
**REPORT ON THE ACTIVITIES OF THE
ESIL IG ON INTERNATIONAL ENVI-
RONMENTAL LAW
(2018-2019)**

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**EUROPEAN
SOCIETY OF
INTERNATIONAL
LAW**

INTRODUCTION

The ESIL Interest Group on International Environmental Law was formally **launched** after approval of the Executive Committee on the **2nd October 2009**, before the opening of the **ESIL-ASI Research Forum held in Helsinki** (Finland). The IG on International Environmental Law is one of the 16 Interest Groups of the ESIL and its **Coordinating Committee** is composed by the following Members: **Paolo Davide Farah, Josephine van Zeben, Martin Švec, Chamu Kuppuswamy, Daria S. Boklan.**

The Interest Group focuses on the **application of international law, public and private, to the resolution of environmental problems.** The ESIL Interest Group on International Environmental Law is an intergenerational and open forum where authoritative academics, young scholars, experienced practitioners, interested students as well as researchers concerned with the development of environmental protection at an international level can jointly discuss both its challenges and progress.

The International Environmental Law Interest Group may also explore the **interferences of environmental rules** in the spheres of **trade law** and international **peace and security**, as well as consider them within the general debate on the fragmentation of international law.

The establishment of an Interest Group on International Environmental Law is most relevant at this moment as a result of the paradox between the heightened concern of the international community on the impact of environmental change and the general assumption that legal endeavour is not being matched by either the

necessary political will or industrial progress.

Lately, the **signature** of the **Paris Agreement** the **UN SDGs** and other successful outcomes at international level have given the international community the certainty that the momentum for the **protection of the environment** and the fight against climate change had finally come.

The recent events at domestic and international level reveal a **significant risk of a step-back of the objectives and goals towards sustainable development** and this is making evident that the necessity to keep high attention on these

“ The Interest Group focuses on the application of international law, public and private, to the resolution of environmental problems ”

very important societal values should never be underestimated. For all these reasons, the role of the ESIL IG on international environmental law can be very important to **raise awareness** through **conferences, workshops, research, publications** and **policy advise** on such relevant topics constantly on the spotlight. Moreover, the complexity of the world requires to shape our scholarly and academic mission beyond the borders of international law and even beyond the borders of the legal field to bring **multidisciplinary responses to multilevel and multiscalar problems.**

The ESIL IG on international environmental law is ready to face this challenge and to move forward in the light of the principles of **interna-**

tional law on sustainable development.

The Interest Group on International Environmental Law have exponentially increased its membership. Different Activities are already planned for the Period October 2018-October 2019 in the areas of **International Environmental Law, Climate change, Energy** and **Global Governance**.

The following report presents the **results achieved** in the covered period and anticipate some of the **activities foreseen** for the near future.



COORDINATING COMMITTEE

Members of the **Coordinating Committee** are elected for **four-year terms** and may be re-elected.



**PAOLO D.
FARAH**

West Virginia University, USA and gLAWcal - Global Law Initiatives for Sustainable Development, UK



**JOSEPHINE VAN
ZEBEN**

University of Oxford, UK



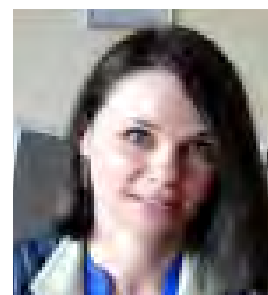
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DARIA S. BOKLAN

National Research University Higher School of Economics, Russian Federation

2018 - 2019 ACTIVITIES

The Interest Group on International Environmental Law of the European Society of International Law organized the following activities:

THE REALITY AND RHETORIC OF SOVEREIGNTY IN RELATION TO NATURAL RESOURCES, ENVIRONMENT, TRADE AND DEVELOPMENT

12 SEPTEMBER 2019, NATIONAL & KAPODISTRIAN UNIVERSITY OF ATHENS, ATHENS, GREECE

INTERNATIONAL LAW IN TIMES OF TRADE WARS AND GLOBAL ENVIRONMENTAL PROBLEMS: PROTECTION OR PROTECTIONISM?

