CLIMATEXLAW

Reconceptualising Legal Paradigms for Climate Change

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Faculty of Law, University of Ljubljana

BOOK OF ABSTRACTS

PF UNIVERSITY OF LJUBLJANA Faculty of Law

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Conference overview

ClimateXLaw is an international, interdisciplinary conference that brings together scholars, practitioners, policymakers, and civil society to rethink how law can respond to climate change as a persistent, systemic condition rather than a temporary emergency. The conference fosters dialogue across law, environmental science, social science, economics, urban studies, Indigenous knowledge systems, and technology studies to develop durable, equitable, and practical legal frameworks for socio-ecological resilience and justice.

Purpose and scope

ClimateXLaw provides a forum for presenting original research, exchanging policy-relevant ideas, and building collaborative networks. The conference emphasises:

- **Interdisciplinarity** and integration of empirical, doctrinal, theoretical, and policy work.
- **Normative innovation** that centres climate justice, human rights, and ecological protection.
- **Practical engagement** with governance, regulatory design, cities and resilience, resource management, and digital tools for climate governance.
- **Knowledge exchange** with Indigenous communities, NGOs, industry stakeholders, and public institutions.

Abstracts and responsibility statement

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PANEL 1: Climate Emergency vs. Climate Urgency

Climate Prioritisation Beyond the Emergency Paradigm: Comparative Constitutional Climate Adjudication and the Rule of Law

Author: Anastasios Pavlopoulos

Biography:

Dr. Anastasios Pavlopoulos is an academic-practitioner in public law based in Athens, Greece, combining university teaching with active litigation and advisory work. He is an Attorney at the Supreme Court of Greece and an Adjunct Lecturer with extensive teaching experience across Greek and Cypriot universities.

His research and teaching focus on constitutional and administrative law, environmental and urban planning law, public procurement, and social rights. He has held postdoctoral research positions, contributed to comparative constitutional scholarship, and authored monographs and numerous articles on topics including the constitutional protection of work, environmental law, and the use of comparative methods in adjudication.

In practice, Dr Pavlopoulos represents clients in administrative, tax, social security, immigration, and urban-planning matters and serves as external counsel to municipal legal services. He is fluent in English, French, and German, and holds a Ph.D. in Public Law (A.U.Th.), an LL.M. in Constitutional Law, and an LL.B.

Abstract:

This paper examines whether contemporary climate law is truly embracing an emergency paradigm or instead developing a more disciplined constitutional model of climate governance. It argues that the most significant judicial and legislative developments do not validate exception-based government. Rather, they elevate climate protection into a normatively weighty public objective that must still be pursued through legality, proportionality, transparency, participation, and effective judicial protection.

The paper develops a distinction between *climate emergency* and *climate prioritisation.* The former risks normalising procedural shortcuts, weakened scrutiny, and a priori hierarchy of values in which climate concerns automatically prevail over competing rights and institutional safeguards. The latter better captures the emerging legal structure of climate governance: climate protection increasingly operates as a guiding consideration of heightened constitutional importance, yet still within a framework of balancing, justification, and rule-of-law constraints.

Methodologically, the paper combines doctrinal and comparative constitutional analysis. It reads key decisions —including *Urgenda*, the German Federal Constitutional Court's 2021 Climate Protection Act judgment, the ECtHR Grand Chamber's *KlimaSeniorinnen* ruling, and recent Indian climate-rights jurisprudence — not as endorsements of constitutional exception, but as attempts to recast climate governance through positive obligations, intertemporal rights reasoning, legislative duties of framework-setting, and procedural guarantees such as access to justice and reason-giving.

The paper's broader claim is twofold. First, the rule of law is not a brake on climate ambition but its institutional precondition: durable climate governance requires clear norms, reviewable decisions, and courts capable of disciplining public power while responding to legislative and administrative inertia. Second, climate prioritisation better explains the current trajectory of climate adjudication than the language of emergency. By distinguishing prioritisation from exception, the paper offers a more precise vocabulary for understanding how legal systems can confront climate urgency without sacrificing constitutional legitimacy.

Climate Law and the Limits of Legal Ordering

Author: Seita Vesa

Biography:

Dr. Seita Vesa is a Professor of Environmental Law, with a focus on sustainability transformation, at the University of Eastern Finland's Center for Climate Change, Energy, and Environmental Law (CCEEL). At UEF Law School, Professor Vesa serves as the Head of Law School. In addition, they are affiliated as a Principal Researcher at the Finnish Environment Institute's Climate Solutions Unit (SYKE).

Their research spans international and EU environmental and climate law, covering topics such as the legal frameworks governing the LULUCF and effort sharing sectors, renewable energy, forests and bioenergy, sustainability transitions and transformation, environmental protection, and Arctic environmental law. Their theoretically oriented work examines the capacities of law in sustainability transition and transformation and decarbonization, with particular attention to the development of EU climate law and its intersections with environmental and energy law. A further core focus is the relationship between law and science, including questions of legitimacy.

Professor Vesa is actively involved in research projects and has served, for example, as co-Principal Investigator of the SRC RELIEF project since 2023.Their teaching focuses primarily on EU environmental and climate law. They supervise both PhD researchers and Master's students and have extensive experience in developing and managing international Master's programmes.

Beyond academia, Professor Vesa is actively engaged in expert and advisory roles at the national and international levels. They contribute to policy-relevant and decision-supporting processes through participation in working and steering groups, are regularly appointed to scientific evaluation and expert panels, and provide consultancy in environmental law to public and other institutional actors.

Abstract:

Climate law has evolved into a distinct field shaped by scientific knowledge, growing awareness of climate change as a systemic problem, and a persistent sense of urgency. As climate change becomes a structural condition rather than an exceptional event, climate law must be reconsidered not only as a specialised field of regulation and legal instrumentalisation, but also as a site for interrogating law's role in systemic transformation. This presentation argues that climate law scholarship must move beyond a focus on ambition, target-setting, and incremental regulatory expansion towards a more structural account of how legal systems operate under conditions of sustainability transition. In this context, climate law is best understood as a transformative domain that exposes and tests the limits of legal ordering.

The argument is illustrated through examples from EU climate and sustainability law, addressing both procedural and substantive dimensions. First, the enforcement architecture of EU climate law reveals a shift from formal compliance to managed non-compliance: binding targets and corrective mechanisms increasingly presuppose persistent gaps between legal obligations and Member States' capacity to deliver. Second, the regulation of critical raw materials shows how climate objectives generate new material dependencies and redistribute environmental and social risks through fragmented frameworks.

These examples show that climate law is no longer primarily concerned with securing compliance, but with organising trade-offs where full compliance may be unattainable and sustainability objectives are internally in tension. This points to a condition of systemic legal strain, in which law must steer transformation while accommodating constraint and preserving legitimacy. Climate thus law reveals a mode of governance that departs from linear implementation and stable alignment between norms and outcomes, operating instead through adjustment, prioritisation, and compromise. It provides a concrete basis for rethinking legal reasoning and institutional design in an era of structurally embedded socio-ecological change.

PANEL 2: Climate Accountability in Business and Finance

Climate Commitments and Accountability of Multilateral Development Banks: Internal Mechanisms and Domestic Litigation After Jam v. IFC

Author: Maruša T. Veber

Biography:

Maruša T. Veber (PhD) is an Assistant Professor of international law and Director of the Institute for International Law and International Relations at the Faculty of Law of the University of Ljubljana. Previously, she was a visiting researcher at the University of Auckland Law School, the Graduate Institute of International and Development Studies, the University of Hull Law School, and the United Nations University Institute on Comparative Regional Integration Studies (UNU-CRIS). She is editor-in-chief of the Ljubljana Law Review (LLR), a rapporteur at the Oxford International Organizations (OXIO) database, and a member of the Multidisciplinary International Network on Sanction (MINOS).

Abstract:

Multilateral development banks (MDBs) have committed themselves to increasing climate finance and supporting the outcomes of the Paris Agreement in their joint statement 'Delivering Climate Change Action at Scale: Our Commitment to Implementation' and increasingly adopt internal climate change-related commitments, including action plans such as the 'World Bank Group Climate Change Action Plan (2021-2025).' Yet in practice, MDBs' activities often depart from these commitments, for example, through the financing of major coal power plants in developing countries, which adversely affect the natural environment and local communities of recipient states.

This article examines the avenues available to project-affected communities seeking to challenge MDB-financed activities that allegedly fail to comply with the banks' climate commitments, operational policies, and environmental and social standards. Based on an analysis of two major International Finance Corporation (IFC) projects related to the funding of coal power plants in India and the Philippines, the paper outlines two pathways: 1) internal accountability mechanisms and 2) external responsibility mechanisms, enabling challenges before national courts beyond the rules on immunities. While internal mechanisms, such as the World Bank Group's Inspection Panel and Dispute Settlement Resolution Services, as well as the IFC's Compliance Advisor Ombudsman, can facilitate investigation, compliance review, and dispute resolution, their effectiveness is limited by institutional dependence, restricted remedial powers, and difficulties in securing implementation. On the other hand, a

decision of the United States Supreme Court in the Jam v. International Finance Corporation case rejected the proposition that international organisations necessarily enjoy virtually absolute immunity under the International Organizations Immunities Act and held that their immunity generally corresponds to the restrictive immunity afforded to foreign states. The judgment potentially expands the circumstances in which claims against MDBs may be brought before US courts, but it does not remove the substantial jurisdictional, procedural, and substantive barriers facing affected communities. The article argues that internal mechanisms and domestic litigation should be understood as complementary but incomplete forms of accountability: the former provide institutional access but limited remedies, while the latter may offer legally enforceable relief only in narrowly defined circumstances.

Corporate Accountability at the Climate/Security Nexus

Author: Suzanne Verrall

Biography:

Dr Suzanne Varrall is a Laureate Research Fellow in International Law at the University of Melbourne, where she works on corporate accountability, climate change, and international security. Her areas of expertise include international humanitarian law, international criminal law, business and human rights, and transnational corporate accountability. She is an interdisciplinary scholar working across the fields of international law, international relations and political science. Her professional experience spans academia, legal practice and government.

Suzanne completed her doctoral research at the University of NSW (UNSW) in 2025, examining corporate accountability for transnational arms transfers across multiple global legal and regulatory regimes. Her forthcoming monograph develops this research, and she is currently extending the analytical framework to climate change as part of the Laureate Program on Global Corporate Climate Accountability at the University of Melbourne, including the intersection of climate change, conflict, and corporate conduct. She has published in the areas of international criminal law and nuclear non-proliferation and has held teaching roles in international humanitarian law, international criminal law, public international law and administrative law at UNSW, the University of Sydney, and Macquarie University. She is the recipient of the 2026 Australia and New Zealand Society of International Law (ANZSIL) Alice Edwards Breakthrough Researcher Prize; Co-Chair of the ANZSIL International Peace and Security Interest Group, and an Editor of ANZSIL *Perspective*. Suzanne has a PhD in international law, a Masters of International Affairs, a Juris Doctor, and an Honours degree in Economics and Political Science.

Abstract:

Climate change is increasingly recognised as a structural driver of resource scarcity, displacement, and violent conflict globally. Yet, where corporate actors contribute to this chain of harm, international law currently lacks a coherent framework for accountability. Existing legal responses are shaped by a crisis paradigm ill-suited to the enduring, systemic nature of climate-related insecurity, and fragmented across regimes that address climate obligations, corporate conduct, and peace and security in isolation from one another. This paper argues that overcoming such limitations is necessary to develop a coherent legal response to corporate involvement at the climate/security nexus.

