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National University of Singapore

Teaching and Researching International Law in Asia

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Teaching International Environmental Law in Asia

REPORT

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The Centre for International Law (CIL) was established as a university level research institute at the National University of Singapore (NUS) in 2009, in response to the growing need for international law thought leadership and capacity building in the Asia-Pacific region. The mission of CIL is to enable Singapore and the Asia-Pacific region to play a more significant role in the promotion and development of international law.

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Mr Amiel Ian Valdez

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Overview

Dr Nilufer Oral welcomed the participants of the 'Teaching International Environmental Law in Asia' webinar series. Dr Oral said that this topic is close and dear to her—having taught and done academic works in the field of environmental law for over 20 years.

Dr Nilufer Oral
Director
Centre for International Law
National University of Singapore

Protection of our environment has been on the world agenda, at least since the historic 1972 Earth Summit that was held in Stockholm, which produced the famous Stockholm Declaration and its principles. But in truth, many cultures already knew and practiced the protection of the natural environment and its resources, without which we humans could not exist. Despite all this, the degradation of the environment continues, and we can now add climate change, which was not an issue in 1972.

So, the teaching environmental law in universities is all the more important to ensure that we have another generation of teachers who will not only teach the laws but also the values we need to ensure that many more generations will continue to carry the torch.

Teaching and Researching International Law in Asia or TRILA is one of the flagship programme of NUS Centre for International Law. The TRILA Programme, led by Professor Tony Anghie and Amiel Ian Valdez, has now established itself as a leading name for disseminating the tools that we all need to teach and conduct research that have an impact. And it is absolutely critical that the teaching of international law and its different topics and research not be under the hegemonic influence of the developed countries—the Global North—but that the brilliant minds of the Global South must shine and their voices be heard.

Dr Oral was delighted to see the large number of participants and speakers, and wished them a productive discussion ahead.

Overview

Professor Antony Anghie supported the many important points raised by Dr Oral. Professor Anghie also gave an overview of what TRILA does as a project, and what the participants are expected to learn from this discussion on teaching International Environmental Law in Asia.

Professor Antony Anghie
Head
TRILA Programme
Centre for International Law, National University of Singapore

As Dr Oral said, environmental issues are surely one of the most compelling issues that we face today. The TRILA Programme has been established to foster, encourage and assist scholars and teachers, particularly in Asia, to develop expertise in particular areas, and share their experiences and expertise. Many of the participants who attended the previous events of TRILA are familiar with this broad goal. The focus of TRILA is really on the idea that we have the expertise in Asia. We have the experience in Asia that needs to be articulated and shared among ourselves. We do not always have to look to the west, to the United States, to Europe, for the expertise that is necessary to deal with these complex issues.

If we look at environmental protection, there are arguments to be made that Asian societies understand the importance of the environment in ways that are still being appreciated now and which need to be further disseminated. TRILA has been a program that is in place for the last six years now, and the focus is very much on how Asian societies can actually use international law and International Environmental Law to further their own welfare, their own well-being and the well-being of their people, and also how they can use their resources to participate effectively in international forums where so many of these issues are discussed and negotiated.

Professor Anghie then thanked the speakers for agreeing to share their expertise and their experience with the participants.

Session 1:

Challenges and Opportunities

Presentations by:

Dr Mostafa Naser

School of Business and Law
Edith Cowan University (Australia)

Professor Afshin Akhtar-Khavari

School of Law and Social Science University
South Pacific (Fiji)

Associate Professor Dr Maizatun Bt Mustafa

Ahmad Ibrahim Kulliyyah of Laws
International Islamic University of Malaysia

Dr Thitinant Tengaumnuay

Faculty of Law
Chulalongkorn University (Thailand)

The Speakers provided an overview on the following issues:

- How the teaching of International Environmental Law has changed over time
- Challenges or particular problems when teaching this subject, and how they could be overcome
- Students attitudes towards studying this course
- Incorporating Asian perspectives and experiences in teaching this subject