31 MAY - 1 JUNE 2019, NATIONAL RESEARCH UNIVERSITY HIGHER SCHOOL OF ECONOMICS, MOSCOW, RUSSIA

GLOBALISATION OF ENVIRONMENTAL LAW AND THE ROLE OF DEVELOPING COUNTRIES TOWARDS SUSTAINABLE DEVELOPMENT

6 APRIL 2019, UNIVERSITY OF COLOGNE, GERMANY

SOUND SCIENCE-BASED REGULATION IN THE POST-TRUTH ERA: DOMESTIC AND INTERNATIONAL RULE OF LAW UNDER FIRE

3 APRIL 2019, UNIVERSITY OF GÖTTINGEN, INSTITUTE FOR INTERNATIONAL AND EUROPEAN LAW, GERMANY

HEALTH AND THE ENVIRONMENT IN INTERNATIONAL LAW: ACTORS, NORMS AND RESPONSIBILITIES.

*17-18 OCTOBER 2018, MAX PLANCK INSTITUTE FOR COMPARATIVE PUBLIC
LAW AND INTERNATIONAL LAW IN HEIDELBERG, GERMANY*

UNIVERSALITY OF CLIMATE ACTION

*13 SEPTEMBER 2018, UNIVERSITY OF MANCHESTER, MANCHESTER, UNITED
KINGDOM*



UNIVERSALITY OF CLIMATE ACTION



O N THE OCCASION OF THE 14TH ESIL ANNUAL CONFERENCE ON “INTERNATIONAL LAW AND UNIVERSALITY”

SEPTEMBER 13, 2018, UNIVERSITY OF MANCHESTER, LAW SCHOOL, MANCHESTER, UK

At the UN Climate conference (**COP21**) in December 2015, **195 countries** adopted the first-ever universal, legally binding global climate deal to strengthen the global response to the threat of climate change. The central objective of the **Paris Agreement** is to hold global average **temperature increase to “well below 2°C** above preindustrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels”. Although the Paris Agreement does not explicitly refer to universal character of the international obligations enshrined, the **widest possible cooperation of all countries** in climate action is understood to be essential for the success of the accord. Countries are encouraged to cooperate in **the implementation of respective nationally determined contributions** including various mit-

igation and adaptation actions. Countries are encouraged to strengthen efforts to improve the development of **low-carbon technologies** and their transfer and **dissemination** to developing countries, especially the **least developed countries**. In this context, **international law** may effectively **facilitate cooperation** in identifying effective adaptation practices, adaptation needs and priorities, challenges and gaps, as well as support the synthesis of relevant information and knowledge.

“The idea is to better understand particular tools of international law and their potential to enhance universal implementation of climate mitigation and adaptation policies”

LIST OF SPEAKERS AND TOPICS

- **Amrisha PANDEY** (University of Leeds, UK): *Common Concern, State Responsibility and the International Environmental Law*
- **Natalie JONES** (University of Cambridge, UK): *Operationalizing the Paris Agreement's Implementation and Compliance Mechanism: Will It Promote Universality of Climate Action?*
- **Paolo Davide FARAH** (West Virginia University, USA and gLAWcal – Global Law Initiatives for Sustainable Development, UK): *The Role of the European Union's Law in the International Climate Change Regime*
- **Patrick TOUSSAINT** (University of Eastern Finland, Finland and Institute for Advanced Sustainability Studies, Germany): *What Universality? Grappling with Loss and Damage from Climate Change from a TWAIL Perspective*
- **Martin SVEC** (Masaryk University, Czech Republic and gLAWcal – Global Law Initiatives for Sustainable Development, UK): *Foreign Investment Protection Against the Backdrop of the Implementation of the Paris Agreement: Limits of the Right to Regulate*
- **Jason RUDALL** (University of Geneva, The Graduate Institute, Switzerland): *Climate Action through International Dispute Settlement: Green Shoots or Red Herrings?*
- **Dalia PALOMBO** (London School of Economics and Political Science, UK): *Business and Human Rights and Climate Change: Transnational Litigation*
- **Alexander SOLNTSEV** (People's Friendship University of Russia, Russian Federation): *Human Rights Obligation of States and Climate Change (Using Example of Rights of Indigenous Peoples)*
- **Josephine VAN ZEBEN** (University of Oxford, UK) and **Arden ROWELL** (University of Illinois College of Law, USA): *A New Status Quo? The Psychological Impact of the Paris Agreement on Climate Change*
- **Pauline MILON** (Aix-Marseille University, France and Lausanne University, Switzerland): *The Right to Water. Which Governance for this Common Good?*