The paper examines horizontal and vertical dimensions of governance to propose an integrated due diligence framework for corporate accountability at the climate/security nexus. Horizontally, the analysis examines three regulatory pathways relevant to corporate accountability and climate-related conflict: (1) environmental due diligence obligations under emerging climate law frameworks; (2) conflict-sensitive business practice standards under the UN Guiding Principles and international humanitarian law; and (3) evolving accountability mechanisms under international criminal law, including criminalisation of environmental harm. Vertically, the paper considers the interaction of international, transnational, and domestic levels of governance in regulating corporate conduct in this space.

The paper applies this framing to the extractive and agricultural sectors across both the horizontal interplay of legal regimes and the vertical reach from international standards to domestic regulatory contexts. It interrogates whether the tensions identified require fundamental reform of international law, or whether harmonised standards that recognise the climate-security nexus as a foreseeable, systemic risk could better operationalise corporate accountability within existing frameworks. Finally, the paper will consider the implications of this analysis for how international law reconceptualises the relationship between climate change, corporate conduct, and the governance of conflict.

Climate Change and Civil Liability Rule

Author: Gennaro Di Martino

Biography:

Gennaro Di Martino is an Adjunct Professor of Private Law at the Catholic University of the Sacred Heart and a Research Fellow in Comparative Private Law at the University of Palermo. His work focuses on civil liability, defective products, intelligent medical devices, consumer information, and the legal implications of artificial intelligence.

He previously held postdoctoral positions at the University of Naples “L’Orientale” and the National Research Council of Italy (CNR), where he researched topics ranging from AI and fundamental rights to EU regulation of consumer information on food products. As noted in his CV, his research at L’Orientale examined *“Artificial Intelligence, Recommender Systems and Fundamental Rights: Regulatory Framework and Protection Models”* and his CNR fellowship focused on *“European Union Regulation on Mandatory and Voluntary Consumer Information on Nutritional and Health Characteristics of Food Products”*.

Di Martino is the author of numerous journal articles and book chapters on private law, product liability, and technological innovation. He is an active speaker at national and international conferences, including keynote lectures on AI-generated damage and defective products in modern safety systems. He serves on the editorial boards of *Rivista di diritto dell’impresa* and *Rivista critica del diritto privato* and is an associate member of the Associazione Civilisti Italiani.

Abstract:

Climate change is driving enterprises to fundamentally reconfigure their production models, an evolution that will profoundly affect prevailing notions of product safety and quality and, consequently, entail a deep redefinition of the boundaries of business risk.

In this context, civil liability rules can play a critical function in guiding business strategies. As the European Union has affirmed, “safety and liability” must be conceived as “two sides of the same coin”: distinct yet complementary regulatory regimes that apply at different stages and mutually reinforce one another.

From this point of view my objective is to critically assess whether the new Product Liability Directive is effectively aligned with the existing framework of preventive regulation (such as the General Product Safety Regulation, the Ecodesign for Sustainable Products Regulation and the Corporate Sustainability Due Diligence Directive). These regulations establish a set of safety and quality requirements that products must meet in order to be placed on the market. But what happens when products that fully comply with such preventive norms nonetheless cause harm to users? In this regard, it will be essential to examine – primarily, though not exclusively – the legal concepts of “defectiveness”, “development risks”, and “legal requirements” (sometimes referred to “mandatory”), the fulfilment of which determines whether or not an economic operator may be held liable. In addition, the current large-scale model of consumer goods production raises concerns that go beyond individual harms caused by defective products, extending to broader societal impacts. Products manufactured using polluting substances or through business strategies that prioritize short-term cost-efficiency over long-term sustainability contribute to the widespread circulation of goods that are environmentally unsustainable.

These dynamics may generate far-reaching implications for society at large, and from this perspective, I question whether civil liability rules are truly capable of steering business decisionmaking towards the internalisation of such costs or whether these externalities ultimately end up being borne entirely by society

PANEL 3: Climate Change and Human Rights

The regulation and governance of corporate climate justice: An interdisciplinary approach grounded in human rights due diligence

Author: Boudewijn de Bruin

Biography:

Boudewijn de Bruin works at the intersection of business ethics, human rights, and sustainability, with a particular focus on the challenges that climate change and biodiversity loss pose for business and finance. He collaborates with both profit and non-profit organisations to help them navigate complex integrity management and sustainability issues. His approach is interdisciplinary, integrating insights from ethics, law, economics, and psychology and employing both theoretical and empirical methods.

He studied mathematics, philosophy, and law and is currently a professor at the University of Groningen and the University of Gothenburg. He has held visiting appointments at Harvard Business School, the University of Cambridge, Nanyang Technological University (Singapore), the Fondation Maison des sciences de l'homme (Paris), and UC Berkeley. He serves as an editor of the *Journal of Business Ethics* and convenes a Business and Human Rights centre at the Rudolf Agricola School for Sustainable Development.

He has taught and supervised research across business and human rights and sustainability and has contributed to executive and professional education programmes for profit and non-profit organisations in the finance industry, including at Cambridge Judge Business School and the Blavatnik School of Government (Oxford).

Abstract:

This paper examines corporate responsibilities for harms and injustices arising from climate change conceptualized as long-term and structural rather than episodic or crisis driven. Grounded in interdisciplinary human rights discourses, my starting point is the trend of framing corporate climate change harms as violations of fundamental rights (e.g. in the Dutch case *Milieudefensie v. Royal Dutch Shell,* ECLI:NL:GHDHA:2024:2100).

As HREDD (Human Rights and Environmental Due Diligence) frameworks evolve to address climate change concerns, interdisciplinary engagement spanning legal scholarship, business ethics, and human rights philosophy (and involving corporate and civil society stakeholders!) will be essential to inform and shape regulation and governance of corporate climate justice.

This paper advances a dialogue among legal scholarship, business ethics, and theories of human rights to develop novel regulatory and governance approaches to corporate climate justice. It focuses on three key themes: causation, knowledge and information, and the legal status of non-human entities and future generations.

Causation: The paper contends that the prevailing 'attributional' conceptions of climate change causation employed in HREDD are ill-suited to promote corporate climate justice and suggests a consequentialist alternative as a more robust regulatory approach.

Knowledge and Information: Through the lens of epistemic injustice, I explore the epistemic challenges faced by HREDD and suggests governance strategies. These challenges arise in diverse contexts ranging from climate-related information disclosed by businesses to claims of victims of climate change (e.g. Indigenous peoples).

Legal Status: By integrating legal scholarship with social science insights on struggles for recognition, I put forward a radical but robust regulatory approach in which the legal status of future generations and non-human entities (ecosystems, rivers, etc.) is not fundamentally distinct from the recognition accorded to corporations as legal persons.

Biodiversity, Human Rights, and the ICJ Climate Findings

Author: Felix Ekardt

Biography:

Felix Ekardt is Director of the Research Unit Sustainability and Climate Policy in Leipzig which he founded in 2009. Since 2009, he is also Professor for Public Law and Legal Philosophy at Rostock University (Faculty of Law) as well as member of the Leibniz Science Campus on Phosphorus Research. His scientific focus as a lawyer, philosopher and sociologist is on law, governance, ethics and transformation conditions of sustainability.

Abstract:

Beyond climate change and related issues of sustainable energy, the planet faces several other environmental challenges that are at least as threatening, such as the loss of biodiversity. The problems are driven by similar factors, such as fossil fuels and intensive livestock farming, and they influence each other – ecosystem stability is highly relevant for climate adaptation as well as mitigation. This talk presents a legal analysis concerning the binding nature of the Convention on Biological Diversity's (CBD) overarching objective to halt biodiversity loss, within the framework of international environmental and human rights law. Using the established legal

techniques encompassing grammatical, systematic, teleological, and historical interpretations, the article demonstrates that the CBD's objective to halt biodiversity loss is indeed legally binding and justiciable. This conclusion is directly drawn from interpreting Article 1 CBD. The imperative to preserve biodiversity (with relevance also for climate adaptation and mitigation) also finds grounding in human rights law, albeit necessitating a re-evaluation of certain aspects of freedom, similar to what has been explored in the context of climate protection. It is crucial to note that these regulations, including the Kunming-Montreal Framework, do not modify the obligation mandate to halt biodiversity loss, which was established at the latest when the CBD entered into force in 1993. Because this obligation has been violated since then, states can be subject to legal action before international or domestic courts for their actions or inactions contributing to global biodiversity loss. The speech will also present the first example of such a lawsuit on worldwide scale (from Germany) and how it is supported by the ICJ Advisory Opinion on Climate Change. Furthermore, it will be demonstrated that the NRL is insufficient to meet human rights standards in terms of biodiversity protection.

Take-home messages:

1) The ecological situation regarding the destruction of nature and the extinction of species is even more dramatic than climate change. According to unanimous scientific opinion, the planetary boundaries have been exceeded even more drastically.
2) In contrast to CBD, obligation from the Global Biodiversity Framework and from the NRL are insufficient to meet human rights obligations regarding biodiversity protection.
3) A lawsuit at a constitutional court with the aim of obliging the legislator to draw up a comprehensive biodiversity protection concept including an immediate halt to the loss of biodiversity and steps to restore biodiversity (with relevance also for climate mitigation) may be successful. And it is supported by the ICJ climate findings.

From Anthropocentrism to Ecocentrism? Climate Change and the European Court of Human Rights

Author: Tina Pirnovar

Biography:

Tina Pirnovar is a lawyer, and a researcher at the Department of International Law at the Faculty of Law, University of Ljubljana. She currently works also as a Senior Judicial Advisor at the Ljubljana District Court, Criminal Division. Her work focuses on human rights, European human rights law, international law, and the evolving role of courts in addressing contemporary global challenges.

Tina holds a Master of Laws from the University of Ljubljana, Faculty of Law, with a focus on international law. Her previous professional experience includes judicial work at the Ljubljana Higher Court and legal practice at a leading international law firm, where she worked on cross-border matters involving employment, litigation, corporate law, whistleblower protection, and ESG.

Her research interests include the European Convention on Human Rights, the extraterritorial application of human rights, climate and environmental rights, and the interaction between international law and domestic legal systems. She has presented at international conferences and contributed to publications on European human rights law and related contemporary legal issues.

Abstract:

Climate change poses distinctive challenges for human rights law because its effects are systemic, cumulative, long-term, and unevenly distributed. The European Court of Human Rights (ECtHR) has increasingly addressed environmental harm through existing Convention rights, particularly Articles 2 (right to life) and 8 (right to private and family life), and in *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* developed what it described as a “more appropriate and tailored approach” to climate-change-related claims. At the same time, its decisions in *Duarte Agostinho* and *Carême* demonstrate the continuing importance of territorial jurisdiction, subsidiarity, victim status, and other limits on access to the ECtHR.

Against this background, the paper asks whether the ECtHR should move towards a more ecocentric approach to environmental protection and, crucially, what such an approach would mean within the existing Convention framework. Ecocentrism is understood not as granting ecosystems independent legal personhood, but as recognising the integrity of ecosystems and ecological processes as essential conditions for the enjoyment of human rights. This would require the ECtHR to take greater account of cumulative and intergenerational environmental harms and potentially to develop positive state obligations aimed at long-term ecological stewardship.

The paper critically examines whether such a reorientation is doctrinally justified and institutionally appropriate. It considers the tension between ecocentric reasoning and the anthropocentric structure of the Convention, as well as the risks of expanding judicial authority in an area characterised by complex questions of causation, jurisdiction, state discretion, and democratic legitimacy. It therefore explores whether a gradual ecocentric shift is possible through Convention’s interpretation, or whether stronger environmental protection would instead require an additional protocol recognising a specific right to a safe, clean, healthy, and sustainable environment.