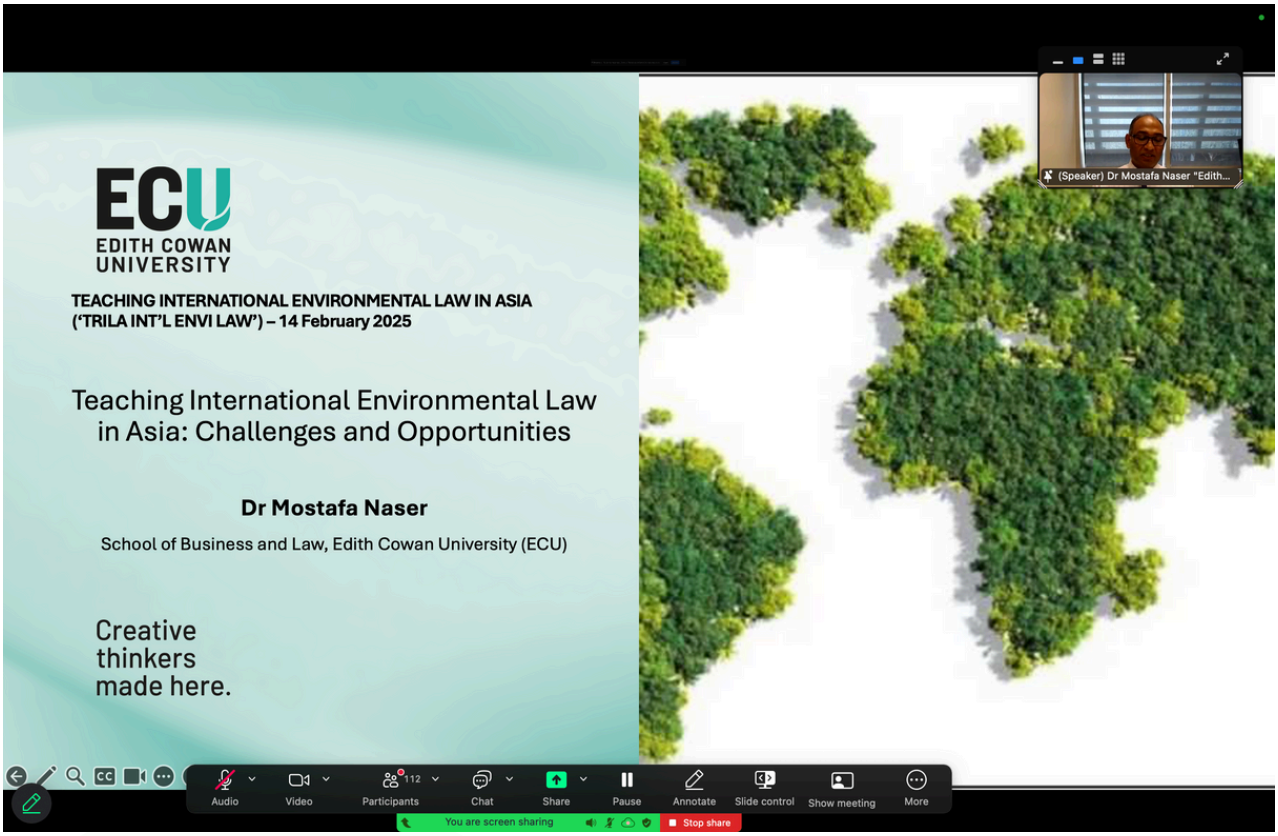
Presentation

by Dr Mostafa Naser

Dr Mostafa Naser focused his presentation on the key challenges in teaching International Environmental Law, such as:

- the growing interdisciplinarity of the subject and issues it covers
- diversity of cultures and legal systems in Asia
- and how those challenges could be addressed by incorporating Asian perspectives, using new technologies, among others

Dr Mostafa Naser
Lecturer
School of Business and Law
Edith Cowan University



Screenshot from TRILA Webinar

Evolution of Teaching International Environmental Law

He began his presentation by pointing out the **diversity of the Asian region in terms of ecology, environmental challenges brought about by rapid economic growth**. All these particularities make the teaching of International Environmental Law more critical than ever. As environmental challenges and issues increase and its nature crosses national borders, so the role of international law education also grew exponentially, shaping the next generation of environmental policy makers, advocates and legal practitioners.

Adapted from Dr Naser's Presentation

Dr Naser shared his experience about how International Environmental Law teaching has evolved including the attitudes of the students towards the subject. International Environmental Law was initially a part of the broad international law or environmental science course. But eventually, it has evolved significantly and emerged as a distinct field in the mid-20th century. Over time, because of new global environmental challenges like climate change, biodiversity loss, marine pollution, transboundary pollution, and others, the study of International Environmental Law has gained prominence. Hence, the course got its own space in legal education.

Evolution of Teaching International Environmental Law

Initially, the International Environmental Law course was taught mostly focusing on theories and principles, such as the 1972 Stockholm Declaration and the 1992 Rio Declaration.

1972 Stockholm Declaration

1992 Rio Declaration

But now, because of climate activism, awareness on corporate accountability, environmental and climate litigation are a form of remedy, the focus of the course has shifted to studying practical applications, such as the **role of international tribunals** like the International Court of Justice (ICJ) and International Tribunal for the Law of the Sea (ITLOS), as well as **national and regional courts**. Case studies and environmental disputes decided by these courts have become integral parts of studying International Environmental Law. Consequently, pedagogical approaches have also evolved, making the class more interactive and participatory.