HEALTH AND THE ENVIRONMENT IN INTERNATIONAL LAW: ACTORS, NORMS AND RESPONSIBILITIES

ORGANIZED BY MAX PLANCK INSTITUTE FOR COMPARATIVE PUBLIC LAW AND INTERNATIONAL LAW, HEIDELBERG; ESIL INTEREST GROUP ON INTERNATIONAL HEALTH LAW; ESIL INTEREST GROUP ON INTERNATIONAL ENVIRONMENTAL LAW; JEAN MONNET CHAIR IN EUROPEAN HEALTH, ENVIRONMENTAL AND FOOD SAFETY LAW.

MAX PLANCK INSTITUTE FOR COMPARATIVE PUBLIC LAW AND INTERNATIONAL LAW IN HEIDELBERG, GERMANY

Pollution, climate change and their negative effects on the environment are major determinants of health. Globally, 23% of all deaths and 26% of deaths among children under age 5 are due to preventable environmental risks. Maintaining a healthy environment is thus central to increasing quality of life and years of healthy life. Additionally, the negative impacts of environmental degradation on public health disproportionately affect vulnerable populations, thus increasing inequalities and social instability. On the other hand, environmental health is a dynamic and evolving field. While not all complex environmental issues can be grasped with full detail, certain emerging threats have already been identified. The negative effects of these threats have a noticeable impact on the global burden of disease. However, due to their cross-cutting aspects, responses to the challenges they pose tend to fall under the purview of more than one environmental treaty. From this perspective, it is worth exploring whether the factual relationship between the environment and health can also lead to a closer linkage of environmental law and health law. This especially means taking institutional relations into consideration, since a single problem may fall under the mandate of more than one international organization. They may also involve a

broad range of non-state actors, such as NGOs as well as hybrid international institutions such as public-private-partnerships, which are devoted to these issues. The analysis of environment-health interactions from a normative perspective will support the design of more effective preventive public health strategies and interventions. Given how environmental health-related problems can be global in their scope, a coordinated response by the international community is required. Consequently, assessing the existing legal frameworks at the international level can lead to insights on how these issues are currently being addressed, as well as what are the current challenges and opportunities in the field. The conference aims at exploring the contribution of international law, in both fields of health law and environmental law, to the prevention of known and emerging environmental risks to public health. In line with the objectives of the Max Planck Institute's International Health Governance Project, the debate will also focus on the identification of major actors and relevant responsibilities within the framework of global health and environmental governance. For this purpose, an analysis of the exercise of international public authority (IPA) of international institutions involved in environmental health issues will also be welcome.

