader lessons. Environmental law in post-conflict settings must be adaptable and resilient, capable of responding to political instability and ecological crises. Stable institutions and durable funding are essential to sustain cooperation. Inclusivity is also critical: Indigenous peoples and women, who play key roles in ecosystem stewardship and bear disproportionate burdens from environmental degradation, must be meaningfully included in governance.

Ultimately, the Ecuador–Peru case shows that environmental law can go beyond technical regulation to become a normative framework for peace. It can reconcile sovereignty with ecological interdependence and transform conflict into collaboration. To realize this potential, regional cooperation must be strengthened, participatory and intercultural governance models developed, and long-term resources secured to ensure that peace and sustainability in the Amazon basin are not only achieved but preserved for future generations.

Summary of the Intervention by Dr. Francesco Sindico

"Islands and Sustainable Freshwater Management – The Role of Domestic and International Law"

In his intervention, Dr. Francesco Sindico emphasized the unique challenges that islands face regarding freshwater management and the critical role that law can play in addressing them. Geographic isolation, limited landmass, and heightened vulnerability to climate change combine to create acute pressures on water resources in island settings. Rising sea levels, saltwater intrusion, and erratic rainfall patterns exacerbate these pressures, often undermining already fragile freshwater supplies. At the same time, these conditions create opportunities for innovation, as islands frequently serve as laboratories for context-specific governance approaches and technological experimentation.

Despite this potential, Dr. Sindico observed that the legal responses currently in place remain fragmented. Multiple overlapping regulatory frameworks—spanning domestic, regional, and international levels—often fail to integrate or communicate effectively, leading to gaps in enforcement, inconsistent water protection standards, and missed opportunities for cooperation. This lack of coherence weakens the resilience of water governance systems precisely where they are most needed.

To address this, Dr. Sindico drew attention to noteworthy international efforts. He cited global water conferences, which have increasingly recognized the importance of law as a structuring mechanism for freshwater governance, and the ABAS Agenda, which highlights sustainable management as a priority for the international community. Concrete initiatives, such as the Indonesia–Netherlands partnership on island water management, were presented as examples of how bilateral cooperation can help bridge the gap between island-specific needs and broader global water objectives. These initiatives underscore that while islands face distinctive challenges, their experiences are not isolated from global governance frameworks and can, in fact, inform wider debates on water sustainability.

A central question raised in his presentation concerned the role of international law versus domestic law in securing freshwater sustainability for islands. Should domestic legislation take precedence, reflecting the unique cultural, ecological, and social conditions of each island? Or should international legal frameworks play a more directive role in promoting coherence, cooperation, and accountability across borders? For Dr. Sindico, the answer lies in integration rather than exclusivity. He argued for a hybrid approach in which international law provides a framework of guiding principles, norms, and cooperative mechanisms, while domestic law ensures context-sensitive implementation tailored to local realities.

Summary of the Intervention by Professor Samira Idlalène

"Assessing the Effectiveness of Environmental Law in Morocco – A Pilot Study on Water Law"

In her intervention, Professor Samira Idlalène presented the findings of an innovative pilot study, launched in 2024, that explores how to measure the actual effectiveness of Morocco's water law. The study responds to a key challenge in environmental governance: the gap between the existence of legal texts and their concrete impact on environmental protection and resource management. To address this challenge, Professor Idlalène employed the methodology developed by Professor Michel Prieur, which proposes a set of six legal indicators, divided into two categories—applicability and existential criteria—to assess both the enforcement and the normative quality of environmental law.

The applicability criteria focus on the availability of concrete and enforceable tools within the legal framework. For instance, while water protection laws may exist on paper, their effectiveness depends on whether they are accompanied by decrees, regulations, or implementing mechanisms that make them operable. A recurring problem identified in Morocco is the lack of publication of certain legal texts in the Bulletin Officiel, which creates legal vacuums and undermines predictability and legal certainty. The existential criteria, by contrast, examine whether core environmental principles—such as prevention, precaution, polluter-pays, and public participation—are substantively embedded in the law. Together, these two dimensions provide a structured lens through which to evaluate not only the formal existence of water laws but also their practical capacity to guide action and protect resources.

The study combined desk-based legal analysis with field surveys and stakeholder consultations, engaging local communities, policymakers, and enforcement authorities. This empirical approach revealed significant gaps between written law and practice. Despite the presence of a relatively advanced legislative framework for water governance, violations of water laws remain widespread, ranging from illegal extraction to pollution of watercourses. Weak enforcement mechanisms, insufficient resources, and institutional fragmentation contribute to the persistence of these violations.

Beyond its diagnostic function, the study also carries pedagogical value, particularly for training law students and young researchers in environmental law assessment methodologies. However, Professor Idlalène acknowledged the limitations faced by this pilot initiative. The project suffered from funding shortages, difficulties in accessing reliable data, and a limited uptake of its findings by policymakers. These constraints illustrate broader systemic issues that hinder the implementation of environmental law in Morocco, even when legal norms exist on paper.

Professor Idlalène concluded by stressing that effectiveness in environmental law cannot be measured solely by legislative output.

Summary of the Intervention by Ms. Klaudia Szabelka

"Unpacking the EU Water Reuse Policy – A Justice-Oriented Analysis for Sustainable Governance"

Ms. Klaudia Szabelka examined Regulation (EU) 2020/741 on water reuse through a justice-oriented lens, employing the "What's the Problem Represented to Be?" (WPR) discourse analysis. She demonstrated how the regulation frames water scarcity primarily as a natural consequence of climate change, while positioning technical reuse solutions as the central remedy. Although this framing encourages innovation and efficiency, it sidelines the inherently political and distributive dimensions of water governance.

Her analysis identified three governance effects. Discursively, water reuse is presented as a neutral and technical matter, obscuring deeper power relations. In terms of subjectification, the regulation casts public stakeholders as passive recipients rather than active agents in decision-making. At the lived level, this orientation risks exacerbating inequalities, reinforcing privatization, and marginalizing community-led alternatives that prioritize equity and resilience.

Ms. Szabelka emphasized that embedding water reuse in a market-driven sustainability narrative risks narrowing the scope of policy responses and excluding non-technocratic perspectives. She argued that future water governance must embrace more inclusive and participatory frameworks, integrating justice considerations and alternative knowledge systems. Only by ensuring equitable distribution of risks and benefits can the EU's water policy contribute to truly sustainable and socially just outcomes.