For example, now there are **more moot court competitions** specifically on environmental law problems, model United Nations simulations, environmental law clinics, etc. All these provide students with hands-on experience and deeper understanding of the subject matter.

Additionally, today's International Environmental Law classes are not just about the law. The classes integrate insights from environmental science, economics, sociology, political science, and thus, reflecting the **multidisciplinary nature of environmental governance**. So now, the curriculum includes **global frameworks** like the Paris Agreement, Sustainable Development Goals, disaster management, and also the **increasing role of non-state actors like multinational corporations, NGOs,** and their role in environmental protection. Online platforms, digital case studies and simulation exercises have enhanced the learning experience in today's International Environmental Law education. There are also a lot of soft laws developed over the time, which have become part of our class discussions.

Challenges in Teaching

While teaching is rewarding, it comes with unique challenges, particularly in Asia.

1. Complexity of the subject

Environmental law is inherently complex because it involves **multiple legal regimes and overlapping treaties**. This means that on the same topic, you might have multiple applicable treaties. And it is not easy to study them altogether. There is also the need to balance state sovereignty with global environmental goals. A number of environmental principles are mostly soft law principles, and have implications on state sovereignty. Studying all these can be overwhelming for students sometimes.

2. Diversity of legal systems in Asia

Asia is home to a wide range of legal systems—from common law to civil law, and customary law to religious law. This diversity makes it also challenging to teach the course. The students sometimes come from different legal backgrounds.

3. Language barriers

International Environmental Law is usually taught in English. But the students' English proficiency can vary, and this affects their understanding of complex legal concepts and texts.

4. Resource constraints

Access to up-to-date legal materials based on law and academic resources can be limited in some Asian countries. And this can hinder both the teaching and researching of International Environmental Law topics.

5. Political sensitivities

Several Asian countries want to prioritise economic development. Sometimes, development projects have serious environmental consequences. So, in these countries, it can be challenging to navigate this issue.

6. Rapidly evolving field and pessimism or 'Doomism'

Every year in annual environmental summits or climate conferences, there are new issues emerging. So, topics and materials become outdated quickly. Sometimes, when environmental degradation is highlighted in class, it creates hopelessness among the students.

Addressing the Challenges

Dr Naser then discussed some ways to address the above challenges.

One way is to:

1. Contextualise the Curriculum

Our curriculum is disproportionately West-centric. Tailoring the curriculum to reflect the legal, cultural, environmental context of the region can make the subject more relevant and engaging for students. It can be done through incorporating case studies from Asia, inviting local experts, and exploring regional environmental treaties and initiatives.

We have some important developments in environmental law in the ASEAN and South Asian regions. For example, we can highlight the climate change issues in Bangladesh, Indonesia, as well as in the Pacific island countries like Vanuatu Fiji. They have important success stories to tell in managing adaptation to climate change.

2. Language Support Strategies

When it comes to language barriers, one helpful way is to provide a glossary of legal terms and translations of key texts.

3. Leveraging technology for learning

Technology, online resources, virtual libraries and other **digital platforms can also bridge the gap among different disciplines**, such as law, environmental science, economics, sociology.

4. Promoting interdisciplinary learning

Collaborative projects and inviting guest lecturers from different disciplines can also help the students appreciate the multifaceted nature of the environment and the need for holistic solutions for environmental problems.

5. Encouraging active participation

Inside the classroom, we should encourage active participation and critical thinking. We can use group discussions, debates, problem-based learning, etc., to stimulate students' interest and create an environment where students can freely voice out their own opinions.

Diverse Student Attitudes

Dr Naser said that in his class, he found diverse types of students. Some are passionate advocates who care about environmental justice and see environmental law as a tool for creating a sustainable future. These are the students who are genuinely concerned for the environment and would like to contribute to a positive change. There are also students who are more realists because they feel disillusioned by the slow pace of international negotiations, especially the climate conference or COP. So, for these students, the indifference and lack of action from industrialised Western countries creates hopelessness.

Incorporating Asian Perspectives

On the topic of incorporating Asian perspectives to the teaching of International Environmental Law, in addition to **using local case studies and regional frameworks and initiatives**, we can **highlight our own Asian traditional environmental governance initiatives and environmental ethics and philosophies**, such as Confucian philosophy, being in harmony with nature, the Hindu principle of Vasu Daiva Kutumbakan, which means coexistence between human and nature, and others. All these can broaden students' understanding of environmental responsibility.

We can **include different cultural perspectives in Asia** to foster a more inclusive and holistic approach to environmental protection. We can **invite guest speakers from Asia or local experts** who can provide valuable insights and practical knowledge to our students. We can include readings by Asian scholars, and encourage students to explore Asian laws and policies.