LIST OF SPEAKERS AND TOPICS

- **Daniel Klein** (United Nations Climate Change Secretariat): *KEYNOTE SPEECH*
- **Alexia Brunet Marks** (University of Colorado Boulder, USA): *The Connection Between Climate Change, Negative Public Health Outcomes, and the Role of Private Sector*
- **Mark Eccleston-Turner and Ashley Murphy** (Keele University, United Kingdom): *Securitising the Environment? Lessons from the Global Health Security Agenda*
- **Ilja Pavone** (National Research Council, Italy): *Air Pollution, Climate Change and Non Communicable Diseases: Which Responses Through International Law?*
- **Samvel Varvastian** (Cardiff University, United Kingdom): *Invoking the Right to a Clean and Healthy Environment in Climate Change Litigation: An International Perspective*
- **Violetta Ritz** (Max Planck Institute for Comparative Public Law and International Law, Germany): *Regulating Climate Change and Strengthening the Right to a Healthy Environment: The Role of the ICJ*
- **Mona Kashfi** (University of Tehran, Iran): *The Role of International and Transnational Standards in Safeguarding the Human Right to a Healthy Environment: Case Study of the Oil and Gas Industries*
- **Ancui Liu** (Maastricht University, Netherlands): *International Law and the Prevention of Risks to the Environment and Human Health Posed by Living Modified Organisms: Challenges and Opportunities*
- **Daniela Corona** (LUISS Guido Carli University, Italy): *In Search of a More Interlinked Global Health and Environmental Governance System for the Use of Plant Protection Products: A Case Study*
- **Alexandra Phelan** (Georgetown University, USA): *From Fragmented Conflict to Plural Coherence: International Law and the Sharing of Pathogens*
- **Daria Boklan** (National Research University Higher School of Economics, Russia): *Food Labeling Requirements Under WTO Law: “How to Find a Balance Between Trade Liberalization and Social Objectives?”*
- **Pia Acconci** (University of Teramo, Italy): *The Positive Contribution of International Organizations to Food Security and Safety Through a Healthy Environment*
- **Justo Corti Varela** (University CEU San Pablo, Spain): *What’s Beyond Energy? How to Include Water Consumption, Land Use and Health Measures in Climate Change Agreements: The Case of Livestock Production and the Feedstuff Trade*
- **Natalia Kobylarz** (European Court of Human Rights): *The European Court of Human Rights on State Responsibility for Pollution of Air and Water and for Damage from Natural Disasters*
- **Sabaa Khan** (University of Eastern Finland, Finland): *Chemical Pollution and the Role of International Law in a Detoxified Future*
- **Grazia Scocca** (University of Salerno, Italy): *Strengthening International Water Security: The EU’s Proposal*

CONVENERS

- Gian Luca Burci** (Graduate Institute of International and Developmental Studies, Switzerland)
- Stéphanie Dagon** (University of Geneva, Switzerland)
- Paolo D. Farah** (West Virginia University, USA and gLAWcal- Global Law Initiatives for Sustainable Development)
- Stefania Negri** (University of Salerno, Italy and Jean Monnet Chair in European Health, Environmental and Food Safety Law)
- Pedro Villarreal** (Max Planck Institute for Comparative Public Law and International Law, Germany)

SOUND SCIENCE-BASED REGULATION IN THE POST-TRUTH ERA: DOMESTIC AND INTERNATIONAL RULE OF LAW UNDER FIRE

ORGANIZED BY ESIL INTEREST GROUP ON INTERNATIONAL BIO LAW AND ESIL INTEREST GROUP ON INTERNATIONAL ENVIRONMENTAL LAW.

UNIVERSITY OF GÖTTINGEN, INSTITUTE FOR INTERNATIONAL AND EUROPEAN LAW, GERMANY

Against the background of a dynamic technological development with new emerging issues such as big data, blockchain technology, artificial intelligence and cybersecurity various disciplines of public international law such as international environmental law, international health law and international bio-law are becoming increasingly based on scientific data to face these new challenges.

Regulating climate change, human health, human genome, circular economy, pandemics, nano-science, sustainable development, food safety and security would not be possible without objective and scientifically sound information. At the same time, achieving harmonized international rules is only possible against the backdrop of common understanding on the scientific realities. Such common positions have been greatly aided by the work of UN agencies and related committees. In these science-based areas, scientific arguments and proceedings are not only a way to achieve political agreements in practice (norms and standards) but also significantly affect interpretation and application of international law.

International law creates an “infrastructure” to global risk governance where regulators, stakeholders and citizens interact. It does not matter whether we are talking about legal regulation (domestic or international), law-backed

self-regulation or self-regulation. In all cases, the rule of law departs from the premise that widely accepted scientific data is a solid foundation on which construct principles and rules. However, in recent times, sound science data has been put in doubt. This is partly caused by the diversity of sources and ideology of scientific information. Since the role of science in policy-making is under fire domestically and internationally and scientific data are relativized in the post-truth era, very foundations of rule of law are undermined.



