

# International Conference

## THE CROSSROAD OF INTERNATIONAL ENVIRONMENTAL LAW ENFORCEMENT

*The instrumentalization of other legal regimes and discourses in the era of  
fragmentation and the Anthropocene.*

**Barcelona, 2-3 December 2024**

Universitat Oberta de Catalunya, Building Can Jaumendreu: [Carrer del Perú, 52, Barcelona](#)



ESIL Interest Group on the  
European and International  
Rule of Law



ESIL Interest Group on  
International Environmental  
Law



Universitat Oberta de  
Catalunya



gLAWcal - Global Law  
Initiatives for Sustainable  
Development

# Concept Note

International Environmental Law (IEL) has experienced a major development and expansion in the last 50 years. The relevance of IEL has taken a significant leap as the international community acquired awareness of the increasing exploitation of natural resources beyond planetary boundaries. At the present stage, because of our dependence on fossil fuels and the limitations of the current transition to renewables, the rise in global temperature will most likely be more than three degrees in the next two decades, which will trigger devastating environmental and economic impacts, especially in the Global South. Moreover, another manifestation of this overshoot is the surpassing of at least four other planetary boundaries, namely, the alteration of the nitrogen and phosphorus cycles, the loss of biological diversity, chemical contamination and land use and deforestation. Humanity is running out of time to ensure environmental sustainability and stop climate change, and strong compliance with environmental international norms is not only advisable, but indispensable for the survival of flora, fauna and, of course, humans.

However, the effectiveness of IEL has been challenged by multiple factors, including the lack of accountability for its violations, and a propensity for soft compliance mechanisms that are non-adversarial and non-confrontational. These mechanisms may be considered adequate in terms of providing a greater space for States to develop sufficient capacities to comply with IEL obligations at a pace that respects their capabilities. However, it may also be argued that the urge to revert environmental impacts does not leave room for progressive

enforcement, and that more accountability is needed to ensure the effectiveness of IEL. Nevertheless, IEL lacks strong enforcement mechanisms.

In contrast to the soft enforcement of IEL, other fields of law may open paths through which IEL obligations may be enforced, due to the close connection between the environment and societal challenges. In this regard, environmental law obligations have been channelled through tort law, constitutional law, international trade law, or human rights law –inter alia–, particularly in relation to subsistence human rights, such as the right to an adequate standard of living, and related rights aimed at covering basic material needs, such as food, water, and housing. In this process, IEL is translated into a tort law, constitutional law, trade law or human rights law discourse, which may impact how objectives are prioritized and goals are pursued.

The translation of environmental obligations into the law and language of these other legal regimes calls for an evaluation of the systemic risks such a merger may entail. In the first place, it is necessary to reflect on the adequateness of these regimes in the light of the particularities, ethos and objectives pursued by IEL; in the second place, considering the different –and perhaps non-aligned– interests pursued by the different regimes, it is necessary to identify whether it is in the interest of the enforcement of IEL for adjudicators from other fields of law to become interpreters and adjudicators on IEL, thereby creating jurisprudence and participating in the progressive development of IEL.

*This Congress is funded by the project “Access to Justice in the Anthropocene”, financed by The UOC Research Accelerator 2023.*

## **Chairs**

Bettina Steible (Universitat Oberta de Catalunya), Mariona Cardona-Vallès (Universitat Oberta de Catalunya) and Paolo Davide Farah (West Virginia University, USA & gLAWcal – Global Law Initiatives for Sustainable Development)

## **Co-organizers**

Universitat Oberta de Catalunya (UOC), the European Society of International Law (ESIL) Interest Group on International Environmental Law, the European Society of International Law (ESIL) Interest Group on European and International Rule of Law, and gLAWcal – Global Law Initiatives for Sustainable Development.

## Monday 2nd December 2024

8:30 - 9:00 **REGISTRATION.**

9:00 - 9:15 **WELCOME AND OPENING REMARKS.**

**Ignasi Beltrán de Heredia Ruiz**, Dean of the Faculty of Law (Universitat Oberta de Catalunya).

**Bettina Steible** and **Mariona Cardona-Vallès** (Universitat Oberta de Catalunya); **Paolo Farah** (European Society of International Law Interest Group on International and European Rule of Law)

9:15 - 11:15 **PANEL 1. REIMAGINING ENVIRONMENTAL GOVERNANCE AND ENFORCEMENT IN A FRAGMENTED LEGAL LANDSCAPE.**

*Chair:* Ana García Juanatey (CEI International Affairs)

**Keynote speech: Paolo D. Farah (West Virginia University)**

***Reframing Environmental Governance in the Anthropocene: Exploring Biocentric and Ecocentric Alternatives.*** Briana Bombana (Universitat Oberta de Catalunya); Gabriela Fauth (Universitat Oberta de Catalunya); Pep Vivas-Elias (Universitat Oberta de Catalunya).