Conclusion

We know by now that there are many challenges in teaching International Environmental Law in Asia. We can turn those challenges into opportunities by shifting pedagogical approaches to be more inclusive of the diverse perspectives that could make the study of this course more effective and impactful.

Towards the end of his presentation, Dr Naser highlighted the importance of equipping the students with practical legal skills. If the university can arrange an internship with the UN or any international organisations, that would be very helpful not only in tackling environmental challenges in the future, but also in possibly laying down the foundation of the students' career in environmental law.

Presentation

by Professor Afshin Akhtar-Khavari

Professor Afshin Akhtar-Khavari offered some unique perspectives from the Pacific Islands and Australia.

Professor Akhtar-Khavari observes that the International Environmental Law regime has become more technical, science-oriented, and at the same time, more aware of the philosophical underpinnings behind activities that have environmental impact.

Prof Afshin Akhtar-Khavari
Head
School of Law and Social Science
University of the South Pacific

Screenshot from TRILA Webinar

Observations

On the question of how the teaching of this subject has changed over time, Professor Akhtar-Khavari raised six (6) observations:

1. First is that it has become a lot more technical.

Now, we have a lot more treaties in environmental law. There are also a lot of sub-disciplines that are emerging. Climate law, for example, is becoming a sub-discipline of the field, whereas 10 or 15 years ago, there was one way of approaching the subject. So now, these sub-disciplines have their own nuanced ways of explaining things. **By having more treaties, we have also moved in the direction of becoming a very technical field**. For example, the International Maritime Organisation, at one stage, was only concerned about where the ships could go and could not go, and where sea lanes were and where protected areas were. Now, it is dealing with protocols that regulate recycling of ships like the 2009 Agreement, and the 2010 Protocol regulating hazardous substances. So, international organisations are now fine tuning certain aspects of environmental law through these exploding numbers of treaties that are around.

2. The second point is that we now have a lot more examples now to draw upon in understanding why we need International Environmental Law.

Whereas in 1972 our concern was predominantly with conservation, now we have moved on to a whole range of other concerns that International Environmental Law is having to deal with, and that is because we are starting to see the impacts of, essentially, human consumption of the Earth. And so these impacts are showing themselves in many ways. **We have a pushback from the Earth in response to the heavy impact of humans**. These pushbacks are in the form of climate change, some might say earthquakes. It could be a whole range of pushbacks from the Earth. But, we are also seeing really significant and flagrant breaches of what we are not willing to accept anymore. And all these examples are starting to really shift and develop the way international law has to see itself as a discipline.

3. Going to the third point, we are also starting to see other fields within international law having to deal with environmental issues.

For instance, Vanuatu, not long ago, puts a submission to the International Criminal Court for the recognition of ecocide as a criminal activity by a state, adding to things like crimes against humanity, genocide and so forth. **This interaction between the disciplines of international law is becoming more and more pronounced**. We are also seeing other new fields of environmental science, environmental philosophy, etc., emerge, which are also starting to interact with environmental law in a way that is challenging the discipline at its core.

Ambassador John Licht of Vanuatu at ICC's Assembly of States Parties
Source: Stop Ecocide International

So, we see things like Earth System Science developing, and from Earth System Science, there have been a few lawyers who are now starting to argue that international law, in and of itself, is not really sufficient to address environmental issues and Earth Systems problems. We have to move beyond the discipline of international law if we are going to solve Earth Systems problems. So, science disciplines are starting to put pressure on environmental law from the sides, from the angles and the tangents. We are also seeing fields like the humanities starting to question environmental law as a discipline.
So now, there is a really big field emerging, which you might call Environmental Humanities. There are a lot of names for it. And what these sub-fields of philosophy and literature are starting to question is: why are humans at the center of thought, at the center of philosophy, at the center of the way we view what is happening around us? And this new field itself is also putting pressure on the way environmental law has been developed as a field for guiding purely what humans can consume and do.

4. The fourth point is that the International Environmental Law subject is becoming a lot more mainstream.

With the emergence of Sustainable Development Goals, a lot of fields that were traditionally very mainstream are now considered having impacts or influence on environmental law.

The 17 UNSDGs
Source: UN SDGs

Professor Akhtar-Khavari said that he and his colleagues at Queensland University of Technology recently published a piece on whether the sustainable development goals were starting to influence how doctrine in other fields of law are emerging and developing. In this piece, authors explored, for example, how Tax Law, Private International Law, Torts Law, etc., are starting to be influenced with environmental thinking. So now, concepts and doctrines within those fields are starting to expand by having to take into account environmental issues.