Summary of the Intervention by Mister Ravi H. Sarma Aryal

"Integrated Legal Protection for Water Resources in Nepal"

South Asia's freshwater governance is deeply influenced by shared river systems and the accelerating pressures of climate change, glacial retreat, pollution, and scarcity. Nepal, as the source of several major Indian rivers, occupies a particularly strategic position in this regional hydrological network. The country has adopted progressive legal instruments—most notably the 2015 Constitution, the Water Resources Act of 1992, and the National Water Resources Policy of 2020—that demonstrate a commitment to sustainable water management. Yet, despite this robust legal framework on paper, implementation remains hindered by weak enforcement mechanisms, overlapping jurisdictions, and the complexities of federal governance.

The challenges are further magnified by Nepal's transboundary context. Existing bilateral treaties and agreements with neighboring states have often been criticized as outdated, imbalanced, or inadequate to address to contemporary challenges such as ecological degradation and climate-induced variability in river flows. These limitations underscore the need for cooperative legal mechanisms that go beyond narrowly transactional water-sharing arrangements. Instead, frameworks must address broader ecological realities, including integrated watershed management and ecosystem services, while ensuring equitable distribution and long-term sustainability.

In this context, Mister Aryal argued for the establishment of a more holistic and inclusive governance architecture. Such a framework would integrate national and local governments, civil society organizations, and technical experts into water decision-making processes. Importantly, it would embed climate resilience as a guiding principle, aligning Nepal's domestic legal instruments with regional cooperation mechanisms. A stronger emphasis on participatory governance, environmental justice, and the recognition of local communities' rights and knowledge would strengthen not only the legitimacy but also the effectiveness of water governance in Nepal.

Ultimately, integrated legal protection for water resources must be understood as both a domestic priority and a regional imperative. By harmonizing its water governance frameworks with transboundary agreements, Nepal has the potential to contribute significantly to regional peace and stability. At the same time, ensuring equitable and sustainable water use within its own borders will be key to advancing social justice and economic development. Mister Aryal concluded that the future of water governance in South Asia depends on reimagining legal systems as adaptive, participatory, and resilient tools capable of responding to shared ecological challenges in the Himalayan basin.

Summary of the Intervention by Dr. Alejandro Iza

"The Legal Dimension of Glacier Conservation"

Glaciers represent some of the most vital yet vulnerable ecosystems on the planet. Holding nearly 69% of the world's freshwater reserves, they serve as critical regulators of water flow, biodiversity, and local as well as global climate systems. Their seasonal melting patterns sustain agriculture, drinking water supplies, and hydropower in many regions, particularly across the Andes, Himalayas, and polar zones. Despite their ecological and socio-economic significance, glaciers remain insufficiently protected within existing legal frameworks. While international treaties such as the Ramsar Convention, the Convention on Biological Diversity (CBD), and the Paris Agreement touch on related issues, they do so only indirectly. None provides a targeted, binding legal framework specifically designed for the conservation of glaciers.

At the national level, progress has been uneven. Argentina has emerged as a leader with its pioneering 2010 Glacier Protection Law, which prohibits industrial activities in and around glaciers while recognizing their ecological importance. In contrast, Chile and several other countries continue to treat glaciers primarily as exploitable economic resources, whether for mining, hydropower, or water extraction. This asymmetry in national approaches highlights the lack of coherent transboundary governance, despite the fact that glaciers often cross political borders and serve as shared ecological systems. The absence of clear, harmonized legal standards leaves these fragile environments vulnerable to degradation and exploitation.

Dr. Iza argued that glacier conservation requires nothing less than a new legal paradigm. This paradigm must reconceptualize glaciers not as mere reservoirs of water but as ecosystems in their own right, endowed with ecological, cultural, and spiritual value. Emerging legal innovations—such as granting glaciers legal personhood under the "rights of nature" framework—offer promising pathways for strengthening their protection. Similarly, fostering transboundary cooperation, particularly between states such as Chile and Argentina, could establish shared responsibilities and management systems capable of addressing the ecological realities of glacier conservation.

Ultimately, protecting glaciers is both an environmental and a human imperative. Their rapid retreat under climate change poses existential risks to water security, biodiversity, and the livelihoods of millions of people. Dr Iza concluded with a call to the international legal community: to fill the regulatory void by developing binding legal instruments, promoting regional cooperation, and embedding glacier protection within broader climate and biodiversity frameworks. Without such proactive legal action, the world risks losing these irreplaceable ecosystems before they cross irreversible tipping points.

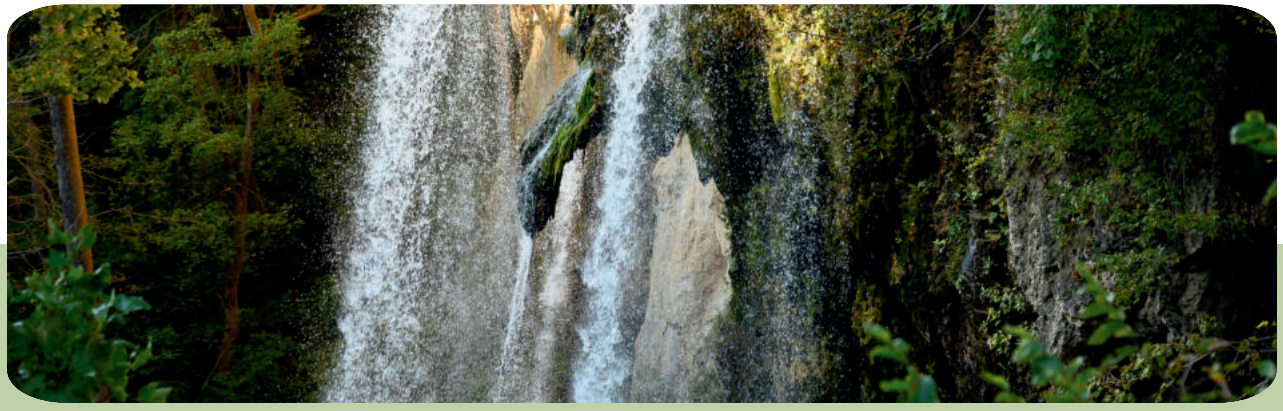
CONCLUSION

Pofessor Michael Hantke-Domas — The Freshwater Rule of Law Manifesto

Mister Michael Hantke-Domas, a Chilean professor and vice-chair of the IUCN Commission on Environmental Law, presented an initiative led by Dr. Stefano Burchi and coauthored by Ms Jessica Troel, Dr. Zaki Shubber and Ms Robyn Stein to modernize global freshwater governance. He emphasized that many existing water laws remain outdated, overly technical, and narrowly focused on allocation, while failing to address today's urgent challenges such as ecosystem degradation, climate impacts, social justice, and human rights. This disconnect undermines both the effectiveness and legitimacy of water governance, calling for a comprehensive legal renewal.

