

# Securing justice for the planet

OPPORTUNITIES FOR,  
AND BARRIERS TO,  
COURSE CORRECTION



## Speaker abstracts

**Dr Issa Adedokun | *Food security***

---

### From Land Grabbing to Land Stewardship: Reimagining Legal Frameworks for Food Sovereignty in Africa

---

The growing incidence of large-scale land acquisitions across Africa has increased concerns about ecological integrity, food security, and rural livelihoods. While governments frequently justify these acquisitions on the grounds of development and foreign investment or even overriding public interest, the resulting displacement of small-scale farmers, depletion of biodiversity, and disruption of local food systems reveal deeper structural weaknesses in existing land governance regimes. This paper analyses the tension between land grabbing and the pursuit of food sovereignty, arguing for a shift toward stewardship-based legal frameworks that prioritize environmental protection, community tenure, and sustainable agricultural practices. Drawing on African and international legal instruments, this study further assesses how current land tenure laws inadequately integrate ecological safeguards and fail to uphold local communities' rights to access arable land and produce nutritious food. Employing a qualitative doctrinal and comparative analysis of selected African jurisdictions, the paper explores the legal and ecological implications of intensive resource extraction, weakened customary tenure, and the commodification of farmland. It further evaluates community-based farming models, agroecological practices, and biodiversity governance as viable pathways toward resilient food systems. The study argues that embedding ecological integrity into land legislation, strengthening judicial enforcement of environmental rights, and enhancing regional cooperation are critical to curbing exploitative acquisitions. Ultimately, the implication is that a stewardship approach recognizing humans' interdependence with nature offers a more equitable and sustainable framework for managing terrestrial and marine resources while advancing Africa's long-term food security agenda.

**Shushmita Ahmed | *Ocean Governance***

---

### Bridging the Human Rights Gap in the Deep Seabed

---

Deep seabed mining in areas beyond national jurisdiction raises pressing questions about environmental justice, equity, and human rights. While the United Nations Convention on the Law of the Sea (UNCLOS) designates the seabed as the "common heritage of humankind," ongoing International Seabed Authority (ISA) negotiations on the Draft Exploitation Regulations (2023–2025) reveal significant gaps in human rights integration and accountability. A critical concern is the use of "flags of convenience," where sponsoring States with limited regulatory capacity assume oversight responsibility for private contractors. This practice allows ecological and social risks to be externalised, undermining transparency and marginalising developing states and affected communities.

This paper adopts a doctrinal and critical legal approach to examine how international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), the UN Guiding Principles on Business and Human Rights (UNGPs), and the emerging right to a healthy environment, can be operationalised to strengthen deep-seabed mining governance. Drawing on examples from ISA negotiations, contractor-state relationships, and discussions on the regulations developed by ISA, it highlights gaps in participation, benefitsharing, and corporate accountability.

By linking ocean governance with human rights obligations, this study contributes to broader debates on business responsibility, equity, and environmental justice. It fills a critical gap in scholarship by proposing a human rights-based model for deep-seabed mining that safeguards marine ecosystems, ensures equitable participation of developing States, and promotes sustainable benefit-sharing for both present and future generations.

### **Professor M Shawkat Alam | Trade**

---

#### **Climate Tariffs or Carbon Colonialism? WTO Law, CBAM, and the Future of Trade Justice**

---

"The European Union's Carbon Border Adjustment Mechanism (CBAM), which formally entered its transitional phase in October 2023, has emerged as the world's most high-profile attempt to align trade regulation with climate objectives. Designed to prevent carbon leakage and uphold the integrity of the EU Emissions Trading Scheme (ETS), CBAM imposes a charge on imported goods (initially targeting cement, iron, steel, aluminium, fertilisers, hydrogen, and electricity) based on their embedded greenhouse gas emissions. While touted as a model for climate-aligned trade policy, CBAM raises profound legal and equity-based questions within the World Trade Organization (WTO) framework.

This paper investigates the extent to which CBAM complies with WTO law, focusing on its compatibility with GATT Articles II and III, the Technical Barriers to Trade (TBT) Agreement, and the Subsidies and Countervailing Measures (SCM) Agreement, while critically assessing its potential justification under GATT Article XX environmental exceptions. A core tension lies in whether CBAM operates as a permissible border tax adjustment or constitutes an unlawful import charge exceeding bound tariff rates. Moreover, the paper interrogates whether CBAM ensures national treatment by offering genuine equivalence to the ETS for domestic producers or instead discriminates de facto against foreign exporters, particularly those in developing countries. Drawing on WTO case law including US–Shrimp, Brazil–Retreaded Tyres, and EC–Asbestos and engaging with Third World Approaches to International Law (TWAIL), the paper critically explores whether CBAM's design, implementation, and lack of technology or finance transfers reflect a new iteration of "carbon colonialism." By disproportionately burdening lower-income countries with limited decarbonisation capacity, CBAM risks violating the principle of Common But Differentiated Responsibilities (CBDR) enshrined in the UNFCCC.

The paper concludes by offering policy proposals such as exemptions for Least Developed Countries (LDCs), equitable revenue-sharing mechanisms, and enhanced multilateral cooperation between the WTO and UNFCCC as pathways to reform CBAM into a more legally robust and climate-just instrument. Without such reforms, CBAM risks serving not as a bridge between trade and climate justice, but as a unilateral tool of green protectionism undermining trust in the global climate regime."

### **Pushkar Anand | Investment**

---

#### **Embedding Human Rights in International Investment Law: From Margins to Meaningful Access, Participation, and Justice**

---

The adverse impact of the international investment law (IIL) regime on the human rights of local communities is no longer a matter of speculation. Criticism of both its substantive norms and procedural mechanisms is rooted in the broader backlash against growth-oriented economic globalization and its inequitable consequences for people and the planet. A growing number of investor–state dispute settlement (ISDS) cases, particularly those in the extractive sector, such as the recently decided *Energia y Renovación v. Guatemala*, have directly implicated the human rights of local communities. This case, along with several others, underscores the uneasy relationship between the norms and

processes of IIL and the human rights of affected communities, especially their rights to participation, access to information, and access to remedy. At the heart of this tension lies the asymmetrical structure of the IIL regime, which perpetuates an accountability gap in regulating investor conduct and enables corporate impunity for human rights abuses under international law. This imbalance has prompted proposals ranging from the wholesale dismantling of the IIL regime to more incremental reform efforts. Yet, given the regime's entrenched nature, its complete abolition appears unlikely. Therefore, contrary to the view that IIL is ill-suited to address human rights concerns, this paper argues that IIL and ISDS, should be reconceptualized as an additional forum for securing rightsholders' access to remedies for corporate human rights abuses. To that end, it advances a normative argument for reorienting IIL in accordance with the tripartite pillars of access to information, participation, and justice, as enshrined in the Escazú Agreement and the Aarhus Convention.

**Assistant Professor Areena Parveen Ansari | *Business and human rights***

---

## Right to Repair and Circular Economy Transitions: A Legal Measure to Curb Illegal E-Waste Dumping

---

With the increasing demand for high-tech, global cross-boundary transportation, dumping is turning e-waste into a major concern in the global and national economic and environmental landscape. Out of such concerns, "Right-to-Repair" (RtR) gained momentum and accelerated to support consumers' freedom to repair and mend their electronic devices, ultimately forming part of the e-waste management strategy. RtR requires legal enforcement on manufacturers to make diagnostic tools, repair manuals, and replacement parts publicly available. This paper evaluates the viability of repair legislation as an emerging legal pathway to support circular economy transitions and reduce transboundary e-waste dumping that continues to challenge the enforcement of international e-waste governance regimes. This paper intends to review legal developments of RtR in the EU, North America, and UN discussions to explore how repair frameworks align with circular economy goals and address power imbalances in the transboundary electronics supply chain. It also emphasizes the importance of producer responsibility in preventing the illegal diversion of electronics to informal recycling. This paper argues that the RtR within regulatory systems is a strategy against unlawful e-waste shipments, strengthening global environmental governance. It concludes with recommendations that it is imperative to include repair obligations in global compliance checks under the Basel regime and to ensure circular economy standards are consistent across jurisdictions.

**Matthew Baird and Roger (Rocky) Guzman | *Advisory opinion***

---

## Applying and implementing the ICJ Advisory Opinion in ASEAN

---

In early February 2026, the Asian Research Institute for Environmental Law, together with World Youth for Climate Justice and the UNU- Institute for Global Health, will convene the first ASEAN-wide Colloquium to examine the current state of play for the significant legal developments in the role and responsibility of states to take action on climate change, and the legal liability of states for failure to take action.

The presentation (and paper) will be the first opportunity to an overview of the recommendations from this Symposium and to examine pathways for further action in the 11-member ASEAN region. ASEAN has over 680 million people, major biodiversity hotspots, significant indigenous populations and many vulnerable communities. This presentation will present recommendations and strategies for key issues such as loss and damage and the use of innovative litigation strategies to assist in the incorporation of the ICJ AO (and the ITLOS and other court decisions) into national strategies and regional action.