LIST OF SPEAKERS AND TOPICS

- **Daria Boklan** (National Research University Higher School of Economics, Russia): *Precautionary Principle as a Safeguard for Sustainable Development under WTO Law and Law of the Eurasian Economic Union*
- **Alessandra Donati** (Max Planck Institute for international, European and regulatory procedural law, Luxembourg): *The Precautionary Principle under EU Law: a “Post-Modern” Principle in a “Post-Truth” Era*
- **Margherita Melillo** (European University Institute, Florence, Italy): *Evidence-Based International Law: the Case of the Framework Convention on Tobacco Control*
- **Kirk W. Junker** (University of Cologne, Germany): *Facts Are the Moveable Furniture of the Legal Mind, Not the Stones of Science*
- **Ciarán Burke and Alexandra Molitorisová** (Friedrich-Schiller-Universität Jena, Germany): *Procedural Versus Substantive Approaches to Scientific Evidence in the Opinions of Advocates-General*
- **Justo Corti Varela** (UNED, Spain): *Precautionary Principle and the Burden of Proof in International Courts*
- **Guillaume Futhazar** (Max Planck Institute for Comparative Public Law and International Law, Germany): *The Procedural Standardization of the Interface Between Science and Policy in the Biodiversity Regimes: Harmonizing the Way of “Science Speaks to Power*
- **Anthi Koskina** (Collège IdEF-Université Paris XIII - Research Associate, National & Kapodistrian University of Athens, Greece): *Controlled and uncontrolled emerging [bio] technologies: Structuring the science-based decision-making process in environmental law*
- **Gustavo Arosemena Solorzano** (Maastricht University, the Netherlands): *Should free speech be limited to protect public truths?*
- **Lilla Vukovich and Mihail Stojanoski** (University of Strasbourg, France): *Smartphone Applications - a Development or a Threat for the Democratic Process?*
- **Gemma Hobcraft** (St Mary’s University, London, UK): *Engineering Biological Diversity: Biotechnological Interventions, Gene Drives, and International Law*
- **Antonio Quirós Fons** (Universidad Europea de Valencia, Spain): *Conscientious Objection: Sound Science Freedom at Stake*
- **Belén Olmos Giupponi** (Kingston University London, UK): *Sound-science based regulation: Exploring the links between environmental law and animal welfare*
- **Zamira Xhaferri** (Maastricht University, the Netherlands): *Enhancing public participation in science-based decision-making procedures governing Nanotechnology*
- **Chamundeeswari Kuppuswamy** (University of Hertfordshire, UK): *Sustainable Development, Climate Change and Environmental Protection in the Arctic: What Role for International Law?*



GLOBALISATION OF ENVIRONMENTAL LAW AND THE ROLE OF DEVELOPING COUNTRIES TOWARDS SUS- TAINABLE DEVELOPMENT



***ORGANIZED BY THE ENVIRONMENTAL LAW CENTER OF UNIVERSITY OF COLOGNE (GERMANY),
GLAWCAL – GLOBAL LAW INITIATIVES FOR SUSTAINABLE DEVELOPMENT (UNITED KINGDOM),
THE EUROPEAN SOCIETY OF INTERNATIONAL LAW (ESIL) INTEREST GROUP ON INTERNATIONAL EN-
VIRONMENTAL LAW AND THE AMERICAN SOCIETY OF INTERNATIONAL LAW (ASIL) INTEREST GROUP
ON INTELLECTUAL PROPERTY LAW.***

6 APRIL 2019, THE UNIVERSITY OF COLOGNE, GERMANY

Globalization has lifted millions of people out of poverty over the past decades. At the same time, the processes that accompany globalization have had a tremendous impact on the environment. Commodification of the environment along with environmental degradation have led to an almost universal awareness of the negative effects of a changing climate. Developing countries and emerging economies are no longer passive actors in the environmental global discourse, but are proactively and assertively shaping, advancing and furthering the globalization of environmental law. Their rationales for doing so, however, widely differ from developed countries: in these countries, environmental degradation is a new form of 'poverty' that curtail and undermines the right to development and, in extreme cases, the right to life. Biodiversity protection, conservation and envi-

ronmental restoration are essential for ecosystem services that support human life, including its economic components. The developmental component (green-growth policies) may be preferred by globalizing forces, which also regard it as most suitable to cope with climate change.