PANEL 4: Climate Change and International Investment Law

Environmental Chronic Emergencies and Foreign Direct Investment: Reconciling Competing Interests and Charting a Path Forward

Author: Patricio Barbirotto

Biography:

Patricio Ignacio Barbirotto is a postdoctoral research fellow in international law at Ca' Foscari University of Venice(Italy). He holds a PhD in international law ("Law, Market, and Person" PhD Programme) from the same university, as well as a PhD in regional governance from Astrakhan State University (Russia). His research interests include international law in the former Soviet space, international investment law—particularly in the context of armed conflicts—regional integration law, and international law relating to territories with contested sovereignty. He teaches international law at Ca' Foscari University and provides consultancy to public institutions and private enterprises. In addition to his native Italian, Patricio works in English, Czech, Russian, and Spanish, and has a basic knowledge of Croatian.

Abstract:

This paper is based on findings developed within the framework of the GenREm Project, a research initiative conducted between 2023 and 2025 by the Universities of Venice, Florence, and Palermo. The project conceptualised and analysed Environmental Chronic Emergencies (ECE) through the lens of multiple branches of law. One of its key outcomes is the edited volume Gendering International Legal Responses to Environmental Chronic Emergencies, published in 2026.

Building on this research, the present paper examines the evolving responsibility and accountability of transnational corporations (TNCs) for human rights violations arising from their foreign investment activities, focusing on ECEs.

The paper argues that TNC activities often produce long-term, "invisible" harms, such as environmental degradation and social disruption, that disproportionately affect vulnerable populations, particularly women, and may persist even after corporate operations cease. Adopting a relational and ecofeminist perspective, the analysis

highlights how TNCs exploit regulatory gaps across jurisdictions, benefiting from fragmented legal frameworks and complex corporate structures. It explores the interplay between home and host state responsibilities, the limitations of domestic and international legal mechanisms, and the role of soft law instruments, corporate social responsibility initiatives, and emerging regulatory frameworks such as EU due diligence directives. The paperalso discusses barriers to justice, including jurisdictional

challenges, power imbalances, and difficulties in establishing causation in long-term harm scenarios.

In addressing accountability, the paper evaluates both traditional judicial avenues and alternative mechanisms such as transnational arbitration and market-based pressures. Ultimately, the chapter calls for a methodological shift in international law to better capture the temporal and structural dimensions of ECE, advocating for stronger regulatory frameworks, greater state involvement, and enhanced access to justice for affected communities.

Selective State Contracts: Protecting green energy investments from threats to the rule of law in a post-Achmea EU

Author: Maximilian Henning Boddin

Biography:

Maximilian Boddin studied law in Hamburg and Beijing between 2016 and 2024, where he completed the first German state examination. During his studies, he successfully participated in the Willem C. Vis Moot: As a participant, he reached the semi-finals of the oral competition in 2020 among approximately 400 teams, and as a coach, he won first place for the best Memorandum for Claimant in 2024. He also worked as a student assistant at the Max Planck Institute for Comparative and International Private Law. After working as a research assistant at two international law firms, he began his doctorate in EU law and international arbitration as an academic assistant to Prof. Astrid Epiney at the University of Fribourg in November 2024.

Abstract:

For a long time, energy investment protection, particularly under the Energy Charter Treaty ("ECT"), has been seen as an obstacle to overcome in the green transformation. As far right actors threaten the future of green energy in Europe investment in green energy in the EU requires a more robust legal protection or the mere possibility of a far-right takeover might already be enough to discourage further investment. Investment treaty protection does not seem feasible since many states and the EU left the ECT because it did not differentiate between sustainable and unsustainable investment, and the CJEU has closed the door on intra-EU investment treaties. Against this backdrop, a more selective alternative must be discussed: Contract-based investor-state arbitration. Through state contracts, public-private partnerships or state-owned entities, EU member states could offer selected sustainable investors access to an international arbitration tribunal that cannot be compromised by a potential far right government rejecting sustainable industries and the rule of law.

Scholarship and courts share the notion that such clauses might be restricted by the same rules that the CJEU applied in Achmea. In this case, the CJEU had ruled that intra-EU investment treaty arbitration clauses constitute a violation of Article 267, 344 TFEU and the principle of autonomy of EU law. It expanded its jurisprudence in the PL Holdings decision, which introduced a prohibition on circumvention that expressly covers contractual agreements with investors This raises the question of where the line should be drawn between a harmless contractual arbitration clause and an unlawful circumvention of the prohibition in Achmea. Through a detailed analysis of Art. 344 TFEU and the CJEU's case law, this paper can evaluate the feasibility of contractual arbitration clauses to safeguard green investment from within the EU.

Carbon Credits as Protected Investment

Author: Samantha Pauline Villanueva

Biography:

Samantha Pauline Villanueva is a Filipino lawyer and a current candidate for the Advanced LL.M. in International Dispute Settlement and Arbitration at Leiden University, where she also serves as an Assistant Editor for the Leiden Journal of International Law. She presently acts as counsel for the International Law and International Affairs Committee of the Integrated Bar of the Philippines.

With over five years of government service, Samantha has an extensive background in sovereign legal research and economic policy. She previously served at the Philippine Office of the Solicitor General, where she conducted research on the UNCLOS dispute settlement system and the *South China Sea Arbitration* to inform national policy. Additionally, as an Economist and Legal Staff at the Philippine Department of Finance, she spearheaded comparative legal research that underpinned major national legislation.

Her international institutional experience includes legal internships at the Singapore International Arbitration Centre, Hague Conference on Private International Law, and UNIDROIT. In these roles, she produced substantive legal research and analytical reports on international commercial arbitration, comparative private international law, and transnational commercial law.

Samantha holds a Juris Doctor from the University of the Philippines (*cum laude*) and an Honors B.A. in Economics from Ateneo de Manila University (*cum laude*).

Abstract:

As carbon markets transition from market-based mechanisms under the Kyoto Protocol to state-regulated compliance systems under the Paris Agreement, emission allowances and carbon credits (i.e., carbon units) have emerged as valuable

assets. Despite this evolution, international investment law (IIL) has not undergone a concurrent transformation. No international investment agreement (IIA) explicitly refers to carbon allowances and credits, which creates uncertainty for investors. This paper asks whether carbon units can be characterised as protected investments under IIL. Moreover, it inquires whether they constitute property, a question prompted by *Koch v. Canada (2024)*, which denied treaty protection because emission allowances were not considered property under municipal law.

This paper adopts a doctrinal and empirical methodology. It examines the subjective and objective definition of investment. All host states with implemented, under development, and under consideration compliance instruments and carbon crediting mechanisms were ranked based on their average foreign direct investment inflows and frequency as respondents in investor-state dispute settlement (ISDS) cases. From this, ten host states, including China, Canada, and the United States, were selected to analyse a dataset of 50 unique IIAs.

This paper argues that carbon units can be accommodated within the existing IIL framework by subsuming them under recognised forms of investment in IIAs such as intangible property. It further proposes that where an IIA does not define property and lacks a renvoi clause to municipal law, the tribunal should interpret the term in accordance with its ordinary meaning. Finally, this paper identifies potential ISDS claims arising from the treatment of carbon units and proposes their explicit recognition in IIAs to ensure legal certainty. The findings of this paper indicate that recognising carbon units as protected investments can enhance market stability and mitigate investor risks while preserving the regulatory autonomy of host states in pursuing climate change objectives.

PANEL 5: Climate Change and Outer Space

Beyond Earth: Climate Law, Space Law and the Emerging Earth–Moon Environmental System

Author: Ulpia Botezatu

Abstract:

Climate governance and space governance have traditionally developed as distinct legal domains, yet their functional interdependence is becoming increasingly difficult to overlook. Climate governance already depends extensively on space-based infrastructure for Earth observation, modelling, disaster response, transparency and verification, while the expansion of human activity into cislunar space and onto the lunar surface raises governance questions increasingly familiar to environmental law.

The presentation explores this convergence through the concept of an Earth–Moon environmental system, focusing on prevention, due regard, cumulative impacts, assessment, consultation and adaptive governance. Building on Article IX of the Outer Space Treaty and the broader sustainability work of UN COPUOS, it argues that the central challenge is not merely to create new rules, but to operationalise existing principles for increasingly complex and interacting activities. The work of the UN COPUOS Action Team on Lunar Activities Consultation (ATLAC) provides a particularly relevant example of how information-sharing and consultation can support anticipatory governance before harmful interference, environmental degradation or competing activities become entrenched problems

Biography:

Dr. Ulpia-Elena Botezatu holds a PhD in Engineering and an LL.M. in European & International Law, bridging technical expertise with legal and policy acumen in space affairs. She is a Space Policy Officer at the Romanian Space Agency (ROSA) and serves as a Delegate to UN COPUOS, ESA, and EU COM. Her leadership roles include serving as the former Chair of the Scientific and Technical Subcommittee (STSc) of UN COPUOS (2024-2026) and as the current Co-Chair of the Action Team on Lunar Activities Consultation (ATLAC).

The Credit and Debit Side of Space Activities

Author: Balázs Bartóki-Gönczy

Abstract:

The environmental regulation of spaceflight has been absorbed into transatlantic trade politics before it has been settled as environmental law. No legal regime has effective jurisdiction over it: the Montreal Protocol controls listed substances rather than emissions; the Paris Agreement has no inventory category for launch; no sectoral body equivalent to ICAO exists; and Article IX of the Outer Space Treaty reaches only "extraterrestrial matter", which rocket exhaust is not. Control therefore falls to national authorisation under Article VI — where the European Union and the United States are now moving in opposite directions.

Biography:

Balázs Bartóki-Gönczy is a habilitated Associate Professor of Law and Director of the Institute of Aerospace and Telecommunications Law at Ludovika University of Public Service in Budapest, Hungary. He also serves as Vice-Dean for Academic Affairs at the Faculty of Public Governance and International Studies at the same university.

Balázs is a visiting scholar at Université Paris-Saclay (LL.M. in Telecommunications and Space Law) and at the Louis D. Brandeis School of Law at the University of Louisville (Kentucky, USA). He obtained degrees in French and Hungarian law from Université Panthéon-Assas and the Catholic University of Budapest, respectively. He holds a PhD in Legal Sciences from the Catholic University of Budapest and an MBA from Université Lyon III.

He is an individual member of the International Institute of Space Law and Head of the Hungarian National Point of Contact of the European Centre for Space Law. He serves as a delegate of Hungary to UNCOPUOS and UN PAROS. His research focuses on telecommunications and space law, which he teaches in Hungarian, English, and French.

Space Technology and Climate Change

Author: Katja Grünfeld

Abstract:

Space technology has become omnipresent, from navigation to telecommunications and imagery, satellite services enable global trade, travel, banking, monitor critical infrastructure, etc. Simultaneously, the ever-increasing space activity has congested Earth's orbits with millions of debris particles. Space technology has therefore produced positive and negative impacts on and for climate change.

Space-based assets have helped predict, manage and mitigate negative effects of climate change. E.g., satellite imagery is being used to study climate change, identify patters and monitor change from outer space (e.g., the Sahara Desert or global river-ways), to monitor Earth-based energy infrastructure (e.g., wind turbines, energy-grids), help manage agriculture (provide flood and drought warnings, maximise irrigation effectiveness), provide extreme weather warnings, aid in disaster management enabling effective and quick rescue etc. Simultaneously, scientists are warning that the increased activity and resulting debris, especially large constellations of satellites, are initiating a vicious circle whereby re-entering objects worsen climate change and climate change worsens the debris population in-orbit. Newer space objects are designed to burn up in the Earth's atmosphere, which is releasing a mix of chemicals into the otherwise stable stratosphere, altering weather patterns and further depleting the ozone layer. Temperature increase at ground level decreases temperatures in the atmosphere leading to lower density and thereby lower drag force, enabling more debris to accumulate in orbit creating collision hazards.