At the center of this reform effort lies the Freshwater Rule of Law Manifesto, which seeks to reframe governance through four essential pillars: public accountability, legal enforceability, judicial independence, and alignment with human rights. These principles are designed to move beyond technocratic approaches, embedding water governance within a broader framework of justice, transparency, and ecological integrity. Mister Hantke-Domas stressed that freshwater law must be understood as more than a technical instrument: it must serve as a guarantor of both sustainability and democratic legitimacy.

The initiative's next steps involve a global consultation process to refine the Manifesto's ten core principles, ensuring they are adaptable across diverse cultural and legal contexts. In addition, practical tools and indicators will be developed to support countries in reforming national water laws. Mister Hantke-Domas concluded that by grounding freshwater governance in a robust rule of law framework, the Manifesto offers a pathway to reconcile efficiency with justice, ensuring that water management serves ecosystems and communities alike in the face of the 21st-century challenges.



PARALLEL SESSION 20 –

A PERSPECTIVE FROM THE PACIFIC; CHALLENGES OF ENVIRONMENTAL HUMAN RIGHTS AND ACCESS TO JUSTICE AND SOLUTIONS

CHAIR :

- **Ms. Maria-Goreti Muavesi,** WCEL Steering Committee Member

SPEAKER:

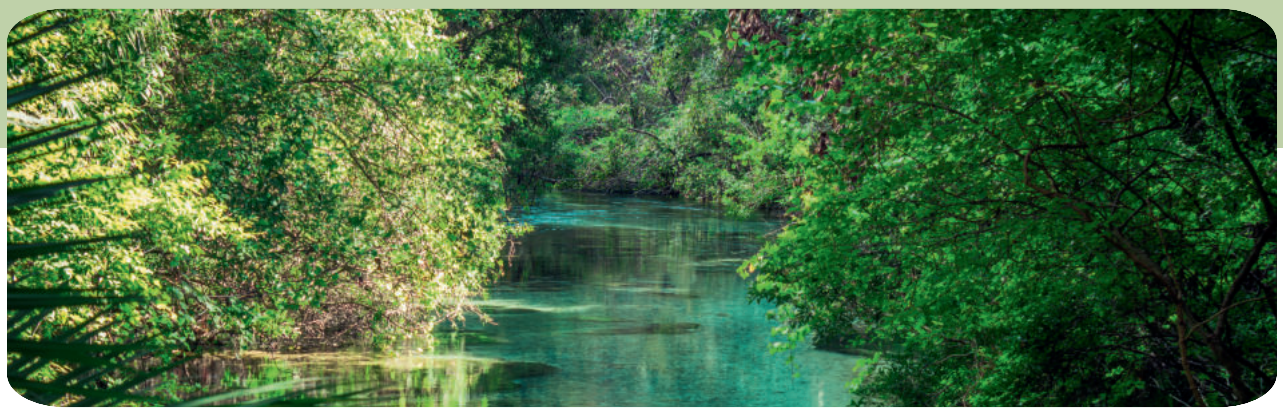
01 - **Dr. Georgina Lloyd Rivera,** Regional Office for Asia and the Pacific, UNEP

02 - **Justice Ambeng Kandakasi,** Deputy Chief Justice, National and Supreme Court of Papua New Guinea

03 - **Mr. Tevita Cagilaba,** Senior Legal Officer, Office of the Attorney General, Fiji

04 - **Ms. Briony Eales,** Team Leader for Judicial Capacity Building in Environment and Climate Change Law, ADP (Online)

05 - **Mr. Martin Cosier,** Environmental Law Specialist (Consultant)



INTRODUCTION

This parallel session, entitled “Enhancing Envrionmental Rule of Law, Human Rights and Access to Justice in the Pacific : Challenges and Regional Solutions”, was presided over by Maria-Goreti Muavesi, Protected Areas and oceans Legal Advisor at Conservation International (Pacific) and a Steering Committee Member of the IUCN World Commission. In her opening remarks, Ms. Maria addressed the panel with a compelling issue rooted in the urgent reality that climate degradation across natural spaces, including air, ocean, and land, poses an immense threat to the livelihoods of Pacific communities and citizens. She stressed that these threats directly affect food security, traditional knowledge systems, public health, and cultural identity. She noted that at the international level, Pacific states are guided by the Kunming-Montrea Global Biodiversity Framework, which commits governments to halt and reverse biodiversity loss by 2030. What sets this framework apart, she noted, is its emphasis on human rights, Indigenous Peoples and local communities, and gender equality as central pillars of implementation. Target 22 was specifically referenced for its call to protect environmental human rights defenders and to embed rights-based approaches in conservation and governance.

As for the regional commitments, Ms. Muavesi referenced the 2050 Strategy for the Blue Pacific Continent, which places people at the heart of the of development and stresses the need to protect both human and environmental rights, and calls for the active participation of women and girls, in all their diversity, in climate action and ecosystem-based governance that respects cultural and customary systems.

She underscored some difficulties and complex challenges in the region due to limited legal and judicial capacity, geographic isolation, plural legal systems, and uneven access to legal remedies, which call for strengthening the environmental rule of law and ensuring access to justice. Despite these obstacles, the speaker highlighted signs of innovation and progress across the region. She pointed to several themes which will be explored during the roundtable, such as:

- national efforts that integrate community-based legal empowerment with environmental governance;
- the development of a Pacific Environmental Dispute Resolution Mechanism, a culturally grounded, Pacific-led process for resolving environmental disputes;
- the emergence of judicial leadership in balancing customary law with formal statutory obligations; and
- increasing regional cooperation aimed at enhancing compliance, resilience, and equitable development through nature-based solutions and upstream planning.

In closing, Ms. Muavesi emphasized that what unites these diverse efforts is the shared recognition that environmental justice in the Pacific must be grounded in local realities and shaped by the communities most directly affected. She called for continued investment in regional and national legal frameworks, capacity-building, and inclusive, rights-based decision-making processes.