One example of that perspective is that of “clean industry.” According to one study, the 2018 Climatescope Emerging Market Outlook (Bloomberg NEF, 2018), emerging economies are guiding the transition to a low-carbon future. Investments, trade and technology advances are the key driving forces of this transition. Globalizing environmental law means creating international standards for all societies. It is not so clear who will benefit from these standards. Globalization without local concerns can endanger relevant issues such as good governance, human rights, right to water, right to food, social, economic, cultural and environmental rights, as well as climate change, energy, environmental protection and sustainable development. On the other hand, globalization can be said to lead to the removal of barriers to the deployment and development of the clean industry and integrating developing countries and emerging economies’ priorities in global environmental law. Two elements are diminishing the global nature of environmental law. First, North-South technology transfers and trade in green goods are slowing down and, second, developed countries are increasingly using protectionist measures to protect national industries. Similarly, green-growth policies of emerging economies mostly focused on nominal GDP growth are pushing aside the interests and needs of local and underrepresented and underserved communities, as well as the ecological component of environmental protection. The Globalization of Environmental Law strives for the integration of the ecological and the developmental component of environmental protection by analyzing the contribution of emerging and developing economies.



LIST OF SPEAKERS AND TOPICS

- **George Nwangwu** (Former PPP Coordinator, Federal Ministry of Finance, Nigeria): *Managing Environmental Risk in Privately Financed Infrastructure Projects in Nigeria*
- **Tamuna Beridze** (University of Vienna and Energy Community Secretariat, Legal Unit, Austria): *Energy Community Contracting State’s Role in Building EU’s Envisioned Sustainable Future*
- **Marek Prityi** (University of Cologne, Germany and gLAWcal - Global Law Initiatives for Sustainable Development, UK): *Environmental Democracy for All: Potential of Environmental Procedural Rights for the Green Empowerment*
- **Chamundeeswari Kuppaswamy** (University of Hertfordshire, United Kingdom): *International Development Law and its green credentials*
- **Daniel Neves Pereira and Stella Emery Santana** (State Judiciary, Brazil & Robert H. McKinney School of Law, Indiana University, Indianapolis, USA): *Environmental Hazards in prisons and human rights violations: a case study of Presidio Central prison, Brazil*
- **Winfried Huck** (European and International Economic Law, Brunswick European Law School, Germany and Chinese-German College, Tongji University, Shanghai, China): *Transformation of SDGs in ASEAN, CARICOM and African, Caribbean and Pacific (ACP) Group of States: Vertical effects, contested indicators and interlinkages for the formation of Environmental law*
- **Mrinalini Shinde** (UN Climate Change Secretariat): *The Use of Domestic Taxation Legislation in the Implementation of the Paris Agreement*
- **Eva van der Zee** (Hamburg University, Institute of Law and Economics, Germany): *Behavioural analysis of international law: the case of environmental impact assessments*

- **Sanchir Jargalsaikhan** ((University of College of London, UK): *Regional Overview Systems to Mitigate Trans Infrastructure Mega Project Impacts: Focus on Mongolia*
- **Paolo Davide Farah** (West Virginia University, USA & gLAWcal- Global Law Initiatives for Sustainable Development, UK): *Clean Industry Promotion along the Belt and Road Initiative: Between National Interests and Environmental Protection*
- **Chidebe Matthew Nwankwo and George Nwangwu** (University of Nigeria, Enugu Campus, Nigeria): *Managing Environmental Impact of Mega Projects: The Nigerian Perspective*

INTERNATIONAL LAW IN TIMES OF TRADE WARS AND GLOBAL ENVIRONMENTAL PROBLEMS: PROTECTION OR PROTECTIONISM?

ORGANIZED BY NATIONAL RESEARCH UNIVERSITY HIGHER SCHOOL OF ECONOMICS (MOSCOW, RUSSIA), GLAWCAL – GLOBAL LAW INITIATIVES FOR SUSTAINABLE DEVELOPMENT (UNITED KINGDOM), THE ESIL INTEREST GROUP ON INTERNATIONAL ENVIRONMENTAL LAW, AND THE ASIL INTEREST GROUP ON INTELLECTUAL PROPERTY LAW.