This contribution seeks to address the two-fold impact of space technology on climate change and questions the effectiveness of existing legal frameworks in addressing this topic. It explores, firstly whether space law can assure protection of space-based assets as well as Earth's atmosphere from increased debris, and secondly, whether it can safeguard access of all states to these space services in an era of increasing geopolitical tensions and space commercialisation.

Biography:

Katja Grünfeld is a Researcher and Project Manager at the Institute of Air Law, Space Law and Cyber Law at the University of Cologne, responsible for space law and finalising her PhD under supervision of Prof. Dr. Stephan Hobe. But she began her journey at the University of Ljubljana, when in 2019, she - together with her Teammate Iva Ramuš Cvetkovič und under mentorship from Prof Dr Vasilka Sancin and Rok Kljajic, won the European and World Championships of the prestigious Manfred Lachs Space Law Moot Court, appearing before three sitting Justices of the International Court of Justice in the final round. She then graduated summa cum laude from a Master in International Law from the University of Ljubljana and moved to Cologne to pursue space law. Since then she acted as legal counsel on numerous projects including for the European Space Agency, EU Cost Action Futures Oriented Governance of Outer Space, the German federal government and notably led Working Group Space on the Institute's cooperation project with the German Aerospace Center (DLR), the "Cologne Manual on Space Traffic Management", which brought together 40 international legal and technical experts, including from the European Space Agency, DLR, Japanese Aerospace and Exploration Agency, Brazilian Space Agency and Kenya Space Agency, to produce guidelines on space traffic management. She is furthermore member for Slovenia in the International Law Association's Space Debris Remediation Committee, and member of the International Institute of Space Law, with numerous publications in the field of space law and policy.

Unilateral SRM in Near Space and the Case for a Global South Governance Bridge

Author: Naman Anand

Abstract:

Unilateral solar radiation modification (SRM)—deliberate attempts to reflect sunlight to cool the planet by a single state or private actor without international consultation—has moved from a "rogue actor" trope to an urgent governance risk. Recent controversies, from Make Sunsets' balloon-borne sulphur dioxide releases marketed as "cooling credits" to the abandoned Harvard Stratospheric Controlled Perturbation Experiment (SCoPEx), demonstrate how quickly climate-intervention capabilities and crisis narratives can outpace multilateral lawmaking. SRM proposals span stratospheric aerosol injection, high-altitude albedo platforms, and space-based reflectors. These concepts strain the air/space boundary: states possess complete and exclusive sovereignty over airspace, whereas outer space is governed by a different legal order built on non-appropriation and state responsibility for national activities, including those of non-governmental entities. Yet international law has never agreed where airspace ends and outer space begins; practice often defaults to the 100-km Kármán line, a convenience delimiter rather than a settled jurisdictional rule. Methodologically, this paper combines doctrinal analysis of air law and outer space law with a critical review of three influential governance proposals: Wiener et al.'s multi-risk governance model, the Carnegie Climate Governance Initiative's mapping of SRM governance gaps, and Horton's "myth of unilateralism" thesis. While each sharpens the debate through risk–risk reasoning, anticipatory institutional design, and scepticism toward simplified unilateral-deployment incentives, this paper argues that prevailing proposals under-theorise power, political economy, and distribution, especially the Global South's claims to an equitable global common. As an alternative pathway, the paper advances the International Solar Alliance (ISA) as a Global South–led institutional bridge. Building on ISA's treaty-based yet flexible 'soft law in a hard shell' design, it proposes ISA as a forum to articulate precautionary non-deployment norms, transparency and monitoring principles, and routes to formalisation through wider UN processes—treating law as infrastructure for equitable planetary stewardship rather than a permission slip for technological brinksmanship.

PANEL 6: Climate Change and Adaption: Watersheds, Aquatic Ecosystems and National Practice

Watershed Governance: Municipal and Regional Borders Defined by Watersheds

Author: David Kene

Biography:

David Kene is a sustainable development professional, entrepreneur, and project manager. He is the co-founder and director of Babili Garden, a startup focused on digitalised aeroponic systems and natural science technologies.

He has experience in international research and innovation projects, having worked as a Senior Project Manager at MG Sustainable Engineering AB in Sweden. He also gained applied environmental expertise at Limnos d.o.o., specialising in nature-based solutions and water treatment systems. Currently, he works as a laboratory technician at the Kmetijsko gozdarska zbornica Slovenije, focusing on genetic material processing and agricultural biotechnology.

His background combines sustainable development studies, entrepreneurship, and interdisciplinary project work, with additional experience in social care, sports officiating, and technology communities. His research interests include watershed governance, environmental democracy, and the intersection of digitalisation and regional development.

Abstract:

In order to successfully address climate change through law, legal foundations in the constitution must be based on nature. The natural resource that connects all systems is water; therefore, enforcing legal watershed governance is necessary. Environmental democracy based on watershed boundaries could be applied globally, regardless of a country's governance system. Water is mapped through watersheds, also called drainage basins or catchments, which cross traditional borders. Watersheds could represent a healthy decentralised governance system. The first ideas of such a system date back to.

This study aimed to identify existing connections between e-democracy and regionalisation based on watersheds. Slovenia is a prime example of such potential changes, as regional borders are not yet defined and the number of municipalities needs to be reduced due to legal non-compliance and efficiency concerns.

Based on the assumption that a legal basis for watersheds as regional and municipal borders exists in the constitution, a systematic review and meta-analysis were

undertaken. The study analysed a set of the top 50 developed countries based on the United Nations E-Government

Development Index (EGDI) and the 27 EU Member States. The analysis was conducted using LAU, NUTS, Special Eurobarometer 507 (Annex), and Democracy in the EU survey data for regionalisation, as well as open-source information. A search strategy was developed for Google Scholar to examine additional regional characteristics.

In total, 17.300 articles were identified; 2 studies were included, comprising over 2,700 participants. The dataset included 23 EU countries out of 54 in total. The meta-analysis showed no clear connection between centralisation and development. The research identified core factors linking digitalisation and regionalisation. Watershed governance is directly linked to three Sustainable Development Goals (primarily SDG 6: Clean Water and Sanitation, SDG 14: Life Below Water, and SDG 15: Life on Land) and strongly or indirectly influences eight additional SDGs. In total, it is connected to 11 out of 17 goals (≈65%), highlighting its role as a cross-sectoral governance approach.

The risks of increasing water scarcity, floods, droughts, and growing water demand rise each year due to climate change. Watershed governance would regionalise and decentralise systems based on river basins, geography, and population distribution in urban areas. Environmental democracy based on water can be replicated globally and could enhance democratisation, digitalisation, and decentralisation processes. Watershed governance would impact the majority of UN SDGs.

Keywords: watershed governance; environmental democracy; regionalisation; e-democracy; decentralisation.

Aquatic Ecosystems under Friction: Legal Addressability beyond Transboundary Management

Author: Dominik Gallenberger

Abstract:

Dominik Gallenberger works on climate, science, law, and environmental diplomacy, with a clear focus on transnational river ecosystems. His work asks how ecological knowledge becomes binding responsibility across borders – scientifically, legally, politically, and ethically. Rivers are the central site of this inquiry because they do not belong to one discipline, one jurisdiction, or one form of knowledge. They are ecological systems, but also legal objects, diplomatic problems, political borders, archives of environmental change, and spaces of human vulnerability. At heart, Gallenberger is a freshwater ecologist. His relation to rivers began not in the romance

of landscape, but in forensic work, through early professional encounters with drowned bodies. There, water first appeared to him as a medium that acts: it carries traces, transforms bodies, conceals and reveals evidence, and makes responsibility unavoidable. This early experience made rivers visible as places where ecology, violence, memory, evidence, law, and obligation meet. His academic formation across biology, sociology, geosciences, botany, ecology and biodiversity, political science, economics, peace and conflict studies, and international law gives written form to a broader intellectual position: that rivers can only be understood by following them across the domains they connect. His work therefore brings together river ecology, hydrological monitoring, sediment archives, and environmental change with socio-legal inquiry, governance, international law, international relations, political theory, and environmental diplomacy. Gallenberger approaches transboundary rivers as ecological, legal, political, and epistemic formations. He is interested in how evidence becomes obligation, how scientific knowledge moves across borders, how shared river basins generate cooperation and conflict, and how environmental responsibility can become binding in a world organized by states, jurisdictions, interests, and unequal power. His work is located precisely at the point where rivers become more than natural systems: where they become sites of knowledge, authority, accountability, justice, and care.

Biography:

Legal procedures concerning rivers increasingly operate under climatic conditions they are not structurally built to address. Drought, altered sediment flows, infrastructural intervention, biodiversity loss, pollution, and delayed hydrological effects do not appear as isolated pressures on a stable object. They move through river relations, across borders, and across institutional calendars. Yet law continues to organize responsibility through territorial administrations, planning cycles, monitoring categories, and project-based remedies. The river is made governable, but not necessarily addressable.

The problem is therefore not whether rivers can hold rights in general. The sharper question is when river subjectivity becomes legally operative under climatic friction. Legal subjectivity is treated here as a juridical technique of attribution rather than as an ethical label. It determines who may be addressed, who may speak, which duties are triggered, which injuries become legally cognizable, and which remedies can interrupt harmful practices. Without that architecture, climate-related river harm remains measurable, manageable, and compensable, but not attributable to an addressable bearer of relations.

The comparison turns on a doctrinal divergence. Article 4 of the EU Water Framework Directive gives rivers normative force through ecological status, non-deterioration, basin planning, and public-law duties. But the river remains a managed ecological condition, spoken for through competent authorities, indicators, and procedures. Section 14 of the Te Awa Tupua Act performs a different operation. It couples river status to representation, attribution, public-law consequence, and institutional voice. The transfer is not personhood as a label. Labels travel badly. What can travel is the legal-function insight that river relations require a form capable of carrying voice, duty, reviewability, and remedy.

Transboundary climate law therefore needs more than coordination. It needs a minimum architecture of river address: a legally constituted addressee, an authorized representative mandate, binding duties, shared evidentiary structures, effective remedies, and cross-border channels of contestation. Under climatic friction, the border is not an implementation detail. It is where river subjectivity either becomes operative or collapses back into management.

Confidence and Probability: Events in the Fat Tails of Planetary Dynamics

Author: Matjaž Ličer

Biography:

Matjaž Ličer is a physical oceanographer, based in Ljubljana, Slovenia. He holds a Phd in physics (2009) from the University of Ljubljana and a Phd in philosophy from the Postgraduate School ZRC SAZU (2016). He is the head of numerical ocean modeling at the Slovenian Environment Agency (ARSO), a researcher at the Marine Biology Station of the National Institute of Biology, and an assistant professor for Physical Oceanography at the University of Ljubljana's Faculty of Mathematics and Physics. Beyond these roles, he serves as an associate editor for the scientific journal *Ocean Science* (Copernicus Publications), is a co-chair of the Mediterranean Oceanographic Network for the Global Ocean Observing System (MonGOOS), and is an Ocean Sciences division science officer for Coastal Ocean, Regional and Marginal Seas at the European Geosciences Union (EGU).