***The Crossroad of International Environmental Law Enforcement in the Eastern African Great Lakes Region.*** Margaret Wagana (Judiciary, Government of Uganda).

***Pandora's Box? A Pragmatic Perspective on Climate Change and Security.*** Niklas S. Reetz (European University Institute)

***Enforcing International Environmental Law through Refugee Law/International Human Rights Law: The Case of Climate Displaced Persons***  
Justo Corti Varela (National Distance Learning University).

11:15 - 11:45 *Coffee Break*

11:45 - 13:15 **PANEL 2. SAFEGUARDING MARINE SPACES: CLIMATE CHANGE, LEGAL FRAMEWORKS, AND ENVIRONMENTAL ENFORCEMENT.**

*Chair:* Clara Esteve (Universitat Autònoma de Barcelona)

***Do Some Island States Take Their Responsibilities Regarding Climate Change More Seriously than Others? On the UK Government's Net Zero Strategy and the ITLOS Advisory Opinion.*** Tom Baycock (University of Exeter).

***The potential impact of ITLOS' recent climate change advisory opinion on uses of the seas in areas beyond national jurisdiction.*** Anemoon Soete (Ghent University).

***The Freezing of Territorial Claims and Environmental Protection: The Case of the Antarctic Continental Shelf.*** Marta Sobrido (University of A Coruña).

***Addressing climate change through an advisory opinion of ITLOS: what follows from qualifying anthropogenic GHG emissions as marine pollution?*** Francesca Mussi (University of Trento).

***The IMO Mechanisms of Implementation Related to Decarbonisation and its Contribution to the International Environmental Law Enforcement.***  
Rafael Prado (IMO International Maritime Law Institute).

13:15 - 14:30 Lunch Break

14:30- 16:30 **PANEL 3. BRIDGING HUMAN RIGHTS AND ENVIRONMENTAL PROTECTION: CHALLENGES AND OPPORTUNITIES. \***

Chair: Daniel Iglesias (Universidad de La Laguna).

**Keynote speech: Annalisa Savaresi (University of Stirling)**

**International environmental law and human rights between fragmentation and integration: the multilateral dimension of the climate crisis.**

Giorgia Pane (Università degli Studi di Palermo).

**The human right to a healthy environment in contemporary international law: evolution, effectivity and perspectives.** Francesco Celentano (University of Bari Aldo Moro).

**La Oroya Community v. Peru: A Case Study in the Challenges of Protecting Environmental Human Rights in the Inter-American Human Rights System.** Giovanna E. Gismondi (The George Washington University Law School).

**Assessing Saudi Arabia's International Responsibility for Human Rights Impacts of Saudi Aramco.** Miguel Ángel Elizalde (Universitat Oberta de Catalunya).

\* This Panel is part of the research project R-ICIP 2024-ICI02724000017, led by Daniel Iglesias and funded by the Institut Català Internacional per la Pau.

16:30 - 17:00 Coffee Break

17:00 - 18:30 **PANEL 4. ALIGNING ECONOMIC AND ENVIRONMENTAL AGENDAS IN INTERNATIONAL LAW.**

Chair: Mariona Cardona Vallès (Universitat Oberta de Catalunya).

**Compelling States to Act on COP Decisions at National and International Levels.** Monika Feigerlová (Centre for Climate Law and Sustainability Studies at the Institute of State and Law of the Czech Academy of Sciences / Charles University) and Eva Boulanova ((Centre for Climate Law and Sustainability Studies at the Institute of State and Law of the Czech Academy of Sciences).

**International Economic Law Tribunals as Support for International Environmental Law Enforcement.** Florian Couveinhes-Matsumoto (Université Paris Sciences et Lettres).

**Can IEL Obligations Be Fulfilled in Trade Contexts? A Study on the Defragmentation of International Law to Mitigate Normative Antinomies and Favour Harmonisation Between WTO Law and IEL.** Alessandra Guida (Queen's University Belfast).

**Marginalization of Sustainability Principles in the African Mineral Value Chain.** Collins Chikodili Ajibo (University of Freiburg).