31 MAY -1 JUNE 2019, NATIONAL RESEARCH UNIVERSITY HIGHER SCHOOL OF ECONOMICS, MOSCOW, RUSSIA



States possess permanent sovereignty over their natural resources. The natural resource sector occupies a significant part of world's economy, representing more than 20% of global international trade and 50% of total EU investments. These economic interests are supposed to be balanced with sustainable development, a fundamental goal of the World Trade Organization. Under WTO rules, members can adopt trade-restrictive measures aimed at protection of the environment, as long as these measures are not protectionist. However, recent growth of protectionist trade measures has resulted in a global trade crisis. Between mid-October 2017 to mid-May 2018, trade-restrictive measures from G20 economies have doubled compared to the previous review period.

Trade conflicts negatively influence global cooperation, which in turn undermines Sustainable Development Goals, especially those connected with environmental protection, preservation of natural resources and spread of environmental technologies. At the same time, some commentators have argued that isolationist policies might slow globalization and, thereby reduce the negative impact of economic activities on the environment.

Given the global nature of environmental and trade-restrictive problems the international community needs a coordinated response to these developments. The conference aims at exploring the contribution of international law in both fields of trade law and environmental law to the prevention of known and emerging risks from trade-restrictive measures in the context of environmental protection. The debate will also include national security interests in the field of environmental protection under the conditions of current crisis in international multilateral trade system.

LIST OF SPEAKERS AND TOPICS

- **Peter-Tobias Stoll** (University of Gottingen, Germany): *KEYNOTE SPEECH*
- **Michael H. Picard and Olivier Barsalou** (Harvard Law School, USA; University of Montreal, Canada): *Trash War, Trash Protectionism*
- **Yoshimichi Ishikawa** (University of Shizuoka, Japan): *Radioactive Materials, Food Safety and International Trade: From Chernobyl to Fukushima*
- **Vladislav Mulyan** (Diplomatic Academy of the Ministry of Foreign Affairs of the Russian Federation, Russia): *Tangled Relationship Between Protectionist Interests and Obligations to Limit Protectionism Under the Guise of Environmental Protection: the Rethinking of Interests in Art. XX GATT With a View of Imbalance of International Multilateral Commitments*
- **Daria Kotova** (Skolkovo Institute for Law and Development, Russia): *Ethics as a Backup for Food Sovereignty and Security in the Risky Times*
- **Bryan Druzin** (Chinese University of Hong Kong, China): *The Possibility of Using Network Effects to Prevent a Global Backslide into Protectionism and a Breakdown in Multilateral Environmental Governance*
- **Wen Xiang** (University of Copenhagen, Denmark): *Trade Synergies and Competition of Green Technologies: China and the EU*
- **Maria Sole Continiello Neri** (National Research University, Higher School of Economics, Moscow, Russia): *Artificial Intelligence: Environmental Protection, Potentials and Limits to the Global Market*
- **Paolo D. Farah** (West Virginia University, USA and gLAWcal- Global Law Initiatives for Sustainable Development, UK): *Mineral Rights and Hydraulic Fracturing in the United States, EU and China: A Comparative Perspective*



- **Ilaria Espa** (World Trade Institute, University of Bern, Switzerland): *Environmental Regulatory Autonomy and Extraterritoriality in the WTO: Latest Developments – Tuna II*
- **Marina Trunk-Fedorova** (St. Petersburg State University, Russia): *GATS and Environmental Issues: Do We Need More Regulation?*
- **Vicky Tzatzaki** (Aristotle University of Thessaloniki, Greece): *Restrictive Measures When Trading water: May the GATT Protect us all from Water Scarcity*
- **Victoria Levchenko, Daria Zavershinskaya and Xenia Kuritsyna** (National Research University, Higher School of Economics, Moscow, Russia): *Food Labeling: Food Safety or Food Protectionism: WTO Law Perspective*
- **Anthi Koskina** (National & Kapodistrian University of Athens, Greece): *Clean Energy Technologies Trade: Sliding from Protection to Protectionism Through Obligations for Technology Transfer in Climate Change Treaties, or Vice Versa?*
- **Anastasia Medvedskaya** (Ernst & Young Paris, France): *From Achmea to the Paris Agreement and beyond: is there a prospect of resolving European “climate change” disputes under the Investment Court?*
- **Barbara Janusz-Pawletta** (German- Kazakh University, Kazakhstan): *Legal framework for the interstate cooperation on development of natural resources of the Caspian Sea*
- **Alena Kodolova** (Saint Petersburg scientific research center for environmental safety Russian Academy of Science, Russia): *Protection of the Environment Against Adverse Effect of Nanotechnology: Legal Aspect*
- **Alexander Solntsev** (Peoples Friendship University, Moscow, Russia): *Nuclear Power Plant: a Way to Sustainable Development*
- **Peiran Wang** (Vrije Universteit Brussel, Belgium): *The Incoming EU’s Security Screening Mechanism of Foreign Direct Investment (FDI) and its Implications on the Technology*