Abstract:

Fat-tail events refer to low-probability, high-impact occurrences whose statistical probability is larger than one might expect from a randomly occurring event.This talk focuses on such specific extreme climate scenarios, particularly the potential weakening or collapse of the Atlantic Meridional Overturning Circulation (AMOC), which could cause drastic cooling in Europe, leading to significant agricultural struggles and mass migrations. Global and regional sea-level rise and rising ocean temperatures and marine heatwaves are also addressed, stressing that low confidence in extreme “fat-tail” event predictions does not equate to a low probability of their occurrence. Locally, these global shifts are already manifesting in the Mediterranean and Northern Adriatic, which are warming significantly faster than the global ocean, threatening

marine biodiversity and coastal communities. Ultimately, by employing Pascal's wager, the presentation underscores that society must urgently reduce greenhouse gas emissions, as the catastrophic risks of inaction far outweigh the costs of mitigation. Relying solely on technological solutions like carbon capture or direct carbon removal lacks the scale necessary for a global impact, and can, while welcome in themselves, foster a dangerous complacency, leading to human-induced tipping points beyond the point where any human activity can influence the climate on any relevant timescale. Ultimately, while scientists must continue to communicate these profound risks transparently, empowering the public to demand accountability without inducing a paralyzing sense of resignation, there arises the completely non-scientific question whether remaining hopeful might lead to a similar sense of complacency and a false impression that there is still enough time to address the unraveling dynamics of a perturbed climate.

Between local needs and EU regulation: addressing urban planning measures through the lens of EU internal market law

Author: Živa Šuta

Abstract:

EU Member States frequently adopt measures relating to their urban environments, from land use, town and country planning, construction of buildings to housing policies. As each EU Member State participates in the EU internal market, such measures are not completely insulated from the scope of EU law. Against this background, the presentation examines the relationship between urban planning and the internal market in EU law. It does so from both regulatory and jurisprudential points of view. Firstly, the presentation studies how EU law engages with urban planning policy, focusing on the division of competences between the EU and its Member States, particularly on Article 345 of TFEU relating to property regimes, and the explicit exclusion of urban planning from EU secondary law, including the Services Directive and the Regulation on data sharing relating to short-term rentals. Despite the absence of direct EU competence for urban planning, the presentation shows how national planning measures remain subject to EU law where they affect the internal market. This is studied, secondly, together with the case law of the CJEU combining urban and housing objectives with the internal market. In doing so, the purpose of this analysis is to show that while EU law may constrain certain national regulatory choices, the proportionality test, as developed by the CJEU, provides space for Member States to pursue their urban policy objectives, tailored to local circumstances and needs.

PANEL 7: Climate Mitigation: Markets, Public Procurement, and Legal Obligations

Land Use and Emissions Trading

Author: Felix Ekardt

Biography:

Felix Ekardt is Director of the Research Unit Sustainability and Climate Policy in Leipzig which he founded in 2009. Since 2009, he is also Professor for Public Law and Legal Philosophy at Rostock University (Faculty of Law) as well as member of the Leibniz Science Campus on Phosphorus Research. His scientific focus as a lawyer, philosopher and sociologist is on law, governance, ethics and transformation conditions of sustainability.

Abstract:

The best-known advantage of cap-and-trade systems (quantity governance) is that these approaches promise to achieve an environmental goal particularly efficiently in the sense of "at particularly low cost". But there are some more important advantages connected with an ETS. Cap-and-trade approaches can comprehensively address the motivational situation of norm addressees. Furthermore, if quantity control approaches set ambitious caps, if they address easily graspable control units (such as fossil fuels or animal products at the level of slaughterhouses and dairies) on a sectorally and geographically broad scale (i.e., for example, at the EU level plus environmental clubs with other countries plus border adjustments), they can best avoid governance problems such as problems of enforcement, rebound, shifting and depicting of all environmental law instruments. In addition, quantity governance as an environmental law approach encourages both more consistency and more resource efficiency and frugality – and it is particularly compatible with basic principles of liberal democracies.

Still, in land use, the ETS has not yet been established in the EU. Although it is sometimes advocated for its extension to agriculture as a whole (and the EU carbon removal certification approach points in this direction), the ETS would be unsuitable for land use as a whole because of an insolvable problem of depicting. By contrast, an ETS could be easily organized for animal husbandry and for pesticides (as well as for the drivers of the destruction of forests and peatland – but not directly for peatland and forest emissions as such). The speech presents the concepts developed for this purpose at the lecturer's institute.

Take-home messages:

1) The debate on ETS and economic efficiency is misleading. ETS, if designed correctly, shows the best ecological effectiveness of all possible instruments of sustainability governance.
2) There is a strong need to extend ETS to land-use challenges.
3) ETS is suitable for directly addressing livestock farming and pesticides and thereby indirectly addressing peatlands and forests, but not land use as a whole.

Carbon Markets and NBS

Author: Sara Tolonen

Biography:

Sara Tolonen is a doctoral researcher at the University of Eastern Finland's Law School, specialising in international and EU climate law, with a focus on the governance of carbon markets and nature-based solutions. Her research examines how legal frameworks can enhance the credibility and effectiveness of carbon markets in delivering real and measurable emission reductions as part of market-based climate action.

In her doctoral dissertation, From Offsets to Outcomes – Legal Pathways toward Carbon Market Integrity, she analyses the legal regulation and integrity of carbon markets. She contributes to the OFFCORR project, funded by the Research Council of Finland, and the ACHIEVE project under Horizon 2020, both of which examine the effectiveness of voluntary climate action.

Sara actively engages in UN climate policy processes as a member of the RINGO Article 6 Group, providing research-based input on the operationalisation of international carbon market mechanisms under Article 6 of the Paris Agreement. She is also a Research Fellow at Rewire to Build, contributing to interdisciplinary work on climate, equity, and sustainable transformation.

Her professional experience includes roles at the Finnish Ministry of the Environment, where she served as Finland's national focal point to the Convention on Biological Diversity's Advisory Committee on Resource Mobilisation, and at the Ministry of Finance as part of the Co-Chair team of the Coalition of Finance Ministers for Climate Action. These positions have strengthened her expertise in multilateral environmental governance, international negotiations, and the intersection of climate finance and environmental law.

Through her combined academic and policy experience, she bridges legal research and international practice, contributing to the development of equitable and effective climate governance frameworks.

Abstract:

Carbon markets increasingly promote nature-based solutions (NbS) to advance both climate mitigation and biodiversity objectives. Credits from these activities often claim benefits beyond carbon. Yet, legal frameworks remain largely structured around carbon accounting, raising questions about how broader environmental outcomes are addressed in practice. Environmental integrity encompasses both harm avoidance through safeguards and the proactive generation of environmental co-benefits, but their legal treatment remains uneven. This article examines whether, how and with what legal effects environmental co-benefits are integrated into carbon market governance. It undertakes a comparative multi-level analysis of the United Nations Framework Convention on Climate Change (UNFCCC), the European Union Carbon Removal Certification Framework (EU CRCF), and leading voluntary carbon market (VCM) standards. The comparison identifies two patterns. First, environmental safeguards are commonly embedded as procedural risk-management mechanisms tied to monitoring, eligibility and certification requirements, whereas environmental co-benefits are recognised but operationalised through flexible or incentive-based mechanisms, such as disclosure tools, contractual arrangements and market incentives, primarily at the project level. Second, implementation varies across governance levels: UNFCCC mechanisms combine international rules with national implementation; the EU CRCF operates as a regional regulatory certification framework; and VCM standards rely on private certification and verification. These patterns reveal a fragmented governance landscape in which public regulations and private standards shape environmental outcomes while allocating responsibilities unevenly across market actors.

Extending Humanitarian Law to Climate Harm: Emission Mitigation as an Obligation in Armed Conflict

Authors: Martin Hock, Niyanta Shetye, Felix Schmermer

Biographies:

Martin Hock is a policy advisor at PtX Lab Lausitz focusing on international and European law. Prior work experience has been at Technische Universität Dresden, Germany, where he currently finishes his PhD (Dr. iur.) in international law. He holds a LLM in Law and Policy of International Security from Vrije Universiteit Amsterdam and a M.A. in International Relations from Technische Universität Dresden.

Niyanta Shetye is a policy advisor at PtX Lab Lausitz. His focus is on policy research and consulting on emissions trading and international carbon markets. Before joining the Lusatian Lab, he worked as an academic employee for four years with the BTU Cottbus in the Chair of Public Law in particular, Environmental and Planning Law and Chair of Environmental Planning.

Felix Schmermer is the head of section for Policy & Market Ramp-Up. Prior to joining the PtX Lab Lausitz, he worked as a research associate at the Chair of International Law, European Law and International Relations at TU Dresden.

Abstract:

This paper argues that international humanitarian law (IHL) imposes obligations on belligerents to mitigate greenhouse gas emissions from military activities during armed conflict. Amid climate change as a persistent structural condition, it reconceptualizes IHL from wartime restraints on the destruction of the environment to a normative framework that addresses climate change via an obligation to mitigate omissions during armed conflict. This targets key limitations in current legal responses, which overlook the gradual, cumulative impacts of warfighting on the climate system, and aligns with the ClimateXLaw Conference's call for innovative governance approaches fostering socio-ecological sustainability and justice.

Articles 35(3) and 55 of Additional Protocol I (AP I) to the Geneva Conventions prohibit methods of warfare expected to cause "widespread, long-term, and severe damage to the natural environment." Traditionally interpreted as targeting immediate destruction (e.g. inter aliascorched-earth tactics), these provisions demand teleological and systemic expansion. Military emissions – contributing around 5% of global anthropogenic GHG emissions annually – generate comparable harm through aggregate climatic forcing: sea-level rise, ecosystem collapse, and habitability loss mirroring the "widespread, long-term and severe" threshold.

Employing doctrinal analysis and jurisprudence review (inter alia the current ICJ advisory opinion on climate change) and drawing back on the debate regarding the relationship between IHL and Human Rights Law, the paper derives a due diligence duty to reduce emissions. This bridges IHL's protective principles with international environmental and climate law. The ICJ's Advisory Opinion on Climate Change (2024) mandates such systemic integration across legal regimes, rendering emission mitigation non-optional.

Situated within international law's broader transformation under climate permanence, this approach fills normative gaps by integrating sustainability into IHL's humanitarian telos. It compels militaries to adopt low-carbon tactics – from fuel-efficient logistics to especially renewable fuels –as part of a humanitarian law obligation.

Environmental award criteria as climate governance: How public procurement can reconfigure legal paradigms

Author: Mateusz Brzeziński

Biography:

Mateusz Brzeziński holds a PhD in Law from the University of Warsaw (2026) and a Doctor of Business Administration (2017). He also earned an LL.M. in European Law from Utrecht University and a Master of Law from SWPS University in Warsaw. His academic background is complemented by specialized training at Yale University, the University of Chicago, and Lund University.

His research focuses on public procurement law, EU internal market access, contract award criteria, and regulatory aspects of digital platforms. He has authored several publications in internationally recognized journals, including the *Indian Journal of Integrated Research in Law* and *F1000Research*, as well as leading Polish legal journals such as *Monitor Prawniczy* and *Kwartalnik PZP*.

Brzeziński has presented his work at international conferences across Europe, including Hasselt University, Leeds Trinity University, and Erasmus University Rotterdam, where he recently spoke on AI in public procurement.

Abstract:

As climate change increasingly represents a structural and enduring condition rather than a temporary crisis, public institutions are called to deploy regulatory instruments capable of producing long-term, systemic environmental effects. Public procurement, representing a significant share of public expenditure, holds unique potential to operate as a climate governance mechanism by embedding environmental considerations directly into the evaluation of tenders. In this sense, every procurement procedure, regardless of its subject matter, can become a vector for advancing climate objectives by awarding points for reduced emissions, circularity, lifecycle environmental performance, or climate-positive innovation.

This paper argues that the use of environmental award criteria in procurement requires a reconceptualization of legal paradigms traditionally guiding public decision-making. Under existing EU procurement law, contracting authorities may evaluate tenders based on qualitative and sustainability-related dimensions rather than exclusively on price or narrowly defined technical parameters. However, integrating climate-related criteria into award decisions raises fundamental questions about the nature of legality, objectivity, proportionality, and verifiability within procurement frameworks, questions that become more acute as climate imperatives become more ambitious and more urgent.