5. The fifth point is a much bigger point, which is a structural philosophical point, and that is how we are starting to approach and think about the subject of environment and environmental law, which is becoming far more nuanced and complex.

Professor Akhtar-Khavari observes that when he first started teaching International Environmental Law, **the predominant philosophy was whether or not nature had an intrinsic value**. But now, when you start to look at environmental thinking, we are starting to see a lot of other philosophical approaches explaining why we should do things or why we should not do things. Predominantly, these camps seem to be split between capitalist and commercial approaches to environmental law, and conservationist approaches to environmental. Which one are we? How should we go about consuming the environment? At the end of the day, the philosophy that underpins these approaches is that we have a right to consume, we have a right to develop, we have a right to expand, and our economies have to constantly grow. That mindset drives a particular approach to environmental law, and it shapes the way environmental law develops.

On the other side, you have what has traditionally been the conservation, preservation side. But increasingly, it has become far, far more nuanced in terms of how various regions around the world view conservation. What concepts and ideas do they use to think about conservation and preservation? A lot of developing countries, including the Pacific in some parts, still recognise the notion that we are a community, and in that community, we all have a right to prosper and develop. Along with that comes a certain approach to conservation that we see emerging in the way International Environmental Law is interpreted and thought about.

6. The last point in terms of the changes in International Environmental Law is the increasing awareness through science, literature and scholarship, indigenous, traditional and customary approaches to environmental law in certain areas around the world have allowed us to sustainably coexist with nature.

We have become more aware of this, their approaches to the environment. We are thinking more and more about what that means and what implications it has for the development of International Environmental Law. As a result, we are seeing within conferences of parties within multilateral organisations the participation from a lot of other groups of people who traditionally would not have a voice in this system.

Challenges and Problems

In terms of the challenges and particular problems of the field, Professor Akhtar-Khari shared three (3) points:

1. The first one is that the field is far, far more complex because environmental issues are no longer just environmental issues.

They are now human rights issues. The problems about sustaining and managing infrastructure have also become torts problems, for example. So, the issue is not strictly about just conserving.

2. The second one is that the field has become quite large.

While in 1972, and even that, we focused on the principles of environmental law. Now, we are focusing a lot more not only on the technical dimensions, but also on critical perspectives and the gaps that exist within environmental law. Because of the emergence of all these sub-disciplines within environmental law, the field has become too large. So, it is difficult now for anyone to claim to be an expert in International Environmental Law. This is because some scholars specialise in biodiversity, while others in restoration law, regeneration, rebuilding ecosystems, etc..

3. Third challenge is that we are now more aware that international environmental law, for quite a long time, was simply a colonial tool for managing how we want to extract resources and how we want to legitimise how we extract resources.

The primary example of this kind of thinking is the notion that for a very long time, even even today, no one really thinks about the fact that the concept of harm that is at the center of International Environmental Law is very much a narrow conceptualisation of what it means to damage the environment in the way that it has been considered in treaties, because it does not serve anyone's interest to enlarge in the concept, particularly the developed world that is continuing to consume the natural world.

Students' Attitudes

In the issue of students' attitudes towards the subject, Professor Akhtar-Khavari said that students are somewhat divided into three (3) categories:

1. The first group of students are the practice-oriented ones.

They study environmental law because they want to know how to submit applications for developments, or they want to stop developments, and so forth. So, the attitude that they bring to the subject is very much about how to practice the field.

2. The second group of students are those who really want to change things.

They come with a mindset which is: where are the gaps? Where are the challenges? Where are the opportunities? They want to change the world, and they come with that attitude in mind. As a result, they are incredible at finding gaps in the law, in finding the way how to think about mobilising the environment to achieve certain outcomes.

3. The third group of students are those that engage in International Environmental Law with critique.

The perspective that they take is that environmental law has been built on foundations that are problematic, whether it is for emerging economies, whether it is for the developing world. The critique is deep and extensive. Often those who are practice-oriented and change-oriented find frustration with the critique scholars because they cannot engage practically with what it is that they see as a way to think about the field.

So, for Professor Akhtar-Khavari, students' attitudes have changed very much from the 70s to present, in a sense that those who are learning about environmental law are also thinking about whether they want to practice in the field and work for a big law firms, for example, whether they want to change the existing framework, or whether they want to critique the field.