Summary of the Intervention by Dr. Georgina Lloyd Rivera

"A Regional Perspective on Access to Environmental Justice in the Pacific and Legal Challenges Faced by Pacific States"

Dr. Georgina Lloyd Rivera, Regional Coordinator for Asia and the Pacific on Environmental Law and Governance at UNEP, emphasized the existential importance of environmental rule of law in the Pacific, a region disproportionately affected by global environmental challenges. Failures to implement multilateral environmental agreements (MEAs) elsewhere—such as CITES, the Basel Convention, UNFCCC, and UNCLOS—have direct consequences for Pacific states, highlighting the urgent need for innovative and collective regional approaches. She encouraged reframing Pacific nations as "big ocean states" rather than "small island developing states," a narrative that reflects their vast maritime zones and growing role in shaping international legal processes, exemplified by the ITLOS advisory opinion request under UNCLOS.

Dr. Georgina Lloyd Rivera introduced two key initiatives designed to strengthen environmental governance and access to justice in the Pacific:

1. the regional codification of environmental rights,
2. the establishment of a Pacific Centre for Environmental Dispute Resolution.

Both initiatives seek to overcome resource and capacity limitations in adjudicating environmental disputes, supported by UNEP, ADB, IUCN, and others through judicial training and open-access courses on InformEA. These courses, addressing both introductory climate law and intermediate access-to-justice topics, exemplify ongoing efforts to enhance adjudicative capacity.

On codification, she underlined the recognition of the human right to a healthy environment at both the UN General Assembly and regional level through the 2050 Strategy for the Blue Pacific Continent, which calls for embedding environmental rights in people-centered development. Led by Vanuatu, with support from Fiji, Papua New Guinea, and international partners (UNEP, ESCAP, OHCHR), the initiative has gained traction and could reinforce future jurisprudence, including the ICJ's anticipated advisory opinion. A baseline study across 14 Pacific Island countries assessed recognition of environmental rights in constitutional, legislative, and sectoral frameworks, as well as mechanisms for participation and access to justice.

The analysis revealed strong reliance on customary land tenure and traditional governance as foundations of environmental stewardship, but limited explicit constitutional recognition of environmental rights, reflecting the unamended nature of constitutions drafted at independence in the 1950s–1960s. Ongoing constitutional reform in Papua New Guinea illustrates an opportunity to strengthen such protections. Despite these gaps, Pacific Island countries have demonstrated leadership in advancing environmental rights and aligning governance with international commitments, most notably through Vanuatu's leadership at the ICJ and regional engagement across MEAs.

Summary of the Intervention by Justice Ambeng Kandakasi

"Environmental Justice in Papua New Guinea"

Justice Ambeng Kandakasi, or Justice Kandakasi for short, is the Deputy Chief Justice of Papua New Guinea (since 2018) and President of the Asia-Pacific Mediation Forum (2024). He is currently a leading judicial expert in alternative dispute resolution (ADR), having pioneered court-annexed mediation systems in PNG and trained judges globally in ADR practices. The speaker opened his intervention with a reminder that the Pacific Island countries contribute minimally to global greenhouse gas emissions, yet they are among the most severely impacted by the consequences of climate change. He warned that some Pacific nations are already witnessing a rapid rise in sea levels, with others on the verge of disappearing after having been submerged. He described this reality as the Pacific "bearing the full brunt of human activity," and stressed the existential nature of the triple planetary crisis; climate change, biodiversity loss, and pollution, for the region.

Moving beyond international frameworks, Justice Kandakasi highlighted the importance of national and domestic efforts, warning that relying solely on international advocacy without ensuring domestic participation would not bring a notable result. Speaking from his experience within the judiciary of Papua New Guinea (PNG), the speaker outlined how the courts are actively contributing to environmental justice. He highlighted the unique powers granted to the judiciary under PNG's Constitution, particularly its authority to develop underlying law based on human rights and public interest principles.

Justice Kandakasi provided two case examples where the judiciary has played a critical role in ensuring environmental and community safeguards:

- *Social Mapping in Extractive Projects*

In one case, a multinational corporation sought to proceed with oil and gas extraction without completing the required social mapping. The court ruled that unless this process was properly carried out—identifying landowners, understanding social dynamics, and assessing ecological impacts, the project could not move forward. An injunction was issued, and the company was ordered to redo the mapping exercise before any license could be granted. The speaker stressed that in PNG, 97% of land is under customary ownership, making such processes essential to environmental justice.

- *Environmental Impact Assessments (EIAs) and Accessibility*

In another instance, a proposed mining project presented technical EIA documents that were inaccessible to local communities. The court intervened after a local-level government sought an injunction. The speaker emphasized that meaningful consultation requires information to be shared in a language and form that people can understand.

Justice Kandakasi continued by sharing a recent case in which he granted injunctive orders to restrain a mining project from proceeding. He then described another significant ruling issued just the week prior, in which he reinforced a ban on logging activities until government authorities comply with earlier court directives. These directives require the state to account for all previously issued logging permits, including the nature of any environmental authorizations, the conditions attached, any harm or damage recorded, and whether remedial actions or compensation had been undertaken.

Expanding the discussion to the regional level, the speaker announced the formation of the Pacific Island Countries Judicial Officers Association (PICJOA). This newly incorporated judicial network aims to connect judges across the Pacific to share knowledge, strategies, and experiences in responding to climate change and environmental justice issues. He explained that the association's first meeting will take place in August, offering a much-needed platform to collaborate across jurisdictions and encourage one another in advancing climate justice.

Justice Ambeng Kandakasi stressed that public awareness and regional coordination are critical, especially given the transboundary and urgent nature of environmental harm. He concluded by sharing plans for the establishment of a Resource, Environment, and Climate Change Judicial Track within Papua New Guinea's legal system. The purpose of this track, he explained, is to ensure specialized attention and expedited handling of climate and environmental cases. He noted that environmental harm often occurs rapidly, and justice mechanisms must be equipped to respond immediately.

Summary of the Intervention by Mister Tevita Cagilaba

"Fiji's Leadership in Environmental Justice in the Pacific Region"

Mister Tevita Cagilaba, Senior Legal Officer at Fiji's Office of the Attorney General, framed his intervention within the broader environmental, cultural, and socio-economic realities of Fiji. An archipelagic state of more than 300 islands, Fiji's biodiversity and natural beauty contrast sharply with its acute vulnerability to climate change. Rising sea levels, severe weather events, and ecosystem degradation compound existing socio-economic challenges, particularly in rural and outer island communities with limited infrastructure. Traditional customs, communal land ownership, and strong cultural ties to the ocean remain central to Fijian society, underscoring the inseparability of environmental resilience and cultural identity.