The paper advances two central claims. First, that environmental criteria constitute a form of decentralised climate regulation, redistributing responsibility for mitigation across thousands of public entities and transforming procurement into a structurally embedded tool of climate governance. Second, that the growing use of data-driven tools and emerging AI-supported evaluation systems introduces new epistemic and normative challenges – how should lifecycle environmental metrics be generated, justified, and reviewed? What counts as a "legally cognisable" environmental benefit? And how can sustainability-driven discretion be aligned with principles of equal treatment and transparency?

By analysing procurement as a site where environmental objectives reshape legal reasoning, this contribution illuminates how climate change compels a fundamental rethinking of administrative law, transforming award criteria into instruments of systemic ecological transition.

PANEL 8: Climate Change and Philosophical Perspectives

Transitional Provisions to Climate Emergency

Author: Tadej Troha

Biography:

Tadej Troha is Head of the Institute of Philosophy at the Research Centre of the Slovenian Academy of Sciences and Arts (ZRC SAZU) and Assistant Professor at the ZRC SAZU Postgraduate School ZRC SAZU. His research spans political philosophy, psychoanalysis, and the conceptual and political problems of the climate emergency. His recent publications include "Society Becoming a Group: Group Psychology, Metapsychology and Contemporary Group Formations" (2026), "Habituated to Denial" (2023), and "Emergency Revisited" (2022).

Abstract:

Unlike crises in social systems – from financial crises to armed conflicts – in which a peak, or at least one of several peaks, tends to occur relatively early, the climate crisis is initially silent and imperceptible. Yet even as it begins to manifest itself, and even when it does so in forms that were previously unimaginable, the fact remains that its worst manifestations are always still in the future: more severe, more extreme, more unimaginable than those already experienced. This temporal structure is a condition of possibility for the persistence of climate denial even as the crisis becomes increasingly palpable: however extreme its present manifestations may be, they can still be relativized against what is yet to come. Yet this alone cannot account for its remarkable resilience. Over the past several decades, denial has itself grown more complex and more resistant through a process of habituation in which active denial and the persistent failure to translate affirmation into effective action have come to reinforce one another.

In this context, climate emergency was a necessary idea: an idea that had to emerge in order to name both the urgency of action and the scale of the catastrophe to come. Yet by the same logic it was equally necessary that it should enter social consciousness too late. At a time when it could still have functioned as an effective and relatively short-lived legal instrument, it was perceived as excessive; today, it is problematized precisely as a legal instrument that is potentially endless and therefore inherently contradictory.

In this paper, I argue that we should retain climate emergency as an idea: as a political, socioeconomic, and legal imperative. As a framework for orienting present and future action, it must respond to the dynamics of the climate system and the Earth system as a whole, which human activity has perturbed, setting in motion processes that have

already largely escaped our control. A social system that has lost its stable environment must likewise reconsider the fundamental assumptions and dynamics of its own operation. I propose an expanded notion of transitional provisions as the political and legal form of such a reconsideration: provisions oriented by the idea of climate emergency that counter the inertia of the existing order by rendering it transitional, while creating a new inertia capable of abolishing the very emergency they institute.

The Law of Withdrawal: Fossil Addiction, Class, and the Temporality of Ecological Desire

Author: Alenka Ambrož

Bio: Alenka Ambrož is a research associate at the Institute of Philosophy at the Research Centre of the Slovenian Academy of Sciences and Arts (ZRC SAZU) in Ljubljana. She was previously a junior fellow at the École Normale Supérieure in Paris and a postdoctoral fellow at the Forschungskolleg Humanwissenschaften of Goethe University Frankfurt and at CAS SEE in Rijeka. Her research interests include contemporary political philosophy, critical phenomenology and psychoanalysis. She currently leads a project on the concept of interdependence and its interpretations across contemporary philosophy and political ecology.

Abstract:

A growing body of ecological theory describes industrial societies as addicted to fossil fuels. This suggests that destructive practices persist not only because they serve capitalist interests and are embedded in infrastructures and institutions, but because they sustain repetitive enjoyment and fantasies organised around mobility, speed, comfort and autonomy. This paper builds on the addiction hypothesis, situating it within current clinical debates on dependence. If ecological transition requires a reorganisation of subjectivity and desire, what consequences can we draw from conceiving of this transition as a process of withdrawal?

The paper argues that fossil addiction is sustained by a backward-looking structure of desire appearing in two ostensibly opposed forms. Climate denialism disavows the necessity of change by clinging to a fantasmatic golden age of Western modernity, whose threatened loss feeds current authoritarian politics. Yet hegemonic ecological discourse often reproduces the same temporal structure when sustainability is framed as preserving inherited comfort: the promise that "our children will have what we had." Denial and preservation thus function as rival nostalgias for the same untenable object. Ecological nostalgia, however, is socially situated rather than universal: the comfort, mobility and security imagined as worth preserving were never equally distributed. Drawing on Fatima Ouassak's *Pour une écologie pirate*, the paper contrasts the desire

to preserve an inherited way of life with the position of the racialised working classes who, in Ouassak's formulation, "do not want their children to have the life they had." Unequal pasts thus open onto divergent presents of ecological desire: not only the defence of what is threatened with loss, but a claim to conditions and freedoms that have never yet been realised.

The paper concludes by asking whether this temporal distinction offers a perspective on legal thought. Alongside its concern with continuity, acquired rights and legitimate expectations, how can law respond to ecological claims oriented toward what has never yet existed? In other words, how to negotiate the loss of unsustainable attachments without making the preservation of inherited forms of life the implicit measure of transition?

The Anthropocene and the Loss of the World

Author: Voranc Kumar

Biography:

Voranc Kumar is a PhD student at the Postgraduate School ZRC SAZU. His research focuses on the philosophy of Jean-Jacques Rousseau and the consequences of Enlightenment philosophy for contemporary thought.

Abstract:

In my presentation, I will approach the manifold problem posed by the concept of the Anthropocene through what I perceive as its central deadlock: the seemingly inverted causality between the world and the subject that inhabits it. While political struggles to address climate change have shown little progress over the last decade, and have even been pushed aside by an array of newly emerging crises, I will argue that the reason may lie precisely in this epistemological obstacle, which obscures the possibility of a common perspective on both the causes and consequences of the climate crisis. While I will try to steer away from defeatist or holistic perspectives—which imply either accepting the inevitable or making a deal with so-called natural processes—I will attempt to present a perspective centered on the general concept of feedback in the climate emergency. This perspective must be based on the understanding that any proposed solution within the conditions of our current mode of production would necessarily negate itself, implying that we must reimagine the concept of the world itself. To illuminate this point, I will also briefly engage with various sources, including works by Karel Čapek, Jean-Jacques Rousseau, and Friedrich Nietzsche, to hint at a possible genealogy of this deadlock—or, in other words, a genealogy of the conceptual revalorization of how one constitutes the world as such.

PANEL 9: Climate Change, Armed Conflict, and Social Justice

Climate Change, Cultural Heritage, and Resilience in International Law

Author: Valentina Vadi

Biography:

Valentina Vadi is an Associate Professor of International Law at the School of Political Science, Law, and International Studies of the University of Padua, Italy. She formerly held positions at the University of Florence, Lancaster University, and Maastricht University. She also was a Jean Monnet Fellow at the Robert Schuman Centre for Advanced Studies of the European University Institute (2024–5), a Michigan Grotius Senior Research Fellow at Michigan Law School (2019), an Emile Noël Postdoctoral Fellow at the Jean Monnet Center for International and Regional Economic Integration, New York University (2013–2014), and a Marie Curie Fellow at Maastricht University (2011–2013). She holds a doctorate in international law from the European University Institute, degrees in international law and political science from the University of Siena, and a Magister Juris (LLM) from the University of Oxford.

She is the author of *Public Health in International Investment Law and Arbitration* (Routledge 2013); *Cultural Heritage in International Investment Law and Arbitration* (Cambridge: CUP 2014), *Analogies in International Investment Law and Arbitration* (Cambridge: CUP 2016); *Proportionality, Reasonableness, and Standards of Review in International Investment Law and Arbitration* (Edward Elgar 2018); *War and Peace—Alberico Gentili and the Early Modern Law of Nations* (Leiden: Brill 2020); *Cultural Heritage in International Economic Law* (Leiden: Brill 2023); and *Public Health Policy in International Investment Law and Arbitration* (London: Routledge *forthcoming* 2026). She co-edited (with H. Schneider) *Art, Cultural Heritage, and the Market* (Springer 2014); (with Bruno De Witte) *Culture in International Economic Law* (Routledge 2015); (with A. di Blase) *The Inherent Rights of Indigenous Peoples in International Law* (Rome: University of Rome III Press 2020); (with David Collins) *The Routledge Handbook of International Economic Law* (Abingdon: Routledge *forthcoming* 2026); (with Saudin Mwakaje and Tarcisio Gazzini) *The African Renaissance and International Investment Law* (Cambridge: Cambridge University Press *forthcoming* 2026).

Abstract:

Climate change poses existential threats worldwide. Rising seas, intensified storms, and desertification are also destroying cultural heritage at an accelerating pace — from the drowning of Pacific Island ancestral sites to the erosion of Arctic

Indigenous landscapes. How does international cultural heritage law protect heritage from climate change? Can cultural heritage itself constitute a resource for climate resilience? This study examines the critical nexus between climate change, cultural heritage safeguarding and resilience-building in international law. Its working hypothesis is that cultural heritage, whether tangible or intangible, serves not merely as a repository of collective memory but as a dynamic resource that can strengthen communities' capacity to withstand and recover from diverse threats, including climate change. In other words, cultural heritage is not just what we are trying to save — it may be part of how we save ourselves.

This reframing has significant implications for international law: It strengthens the case for treating challenges like climate change in a composite, multilayered, and forward looking way. The analysis thus adopts a multi-layered approach, exploring how international cultural heritage law addresses this relationship, discussing the World Heritage Convention, the Convention on Cultural Diversity, the Intangible Cultural Heritage Convention, the emerging norms protecting Indigenous peoples' cultural heritage, and the Underwater Cultural Heritage Convention's respective role in safeguarding cultural heritage and thus fostering resilience against climate change.

The study concludes that international cultural heritage law is increasingly recognizing cultural heritage as a source of resilience, strengthening social cohesion, building cultural identity, and providing adaptive knowledge systems essential for communities facing existential challenges. It also demonstrates resilience by dynamically interpreting existing norms and adopting new norms and legal categories, while intersecting with other fields of international law. This analysis is particularly apposite in times of crisis, when the structure of international law is under pressure and needs some fluidity, flexibility, and resilience.

Social Early Warning Systems as a Normative Framework in Sustainability Law: Climate Change and Forced Migration in Southwest Sumba, Indonesia

Author: Natalia Yeti Puspita

Biography:

Professor Natalia Yeti Puspita is a Professor of International Law and Head of the Master of Law Program at the Faculty of Law, Atma Jaya Catholic University of Indonesia. Her academic expertise focuses on Public International Law and Disaster Management Law, particularly the interaction between international legal frameworks, global governance, and climate and disaster resilience.

She has presented her research at major international conferences, including the Asian Society of International Law (Beijing, 2011), the ANZSIL–AsianSIL Joint Conference (Sydney, 2012), the International Law Association Regional Conference (Athens, 2013), the ILA Conference (Lisbon, 2022), and the International Academy of Comparative Law Congress in association with the University of Paris 1 Panthéon-Sorbonne (2024).

Professor Puspita has published widely in national and international journals and edited volumes. She serves as Co-Coordinator of the Research Team at her university and is a consortium member of the Erasmus+ Project "ECoGREEN" (2023–2025). She was a Visiting Fellow at Radboud University (2009) and an ASLI Fellow at the National University of Singapore (2010).