Incorporating Asian Perspectives

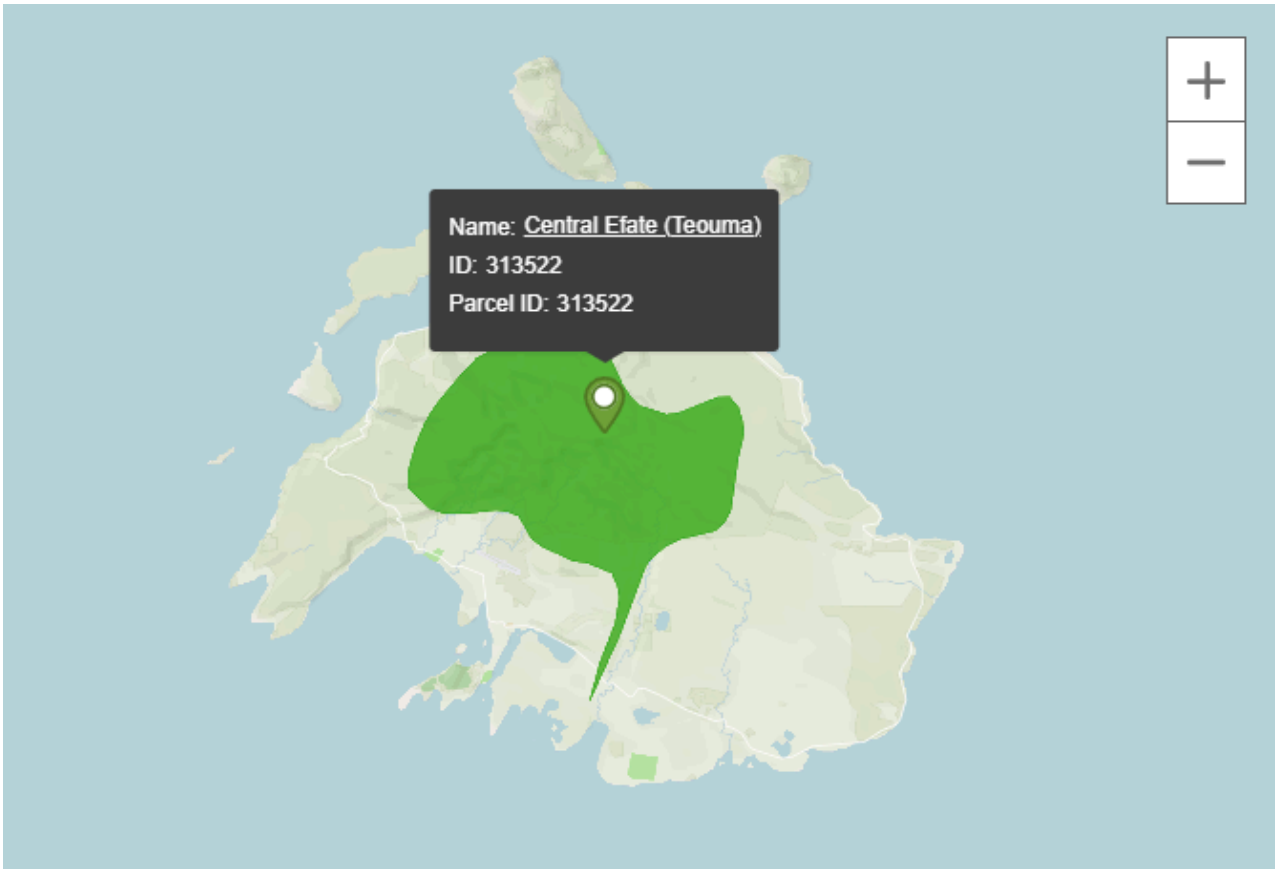
On the point of incorporating Asian perspectives, Professor Akhtar-Khavari shared his own perspective from the Pacific Islands. As he engages with the ordinary people in the Pacific about the environment on a daily basis, he discovers that **some people experience some sort of an environmental challenge**. For example, one of his PhD students approached him about researching climate justice. More specifically, the angle that the student wants to investigate is that increasingly, as a result of climate change, some women are forced to engage in prostitution. Communities are being disassembled in one region and having to move to another area. This has been a common scenario in the Pacific, because of flooding, high tidal waves, etc. And the volume of these challenges are increasing.

Link Between Climate Displacement and Prostitution
Source: Alessio Romenzi/UNICEF/Global Citizen

As a result of these climate change impacts, the student observes that an increase in prostitution in the community has emerged. This is because a lot of the women who moved from one place to the other are now without jobs because they do not have the ability to grow things and sell them at markets. They lost their ability to earn income. And thus to keep the family going, they turn to prostitution because that is the only way that they are able to mobilise themselves in order to earn an income for their families. So, this student's PhD project is actually to go and study climate justice issues by looking at prostitution in the communities that have been displaced because of climate change problems. So, there are many examples of these kinds of climate justice problems that we are now seeing.