Mister Cagilaba highlighted Fiji's multifaceted response to these challenges, built on legal, institutional, and community-based strategies. Central to this effort is a comprehensive legislative review aimed at aligning environmental laws with international standards and national priorities. Recent institutional developments include financing mechanisms such as the Environment and Climate Adaptation

Network (ECAN) and expanded budgetary support to the Ministry of Environment and Climate Change. He referenced the 2024 Attorney General's Conference, which convened 400 legal professionals to debate environmental law developments linked to UNFCCC processes. A significant milestone was Fiji's ratification of the Biodiversity Beyond National Jurisdiction (BBNJ) Agreement, marking a major step in marine conservation and sustainable ocean governance.

Domestically, the Fiji Climate Change Act of 2021 has now entered into force, providing a framework for climate action that includes emissions measurement, reporting and verification, a climate relocation trust fund, and financing for adaptation and mitigation programs. These reforms are complemented by participatory governance mechanisms. Mister Cagilaba emphasized that environmental justice in Fiji is grounded in community empowerment: public consultation is institutionalized through the Environmental Impact Assessment (EIA) process, while the National Adaptation Plan Framework ensures inclusion of women, youth, and Indigenous leaders.

Innovative initiatives, such as mobile eco-clinics reaching remote islands and digital platforms for citizen complaints, further strengthen access to justice and accountability. For Mister Cagilaba, these measures demonstrate that environmental resilience cannot be achieved through law alone, but must rest on active community participation and inclusive governance. Fiji thus presents a model of integrated environmental law, institutional innovation, and citizen engagement, aimed at advancing both climate justice and sustainable development in the Pacific.

Summary of the Intervention by Ms. Briony Eales

"Gaps and Solutions for Access to Environmental Justice in the Pacific"

Ms. Briony Eales is a distinguished climate and ESG law specialist with 25 years of expertise in litigation, government advisory, private sector counsel, and Asian Development Bank (ADB) projects, currently leading judicial capacity-building initiatives in climate and environmental law at ADB while consulting on climate policy, environmental governance, and corporate risk management. Ms. Briony opened her intervention by acknowledging the contributions of her co-panellists and introducing the proposal for a Pacific Environmental Dispute Resolution Centre. She highlighted that the idea of a regional response and action to address environmental law challenges in the Pacific is not new, but rather built on decades of efforts by Pacific leaders and institutions. The current proposal comes from a collaborative initiative involving the Asian Development Bank (ADB), UNEP, IUCN, the Asian Research Institute for Environmental Law, and judicial and legal experts across the Pacific.

Ms. Briony Eales and her co-presenter, Martin Cosier, structured their remarks into two parts, with Brioney presenting the context and rationale behind the proposal and Martin focusing on design options. Firstly, she noted that while many environmental and climate laws exist in the Pacific, the implementation gap remains wide—carbon emissions continue to rise, and biodiversity loss accelerates. From a legal perspective, the system is not delivering the results it was designed to achieve. Particularly in the Pacific, she emphasized a significant "justice gap"—a disparity between the legal needs of individuals and their ability to access legal assistance and remedies. This gap is exacerbated by factors such as geographical isolation, limited legal capacity, and institutional constraints across the region.

Secondly, she highlighted that time is of equal importance. While technology and innovation are critical, she argued that what is equally urgent is legal innovation. Environmental problems in the 21st century are complex, transboundary, and systemic, requiring legal mechanisms that are integrated, collaborative, and equitable. The speaker framed the central design question of the proposed Centre in very practical terms: How does this help a Pacific Islander?

Ms. Eals then shifted to emphasize the unique context of the Pacific. She implied that climate change is seen as the greatest threat to the region's future and that Pacific governments have made this a top priority. She referenced Tuvalu's adoption of a climate constitution in 2023, committing the state to protecting those most affected by climate change, despite its small population and the existential risks it faces due to rising sea levels. The speaker also reminded the audience that Pacific advocacy has been critical to many global efforts, including advocacy for the 1.5°C goal established under the Paris agreement, the International Court of Justice advisory opinion initiative, and engagement with the Ecocide movement. However, she added that this leadership must be matched with regional solutions that enhance the rule of environmental law, both domestically and across the region. While the 2050 Strategy does not define the "Pacific way" to adopt the strategy, Brioney noted that around 75% of the region's population is Indigenous, and that customary knowledge and dispute resolution processes, especially those centred on consensus, must be honoured in any regional legal initiative. She went on to outline a series of systemic challenges compounding the justice gap in the Pacific:

- The region spans 165 million square kilometres, but is home to only 2.3 million people, making access to courts and legal services expensive and logistically difficult.
- Legal professions are small and stretched, and environmental legal expertise is limited.
- Except for Papua New Guinea's recent innovations—such as an environmental fast-track mechanism and a network of judicial officers—specialized environmental courts and dispute resolution centres are generally absent.
- There is also limited public awareness of environmental rights and legal options, and few platforms to resolve transboundary issues, despite shared marine and resource systems.

She noted that, unlike regions with institutions like the Singapore International Arbitration Centre, the Pacific lacks a comparable centre focused specifically on environmental and climate-related disputes. She stressed that having to adopt a regional mechanism is not only helpful, but also necessary.

Summary of the Intervention by Mister Martin Cosier

"Key Challenges in Accessing Environmental Justice in the Pacific"

Turning to Martin Cosier, an environmental law specialist, he continued the panel's presentation by outlining the proposed functions and structure of the Pacific Environmental Dispute Resolution Centre, building on the contextual remarks shared by his co-presenter, Ms. Eals.
He explained that the working group behind the initiative, comprising representatives from ADB, UNEP, IUCN, ARIEL, and Pacific legal stakeholders, had identified three core functional pillars for the Centre:

1. Capacity-Building
2. Technical Expertise
3. Multi-Door Dispute Resolution

Continuing with the second function, which is the technical function, Mister Cosier addressed the issue of barriers that the courts face in accessing and interpreting credible expert evidence. He pointed to a recurring challenge raised by Pacific judges: the lack of qualified experts, the high cost of deploying them across the region, and the logistical difficulties of gathering scientific or technical data.

As an example, he cited a Fiji Supreme Court case involving a fuel leak from an underground tank, where deficiencies in expert evidence led to multiple appeals and a 15-year delay in achieving resolution. He stressed that timely access to qualified experts could drastically improve the effectiveness and efficiency of environmental adjudication. To address this, the Centre could maintain a regional register of vetted environmental experts available to support courts across the Pacific. It could also help build a network of judges with environmental expertise, enabling them to advise peers or serve on green benches or appellate bodies. He noted that while judicial secondments from Australia and New Zealand are common, there is an urgent need to develop and rely on Pacific judges to respond to Pacific challenges.