The February 2025 Colloquium will bring together international lawyers, those working in public health and climate change, children's right advocates and national public interest lawyers working in south-east Asia. Recognising some of the innovative legal actions on climate related issues, including clean air litigation in Thailand and Indonesia, it is expected that the paper will explore how some of these significant cases from the global south could be used to support actions for loss and damage from fossil fuel extractive countries (such as Australia) but also how these could be used to support a just energy transition (such as in Indonesia and Vietnam).

This will be an exceptional opportunity to bring the conclusions and recommendations from the February Colloquium to a broader audience in Australia and beyond.

**Ethan Beringen | *Ocean governance***

---

### Un-natural disaster? South Australia's Harmful Algal Bloom in the Context of International Law

---

In March 2025 visitors to Waitpinga Beach, a popular surfing spot on South Australia's Fleurieu Peninsula, started to report strange symptoms including rashes, itching and respiratory difficulties. In subsequent days, brown foam and dead marine life began to wash up on the beach. Before long, these impacts were being observed all along South Australia's coastline. Described as creating "underwater graveyards", and an "unprecedented" environmental disaster", this harmful algal bloom (HAB) has led to the deaths of up to 73 000 marine animals, and significant economic and human health impacts.

This is the starting point for the contribution of this paper. However, rather than focus on Australia's domestic environmental law and response to this HAB, it will instead examine the under-researched issue of how HABs are addressed, or not addressed, by international law. The increasing global frequency and severity of HABs due to human activities has been noted in the scientific literature, but this problem is yet to be reflected in the literature on international law. This paper argues that HABs sit at the crossroads of a number of different international legal regimes such as international climate change law, the law of the sea, international water law and international disaster law but are not directly addressed by any of them. This paper explores the regime complex of existing international law relevant to HABs and uses a regime interaction perspective to consider some potential ways forward for a more effective and coherent approach to this anthropogenically-induced threat at the international level.

**Assistant Professor Nisha Bhaskar | *Advisory opinion***

---

### Questioning the Determination: On Equity, Human Rights and Sustainability

---

The International Court of Justice's recent Advisory Opinion, while addressing questions on States' environmental obligations, identifies "core human rights treaties" and principles of sustainable development, equity, and intergenerational equity as guiding norms. However, the Opinion's reasoning remains entrenched in Western jurisprudential episteme, undermining its own invocation of equity and customary international law. Although the Court is lauded for recognizing State liability in relation to anthropogenic emissions and for acknowledging the vulnerability of developing States, it simultaneously neglects the structural and economic compulsions that constrain these States thereby reproducing inequities reminiscent of colonial governance. Much like the colonial Forest Acts that ostensibly protected nature but dispossessed local communities, the Opinion's moral aspiration does not translate into equitable legal reasoning. Furthermore, by referring to "cessation of wrongful actions or omissions" without clarifying their scope, the Court weakens the operationalization of equity and justice within sustainable development. The Advisory Opinion's selective determination of human rights and environmental duties thus fails to ensure harmonious construction between these norms and the principle of self-determination. This paper critiques the epistemic and normative limitations of the Opinion from a decolonial lens, arguing that such limitations inhibit the realization of equity, human rights, and sustainability within international law. It refers to the incidents and decisions affecting the Pacific to exemplify its assertions.

**Assistant Professor Thitit Chavisschinda | *Human rights***

---

### Critical Minerals, Critical Accountability: Evaluating Thailand's Draft Human Rights and Environmental Due Diligence Bill and ESG Governance in the Emerging Rare-Earth Economy

---

The 2025 U.S.–Thailand MoU on diversifying critical mineral supply chains positions Thailand as a potential rare-earth hub in the Indo-Pacific's strategic shift away from China. While the sector promises economic and geopolitical advantages, it also raises serious governance dilemmas—contamination, community displacement, and opaque supply chains—classic features of extractive industries that challenge principles of environmental and planetary justice. Concurrently, the Ministry of Justice's draft Human Rights and Environmental Due Diligence (HREDD) Bill seeks to embed binding corporate accountability for human rights and environmental harms within domestic law. By transforming voluntary ESG expectations into enforceable duties, the Bill signals a significant regulatory shift. Yet, as a

draft, it lacks institutional architecture, enforcement clarity, and political independence necessary for effective compliance and remedy. This study critically evaluates whether Thailand's draft HREDD framework can operate as an effective regulatory regime for the emerging rare-earth industry. Using doctrinal analysis, comparative assessment of the EU Corporate Sustainability Due Diligence Directive and France's Duty of Vigilance Law, and policy evaluation grounded in environmental and human rights law, the paper examines how due diligence could be operationalised in a sector marked by ecological risk and geopolitical sensitivity. It argues that without explicit environmental liability, independent oversight, and accessible community remedies, the Bill risks legitimising "green extractivism"—shifting environmental burdens onto frontline communities while insulating corporations under sustainability rhetoric. The paper proposes legal reforms, through a planetary justice lens, to align Thailand's rare-earth ambitions with its international human rights and environmental protection obligations.

**Moumita Das Gupta and Hajif Khan | *Human rights***

---

### Admissible Evidences of Human Rights Violations through Anthropogenic Climate Change: Analysis of the Advisory Opinions

---

With growing volume of corroborating evidences regarding human rights violation as a result of anthropogenic climate change, almost all the international and regional courts have either already adjudicated or going to adjudicate on judicial admissibility of these evidences. The International Tribunal for the Law of the Sea (ITLOS) considered available information and evidences to be sufficient to base the findings for delivering the advisory opinion on climate change and international law. The International Court of Justice (ICJ), on the other hand, has opined at the most recent advisory opinion that the periodic assessment reports of the Intergovernmental Panel on Climate Change (IPCC) are the "best available science" on the causes and consequences of climate change. Also, the ICJ found that international human rights laws are among the "most directly applicable laws" for adjudicating the "Obligations of States in respect of Climate Change". On a similar occasion, the Inter-American Court of Human Rights (IACtHR) was concerned about flexible interpretation of the provisions relating to evidences for avoiding "unjustified procedural barriers for victims". Presently, another such advisory opinion is pending before the African Court on Human and People's Rights (AfCHPR). In this position, this paper will analyse judicial admissibility of the evidences to prove causes and consequences of climate change. This paper tends to identify how the advisory opinions are shaping evidentiary practices to clarify the climate change and human rights regimes. Additionally, this paper tends to analyse evolving opportunities for and existing barriers to the claims for climate change reparations.

**Dr Catherine Gascoigne | *Trade***

---

### 'Legal Acrobatics': Subsidies for Sustainable Development Policies and their Compatibility with the WTO

---

Subsidies are becoming an increasingly common economic instrument for promoting and incentivising environmentally sustainable programs, including renewable energy and the promotion of sustainable fuel sources. Nonetheless, the way in which the WTO's Subsidies and Countervailing Measures Agreement (SCM Agreement) is currently drafted is blind to the policy rationale behind the subsidy. This means that well-intentioned subsidy programs may be illegal under WTO law. As attempts to reform the SCM Agreement have faltered, the WTO jurisprudence has nonetheless found ways to interpret the subsidisation of sustainable enterprises that are not incompatible with the SCM Agreement. Specifically, in both the Canada—Renewable Energy/Canada—Feed-in Tariff Program case and the EU—Palm Oil case, the jurisprudence took a particularly nuanced approach to the definitions of 'subsidy' and 'benefit'. The outcome of these cases has been that those subsidies that would, on traditional analyses, have been found to be inconsistent with the WTO, were allowed.

This paper will consider: (1) the context to 'policy blindness' in the SCM Agreement; (2) attempts to create more permanent carve-outs to the SCM Agreement for subsidies promoting enterprises concerned with sustainability; (3) the approach to analysing subsidies in the WTO's jurisprudence and the way in which it creates space for the policy objective of a subsidy to become relevant, with reference to the Canada—Renewable Energy/Canada—Feed-in Tariff Program case and EU—Palm Oil cases. Finally, the paper concludes by critiquing this emerging approach in the jurisprudence, observing both benefits and limitations with the approach.

## **Professor Beth Goldblatt | *International Perspectives***

---

### **Supporting climate litigation as care work**

---

Women and girls have been prominent in climate litigation around the world. Climate litigation can be characterised as the work of care in attempting to defend the climate and environment for current and future humans and non-humans. Drawing on interviews with women climate defenders who have led litigation across Australia, the paper considers how this work is understood using a care lens. Ideas of care emerge both from ecofeminist understandings of gendered divisions of labour in maintaining the environment as well as Indigenous ideas of responsibilities towards the earth as captured in the Australian Indigenous concept of 'care for Country'. Unpacking and applying these ideas to existing legal frameworks may prove useful in extending recognition and support for the work of climate defence through litigation and other means. The paper aims to contribute to the expansion of social reproduction theory by ensuring it is attentive to the relationality of humans and the environment within which they are embedded. By developing this conceptual framing in relation to law, it aims to map new pathways that lead to the acknowledgement of care for the environment as work in a range of legal applications.

## **Tonmoy Halder | *Advisory Opinion***

---

### **From Opinion to Obligation: The Transformative Role of Climate Advisory Opinions in Advancing Planetary Justice**

---

The recent advisory opinions of the International Tribunal of Law of the Sea (ITLOS), the Inter-American Court of Human Rights (IACtHR), and the International Court of Justice (ICJ) have all redefined the legal arena of international environmental protection. These views are a reversal of aspirational obligations to enforceable ones, considering the anthropogenic emission of greenhouse gases as a type of transboundary pollution and a very stringent duty of due diligence on the state.