**Evaluating monitoring mechanisms and sanctions for non-compliance in Trade and Sustainable Development (TDS) chapters in EU Free Trade Agreements.** Siri Silvereke (University of Copenhagen).

20:00 Dinner at **El Menjador de la Beckett** (Optional; the participation requires pre-confirmation through the registration link, and prepayment).

## Tuesday 3rd December 2024

### 9:00 - 11:00 **PANEL 5. EVOLVING LEGAL FRAMEWORKS FOR PROTECTING NATURAL SPACES: ACCOUNTABILITY, RIGHTS, AND BIODIVERSITY.**

*Chair:* Beatriz Felipe Pérez (Universitat Rovira i Virgili)

**Keynote speech:** Teresa Fajardo del Castillo (Universidad de Granada)

**UNESCO Biosphere Reserves: implementing International Environmental Law in a place-based approach.** Tiago de Melo Cartaxo (University of Exeter).

**A rights of nature-based (RoN) approach to protecting human rights affected by biodiversity loss in domestic courts as a way to enhance State compliance with the Global Biodiversity Framework (GBF) targets under the Convention on Biological Diversity (CBD).** Julián Suárez (University College Cork).

**AI Spy Deforestation, Degradation and Rights Abuses: Potential and Limitations of Using Digital Technologies to Enforce a Fragmented International Forest Regime.** Feja Lesniewska (University of Surrey).

**Adding another piece to the puzzle – The fragmentation of International Environmental Law as an underlying reason for the lack of agricultural emissions mitigation.** Katharina Neumann (University of Oxford)

11:00 - 11:30 *Coffee Break*

### 11:30 - 13:00 **PANEL 6. ENFORCING SUSTAINABILITY THROUGH PRIVATE LAW MECHANISMS. \***

*Chair:* Chiara Marullo (Universitat Jaume I)

**Harmonized Corporate Sustainability Disclosure Regulation: A Key for the Enforcement of International Environmental Law.** Charles Codère (Laval University).

**The private enforcement of the Corporate Sustainability Due Diligence Directive: access to court in environmental litigation.** Sara Sánchez Fernández (IE University).

**Tort Suits for Climate Adaptation Damages as an Imperfect Proxy for Enforcement of Nations' Differentiated Responsibilities.** David Dana (Northwestern University Pritzker School of Law)

**Greenwashing by omission: corporate responsibility and emerging legal trends.** Katherine Quinn (University of Cambridge) and Sara González (Plenitude)

**Strategic Climate Change Litigation and Government Framework Cases: A Means of Defining and Enforcing Substantive Due Diligence Obligations under the Paris Agreement?** Agnes Viktoria Rydberg (University of Sheffield)

*\* This Panel is part of the research project CIGE/2022/63, led by Chiara Marullo and funded by Conselleria de Innovación, Universidades, Ciencia y Sociedad Digital of Generalitat Valenciana*

13:00 - 14:30 *Lunch Break*

14:30 - 16:00 **PANEL 7. ADVANCING ENVIRONMENTAL RIGHTS IN EUROPE: LEGAL CHALLENGES AND HUMAN RIGHTS-BASED APPROACHES.**

*Chair:* Bettina Steible (Universitat Oberta de Catalunya).

***Securing the Future: The Urgency of a Right to a Healthy Environment in the Council of Europe Framework.*** Francesca Cerulli (University of Florence)

***Enforcement of Participatory and Procedural Environmental Rights before the ECtHR: Challenges and Future Developments.*** Enikő Krajnyák (University of Miskolc)

***Challenges and Prospects of Human Rights-Based Litigation on Biodiversity in Europe.*** Riccardo Luporini (Sant'Anna School of Advanced Studies)

***Can an EU Law Infringement Complaint be Used to Ensure Compliance with International Environmental Law? - The Case of the Polish EIA Procedure.*** Anna Haładyj (John Paul II Catholic University of Lublin)

***Environmental plans and Aarhus Pillar III in Poland: a few comments on the need to 'green' the theory of legal sources in the context of constitutional and administrative law.*** Małgorzata Szalewska (Kazimierz Wielki University in Bydgoszcz) and Karolina Karpus (Nicolaus Copernicus University)

16:00 - 16:20 **CONFERENCE CONCLUSIONS.**

***Bettina Steible and Mariona Cardona-Vallès,*** on behalf of the Universitat Oberta de Catalunya.

***Paolo Farah,*** on behalf of the European Society of International Law Interest Group on International and European Rule of Law.