Finally, Mister Cosier proposed that the Centre might eventually serve as a form of environmental ombudsman or public advocate, empowered to investigate complaints and propose remedies. This would mirror the suo motu powers discussed by Justice Kandakasi and respond to the difficulty many individuals and communities face in initiating legal claims or defending their environmental rights.

He acknowledged that this function would raise complex questions about jurisdiction, enforcement, and sovereignty, and would require substantial political negotiation and legal development. However, he stressed the importance of keeping this long-term vision in view.

Mister Cosier concluded by describing the third function, multi-door dispute resolution, as a longer-term ambition for the Centre. This model would allow the Centre to offer multiple forms of resolution, including mediation, arbitration, and potentially adjudication, for a wide range of environmental disputes. These might involve:

- State-to-state conflicts
- Disputes between states and private actors
- Disputes between private parties

In the long term, he suggested, the Centre might even be empowered to issue advisory opinions or binding decisions, but only after a period of operation and confidence-building among stakeholders.

He stressed that any dispute resolution mechanism must operate on the assumption that Pacific environmental challenges—such as marine pollution, biodiversity loss, and fisheries degradation—are issues of common concern that often transcend national boundaries.

CLOSING PLENARY

CAN A RIGHT TO A SAFE AND HEALTHY ENVIRONMENT ENSURE INTEGRATED ENVIRONMENTAL PROTECTION?

CHAIR:

- **Prof. Agnès Michelot,** University of La Rochelle / WCEL Steering Committee member

SPEAKERS:

01 **Ms. Astrid Puentes Riaño,** UN Special Rapporteur on Human Rights and the Environment (Online)

02 **Ms. Elisa Morgera,** UN Special Rapporteur Climate change and HR (Online/Video Address)

03 **Mr. Marcos Orellana,** UN Special Rapporteur on Toxics and Human Rights

COMMENTS BY:

01 **Prof. Cesar Rodriguez Garavito,** New York University (Online)

02 **Prof. Marie-Claire Cordonier Segger,** University of Cambridge

03 **Prof. Montserrat Abad Castelos,** Universidad Carlos III de Madrid

04 **Ms. Jordan Diamond,** Environmental Law Institute (ELI) (Online)

INTRODUCTION

Professor Agnès Michelot opened the plenary by framing the central question: whether and how the recognition of the right to a clean, safe, and healthy environment can serve as a mechanism for achieving integrated and systemic environmental protection. She underscored the critical importance of this right at the intersection of human rights law, environmental governance, and sustainable development, and introduced the three UN Special Rapporteurs and additional distinguished commentators.

Summary of the Intervention by Ms. Astrid Puentes Riaño

UN Special Rapporteur on Human Rights and the Environment

Ms. Puentes Riaño reaffirmed the significance of the recognition of the right to a healthy environment by the United Nations Human Rights Council in 2021 and the General Assembly in 2022, a landmark achievement now formally acknowledged by 164 states. This global endorsement reflects a growing consensus that environmental protection is inseparable from the enjoyment of fundamental human rights and provides a strong legal and moral foundation for advancing sustainable governance.

She outlined the substantive components of this right, which extend beyond abstract principles to tangible necessities of life. These include the right to clean air, sufficient water, safe and healthy food, a stable climate, thriving ecosystems, and a non-toxic environment. Together, these elements demonstrate that the right to a healthy environment is not only about preventing harm, but also about ensuring the conditions needed for human dignity and well-being.

At the normative level, Ms. Puentes Riaño emphasized the guiding principles of universality, indivisibility, and interdependence of all human rights. She argued that environmental protection and economic development must not be treated as opposing objectives, but as mutually reinforcing goals. This approach reframes governance models, rejecting false trade-offs and instead promoting integrated solutions that place both people and nature at the center of decision-making.

Finally, she highlighted the obligations of states and the importance of procedural guarantees. States must prevent and remedy environmental harm for both present and future generations, an interpretation endorsed by judicial bodies such as the Inter-American Court of Human Rights and the International Court of Justice. Equally important are procedural rights, including access to information, public participation in environmental decision-making, and effective access to justice. She also drew attention to the urgent need for stronger protection for environmental defenders, who play a vital role in safeguarding the right to a healthy environment.

Summary of the Intervention by Ms. Elisa Morgera

Special Rapporteur on the Promotion and Protection of Human Rights in the Context of Cimate Change

On a final note, Ms. Elisa Morgera emphasized the transformative role of the right to a healthy and sustainable environment in advancing integrated environmental protection and human rights. Recognized by the UN Human Rights Council in 2021 and the General Assembly in 2022, this right now enjoys widespread support, with 164 states and most national authorities formally acknowledging it. It encompasses both substantive elements—such as clean air, a safe climate, sufficient water, healthy food, non-toxic environments, and biodiversity—and procedural rights including access to information, public participation, and access to justice.

Ms. Morgera further highlighted how this right reframes environmental governance through core human rights principles: universality, indivisibility, interdependence, and non-discrimination. These principles reject the false dichotomy between environmental protection and economic development, instead promoting a model that places both people and nature at the center. This shift encourages a deeper understanding of humanity's relationship with nature —not as separate or extractive, but as interconnected and reciprocal. It also supports the inclusion of marginalized communities such as Indigenous peoples, Afro-descendants, peasants, women, and youth, whose knowledge and lived experiences are vital to shaping equitable and effective environmental policies.

The intervention also stressed the obligation of states to protect the rights of present and future generations. This includes preventing significant environmental harm and regulating public and private activities that pose risks to ecosystems and human health. In the face of the triple planetary crisis—climate change, biodiversity loss, and pollution—states must adopt precautionary measures when scientific uncertainty exists, especially where irreversible damage is possible. Examples such as deep-sea mining and geothermal exploitation were cited as areas where moratoriums or bans may be necessary, in line with guidance from international bodies like the Convention on Biological Diversity and the IUCN.

Finally, Ms. Morgera called for the application of existing human rights standards to all environmental actions and policies. This avoids starting from scratch and leverages decades of progress in human rights law, including protections for vulnerable groups and mechanisms for accountability.