This paper lays the principles of a new jurisprudence of planetary justice that combines environmental protection with the enjoyment of basic human rights. Using constitutional environmentalism in the Global South and especially judicial creativity in Bangladesh, India, and Colombia as a conceptualization of this development, the paper proposes an understanding of this development as a planetary constitutionalism that links both the domestic and the international order through a shared ecological ethic. However, it also raises the question of whether these advisory pathways are the real promotion of distributive justice or whether they are used to strengthen existing distributive injustices between the Global North and South regarding capacity, financial access, and access to technology.

Finally, the paper has argued that although the advisory opinions are a formally non-binding exercise, their overall normative capacity places them as a strong agent in converting environmental ethics into legally binding international commitments.

## **Professor Susan Harris Rimmer | *Business and human rights***

---

### **Untitled**

---

Fast fashion is recognised as a serious contributor to the climate crisis, responsible for up to 10% of global carbon emissions (Niinimäki et al., 2020) and rising. Usually defined as clothing that is rapidly produced by mass-market retailers at low cost, fast fashion is usually poor quality, and worn very few times before discarding. The fashion industry is projected to emit nearly 2.8 billion tonnes of GHG emissions annually by 2030 (Global Fashion Agenda, 2017), with the majority of textile waste ending up in Majority World nations (often called 'waste colonialism'). Unlike other climate impacts which can be attributed to the behaviour of past generations, this is a phenomenon driven by young women in advanced economies, which will impact future generations. According to the British Fashion Council in 2024, there is already have enough clothes on the planet to dress the next six generations. What are the gendered and environmental issues at play in this issue, and what are the pathways to reform?

## **Associate Professor Andrew Hemming | *Climate justice***

---

### **Why the conservation movement in Australia is being torn apart by the scale of the renewable energy rollout threatening biodiversity**

---

The publication in October 2025 by Steven Nowakowski and Rainbow Reserves Australia of an interactive online map of all renewable energy projects in Australia, which does not include transmission lines or rooftop solar, has exposed both the full extent and the impact of the poorly planned renewables rollout, typified by fierce opposition to the Robbins Island Wind Farm in a significant wetlands area in Tasmania's northwest. The conservation movement is being torn apart with former Greens leader Christine Milne calling on environment groups to oppose renewables projects that destroy biodiversity, and former Wilderness Society director Amelia Young warning the rollout 'threatened nature in many of the same extractive and colonial ways that the industrial revolution did'. Former Queensland chief scientist, Professor Possingham, has drawn attention to the compounding impact of multiple renewable projects and the growing importance of ridge lines, favoured by wind developers, as refuges for species affected by a warming climate. Critics of the federal government are similarly unimpressed by proposed changes to the Environmental Protection and Biodiversity Act 1999 (Cth) claiming that prioritising areas for renewables is not concerned with protecting the landscape but rather with opening rural land to development. This paper will examine the merits of the attack by concerned conservationists on the unplanned nature of the federal government's renewable energy rollout and the impact on biodiversity.

## **Dr Anna-Karina Hermkens | *Indigenous***

---

### **"We are no longer Maisin": The socio-cultural impact of Climate Change among the Maisin people in Papua New Guinea**

---

Considering the devastating impacts of climate change, and especially rising sea levels on coastal communities in Australia and the Pacific, there is a pressing need to understand not just the environmental, but also the socio-cultural impacts of these changes. In this talk I will detail the negative impacts of rising sea levels on intergenerational relationships and indigenous culture, with a specific focus on the predicament of the Maisin people living in Oro Province in Papua New Guinea. Living in remote villages, far away from roads and airstrips and depended upon their gardens, hunting and fishing for their livelihoods, Maisin people are disproportionately affected by climate change. Faced with food shortages and rapidly eroding villages, the younger generation has already relocated to somewhat dryer grounds, while elders find it hard to leave their ancestral grounds behind. This has weakened intergenerational relationships and increased the vulnerability of especially women and the elder population. At the same time, cultural significant trees and plants can no longer grow in their increasingly inundated and salinized habitats, thereby endangering the production of cultural significant markers of identity and local customs. The Maisin case illustrates the injustice of climate change, and the need to protect indigenous knowledge, customs and culture.

## **Rob Houston and Sarah Mack | *Investment***

---

### **Balancing the Scales: Advancing Climate Change Governance Imperatives in Developing States Through Regime Interaction & Judicial Interpretation of the Public Policy Exception to Investor-State Arbitral Award Enforcement Under the New York Convention**

---

Singapore's Chief Justice Sundaresh Menon has observed that the global response to climate change "will inevitably give rise to disputes that will need to be adjudicated." Increasingly, these disputes will present questions of regime interaction in public international law as domestic courts strike a balance in the context of arbitral award enforcement between (1) upholding longstanding State obligations to protect foreign investment in fossil fuels under international investment law; and (2) implementing national and international public policy imperatives to respect international climate change norms and address the climate emergency.

In examining climate-related public policies in Singapore, the United States, and the United Kingdom, this article considers the potential for domestic courts around the world to uphold climate policy priorities by recognizing climate change mitigation as a fundamental public policy exception to arbitral award enforcement under Article V(2)(b) of the New York Convention, which provides that the recognition and enforcement of an arbitral award may be refused if the competent authority in the country where recognition and enforcement is sought finds that it would be contrary to the

public policy of that country. This Article concludes by providing a reasoned basis for domestic courts around the world to promote developing State climate change governance imperatives through the harmonisation of judicial policy, refusing enforcement of investor-State arbitral awards resulting from arbitration (1) against a developing State; (2) in relation to a fossil fuel supply contract; and (3) under a sunset clause allowing for tribunal jurisdiction based on a terminated international investment agreement.

**Jona Huber | *Climate justice***

---

### Turning climate justice into practice? A practical approach to climate-related loss and damage

---

Small Island Developing States (SIDS) face disproportionate impacts from climate-related extreme events, including storms, floods, and droughts. These events impose heavy rehabilitation costs that often coincide with rising public debt and the urgent need for adaptation investments. Slow-onset processes such as sea-level rise further compound these fiscal pressures. SIDS are particularly vulnerable due to geographic exposure, limited resource bases, and high dependence on natural ecosystems for economic activity. In many cases, the economic toll of severe climate impacts equals or exceeds national GDP, eroding fiscal space and diverting resources away from sustainable development priorities. This diversion creates funding gaps in essential sectors such as health and education – areas critical for addressing soft adaptation barriers and strengthening resilience. Reduced investment in these sectors heightens vulnerability and increases the risk of cascading loss and damage, disproportionately affecting communities already constrained by poverty and inequality. This research, grounded in principles of climate and intergenerational justice, examines the relationship between climate-related extreme events and social expenditure in SIDS, focusing on health and education. Using multiple regression analysis, the study explores how disaster-related fiscal pressures influence public spending patterns. Findings aim to highlight climate change as a significant barrier to realizing human rights, particularly the rights to health and education, and to inform policy responses that safeguard social resilience in the face of escalating climate risks.

**Dr Angwe Rachel Lekunze | *Indigenous***

---

### Integrating Indigenous Customary Law into Climate Policy: Lessons from the Ogiek Judgment

---

The recognition of Indigenous knowledge systems and customary laws is central to achieving equitable and sustainable climate governance in Africa. However, the practical integration of Indigenous law into national environmental and climate policy remains limited in South Africa and Kenya, despite their progressive constitutional recognition of Indigenous law. This paper examines how recent jurisprudence, specifically *Ogiek of the Mau Forest v Kenya* (African Court on Human and Peoples' Rights, 2017) and *Balení and Others v Minister of Mineral Resources* (South Africa, 2019), has advanced the legal protection of Indigenous land rights and environmental stewardship. Through a comparative legal analysis, the paper explores how these decisions affirm the collective rights of Indigenous communities to land, resources, and self-determined governance under customary law, and how such recognition can inform inclusive climate policy design. The paper highlights how the *Ogiek* judgment established a continental precedent linking Indigenous territorial rights to environmental conservation, while South Africa's evolving jurisprudence demonstrates pathways for integrating customary governance into resource management and climate adaptation frameworks. The paper bridges Indigenous legal traditions with statutory environmental regimes, and argues for a pluralistic legal model that enhances environmental justice, biodiversity protection, and climate resilience. The findings contribute to ongoing debates on harmonising human rights, Indigenous sovereignty, and ecological sustainability within African climate governance.