Abstract:

A resilient country is one that can withstand and adapt to disasters. As an archipelagic state, Indonesia is highly vulnerable to climate-related hazards. Climate change has intensified social, economic, and ecological vulnerabilities, particularly in Southwest Sumba, East Nusa Tenggara, where chronic drought, land degradation, water scarcity, and unstable agriculture and livestock livelihoods have increasingly forced communities to migrate as a survival strategy. Unmanaged migration, however, can trigger social conflict, deepen structural inequalities, and increase the risk of exploitation, including human trafficking, especially among women and children.

Current legal and policy responses remain largely sectoral and reactive, lacking an integrated preventive framework. This article examines the Social Early Warning System (EWSS) as a preventive instrument to mitigate climate-induced migration that may lead to social conflict and human trafficking in Southwest Sumba. Using a sustainability law approach, EWSS integrates environmental and social indicators such as food security, access to water and land, economic pressures, migration dynamics, and institutional capacity in social protection and law enforcement.

Unlike conventional disaster early warning systems focused on physical hazards, EWSS centers on social vulnerability and human security. The framework reflects precautionary principles, social justice, and policy integration, and aligns with Indonesia's legal framework as well as international commitments such as the Paris Agreement, the Sendai Framework, and the Sustainable Development Goals.

Climate Change as Human Rights Harm: Solidary Obligation as a Victim-Centric Principle of Reparation in the Face of Uncertain Relative Causation

Author: Hye-min Kim

Biography:

Hye-min Kim is a PhD candidate at Utrecht University, The Netherlands, specialising in international human rights law and the law of State responsibility, with a specific focus on reparative mechanisms for the uncertain relative contribution of plural States. Her research constitutes a constructive legal inquiry that proposes and justifies a concept of 'solidary obligation to make reparation' as a damage-based, victim-centric principle of reparation under international human rights law. Previously, she served as a Research Assistant at the Hague Institute for Global Justice, the Netherlands. She completed an LL.M. (with merit) in International Human Rights Law at the University of Essex, the United Kingdom and an M.A. in International Affairs at the Graduate Institute of International and Development Studies, Geneva, Switzerland.

Abstract:

Addressing climate change's transboundary impact on individuals requires transcending the bilateral, State-centric paradigms of international law. Because climate harm arises from the combined historical contribution of plural States, the inherent uncertainty regarding relative causal shares renders existing reparation principles – notably contribution-based proportionality – functionally inoperable. This clash between the indivisible harm and the demand for apportionment exposes a 'mechanism gap': a functional limitation of secondary rules in operationalising the victim's right to full reparation. This paper identifies this reparative paradox using Sacchi v. Argentina (2021) as a diagnostic case. It employs a novel 'trace-back analysis' that anchors reparation assessment in the victim's harm and tracks the causal chain back to the plural contributing States. By inverting the traditional conduct-to-harm approach, this method reveals a 'trace-back blockage'. While courts reject the negligible contribution defence for establishing responsibility, the law of State responsibility provides no tool to translate fractional but unapportionable contribution into full reparation. Specifically, strict adherence to proportionality forces victims to disaggregate harm attributable to each State's historical emissions. This temporal persistence compounds relative causal uncertainty, making the apportionment of indivisible harm an insurmountable barrier. Unable to quantify these relative shares, victims face a de facto absence of redress, rendering their entitlement to full reparation illusory. Anticipating the proliferation of similar cases before human rights bodies, this paper proposes a damage-based, victim-centric principle of 'solidary obligation to make reparation' to bridge this mechanism gap. By shifting the reparative anchor from

the wrongdoer's relative contribution to the entirety of the harm suffered, this proposed secondary principle allows victims to claim full reparation and bypass the trace-back blockage. This reconceptualisation aligns the traditional reparation framework with the international human rights law's teleological mandate to protect individuals, providing a structural fix for systemic climate harm.

Environmental migrants: From Non-Refoulement to Economic and Social Rights

Author: Sergeja Hrvatič

Biography

Sergeja Hrvatič is a Junior Research Fellow at the Peace Institute in Ljubljana, a PhD candidate, and a Teaching Assistant in Public International Law at the Faculty of Law, University of Ljubljana. She is a member of the Slovenian Branch of the International Law Association (ILA) and a member of the ILA Committee on International Migration and International Law. Her doctoral research examines the economic and social rights of migrants without legal status in Europe, as reflected in the jurisprudence of the highest national courts and international mechanisms. She previously worked at a law firm specialising in constitutional and media law and completed a judicial traineeship, where she gained experience in civil and criminal law.

Abstract:

Climate change and environmental degradation are increasingly affecting the conditions in which people can safely live. Rising sea levels, extreme weather events, shortages of food and water, and other forms of environmental degradation may compel individuals to leave their places of origin and, in some circumstances, make their return impossible. This raises important questions concerning the protection of environmental migrants under international human rights law.

International jurisprudence has begun to recognise that environmental conditions may, in certain circumstances, limit a state's ability to return an individual. Most notably, in *Teitiota v New Zealand*, the UN Human Rights Committee acknowledged that the effects of climate change may engage the right to life and trigger the principle of *non-refoulement*. Yet, protection against return does not resolve the legal position of environmental migrants who remain in the host state. It raises a further question: what economic and social rights must be guaranteed to them while they remain there?

This paper examines the protection of environmental migrants from the perspective of international economic and social rights. It focuses on access to essential healthcare, adequate housing, food, water and basic means of subsistence, and examines whether international human rights law requires a minimum level of socio-economic

protection irrespective of migration status. Particular attention is paid to the extent to which states may differentiate access to economic and social rights on the basis of legal status and to the limits that human rights standards place on such differentiation.

The paper argues that the emerging recognition that environmental conditions may prevent return must be considered together with the rights of individuals who consequently remain within the jurisdiction of the host state. It therefore moves the discussion from protection against return to protection during stay, examining whether international human rights law provides environmental migrants with a minimum level of economic and social rights even in the absence of a clearly defined migration status.

Workshop: Framing the No Either-Or Problem: Climate Law, Evidence and Responsibility

Author: Dominik Gallenberger

Biography:

Dominik Gallenberger works on climate, science, law, and environmental diplomacy, with a clear focus on transnational river ecosystems. His work asks how ecological knowledge becomes binding responsibility across borders – scientifically, legally, politically, and ethically. Rivers are the central site of this inquiry because they do not belong to one discipline, one jurisdiction, or one form of knowledge. They are ecological systems, but also legal objects, diplomatic problems, political borders, archives of environmental change, and spaces of human vulnerability. At heart, Gallenberger is a freshwater ecologist. His relation to rivers began not in the romance of landscape, but in forensic work, through early professional encounters with drowned bodies. There, water first appeared to him as a medium that acts: it carries traces, transforms bodies, conceals and reveals evidence, and makes responsibility unavoidable. This early experience made rivers visible as places where ecology, violence, memory, evidence, law, and obligation meet. His academic formation across biology, sociology, geosciences, botany, ecology and biodiversity, political science, economics, peace and conflict studies, and international law gives written form to a broader intellectual position: that rivers can only be understood by following them across the domains they connect. His work therefore brings together river ecology, hydrological monitoring, sediment archives, and environmental change with socio-legal inquiry, governance, international law, international relations, political theory, and environmental diplomacy. Gallenberger approaches transboundary rivers as ecological, legal, political, and epistemic formations. He is interested in how evidence becomes obligation, how scientific knowledge moves across borders, how shared river basins generate cooperation and conflict, and how environmental responsibility can become binding in a world organized by states, jurisdictions, interests, and unequal power. His work is located precisely at the point where rivers become more than natural systems: where they become sites of knowledge, authority, accountability, justice, and care.

Abstract:

This workshop contribution introduces the conceptual and methodological frame of the session. It starts from the premise that climate and environmental conflicts cannot be responsibly understood by privileging one form of knowledge, authority or institutional language over all others. Legal claims, scientific evidence, ecological processes, economic pressures, institutional mandates and affected experience often appear within the same conflict, but they do not speak in the same way or move at the same scale. The workshop develops a no either-or approach to climate law and

environmental governance. It asks how legal reasoning can remain accountable when ecological knowledge, legal obligation, social conflict, unequal vulnerability and lived realities do not align neatly. Law is therefore not treated as a closed system of application, but as one field among others in which responsibility is negotiated under conditions of uncertainty, power asymmetry and competing justice claims.

Participants will work in discussion groups with concrete cases from Europe, Asia, South America and Africa. The cases concern Alpine River space, flood protection and rights of nature in Austria, wind energy and Sámi reindeer herding in northern Europe, conservation and displacement in Thailand, river rights, gold mining and mercury contamination in Colombia, and floods, debt and unequal insurance in a South African coastal city. Each group receives a case narrative and a guiding questionnaire. The questions are designed to structure discussion without forcing closure. They help participants identify the different legal, ecological, political, economic, historical and experiential worlds that coexist within the case.

The objective is not to produce one solution, simulate a court or reach an artificial consensus. The workshop instead asks what kind of result can emerge when different worlds and claims remain in tension but are nevertheless taken seriously together. Its intended outcome is a situated reflection on responsibility, accountability and legal imagination in conflicts where law, science, governance and lived reality cannot be reduced to a single perspective. The workshop is designed for approximately 20 to 30 participants and 90 minutes.

POSTER PRESENTATIONS:

Offshore Wind Energy and Environmental Justice

Author: Aixin Yu

Biography:

Aixin Yu holds a LL.M. in Public International Law from Leiden University and is currently a PhD candidate in international law at the University of Edinburgh. Her research focuses on marine environmental governance and international dispute settlement.

Her doctoral project, "*Strategic Marine Environmental Litigation under UNCLOS: A Legal Avenue for the Protection of the Marine Environment?*" examines the extent to which international litigation under the United Nations Convention on the Law of the Sea can function as a tool for marine environmental protection within broader governance frameworks. The research is motivated by persistent political shortcomings in addressing marine environmental challenges and explores how judicial mechanisms under UNCLOS may be strategically used by states and other actors to advance wider social and environmental objectives. It also critically assesses the potential and limitations of international adjudicatory bodies in this context.

Abstract:

The global expansion of offshore wind energy is central to achieving decarbonization goals and is often portrayed as inherently sustainable. However, evidence from diverse jurisdictions indicates that such projects may reproduce patterns of exclusion and dispossession, particularly for indigenous peoples and local communities, reflecting forms of 'green colonialism'. This paper critically examines whether offshore wind development, within existing legal frameworks, risks reproducing these injustices.

Drawing on comparative case studies, this paper explores how conflicts over land and marine space are mediated through international and domestic law. It highlights tensions between climate objectives and legal obligations to protect the rights of indigenous peoples and local communities, revealing how offshore wind projects often prioritize rapid decarbonization over social and legal responsibilities. In practice, the principle of free, prior, and informed consent (FPIC) is often undermined, with communities inadequately consulted or involved only after key decisions have been made. Cultural integrity is also threatened, as traditional practices and knowledge are disrupted or disregarded in project planning. Meanwhile, community livelihoods are compromised as fishing grounds and

coastal resources are restricted or reconfigured, disproportionately affecting small-scale fishers and other traditional users.

Adopting an environmental justice lens, this paper finds that offshore wind development falls short across three interrelated dimensions. First, in terms of recognition justice, affected communities are often misrecognized or marginalized within planning processes. Second, regarding procedural justice, although formal safeguards such as environmental impact assessments and consultation mechanisms exist, they are often inadequate or poorly implemented. Third, in terms of distributive justice, the benefits of offshore wind are unevenly allocated, while the social and environmental costs are disproportionately borne by local communities. To address these issues, this paper calls for governance reforms that embed recognition, procedural, and distributive justice by acknowledging community rights, ensuring meaningful participation, and equitably distributing benefits and burdens.