It also enables the integration of diverse knowledge systems and intersectional perspectives, helping to fill policy gaps and prevent harmful practices such as fortress conservation, which have led to serious human rights violations. Equitable access to information, justice, and participation were identified as essential components of environmental rule of law and key challenges for the realization of the right to a healthy environment.
Ms. Morgera concluded by framing this right as a legal and ethical bridge between fragmented domains of law, science, and policy. It offers a unified approach to protecting both the planet and its people, recognizing the interconnectedness of Earth's systems and the shared responsibility of all. As she noted, the right to a healthy environment is not merely aspirational—it is the missing link that law needs to respond to today's global ecological crises.

Summary of the Intervention by Dr. Marcos Orellana

UN Special Rapporteur on Toxics and Human Rights

Dr. Marcos Orellana began by recalling that the United Nations Human Rights Council was created with the understanding that exposure to hazardous substances and wastes can severely encroach upon internationally protected human rights. Reflecting on the interrelations between the right to a clean, healthy, and sustainable environment and multilateral environmental agreements (MEAs), he noted that while this relationship is only briefly addressed in the recent Human Rights Council and General Assembly resolutions recognizing the right, the operative language already suggests that its implementation requires the full realization of environmental treaty commitments—even where these involve contested principles such as common but differentiated responsibilities. To explore this interaction, Dr. Orellana developed three points.

First, treaty parallelism:
Environmental and human rights treaties often overlap, and such overlap should not be presumed to create conflict. As illustrated in the International Tribunal for the Law of the Sea's advisory opinion on climate change, UNCLOS and the Paris Agreement coexist, with each establishing complementary obligations. Similarly, the European Court of Human Rights has clarified that compliance with the Paris Agreement can inform—but does not replace—obligations under the European Convention. The implication, Dr. Orellana argued, is that international law must accommodate the coexistence of treaties, applying principles such as lex specialis or lex posterior only in cases of real conflict. Environmental treaties, unlike boundary treaties, are inherently dynamic, evolving to address shifting ecological challenges while remaining compatible with human rights frameworks.

Second, interpretation and normative content.
The right to a healthy environment serves as an overarching framework, while MEAs provide the necessary specificity. Dr. Orellana described this relationship through the metaphor of a wine glass: human rights provide the structure, while environmental law fills it with the "liquid" of concrete standards—emission limits, pollution thresholds, biodiversity safeguards. Case law demonstrates this synergy. In Trafigura (2006), the African Court on Human and Peoples' Rights relied on the Bamako Convention to substantiate a violation of the African Charter's environmental rights. In Urgenda (2019), the Dutch Supreme Court found that unmet climate commitments violated human rights. And most recently, the European Court of Human Rights in KlimaSeniorinnen v. Switzerland integrated the principle of common but differentiated responsibilities into its interpretation of states' due diligence obligations. Together, these cases illustrate how MEA breaches can establish violations of the right to a healthy environment, while MEA principles enrich the interpretation of human rights law.

Third, implementation and limits.
A more controversial question arises when states invoke compliance with MEAs as sufficient to discharge human rights obligations. The Minamata Convention on Mercury illustrates the problem. Small-scale gold mining—the largest global source of mercury emissions—is not prohibited under the treaty but only subject to progressive reduction. Negotiators justified this compromise in the name of sustainable development, to protect the livelihoods of millions of miners in extreme poverty. Yet mercury exposure causes devastating and irreversible harm, particularly among Indigenous peoples, women, and children, while also driving ecological collapse. For Dr. Orellana, this reveals a deeper tension: while MEAs may legitimize compromises, human rights obligations demand stronger protection against such toxic exposures.

Dr. Orellana concluded that MEAs and human rights law should not be viewed in isolation or in hierarchical terms but as mutually reinforcing regimes. However, true protection requires careful interpretation to avoid gaps, the use of environmental standards to substantiate rights, and the refusal to let treaty compromises dilute states' duty to prevent serious harm. Ultimately, the right to a healthy environment should function as a normative bridge, ensuring that sustainability and justice are pursued together and that human dignity remains at the center of environmental governance.

Commentators—

Professor César Rodríguez-Garavito– NYU School of Law

Professor César Rodríguez-Garavito reflected on the transformative role that the right to a healthy environment has played in advancing both environmental and human rights governance. Drawing on two decades of research and litigation experience—soon to be published in a forthcoming book—he traced the evolution of rights-based climate litigation from its beginnings in the early 2000s to its current global reach. His research team at NYU has documented nearly 500 cases worldwide, highlighting that this is no longer a phenomenon limited to Latin America or Europe, but a truly global legal movement. What was once seen as an unlikely and even marginal cause—suing governments or corporations for insufficient climate action based on human rights arguments—has become a mainstream strategy shaping climate governance.

He emphasized that the right to a healthy environment has served as a crucial bridge between environmental law and human rights law. Initially championed by environmental lawyers, this integration has since gained wide acceptance among human rights courts, domestic tribunals, and international bodies. Concepts that were once novel or contested in human rights law—such as intergenerational justice, the rights of future generations, and multidimensional environmental harms—are now increasingly embedded in legal reasoning and judicial practice. Rodríguez-Garavito recalled that when he first engaged in UN consultations under Special Rapporteur John Knox, human rights experts were outnumbered by environmental lawyers, but today the two fields have converged in a highly symbiotic way.

Finally, he highlighted how rights-based climate litigation has translated broad, open-ended international commitments—such as those in the Paris Agreement—into enforceable domestic obligations. By grounding abstract promises in justiciable claims, litigants and courts have compelled governments to adopt more ambitious climate policies and corporate actors to strengthen their accountability. From Brazil to Germany to the Philippines, this wave of litigation demonstrates how human rights arguments can bring international climate goals “down to earth,” ensuring concrete action where political will and policy mechanisms fall short. For Rodríguez-Garavito, this integrative role of the right to a healthy environment represents one of the most significant advances in international law and governance in the past twenty years.

Professor Marie-Claire Cordonier Segger –University of Cambridge

Professor Marie-Claire Cordonier Segger began by highlighting the remarkable contributions of Indigenous scholars, professors, and students in advancing Indigenous law. To illustrate its transformative potential, she recounted her own experience during her doctoral studies at Oxford, when she became involved in what became the world's first "seed claim," a case that lasted 19 years. The claim was brought by the Noachanic people of the Ha'uusa First Nation, located near Tofino on Canada's west coast within a UNESCO Biosphere Reserve. Their argument was groundbreaking: as saltwater people, their territory was not the land but the ocean, and their right was to steward this marine environment as their ancestors had done for generations.