Conclusion

On his final point, Professor Akhtar-Khavari shared how incorporating different perspectives can be complex and would take a lot of effort and time. For example, he said that in the island of Efate, Vanuatu, where he is staying, he said that there is a massive area in the middle of the island that is now not allowed to be touched or developed because of a biodiversity convention and subsequent agreements. Relevant parties agreed that they will preserve 30% of the island—which is not a big figure—that is already ecologically viable.



Screenshot of the protected area in Efate
Source: Protected Planet

They will preserve that for the future generation. This process to complete this agreement started 24 years ago. Therefore, it has taken that amount of time just to designate this area as a protected zone. It was a complicated process because there are so many communities all around this area. The chiefs of the communities had to come together and agree on the protection of this area. So, it takes a long period to negotiate because the culture and governance structures of all parties involved are far more complex than what some countries may have in place.

Presentation

by Dr Maizatun Bt Mustafa

Associate Professor Dr Maizatun Bt Mustafa shared the perspectives from Malaysia and Southeast Asia, and her many years of experience in teaching International Environmental Law in the postgraduate level.

She echoed the positions of Dr Naser and Professor Akhtar-Khavari on how the subject has become more complex and interdisciplinary. She likewise emphasized that the diversity of Asian societies could actually enrich our understanding of International Environmental Law, as Dr Naser similarly observes.

Dr Maizatun Bt Mustafa
Associate Professor
Ahmad Ibrahim Kulliyyah of Laws
International Islamic University of Malaysia

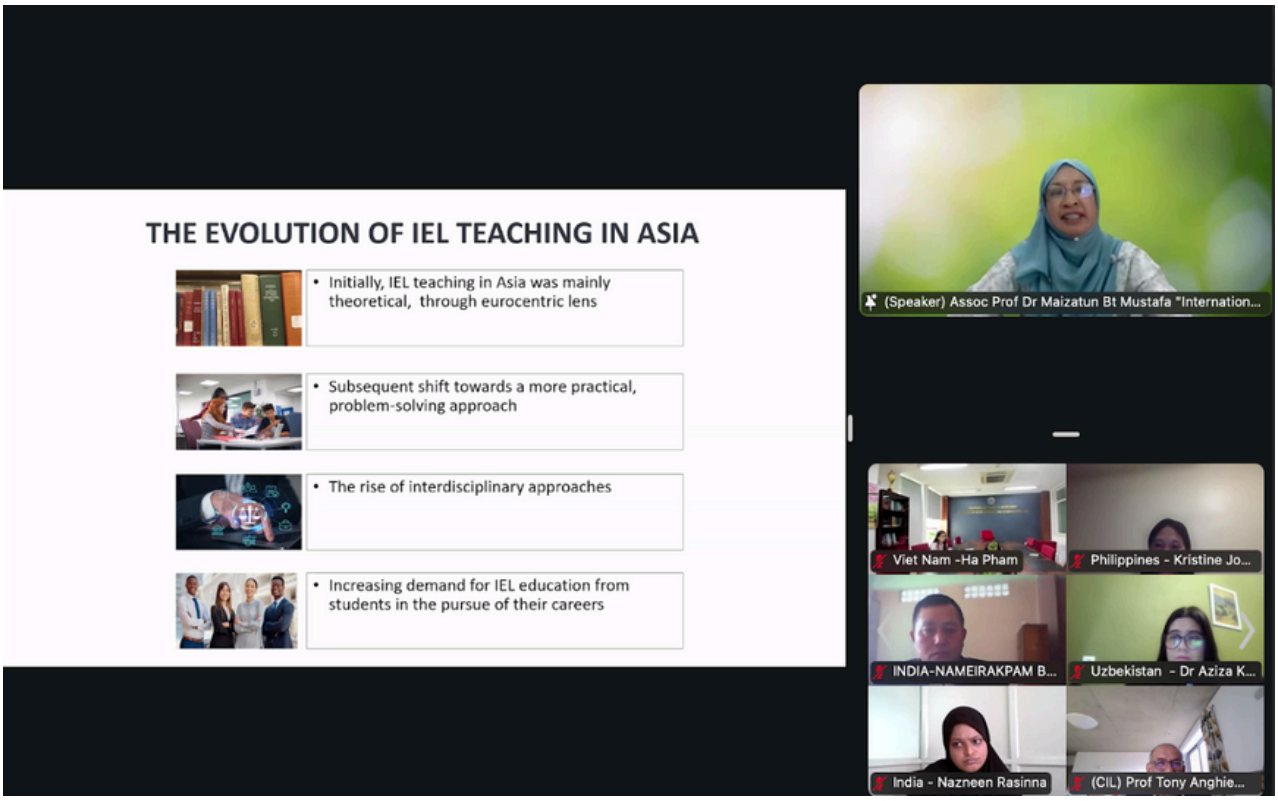
Understanding the Asian Context

Dr Mustafa said that the teaching of International Environmental in Asia **necessitates the understanding of the different political, economic, and environmental contexts of each Asian country**, so that the subject can be tailored to what the students need in that particular country. Some Asian countries would quickly embrace International Environmental Law principles and integrate them into their domestic laws, while other Asian countries were a bit slower to adopt or enforce these standards. Likewise, some Asian countries struggle to enforce environmental standards due to competing development priorities or issues of corruption, and so on.