**Dr Kuangran Li | *Investment***

---

### Subsidy Expansion and Sovereign Lending: Reassessing Fairness in Sustainable Finance

---

A new wave of subsidy expansion in Europe and the United States—exemplified by the EU Foreign Subsidies Regulation and the 2024 U.S. rule permitting countervailing of third-country subsidies—projects domestic industrial policy into global finance. By treating policy-bank loans and sovereign guarantees as subsidisation, these regimes collapse the line between trade remedies and development finance, placing concessional climate lending under investigation and possible redressive measures. The resulting uncertainty raises borrowing costs, narrows fiscal space,

and chills green infrastructure pipelines in the Global South precisely when climate-resilient investment needs are surging. The paper offers a normative and doctrinal account of this shift. It shows how re-interpretations of “financial contribution,” “benefit,” and “specificity” discount concessionality, additionality, and public-interest mandates of sovereign lenders. Procedurally, investigative and filing burdens associated with procurement and corporate transactions create extraterritorial leverage over borrower policy choices. The emerging architecture undermines common but differentiated responsibilities, the right to a clean, healthy and sustainable environment, and intergenerational equity, while redistributing regulatory power toward OECD markets. Against this backdrop, the paper advances two directions of reform. First, it advocates more transparent and scientifically grounded sovereign-lending practices and oversight—clarifying climate alignment, pricing, and risk-sharing in ways that protect recipients’ policy space. Second, it calls for open, pluralistic sovereign-lending rules that recognise diverse lenders, channels, and instruments, so that subsidy control does not penalise cooperation or innovation. Together, these proposals seek to rebalance trade, finance, and human-rights regimes and preserve sovereign lending as a legitimate pathway to a just transition.

**Associate Professor Jolene Lim | *Climate justice***

---

## The Rise of Climate Litigation in Asia

---

Climate change litigation has developed rapidly across the world but arrived more recently in Asia. In the first scholarly examination on the prospects of climate litigation in Asia, several contributors to "Climate Litigation in the Asia Pacific" (Cambridge University Press 2020) highlighted challenges and obstacles. While these challenges remain, climate litigation in Asia has seen a powerful emergence since 2024. Through examining some of the leading cases in the Asian climate litigation docket including the Indian Supreme Court's historic judgment on climate change and human rights in *M.K. Ranjitsinh v. Union of India* and wider trends of legal mobilisation in the quest for climate accountability and justice, this article seeks to provide an analytical overview of the rise of climate change litigation in Asia.

**Justin Lim | *Advisory Opinion***

---

## Inseparable: Legal Duties for Climate Mitigation and Adaptation

---

The relationship between climate mitigation and adaptation has received little attention from policymakers, litigators, and scholars. In reality, both goals are scientifically and legally inseparable. To that end, the ICJ's Advisory Opinion on climate change reaffirms and reinforces the inseparability of climate mitigation and adaptation obligations in international law. This has significant implications for the conduct of states in international law, but also in the interpretation of obligations in national law in relation to climate change. In charting a path forward from the ICJ Advisory Opinion's interpretation of obligations in international law, this paper provides a framework for courts, policymakers, and scholars to think about how holistic approaches to the legal regulation of climate change can be established by recognising the conceptual and legal inseparability of climate mitigation and adaptation.

**Yohan Liyanage | *Advisory opinion***

---

## Untitled

---

The intended article critically examines the evolving jurisprudence on climate change through the lens of recent advisory opinions issued by the International Tribunal for the Law of the Sea (ITLOS), the Inter-American Court of Human Rights (IACtHR), and the International Court of Justice (ICJ). These landmark opinions collectively signal a paradigm shift in international environmental law, reinforcing the legal contours of the right to a clean, healthy, and sustainable environment. The analysis explores how these judicial pronouncements are influencing multilateral negotiations, particularly the development of the global plastics treaty and the annual deliberations of the Conference of the Parties (COP) under the UNFCCC framework.

The article further investigates procedural innovations in environmental litigation, including expanded standing for nature, future generations, and non-state actors. It highlights how these mechanisms are reshaping access to justice and accountability in climate governance. Special attention is given to the role of youth movements, Indigenous Peoples, civil society organizations, and environmental human rights defenders in catalyzing legal action and embedding climate justice within domestic and international legal systems.

Drawing on comparative insights from South Asia and beyond, the article intends to argue that advisory opinions are not merely interpretive tools but strategic instruments for norm development, policy coherence, and rights-based climate action. It concludes by proposing pathways for integrating advisory jurisprudence into national legal frameworks, thereby strengthening environmental rule of law and empowering vulnerable communities in the face of planetary crisis.

## **Professor Rosemary Lyster | *Climate justice***

---

### Untitled

---

We live in a polycrisis – a climate, ecological and political crisis. The dominant logic of contemporary governance is neoliberalism, a ‘vampiric institution’ which legitimates violence against Earth others at the hands of ‘rapacious human activities’ like extractivist industries. This paper seeks to secure justice for the planet by invoking a Multispecies Climate Justice (MSCJ) theory to justify reparations for Earth others. It identifies the opportunities of, and the barriers to, course correction. The course correction begins with an adoption of Nedelsky’s relational theory and takes up Arendt’s challenge to stage a political and legal revolution for the opportunity of justice for Earth others. The paper then exposes the ‘disappearing’ of Earth others from all international climate law materials. It then relies on MSCJ to insist on their recognition, participation and representation. The procedural justice aspects are crucial for bringing the voices of Earth others into the political and legal revolution when considering what reparations might look like for them. Traditionally when modelling this, humans have been asked what they are ‘willing to pay’ to repair and restore the environment. This paper relies on the development of Large Language Models to listen to and understand the voices and language of Earth others in computing their reparations. As Rogers and Maloney have argued, ‘we need to do more than merely gesture towards the multiple silences and omissions’; we must also offer constructive ways forward.

## **Ankit Malhotra | *Investment***

---

### Regulatory Chill of Human-Rights Risk: A New ISDS Operating Model

---

Legacy BITs and the ECT have enabled claims that deter—or price out—climate consistent regulation, creating a direct human-rights risk. The record is plain:

- Vattenfall v Germany (nuclear phase-out) ended in a billion-euro settlement;
- Rockhopper v Italy produced damages over a fossil-fuel exploration ban;
- Eco Oro v Colombia found liability exposure amid a shift to protect páramo ecosystems;
- Bear Creek v Peru awarded compensation despite community conflict around Indigenous consultation.

By contrast, tribunals have also validated bona fide regulation: Philip Morris v Uruguay (public health), Methanex and Chemtura (environmental measures) confirmed a state’s right to regulate.

This paper operationalises a three-part redesign of ISDS to neutralise “regulatory chill” while preserving legitimate investor protection:

1. Climate carve-outs + necessity safe harbours. Pre-agreed defences for Paris-aligned, non-discriminatory, proportionate, time-bound measures—giving tribunals a structured pathway to prioritise human-rights-consistent climate action.
2. Investor admissibility via ESG/Human-Rights Due Diligence. Claims proceed only if the investor demonstrates supply-chain HRDD, scope 1–3 GHG accounting, and effective grievance mechanisms; non-compliance renders claims inadmissible.
3. Robust state counterclaims. Build on Urbaser v Argentina (jurisdiction over rights-based counterclaims) and successful environmental counterclaims in Burlington and Perenco to institutionalise restitutionary and remedial metrics, with tribunal-appointed experts.

Grounded in Global-South exposure and fiscal constraints, the model translates the stringent state due-diligence duties and duties to regulate private actors articulated across recent international advisory opinions (ITLOS/IACtHR/ICJ) into

arbitral doctrine and procedure. Deliverables include model treaty text for rapid retrofit, a decision-tree for public-interest defences, and a compliance blueprint that aligns investment flows with a human-rights economy—protecting regulatory space for a just transition while raising the floor for responsible.

**Nahida Mamache | *Investment***

---

### The Future of Green Arbitration: Africa, ISDS, and the Fight Against Economic Colonialism

---

The global rise of environmental and climate-related obligations has triggered a surge in disputes between states and foreign investors, a trend expected to intensify, particularly across Africa. At the heart of this dynamic lies the Investor–State Dispute Settlement (ISDS) mechanism, which, instead of fostering sustainable development, has too often enabled “polluters to be paid.” By allowing investors to claim billions in damages when governments strengthen climate regulations, ISDS creates a chilling effect that undermines both environmental protection and human rights. Nearly USD 100 billion has already been awarded to investors, with fossil fuel and mining companies leading the charge. For developing countries—especially in Africa—these compensations represent not only a crushing economic burden but also a deterrent to adopting ambitious climate policies, despite their minimal contribution to global emissions and their acute vulnerability to climate change.

**Dr Francesca Marzatico | *Indigenous***

---

### Co-production of “the law from below”: reflections on working at the interface to decolonise law

---

“In May 2024, the West Rennell community in the Solomon Islands developed landmark community-led guidelines to regulate extractive activities. These guidelines emerged from the project “Bridging Traditional Governance and Rule of Law through Youth Participation as Agents of Peace and Change in Rennell and Bellona”, implemented by UNDP in partnership with World Vision International. The project sought to empower communities to address land conflicts and mitigate the socio-environmental impacts of extractive industries, while fostering inclusive and participatory governance. Central to this initiative was the recognition of plural legal systems and the need to bridge statutory frameworks with customary governance through locally owned solutions. The guidelines articulate community aspirations for culturally appropriate and sustainable resource management, marking the first example in the Solomon Islands—and the wider Pacific—of “law from below” in the extractive sector. This process exemplifies legal pluralism and co-production at the interface of diverse knowledge systems. Developed through a series of dialogues between the West Rennell community, government representatives, and extractive industry actors in Tigoa and Honiara, the guidelines reflect a commitment to participatory decision-making and self-determination. This presentation explores the experience of co-producing “law from below” with the West Rennell community, discussing enablers, challenges, lessons learned, as well as the transformative potential of community-driven legal innovation. It also provides reflections on the role of the researcher at the interface situating the case within global debates on decolonizing law and governance, arguing that such initiatives advance social justice by amplifying indigenous voices and creating pathways for equitable, rights-based land management.”