The legal battle, which traversed multiple levels of courts, was ultimately successful. Yet the victory was not framed in terms of sovereignty alone—it was about stewardship, cultural continuity, and a worldview that regards water as a living being rather than an inanimate resource. Following the decision, the Indigenous community sought co-management arrangements with non-Indigenous actors to care for the ocean. They confronted industrial fish farming, shutting down half of the operations while negotiating coexistence with others. At the same time, they developed sustainable enterprises, such as seafood businesses supplying Vancouver, as a way to exercise their recognized right to a sustainable environment. This story underscored the resilience of Indigenous governance, even in the face of governmental resistance to acknowledging what communities had always known—that they were the rightful stewards of their environment.

Ms. Cordonier Segger then connected this experience to broader reflections on legitimacy in international law. Inspired by interventions from colleagues, she argued that law must not be assessed only in terms of legality but also in terms of legitimacy. Participation, agency, and recognition are what give legal systems meaning. Legitimacy arises when people feel they have a voice in the rules that govern them. This was exemplified by youth mobilization: children—including her own son—have taken agency by contributing to global consultations on climate justice, producing educational materials, and demanding recognition of the links between climate change, biodiversity, and human rights. Projects like Voices of Future Generations show how children can speak powerfully for themselves and for future generations, often with greater resonance among peers than politicians or celebrities.

Finally, Ms. Cordonier Segger emphasized the urgency of strengthening capacity for participation in international processes. Many of the countries most affected by climate change—particularly small island states—enter negotiations with limited resources and representation. Yet, as one delegate remarked, "we may lose, but

we have nothing left to lose, so we will take the chance." Building capacity is therefore essential, whether through training programs like WTEL's courses or by empowering communities to become educators themselves. In closing, she affirmed that the right to a sustainable environment must be understood not only as a legal entitlement but also as a lived practice of stewardship, agency, and solidarity—bridging generations and offering hope in the face of global ecological crises.

Professor Montserrat Abad Castelos – Carlos III University of Madrid

Professor Montserrat Abad Castelos framed her intervention around four interrelated aspects: context, conceptual approach, the role of the private sector, and accountability. She began with the global context, noting how geopolitical rivalries and competition for critical natural resources are fueling environmental degradation, human rights violations, and even armed conflicts. Examples such as cobalt mining in the Democratic Republic of Congo, gold smuggling in Sudan, and resource exploitation in occupied territories demonstrate how extractive industries often operate in fragile environments where human rights, environmental law, and international humanitarian law are routinely violated. For Castelos, addressing the resource–conflict nexus is therefore essential to both peacebuilding and environmental protection.

Her second point focused on the conceptual approach. International law, she argued, remains largely shaped by colonial legacies that normalize extractivism and perpetuate inequalities, particularly in the Global South. Current frameworks governing the exploitation of resources such as oil, gas, minerals, land, water, and wildlife fall short in addressing these structural injustices. A broader set of conceptual perspectives is therefore needed—ones that include recognition of the rights of nature, environmental justice, and the specific historical experiences of formerly colonized societies. Without this, cycles of violence and degradation are perpetuated. A decolonial and justice-centered approach is necessary to ensure meaningful participation, fair treatment, and access to remedies for marginalized communities.

Turning to the private sector, Castelos emphasized that multinational corporations often cause severe transboundary harm while concealing responsibility behind opaque legal structures. While frameworks such as the UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises have helped shift expectations toward greater corporate responsibility, they remain voluntary in nature. By contrast, new domestic and European directives are beginning to impose binding obligations, yet these instruments still contain significant gaps, leaving many enterprises beyond their reach. Greater transparency, stronger regulation, and effective enforcement are thus critical to align corporate conduct with the right to a healthy environment.

Finally, Ms. Castelos addressed accountability and remediation. She stressed that recognition of the right to a healthy and sustainable environment must be accompanied by robust systems of accountability, both at the national and international levels. Echoing the call of UN Special Rapporteur Francesca Albanese, she underlined how environmental degradation, systemic violence, and humanitarian crises intersect in contexts such as Palestine, which she described as a "living test of the cohesion of international law." Ultimately, she concluded,

Ms. Jordan Diamond – Environmental Law Institute

Ms. Jordan Diamond closed the panel by underscoring the recognition of the right to a healthy environment by the United Nations as a truly monumental step in the evolution of international environmental law and governance. This milestone, she noted, reflects decades of advocacy and provides a powerful normative foundation for advancing environmental protection worldwide.

She echoed the repeated calls made throughout the session for governance approaches that are integrated, inclusive, precautionary, and adaptive. Such approaches, she stressed, are essential to addressing the complex, interconnected challenges posed by climate change, biodiversity loss, and pollution.

In conclusion, Ms. Diamond emphasized that the realization of this right ultimately depends on its interpretation and implementation. As highlighted by all speakers, the effectiveness of the right will be measured not by its formal recognition alone, but by how it is translated into concrete laws, policies, and practices that protect both people and the planet.

Summary, awards and closing

Closing and Perspectives – Reflections on the IUCN World Environmental Law Congress

Mister Ayman Cherkaoui, Director of the Hassan II International Center for Environmental Training and Deputy-Chair of the WCEL, closed the Congress by warmly thanking all participants, speakers, session chairs, technical teams, and institutional partners, including UNEP, ICEL, and the IUCN Specialist Groups. He recalled the importance of interdisciplinary, intercultural, and intergenerational collaboration, noting that over 1,000 online participants, more than 200 in-person attendees, and 180 speakers had contributed to the nine main sessions and 20 parallel sessions of the Congress.

Mister Cherkaoui emphasized the central role of environmental law, not only as a regulatory tool but also as a vehicle for proactive action, capable of integrating science, tradition, and marginalized voices. He also highlighted a key moment of the Congress: the presentation of the 2025 Nicholas A. Robinson Award for Excellence in Environmental Law and Policy to Prof. Cymie Payne, Chair, WCEL Ocean Law Specialist Group, to Prof. Francesco Sindico, Co-Chair WCEL Climate Change Law Specialist Group and to Claudia de Windt, Executive Director, Inter-American Institute on Justice and Sustainability (IIJS) / WCEL Steering Committee member.

Finally, he highlighted the upcoming activities to be organized by the Centre immediately following the Congress, including a workshop on the United Nations Convention on the Conservation of Marine Biodiversity in Areas Beyond National Jurisdiction (BBNJ) and a preparatory workshop for the third UN Ocean Summit, in partnership with the French Embassy in Morocco. He concluded by stressing that environmental law must serve as a catalyst for collective action to secure justice, protect nature, and ensure a sustainable legacy for future generations, while inviting participants to join and support the IUCN WCEL global network.

Centre International Hassan II
de formation à l'environnement

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