The Concept of Intergenerational Equity in Jurisprudence and its Implications for the Future Climate Litigation and Policies

Authors: Ana Mencin, Žiga Murn Lindič, Alin Žerjal

Biographies:

Ana Mencin, Žiga Murn Lindič and Alin Žerjal are undergraduate students at Faculty of Law, University of Ljubljana. Sharing interest in international law, they have participated at numerous moot court competitions and Model United Nations conferences. Their commitment to the field is further reflected in their published articles and active participation in summer schools and at legal conferences.

Abstract:

In proceedings before domestic and international courts, intergenerational equity (sometimes referred to as intergenerational climate justice or intergenerational solidarity) is increasingly invoked in different context to underpin the accountability of States for the negative effects of anthropogenic climate change.

In its 2025 *Advisory Opinion on the Obligations of States in respect of Climate Change,* International Court of Justice articulated the concept of intergenerational equity as a manifestation of equity in the general sense, rooted in the trusteeship over the living conditions in favor of the future generations. However, ICJ only affirmed applicability of intergenerational equity as a consideration within existing legal frameworks and refused to recognize it as a general principle of international law.

Within the case law of the international human rights tribunals, intergenerational equity has been most expressly addressed by the Inter-American Court of Human Rights. In the *Case of inhabitants of La Oroya v. Peru,* the Inter-American Court indicated

disproportionate risk of the environmental damage for the youth may trigger stricter adjudication of the due diligence standard. The European Court of Human Rights, conversely, relied on intergenerational equity to introduce standing of associations in climate litigations, highlighting the importance of representation of future generations.

Intragenerational equity has also been invoked in climate litigations before the domestic courts. In *Neubauer v. Germany,* the German Constitutional Court relied on intergenerational equity in its progressive interpretation of state's obligations in race to achieve carbon neutrality, emphasizing the importance of temporal distribution of regulatory burdens across generations.

Our contribution examines the evolving invocation of intergenerational equity across international and domestic jurisprudence and provide a comparative analysis of different approaches of integrating intergenerational equity into the climate policies. It further aims to identify practical implications of these approaches for future climate litigation.

For just one time I would take the Northwest Passage; How will the legal status of the Canadian archipelago shape the future of the Arctic environment

Author: Erazem Ivanc

Biography:

Erazem Ivanc is an LL.M. student at the University of Ljubljana, Faculty of Law with a strong interest in public international law, the law of the sea and investment law.
He is currently focusing on research of legal regimes of international straits and intero ceanic canals, with a specific focus on the Panama Canal and its alternatives. He rep resented University of Ljubljana at the 2026 Jessup moot court competition and is pre paring to attend two more investment law moots in 2027.

Abstract:

The consistent decline of Arctic sea ice is transforming the region into an increasingly viable maritime corridor. Among the most significant consequences of this development is the growing navigability of the Northwest Passage, a network of waterways through the Canadian Arctic Archipelago connecting the North Atlantic and North Pacific Oceans. First navigated by Roald Amundsen from 1903 to 1906, the Passage provides a significant shortcut between North Atlantic and North Pacific ports in comparison to the traditional Panama Canal route.

The poster will present the statistics of increasing transit through the Passage alongside the competing claims of its status in international law. As longstanding

disagreements regarding the legal status of the Passage acquire renewed practical significance. Canada maintains that the Northwest Passage lies within its internal waters pursuant to straight baselines established in 1985, complemented by a historical title, while the United States argues that navigational freedoms apply through at least parts of the route.

The implications of these competing legal positions for environmental protection in the Arctic are profound. The legal classification of the Passage directly affects the regulatory framework governing shipping and related environmental risks in one of the world's most fragile ecosystems. If the Passage is considered Canadian internal waters, Canada may adopt and amend comprehensive environmental regulations with relative ease. Conversely, if it is classified as territorial sea or an international strait, environmental governance would be subject to more restrictive and harder-to-amend international legal regimes and greater navigational freedoms.

Strengthening the Dialogical Rapprochement between Attribution Sciencesand Legal Theories of Causation regarding Climate-related Liabilities: A StudyBased on Belgian Tort Law

Author: Hugo Dufromont

Biography:

In June 2024, Hugo Dufromont obtained, with Magna Cum Laude, a Master's degree in Law, specialising in comparative, transnational and international law at the Catholic University of Louvain (UCLouvain). As part of the Rosa Parks Legal Clinic, he wrote a Master Thesis entitled: "The causation requirement in climate-related actions for non-contractual civil liability against private actors", which was awarded the Falys Prize for the best Master thesis of the Faculty of Law at UCLouvain, as well as a nomination for the Foundation for Future Generations Prize. After completing an internship at a law firm in Ghent, Hugo Dufromont joined the CIRC at UCLouvain Saint-Louis Brussels as an assistant in constitutional law.

In October 2025, he began a PhD thesis in Legal Studies entitled "Strengthening the Dialogical Rapprochement between Attribution Sciences and Legal Theories of Causation regarding Climate-related Liabilities" under the co-supervision of Pr Céline Romainville (UCLouvain, CRECO) and Françoise Auvray (ULB, Centre de droit privé). His work focuses on constitutional law, private law and climate law, with a broad interdisciplinary approach to climate science. His PhD project is funded by the Fund for Scientific Research (FNRS) under the ASP scheme.

Abstract:

This paper presents the author's thesis research question and the initial results of his analysis. The expansion of climate litigation and the significance of the issue of global warming are beyond doubt. In recent years, an increasing number of legal actions have been initiated to hold states and private companies accountable for their role in climate change. These cases pose numerous legal challenges. Among them, the interpretation of the causation requirement in relation to climate phenomena remains a recurring obstacle for litigants and has been highlighted as a difficulty by legal scholars. Despite creative legal interpretations and scientific advances in the area (such as attribution sciences), there is a need to deepen the dialogue between these disciplines.

This is what the author's thesis seeks to achieve. Starting with the new Belgian Tort law regime (non-contractual civil liability; Book 6 of the Civil Code), the author explores the various possible interpretations of the relevant provisions on causation. Next, a series of climate-related cases in which the judge applied a causal line of reasoning will be analysed to determine whether and how scientific data was incorporated into the reasoning process. Then, the state of attribution sciences will be analysed to determine which evidence could be useful in climate litigation, as well as examining the field's underlying theoretical aspects. Ultimately, the analysis will return to the legal provisions on causation to determine how they could be interpreted to better reflect climatic causal phenomena. This iterative process will facilitate interdisciplinary dialogue.

The author will also examine the constitutional standards and principles that constrain judges when integrating attribution sciences into their assessments. The aim is to propose a framework for interpreting causation rules that aligns them more closely with scientific climate data while ensuring compliance with constitutional law.

Capturing Nationality Through the Lens of Statelessness: A Critical Analysis of the Child's Right to Nationality, Belonging and Injustice in the Context of Rising Sea Levels

Author: Karena McErlean

Biography:

Karena McErlean is a third-year PhD candidate at the School of Law, Queen's University Belfast, and is a member of both the Human Rights Centre and the Centre for Children's Rights. She was awarded a Postgraduate Studentship from the Northern Ireland Department for the Economy. Her research focuses on the intersection of climate change, statelessness, and children's nationality rights, with particular emphasis on Small Island Developing States. Her work investigates how international and domestic legal frameworks address the risk of statelessness caused by rising sea levels and environmental displacement.

Abstract:

Sea-level rise driven by climate change has emerged as a critical global issue, posing significant challenges for international law concerning the legal status of territories and maritime boundaries threatened by rising seas. The unequal impact of climate change makes these challenges particularly pressing for low-lying Small Island Developing States such as Tuvalu and Kiribati, which have become emblematic of the existential threats facing such nations. As sea levels are projected to rise by up to approximately one metre by 2100[1], low-lying states face the potential loss of territory, forced population displacement, and an increased risk of climate-induced statelessness.

These challenges raise questions about the nationality rights for children and future generations, who may face risks of losing their legal identity and sense of belonging as statehood is threatened. International frameworks, including the United Nations Convention on the Rights of the Child and the 1961 Convention on the Reduction of Statelessness, protect the right to nationality, but were created on the assumption that states and their territories remain stable.

This socio-legal study explores how climate change affects children's nationality rights in Kiribati and Tuvalu. It analyses international and domestic legal frameworks, climate policies, and migration adaptation measures, with a focus on intergenerational equity – ensuring that future generations are not denied their rights and legal identity due to climate-induced displacement.

Drawing on critical perspectives of injustice and political theory, this research argues that climate change highlights the structural limitations of existing nationality frameworks, particularly the emphasis on the stability of territorial statehood. It situates children's nationality rights within this tension, highlighting that current legal frameworks do not account for the long-term relationships between environmental change and its implications for future generations.

Alternative resolution of climate change disputes - an efficient way forward or a smokescreen for state responsibility

Author: Rok Šarić, Kristina Oton

Biographies:

Rok Šarić is a LL.M student at Faculty of Law, University of Ljubljana, with particular interest for public international law, human rights law, and refugee and asylum law. His experience includes internship in diplomacy as well as work in a law firm and the NGO sector. He is currently finalizing his master's thesis in international human rights law under the supervision of Prof. Dr. Vasilka Sancin and plans to pursue an LL.M. in Public International Law abroad. He has been actively involved in extracurricular experience as a competitor in international moot court competitions, including Jessup, René Cassin, and Price Media Law Moot Court.

Kristina Oton is a law student at the University of Ljubljana with a strong interest in commercial law and alternative dispute resolution. She has gained practical experience in mediation through participation in two international commercial mediation moot court competitions, hosted by Bucerius Law School in Hamburg and the International Chamber of Commerce in Paris. In addition to competing, she has coached the University of Ljubljana team for the CPR International Commercial Mediation Competition in Brazil and has also been a tutor for commercial law. Her academic interests are complemented by active engagement in international academic events, including conferences and specialized summer programs. Most recently, she participated in the Summer School of Continental Law at Université Paris-Panthéon-Assas, further developing her comparative legal perspective.

Abstract:

Climate change disputes are increasingly testing the limits of traditional interstate adjudication, prompting a growing turn towards alternative dispute resolution, such as arbitration, mediation, and conciliation. While these mechanisms promise flexibility, technical expertise, and procedural efficiency, their broader implications for public international law and state responsibility remain contested.

This poster examines whether alternative dispute resolution constitutes a meaningful complement to existing judicial avenues or whether it risks diluting accountability for breaches of international climate obligations. It situates alternative dispute resolution within the evolving landscape of climate governance, including recent climate-related arbitral practices, while also exploring whether mediation offers an appropriate model for climate dispute resolution, or whether its informal and non-binding character risks reinforcing existing power asymmetries and diluting accountability.

The analysis assesses the comparative advantages of alternative dispute resolution (confidentiality, speed, party autonomy) against its structural limitations, such as limited transparency, fragmented jurisprudence, and the potential marginalization of affected communities. Particular attention is given to the tension between consensual dispute resolution and the *erga omnes* nature of certain climate obligations. The poster explores whether alternative dispute resolution mechanisms can adequately address collective interests and ensure compliance with norms that transcend bilateral relations. It further interrogates whether

the states may strategically prefer alternative dispute resolution to avoid authoritative determinations of responsibility or binding precedent.

Finally, this poster argues that alternative dispute resolution can play a constructive, albeit carefully circumscribed, role in resolving technical disputes. However, without robust safeguards, such as transparency standards and third-party participation, it risks functioning as a smokescreen that obscures rather than enforces state responsibility.

A calibrated integration of alternative dispute resolution into the broader climate dispute settlement architecture is therefore essential to balance efficiency with legal integrity.