**Dr Francesca Marzatico, Associate Professor Katharina Ruckstuhl, Professor Christina Hulbe and Ms Rachel Ruckstuhl-Mann | *Ocean Governance***

---

### Antarctic Geoengineering Interventions: Legal and Governance Considerations

---

The ongoing retreat of Antarctic glaciers, potential for irreversibility as the world passes 1.5C global mean warming, and prospect of more than a meter global mean sea-level rise (SLR) have prompted glaciologists to explore intentional interventions to slow or halt the retreat. It is essential to assess the feasibility, costs, consequences, and risks associated with such measures before either field trials or implementation. Before that, we must know who has the authority to decide that the potential benefits justify the risks, and which legal and governance frameworks apply. While the Antarctic Treaty System and related instruments stipulate that Antarctica is a continent for peaceful purposes and scientific research, decisions of this magnitude cannot rest solely with scientists and their funders. We argue that all substantive determinations regarding glacier interventions must be collective, and that intervention frameworks must be co-designed with rights holders including members of communities most directly at risk, based on fundamental principles of international law, environmental governance, and human rights (Mankoff et al., 2025; Mettiäinen et al.,

2022). This approach aligns with obligations under the Paris Agreement, the UN Declaration on the Rights of Indigenous Peoples, as well as customary norms of free, prior, and informed consent. This paper discusses ways in which the principles of participatory governance, equity, and social justice are embedded in the decision making on glacier interventions alongside states' obligations with regard to their citizens under national and international law.

### **Mohamed Sobhy Hassan Ali Mohamed | *Advisory opinion***

---

#### **Advisory Opinions and Planetary Justice: Reframing International Legal Obligations from a Global South Perspective**

---

The triple planetary crisis of climate change, biodiversity loss, and environmental pollution has prompted international courts and tribunals to issue landmark advisory opinions recognizing stringent state obligations to protect the environment and regulate private actors. While the ITLOS, IACtHR, and ICJ have affirmed that anthropogenic greenhouse gas emissions constitute a wrongful act under international law, questions remain regarding the effectiveness, enforceability, and inclusivity of these advisory pathways.

This paper advances an original contribution by reframing advisory opinions not merely as declaratory instruments but as normative catalysts for systemic course correction. It argues that these opinions can serve as leverage points to restructure international trade, investment, and governance frameworks towards a human rights economy. Unlike existing scholarship that treats advisory opinions as symbolic, this study emphasizes their transformative potential when operationalized through domestic courts, regional institutions, and civil society advocacy.

Drawing on a Global South perspective, the paper interrogates how advisory jurisprudence could address structural inequalities rooted in colonial exploitation and North–South asymmetries. Particular attention is given to Egypt and the wider MENA region, where climate-induced displacement, water scarcity, and food insecurity intersect with fragile governance structures. By situating these regional challenges within the broader legal discourse, the paper calls for an expanded conception of planetary justice that integrates ecological integrity, intergenerational equity, and legal pluralism.

Ultimately, the study highlights that achieving “justice for the planet” requires transforming advisory jurisprudence into actionable tools that ensure fairness, equity, and accountability for both present and future generations.

### **Gillian Moon | *Human rights***

---

#### **Standing outside the law - Australia's human rights choice**

---

Australia is the world's second-largest fossil fuel exporter based on lifecycle carbon emissions, behind only Russia and ahead of every OPEC state. This paper presents the pioneering work of the Australian Climate Accountability Project, documenting adverse human/rights impacts associated with these exported emissions and advancing enforcement of Australia's legal obligations to prevent the resulting human rights harms in Australia.

Australia is a “highly-developed country party” under the Paris Agreement, yet it declines to take any legal or science-based share of responsibility for harms linked to its exported emissions. It has steadfastly refused to establish any regulatory framework addressing them, having no cap on volumes, no reduction targets, no plan, and no phase-out dialogues with buyer countries. It continues to issue new fossil fuel licenses and project approvals, mostly for export; provide billions in subsidies; and exclude exported emissions from its mitigation frameworks.

This paper presents our collaborative work developing attribution methodologies for quantifying climate damage and impacts from specific sets of carbon emissions – including from large sets, such as Australia's annual exported fossil fuel emissions - and explains their importance in the context of mounting research establishing concrete human harms from every fractional temperature rise.

Drawing on Australia's international human rights law commitments and the conclusions in the recent ICJ Advisory Opinion, the paper then analyses Australia's international and domestic legal obligations to protect from the attributable harms, and identifies a series of reform actions to advance human rights in its territory (and everywhere), so as to ‘correct its course’.



## **Dr Wesley Morgan | *Climate justice***

### **Unfinished business of the global climate regime: Pacific leadership toward a managed phaseout of fossil fuels**

This paper considers the history of Pacific climate leadership and next steps for climate justice. Pacific island countries have shaped global efforts on climate change for decades. Working together as a bloc, Pacific nations helped secure the Paris Agreement and international commitment to limit warming to 1.5C. Pacific nations have also clarified the legal obligations of countries to protect the Earth's climate system, by securing advisory rulings from the International Court of Justice and the International Tribunal on the Law of the Sea. These rulings have been unequivocal: all countries must move away from fossil fuel production and consumption. Pacific countries are now pressing for a managed global phaseout of fossil fuels. This paper considers two complementary pathways. First, Pacific nations are collaborating with Australia to lead the COP31 United Nations climate negotiations, to be held in Türkiye in 2026. This is an opportunity to integrate international law obligations into the implementation of the Paris Agreement, including by detailing efforts to cut fossil fuel production and consumption in national climate plans. Second, Pacific nations aim to launch negotiations for a standalone treaty to end fossil fuel expansion and secure a just transition away from coal, oil and gas. This paper evaluates prospects for both pathways and opportunities to build consensus for a managed phase out of fossil fuels.

## **Dr Justine Muller | *Trade***

### **Non-Regression of Environmental Law in Trade Agreements - A powerful tool waiting to be activated or an empty promise?**

Non-regression is a concept that seems self-explanatory. It means that it is prohibited to backtrack, to return to a previous, less advanced state. The concept of non-regression of environmental law, accordingly, prohibits States from weakening their domestic level of environmental protection. Recently, there has been an undeniable move toward adopting non-regression laws in Europe and South America. However, the emergence of non-regression has been more timid in international environmental law. Non-regression of environmental law has, on the other hand, been widely incorporated into international economic law instruments and has become ubiquitous in bilateral and regional Free Trade Agreements (FTAs). Yet, this wide inclusion of non-regression in FTAs is often restricted by linking the regression to a trade distortion or advantage given to the country that is regressing its environmental law. Still, the mere presence of non-regression obligations raises the question of whether these are actionable and enforceable against environmental deregulation, or if they are drafted in such a way that they can only be an empty promise. The proposed paper will map out the ways in which non-regression of environmental law has been included in FTAs (1) before providing a critical doctrinal analysis of these provisions and, in particular, the challenges of their enforcement in the face of the complexity of proving both regression and link to trade (2). However, the paper will also propose legal pathways to enhance the enforceability of non-regression under international trade law, with a focus on supporting the just evolution and enforcement of environmental law (3).

## **Dr Rumbidzai Wendy Muzangaza | *Climate justice***

### **Litigating Climate Justice through Environmental Human Rights: A Transformative Tool for Africa's Course Correction**

The triple planetary crisis demands urgent systemic transformation, yet the Global South, particularly Africa, remains underrepresented in scholarly and legal discourse. This paper interrogates how environmental human rights, when leveraged through climate litigation, are reshaping governance, accountability, and access to justice in Kenya, South Africa, and Nigeria. Drawing on a comparative analysis of landmark judgments, this paper reveals how African courts have liberalised rules on locus standi, clarified climate obligations of both state and non-state actors, and embedded intergenerational equity into environmental jurisprudence. By interpreting the right to a healthy environment as a justiciable human right, African litigants and judiciaries are filling legislative voids and compelling stronger climate ambition. This paper highlights how litigation has broadened the scope of environmental impact assessments, enhanced procedural environmental rights such as access to information and remedies, and promoted recognition of the disproportionate burdens borne by vulnerable populations. However, significant barriers, ranging from political

inertia and extractive economic models to insufficient financing for green transitions, impede systemic legal reform. The paper argues that environmental human rights, contextualized within African legal pluralism and socio-political realities, offer a normative framework for transformative course correction that is grounded in justice, dignity, and ecological integrity. Ultimately this paper argues for the global recognition of African climate jurisprudence not as peripheral, but as foundational to future-oriented, legally grounded approaches to securing planetary justice. The analysis generates practical guidance for reorienting legal systems toward human rights and sustainability in the Anthropocene.

**Maria Nawaz | *Human rights***

---

### Gatekeeping Justice: Comparative Perspectives on Standing in Climate Litigation

---

Standing, or the legal right to bring a case, remains one of the most significant procedural barriers in climate litigation. As the impacts of climate change become more acute, the question of who is entitled to represent affected communities, future generations, or the environment itself has gained renewed urgency. This paper examines the interpretation and application of standing rules across several jurisdictions, focusing on Australia, the United States, and Europe, and considers how standing doctrines can either facilitate or constrain access to climate justice.