Transnational Transfer within the EU-China Investment Relations

- **Martin Svec** (Masaryk University Czech Republic and gLAWcal – Global Law Initiatives for Sustainable Development, UK): *Instruments that Aim at Screening or Preventing Foreign Investments Into Energy Infrastructure Relevant for Security of Supply as a Component of the EU Energy Security Strategy: an International Economic Law Perspective*
- **Tamuna Beridze** (University of Vienna, Austria): *European Union’s Sustainable Development Chapters as the Means to Eliminating Protectionism in the Global Trade*



THE REALITY AND RHETORIC OF SOVEREIGNTY IN RELATION TO NATURAL RESOURCES, ENVI- RONMENT, TRADE AND DEVELOPMENT

O ***N THE OCCASION OF THE 13TH ESIL ANNUAL CONFERENCE ON “GLOBAL PUBLIC GOODS, GLOB-
AL COMMONS AND FUNDAMENTAL VALUES: THE RESPONSES OF INTERNATIONAL LAW”***

12-14 SEPTEMBER, NATIONAL & KAPODISTRIAN UNIVERSITY OF ATHENS, ATHENS, GREECE

Since the 1970s, states have come together to shape rules, practices and aspirations regarding our natural environment. International cooperation, treaty making, partnerships, and goal setting in the area of natural resources, the environment, trade and development have shaped and affected the sovereignty of nation states.

The IG on International Environmental Law invites analyses from various viewpoints and perspectives on the reality and rhetoric of sovereignty in international environmental law. This ranges from the view that sovereignty is a waning phenomenon in a globalised, digitised and decentralised world to the position that sovereignty privileges states over non-state actors and is the determining factor in the regulation of the environment, trade and development.

We invite you to explore, in the environmental context, the nature of compromises made by states in their negotiation to retain legitimacy, be they with international institutions or non-governmental organisations, thereby helping us understand the reality of the overall

nature of sovereignty in the 21st century. Attendant issues would be how state prerogatives and interests have been reshaped by global initiatives on the environment. In the area of the environment, technical sovereignty through science-based approaches and how this impacts on politically bargained sovereignty is bringing in new actors and methods into the sovereignty bargain.

Is sovereignty ‘organised hypocrisy’ or a sacred privilege tough to keep? Are states in full control of their sovereignty or do they really rely on bargaining with other states and non-state actors for propping up their sovereignty? This meeting focussing on innovative and fresh perspectives on approaching regulation, governance of natural resources and the environment in the light of competing interests in trade and development, within precept of sovereignty, encouraging multidisciplinary approaches and cross sectoral analyses, adopting social sciences, legal, and other methodologies.

LIST OF SPEAKERS AND TOPICS

- **Daria Boklan and Elena Cirkovic** (National Research University Higher School of Economics, Moscow, Russia; National Researcher University Higher School of Economics, St Petersburg, Russia): *State's Right to Rely On Permanent Sovereignty Over Natural Resources: An Incentive or Impediment for Sustainable Development?*
 - **Winfried Huck** (Brunswick European Law School, Germany and Lauterpacht Centre for International Law at the University of Cambridge, UK & Tongji University, Shanghai, China): *ASEAN: Trust, Consensus and Informality as a Way to Deal With Global Issues Without Trespassing on Sovereignty*
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