Australia's approach to standing occupies a middle ground between the more stringent requirements in the United States and the more expansive interpretations emerging in parts of Europe. In the US, courts apply a constitutional three-part standing test that requires proof of injury, causation and redressability. In contrast, Australian courts draw on both narrower common law rules and broader statutory provisions, depending on the legal basis of the claim. Under Australian judicial review, environmental protection and planning statutes, plaintiffs need only be "persons aggrieved" to establish standing. By contrast, under Australian common law, litigants must show a "special interest" that distinguishes them from the general public. The paper situates these standing rules within global developments, including the European Court of Human Rights' landmark *Vereniging Milieudefensie en Natuurvriendelijke Groep Nederland v. Staat der Nederlanden* decision, which recognised standing for an association bringing climate change claims, while denying standing to the individual applicants.

The paper concludes by identifying potential avenues for reform to reduce standing barriers and strengthen access to justice.

**Van Quynh Ngo | *Climate justice***

---

### Justice in Transition: Examining Renewable Energy Policy under Authoritarian Environmentalism in Vietnam

---

The energy transition, the shift from fossil fuels to renewable energy sources, is essential to achieving climate goals. Yet, this transition risks exacerbating inequality if justice dimensions are overlooked. While energy justice research has grown rapidly, most studies focus on liberal democracies with participatory governance. A gap remains in understanding its application under authoritarian environmentalism (AE). Vietnam presents a pertinent Global South case, combining a state-led political configuration with an accelerating energy transition aligned with global sustainability and green growth agendas. Its governance reflects AE, where centralized authority and limited participation shape how justice is conceived and practiced. This study examines how the four tenets of energy justice - distributional, procedural, recognition, and restorative - are represented and interconnected in Vietnam's renewable energy (RE) policies from 2007 to 2023. Using qualitative content analysis of 19 official policy documents at national levels, a deductive codebook derived from energy justice theory identifies key indicators such as benefit allocation, participation, knowledge inclusion, and compensatory measures. Findings show that AE's centralized governance selectively promotes justice indicators aligned with state performance goals or international incentives, while participatory mechanisms remain structurally constrained. Vietnam's RE policy evolved from distributive access to broader restorative measures, catalyzed by the JETP in 2023. The study contributes to policy advancement by highlighting where structural constraints limit participatory and ecological inclusion, offering a diagnostic framework to align energy governance with justice-based transition goals.

**Right to Regulate for Climate Protection in Modern Investment Treaties: A Comparative Legal**

---

With the growing impacts of climate change, States are increasingly required to meet their international obligations to protect the environment and take action on climate change. These obligations are often implemented through national laws and regulations that may come into tension with commitments made under international investment treaties. This situation gives rise to ongoing legal debates over the scope and limits of the State's right to regulate within the framework of international investment law. This paper conducts a comparative legal analysis of how the "right to regulate for climate protection" is safeguarded in two modern investment treaties - The EU-Canada Comprehensive Economic and Trade Agreement (CETA) and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP).

**Professor Patricia Grazziotin Noschang and Dr Erika Pires Ramos | *Human rights***

---

**Untitled**

---

The floods that struck Rio Grande do Sul in May reveal a profound lack of preparedness in providing shelter and assistance to the most vulnerable populations—who, in turn, become doubly invisible, both socially and economically. Advancing specific regulatory frameworks to recognise individuals affected by environmental or climate-related disasters is therefore essential to ensure visibility, access, and the guarantee of rights—namely, dignity. This study seeks to apply the theory of the Responsibility to Protect (R2P) to the context of human rights violations resulting from a foreseeable environmental disaster, documented by scientific evidence, which has become the largest humanitarian catastrophe in the Americas in terms of both population affected and territorial scope. Based on the first pillar of R2P, the State bears the duty to protect all individuals within its territory from human rights violations. At the same time, the international community becomes co-responsible when it fails to adopt effective measures to mitigate the adverse effects of global warming—effects that directly influence climate dynamics. This perspective introduces a renewed interpretation of R2P, one that intersects with the principle of common but differentiated responsibilities, as established in the 1992 United Nations Framework Convention on Climate Change. In conjunction with the Cartagena +40 Process and other developments recognised by international and regional courts and tribunals, there is an urgent need to acknowledge all individuals affected by socio-environmental harm resulting from environmental disasters and the adverse effects of climate change.

**Dr Frances Chisomaga Nwadike | *Trade***

---

**Climate Change and the WTO: A Case for a Plurilateral Interpretive Instrument**

---

Climate change is a global challenge, from concerns about global warming to hurricanes and earthquakes. The 2015 Paris Agreement represents a commitment from governments to take action to address human-induced climate change and achieve the Paris Goals. As a result, some countries have adopted some climate change measures, including carbon border adjustment mechanisms (CBAM) and renewable energy subsidies, to address human-induced climate change.

The adoption of these climate change measures is controversial, especially at the World Trade Organisation (WTO). Notably, Russia has requested consultations with the European Union (EU) —both WTO Members —regarding the EU's CBAM and export subsidies under the EU's Emission Trading Scheme. Although a final judicial decision is unlikely within the short term due to the Appellate Body crisis, the consultation request highlights the potential litigation risk for WTO Members that adopt similar measures. This litigation risk is real, considering that the WTO trade agreements do not expressly exempt climate change measures, and an amendment to these rules remains unlikely in the short term due to the need for consensus from all WTO Members. This paper proposes the adoption of a plurilateral interpretative agreement to facilitate a climate change-friendly interpretation of WTO trade agreements as a solution. It highlights the benefits and challenges of adopting such an agreement and recommends ways to address the challenges.



## **Dr Odinakachukwu Emmanuel Okeke | *Food security***

---

### **Ecological Integrity and the Right to Food in Nigeria: Addressing the Environmental Roots of the Food Scarcity Crisis**

---

Nigeria's deepening food scarcity crisis exemplifies how ecological degradation erodes both environmental integrity and the human right to food. Across the country, deforestation, desertification, soil depletion, flooding, and pollution have weakened the ecological systems that sustain livelihoods. These failures, compounded by extractive development models and weak environmental governance, expose the fragility of Nigeria's food systems and the injustice of environmental mismanagement. This paper situates Nigeria's food crisis within the broader planetary justice discourse and the emerging global recognition of the right to a clean, healthy, and sustainable environment. Drawing on recent advisory opinions of the ITLOS, ICJ, and IACtHR, it argues that ecological collapse constitutes not merely an environmental failure but a continuing violation of socio-economic rights under sections 16 and 20 of the Constitution of the Federal Republic of Nigeria 1999 and the African Charter on Human and Peoples' Rights. Adopting a Global South and decolonial lens, the paper proposes a justice-based "course correction" rooted in ecological integrity, rights-responsive governance, and agro-ecological transformation. It calls for integrating indigenous knowledge, climate adaptation, and restorative land management into Nigeria's food and environmental policies. By linking human rights with ecosystem resilience, the study advances a model of environmental justice that positions food security as both an ecological and a constitutional imperative for sustainable development in Nigeria.

## **Assistant Professor Mohammad Rashed Hasan Polas | *Business and human rights***

---

### **Triple Accountability Theory for Planetary Justice: An ESG-Driven Framework Toward Zero Harm, Exclusion, and Neglect**

---

This study introduces the Theory of Triple Accountability for Planetary Justice (TAP-J), a novel framework that redefines corporate responsibility through the lens of Environmental, Social, and Governance (ESG) principles. Inspired by Dr. Muhammad Yunus's "Three Zeros" vision, TAP-J offers a transformative pathway for aligning business accountability with planetary justice towards Zero Harm, Zero Exclusion, and Zero Neglect. The study utilized cross-sectional data collected from 368 corporate professionals working in sustainability, CSR, compliance, or innovation roles, particularly within the garments, energy, agriculture, and technology sectors in Bangladesh. A purposive sampling technique was employed to ensure relevance to the research context. Using a hypothetical-deductive approach and a survey-based research design, the theory is empirically tested via Partial Least Squares Structural Equation Modeling (PLS-SEM) using SmartPLS. The results show that environmental, social, and governance accountability, and stakeholder engagement have positive and significant effect on planetary justice. In turn, planetary justice has a positive and significant effect both sustainable innovation adoption and regulatory pressure. Additionally, regulatory pressure positive and significantly drives sustainable innovation adoption. The model also reveals key mediating effects: stakeholder engagement mediates the relationship between the three accountability dimensions and planetary justice, while regulatory pressure mediates the link between planetary justice and innovation adoption. This study contributes to the evolving ESG discourse by integrating stakeholder dynamics and regulatory contexts into a justice-oriented framework. It provides actionable insights for policymakers, corporate leaders, and sustainability advocates aiming to align business practices with global justice imperatives. TAP-J not only advances academic understanding but also proposes a practical roadmap for businesses to become agents of planetary transformation.'

## **Professor Ravindra Pratap | *Trade***

---

### **Balancing the Scales: Advancing Climate Change Governance Imperatives in Developing States Through Regime Interaction & Judicial Interpretation of the Public Policy Exception to Investor-State Arbitral Award Enforcement Under the New York Convention**

---

While the CBAM is of a marginal value in mitigating climate change, it has significant (or at least does not have negligible) implications for developing countries, including suppression of exports from carbon-intensive industries, such as Indian Iron and steel industry with about 23.55% of its exports to the EU. If the CBAM is considered a tax on carbon, it is not quite clear how carbon can be treated as an input and not a by-product. Second, if the CBAM taxes

only the imported products, it is WTO-inconsistent. Third, if the CBAM discriminates imports and thereby gives less favourable treatment to any country exporting to the EU, it can be found afoul of the GATT Article I. This is not to say that the EU is without permissibility of potentially invoking general exceptions under the GATT Article XX. And, finally, the CBAM could also constitute a de facto quantitative restriction by effectively quantifying exports to the EU. On a policy plane, the CBAM is not without implicating an element of fairness as greenhouse gases in the atmosphere have been mostly contributed by the activities in the developed countries. Developing countries should rely on the common but differentiated responsibilities (CBDR) principle as a measure for partially offsetting carbon tariffs. Exemption of the South Asian LDCs (Afghanistan, Bangladesh, Bhutan, Maldives and Nepal) and the integration of the special and differential treatment provision with the WTO's non-discrimination principle is indispensable for maintaining a working relationship between trade and climate change.

## **Emily Price and Greg Phelps | *Ocean governance***

---

### **Transboundary Justice and the Montara Oil Disaster**

---

The 2009 Montara oil disaster occurred in Australian waters of the Timor Sea, at the Montara wellhead being drilled by PTTEP Australasia, an Australian subsidiary of a petrochemical conglomerate, PTT, part-owned by the Thai government. The spill flowed for 74 days and had transboundary impacts in the Indonesian province of Nusa Tenggara Timur, with significant economic loss across the province especially felt by seaweed farmers and fisherfolk. This had severe impacts on villagers' ability to earn an income, and to send their young people to school and university.

In 2013, Greg and Emily travelled to West Timor to explore claims of damage in West Timor, which were unknown and in remote relocations. This then culminated in an investigative research report compiled by Emily, and extensive media on the otherwise unknown topic. In 2016, Greg lodged a class action in the Federal Court of Australia, representing more than 13,000 seaweed farmers from across Nusa Tenggara Timur, in the case of Sanda v PTTEP Australasia (Ashmore Cartier) Pty Ltd. Seven cases resulted, with a successful judgment handed down in 2023, which was subsequently appealed by the polluting company to the High Court of Australia. The case then settled for \$192.5 million. Compensation was distributed to all seaweed farmers in 2024, with visits to remote villages across the region for more than a year.

The struggle for justice was compounded by the geographical remoteness of areas, the gathering of evidence in Bahasa, cultural difference, and the simplicity and remote nature of village life. Yet throughout the struggle, there was a coming together of people across cultural and language differences, who united to fight together for many years, and who ultimately, won.

The session will bring the story to life, and the issue of transboundary justice to life, through storytelling, photography and anecdotes. The presenters will also address the fact that there is no international convention addressing oil spills from wellheads, the need for an international convention in this area, and further steps required to ensure justice for the people of West Timor and surrounding islands.

## **Nabilla Desyalika Putri | *Indigenous***

---

### **Inclusion or Exclusion? A Critical Review of Challenges in Acknowledging the Role of Indigenous Peoples in Indonesia's Climate Policy**

---

What is the proper way for the state to engage with indigenous peoples in climate change?

Should they be seen as active participants, passive objects, or a special case? Indigenous communities are among those most impacted by climate change because they live in forests and play a key role in environmental stewardship. They have unique value systems, local knowledge, and traditional practices effective in addressing environmental challenges. Although The 1945 Constitution of The Republic of Indonesia recognizes their rights, legal protections and acknowledgment are lacking, as reflected in Indonesia's environmental laws and climate regulations. Currently, indigenous peoples are often seen as objects or passive participants. As climate change becomes clearer, the government should actively empower indigenous communities, recognizing their role in climate adaptation. This study identifies the challenges faced by indigenous peoples in Indonesia and their recognition in climate policy using legal

research methods, combining legislative and conceptual approaches. Findings show that indigenous communities' participation in climate change matters has recently been acknowledged, as demonstrated by the Regulation of the Minister of Environment and Forestry Number 12 of 2024 on Implementing Nationally Determined Contributions for Climate Change. This regulation recognizes them as key stakeholders, mainly as consulted and coordinated parties. Meanwhile, in regulations related to the environment and natural resource regulations, their roles vary. This research aims to develop inclusive policies reflecting ecological justice. The goal is to strengthen indigenous peoples' rights in climate change issues, reflecting ecological justice and supporting environmental sustainability

### **Raisa Savitri Ramadhani | *Climate justice***

---

#### **The Dual Nexus: Industry as victim and driver. The need for climate adaptation in Industrial Estate Development in Indonesia.**

---

Industrial estates in Indonesia are in a paradoxical position because they are not only drivers of greenhouse gas emissions and environmental degradation but also highly vulnerable to climate-related hazards. This thesis explores this dual nexus, positioning industries as victims of increasingly frequent floods, storms, and droughts, while also recognizing their role in amplifying climate risks through emissions, water usage, and land-use change. By examining the theoretical foundations of disaster risk reduction (DRR) and climate change adaptation (CCA), the study highlights how these two fields share the objectives of reducing risk and enhancing resilience. However, it also identifies institutional fragmentation, inconsistent policies, and a lack of political will as barriers to the integration in Indonesia. The study highlights lessons from global experiences in structural adaptation, governance reform, and multi-stakeholder collaboration that can be adopted in Indonesian strategies. In Indonesia's rapidly expanding industrial sector, the study identifies significant vulnerabilities to hydro-meteorological risks, particularly floods and droughts, and advocates for the integration of DRR and CCA into industrial policy and infrastructure planning. It is also argued that effective adaptation techniques, such as resilient energy and water infrastructure, industrial symbiosis, and urban-industrial integration, are vital not only for protecting economic growth but also for ensuring competitive and sustainable industrial development.

### **Hossain Mohammad Reza | *Climate justice***

---

#### **Barriers on the Bench: Tracing the Life Cycle of Climate Adaptation Litigation**

---

Infrastructure has a critical role to play in the climate change adaptation context, accounting for 88% of all adaptation costs. Existing scholarship highlights how different pathways of climate change litigation interact with infrastructure and the humans who occupy it. However, the question of what barriers constrain judicial engagement with climate adaptation, particularly in relation to planned coastal infrastructure, remains largely unexamined. This paper addresses this gap through an empirical inquiry into the Bangladeshi context, where the intersection of infrastructural development and climate vulnerability is most acute.

Drawing on twenty-six semi-structured interviews with Supreme Court justices, environmental lawyers, and academic experts in law and engineering (under Melbourne Law School ethics approval), the study adopts a chronological framework—pre-litigation, litigation, and post-litigation—to trace how institutional, procedural, and epistemic barriers constrain judicial engagement with climate adaptation. Supplementary analysis of legal texts, case law, and secondary literature contextualises the interview findings.

This paper reveals how evidentiary fragilities, limited climate-conscious advocacy, the judiciary's reliance on government data, judicial economic trade-off concerns, procedural instabilities, and the psychological and economic burdens of litigation collectively weaken the development of climate adaptation litigation in Bangladesh. It further demonstrates that tensions between law, politics and development priorities can serve as a barrier to consistently protecting people's rights by the judiciary.

Moving beyond prior studies that focused on emblematic cases or on doctrinal borrowings across jurisdictions, this paper provides a practically informed understanding of how barriers are perceived, negotiated and at times circumvented by the actors of the system. The analysis offers insights not only to the Global South but also to the



Global North, where similar tensions between legal systems, infrastructural governance, and climate imperatives persist.

### **Professor Benjamin Richardson and Sarah Brugler | *Food security***

---

#### **Scaling Up: Opportunities and Barriers to Private Landholders Aiding Global Biodiversity Goals**

---

Local initiatives aimed at safeguarding biodiversity and restoring ecosystems are crucial for achieving global biodiversity conservation objectives, such as those outlined in the Kunming-Montreal Global Biodiversity Framework (2022). Conservation covenants represent an innovative legal tool employed in numerous countries to enhance the contributions of private landholders towards these objectives. These covenants are inscribed on property titles to ensure the long-term preservation of natural values. Although their application is on the rise, experiences from various nations, including Australia, New Zealand, and the United States, reveal certain limitations associated with covenants. There is a lack of explicit provisions to accommodate evolving circumstances, such as the impacts of climate change; inadequate support for landowners; and a pressing need for enhanced environmental monitoring and compliance oversight. To address these and other legal challenges, several measures could be implemented, including fostering improved reciprocity among covenant parties, designing covenants with increased flexibility, and strengthening integrity mechanisms.

### **José Daniel Rodríguez-Orúe and Verena Kahl | *Advisory Opinion***

---

#### **The Right to a Healthy Climate and the Next Wave of Climate Litigation**

---

In July 2025, the Inter-American Court of Human Rights (IACtHR) recognized for the first time the newly developed right to a healthy climate (RtHC) in its Advisory Opinion on the “Climate Emergency and Human Rights”. Against this background, this contribution first briefly traces the history of the emerging right to a healthy climate within and outside the Inter-American Human Rights System, in order to examine the nature and individual elements of the emerging RtHC, including new right holders, duty bearers and the corresponding obligations that operate under this right in a second step. In this sense, the authors depart from the IACtHR’s proposition in order to also detect potential lacunae and corresponding opportunities for the right’s further development in theory and practice.

Finally, the authors seek to demonstrate if and how the major jurisprudential innovation provided by the IACtHR in its Advisory Opinion No. 32 may provide a new boost to rights-based climate litigation, as the RtHC is moving from aspiration to enforceable law. To this end, the contribution analyses whether the unique elements of the RtHC, including its preventive function for the benefit of present and future generations of human and ahuman beings, may open the jurisprudential space for a new wave of prevention-centered litigation that contests State-centered conduct, such as national mitigation targets or environmental impact assessments, and uses procedural tools, like interim measures, to guarantee a climate system within which interrelated and interdependent human and ecosystems can strive alike.

### **Dr Francesca Rosignoli | *Climate justice***

---

#### **Doing Environmental Justice through Climate Assemblies? Lessons learned from two case studies in Austria and Italy**

---

This paper explores the potential of climate assemblies as instruments for advancing environmental justice, focusing on two case studies in Austria and Italy: the Consiglio dei cittadini per il Clima/ Klimabürgerrat in South Tyrol (Italy) and the Bürgerrat Klima-Zukunft in Vorarlberg (Austria). Drawing on qualitative data from semi-structured interviews and policy documents, the study examines how these assemblies address issues of inclusion, equity, and democratic legitimacy in climate governance. The main findings suggest that, although citizens' assemblies are widely regarded as promising tools for fostering democratic participation and civic engagement in climate governance, they still face challenges in adequately representing the communities most affected by environmental issues and in ensuring the practical impact of their policy proposals. To strengthen their contribution to environmental justice, it may be useful to investigate alternative selection methods – especially to address the issue of self-selection – and to develop more



robust strategies for translating assembly recommendations into actionable policies. The analysis of the strengths and weaknesses of these initiatives may help policymakers optimize the use of this innovative participatory tool for pursuing environmental justice-oriented policies.

### **Shaivie Sharma | *Intersectional perspectives***

---

#### **Women as Indigenous Knowers: Ecological Epistemologies in the Songs of the Panihari**

---

For the longest time, women have not been acknowledged as knowers, capable of producing, preserving, and transmitting knowledge. Within the realm of history writing and scholarship, they were either excluded altogether or included by being “added to the mix” of ongoing patriarchal discourses, without recognition of their epistemic authority. This produced a dual lacuna: the absence of women in the historical record, and their infrequent presence without a transformation of the questions and frameworks that marginalise them. Yet women are indeed knowers, whose knowledge emerges from embodied experience, everyday labour, and cultural repertoires, songs, dances, and proverbs that have historically been the most accessible sites for them to articulate and preserve their worldviews. This paper attempts a critical reading of the Panihari (the woman who fetches water) genre of songs, sung by women in the desert regions of India, where they travel long distances to fetch water for their families' daily needs. They foreground their epistemic agency by reflecting their understandings of work, environment, water scarcity, climate stress, resilience and survival. They are both cultural artefacts and repositories of indigenous ecological knowledge and strategies of resilience. Through them, women sustain communities, motivate themselves and others, and pass on crucial insights across generations. In situating Panihari songs within the broader framework of indigenous knowledge and gendered ecologies, this paper argues for the urgent preservation of such repertoires as sources of knowledge crucial for the development of gender responsive policies and governance. They capture not only women's resilience in conditions of extreme heat and environmental precarity but also their ability to interpret, narrate, and shape human-climate relationships. This paper aims to bring a measure of epistemic justice to our discussions of gender, climate, and public policy, which need to amplify women's voices before they are lost to silence.

### **Dr Aradhana S Talwar and Ms Surabhi Mathur | *Intersectional perspectives***

---

#### **Interweaving Justice and Knowledge: Indigenous Knowledge Systems, Legal Pluralism, and Gender Perspectives in India**

---

Indigenous knowledge systems signify generations of social organisation, sustainable living, ecological and cultural practices that have been developed over the years through close interaction with nature. In India, the Indian Knowledge System (IKS) encompasses various traditional practices and knowledge, including environmental management, traditional medicine (Ayurveda), and unique agroecological traditions. Interestingly, these indigenous practices and knowledge coexist with established State laws and policies, signifying both opportunities and challenges for legal pluralism in India. In light of this, the paper examines the intersection of indigenous knowledge, legal pluralism and gender perspectives in the Indian context.

Further, through various case studies such as the Khasi matrilineal land tenure system in Meghalaya, the paper will analyse how indigenous legal practices in India were gendered. Women, often regarded as forest custodians, have emerged as key actors in preserving sustainable practices and cultural identity. Therefore, the study argues that acknowledging these gendered aspects in indigenous environmental legal philosophy is necessary for a better understanding of pluralism, sustainability and justice. The paper will discuss various case studies within the broader context of decolonising knowledge and the legal system, thereby arguing for the integration of the Indian Knowledge System into India's national policies.



---

## Death Atlas: The Industrial Livestock Paradigm as a Barrier to Ecological Integrity

---

Global climate action debates have mainly focused on reducing emissions in the energy and transportation sectors, while the environmental costs of industrialized livestock production have remained overlooked in both policy and scholarly discussions. However, evidence from multiple studies and global food system models shows that livestock-based agricultural systems are major contributors to greenhouse gas emissions, biodiversity loss, land-use change, soil degradation, deforestation, and freshwater stress. Beyond ethical arguments regarding the consumption of animals, available data shows that the consequences of this production system burden Indigenous Peoples, smallholder farmers, and rural communities, raising serious concerns for environmental health and equity.

In that sense, this paper argues that the industrial livestock paradigm itself is a structural barrier to remaining within planetary limits. The prevalence of livestock food systems –and the persistent focus on efficiency reforms or sustainable optimization– reflects a deeply embedded political-economic framework that shape production priorities and consumption norms, while hiding other alternatives, such as the expansion of agroecology and plant-based food systems. This research discusses the mechanisms through which this paradigm is reproduced and stabilized, highlighting why meaningful ecological course correction requires grappling with not merely emissions profiles but rather the agrifood model itself.

---

## Territorial Spatial Planning: Coordinating Ecological Security and Food Security for a Sustainable Path in China

---

This study examines how China's territorial spatial planning system addresses the critical challenge of balancing ecological protection and food security. Through analysis of ecological conservation redlines, permanent basic cropland, and urban development boundaries, it reveals how this spatial governance framework strategically reconciles conflicts between conservation and production.

Employing qualitative analysis and policy evaluation, we systematically investigate the system's implementation effectiveness and socioeconomic-ecological impacts. Findings demonstrate that the system's success stems from its rigid spatial constraints and holistic governance approach, enabling synergistic development of ecological and food security. Specifically, ecological redlines protect crucial functional areas; permanent cropland safeguards food security foundations; and urban boundaries contain sprawl. These measures not only segregate conflicting land uses to prevent ecological degradation and farmland loss but also foster positive ecology-agriculture interactions through functional complementarity.

Case evidence shows how rational spatial zoning creates win-win outcomes: buffer zones around protected areas reduce human disturbance while enhancing agricultural environments. Furthermore, promoted eco-agricultural technologies improve production sustainability while minimizing environmental impacts.

This study concludes that China's spatial planning offers vital insights for global sustainable land governance, demonstrating how strategic spatial regulation can simultaneously advance ecological integrity and food security. For regions facing similar development-environment challenges, this experience provides a valuable governance model with significant referential importance.

---

## Enforcing Corporate Accountability Beyond Borders: The Extraterritorial Effects of Mandatory Human Rights and Environmental Due Diligence (mHREDD) Laws in the Asia-Pacific Region

---

Transnational corporations play a central role in global production, but their activities often cause extraterritorial human rights and environmental harms beyond national borders. The Asia-Pacific region, a major production base for European markets, faces the intertwined crises of climate change, biodiversity loss, and pollution - evident in deforestation, coral bleaching, land conversion, industrial expansion, and pollution that damage ecosystems and threaten human well-being.



In response, laws such as France's *Loi de Vigilance*, Germany's *Lieferkettengesetz*, and the EU *Corporate Sustainability Due Diligence Directive* establish mandatory human rights and environmental due diligence (mHREDD) obligations intended to reshape corporate conduct across global supply chains. While these laws articulate ambitious regulatory aims, their actual effects depend on how their norms are “translated” into the corporate context and subsequently “grounded” in diverse domestic settings.

This paper sets out the PhD research design and presents early conceptual work on how mHREDD norms may “travel” beyond Europe and shape corporate compliance in the Asia-Pacific region. Drawing on literature on norm translation, localization, and domestication, the paper theorizes how due diligence obligations articulated in European mHREDD laws might be interpreted, reframed, or selectively adopted as they enter new corporate and regulatory environments. This theoretical examination forms the foundation for the project's subsequent empirical stages. The paper outlines how the next phase will map the initial appearance of translated norms through desk-based analysis of corporate, state, and civil-society documents, and how a later phase will employ case studies and semi-structured interviews to empirically investigate how these norms are ultimately “grounded” within specific domestic contexts across the Asia-Pacific.