Different Asian countries also face different climate vulnerabilities. Countries like Bangladesh or the Philippines, for example, might prioritise climate adaptation, while other resource-rich countries may focus on resource conservation. Therefore, for teachers of International Environmental Law, it is necessary to have this understanding of diversity and disparity in order to contextualise how the International Environmental Law regime has evolved.

Evolution of Teaching International Environmental Law

The teaching of International Environmental Law has definitely evolved over time. Dr Mustafa said that when she was a student, the subject was quite dry because the teaching approach was mainly theoretical. It was centred on the introduction of international treaties, customary laws and principles, and global institutions. And more specifically, it was very Eurocentric or West-centric. But nowadays, there is a shift to understanding practical solutions to address local realities.



Screenshot from TRILA Webinar

If you go through the syllabus on International Environmental Law of some of the Asian universities, you will notice the **increasing incorporation of regional case studies**, such as heat problems in Southeast Asia, etc., to make the subject more relatable. At the same time, many curricula are designed to specifically address national and regional priorities. For example, countries like Singapore and Malaysia, which are less vulnerable to natural disasters, tend to focus on climate mitigation or energy transition topics. Other Asian countries that are more vulnerable to floods or typhoons, for example, tend to focus their classes on disaster risk management and climate adaptation.

Interdisciplinary Approaches

There is also the **rise of interdisciplinary approaches** to International Environmental Law, as mentioned by the previous speakers. This is very noticeable now. We incorporate topics on environmental science, public policy, economics, and so on, because environmental problems like climate change, biodiversity loss, pollution, etc. cannot be solved alone by legal measures. So, these environmental issues need to be addressed through a broader understanding of related science, economics, etc. This is especially for topics such as Environmental, Social, and Governance (ESG) compliance. Even political aspects need to be studied alongside environmental law.

On another point, there is an **increasing demand for International Environmental Law education.** Many students are interested in taking this subject because they want to pursue a career in environmental governance, corporate sustainability, and international organisations.

Challenges and Strategies

When it comes to challenges and strategies in teaching this course, Dr Mustafa presented four (4) points:

1. Pedagogical and curriculum challenge

Dr Mustafa said that in her university students come from different backgrounds. Some students are from Asia. Some are from Africa and Europe, etc. Some students have legal backgrounds, while others have none because their environmental law programme is open to different professional backgrounds. She has students whose backgrounds are more on environmental science and engineering. So, for this type of students, they do not have any fundamental knowledge of international law and its basic concepts. Similarly, in Malaysia, environmental law is only an elective in law schools. It is not a compulsory subject. Therefore, when Dr Mustafa teaches International Environmental Law even at the postgraduate level, she has to start with the basics of the subject. At the same time, there is a need for students to learn practical skills, advocacy skills, and negotiation skills.

2. Content and complexity of the subject matter

As already discussed earlier on, the subject is dynamic and evolving. There are now new treaties and instruments on the environment, and this can be very overwhelming to study. The interdisciplinary nature of the subject also requires the students to have some technical understanding of certain topics, such as, carbon accounting, etc. Related to this issue of course content is the issue of limited local resources and language. Not all Asian countries teach International Environmental Law in English. Some resources are in the local language, which are difficult to source out and access.

3. Student diversity and engagement

Students from various regions have different concerns and interests. For example, Southeast Asian students are more concerned about deforestation or flooding, while European students want to learn more about energy transition, circular economy, climate litigation, etc. But for countries like Malaysia, climate litigation is almost non-existent. In Malaysia, they do not see a lot of environmental cases at the national level. This is a stark contrast to other countries where environmental litigation is a key tool for securing environmental liabilities. There are also students who come from civil law tradition versus those who come from common law tradition. So, their line of reasoning might be different from one another. As an educator, it is difficult to create a standard curriculum given all these differences between students.

When you are teaching professional working students, some of them might not be interested in theories. Some of them may wish to know how to solve environmental problems and apply them in their work. For example, Dr Mustafa refers to the ASEAN Haze Portal to show that when it comes to transboundary haze pollution. Many people would always think of Indonesia as the perpetrator. But if you look at the portal, there are also hot spots in the Indochina region, particularly in the Mekong area. This problem has not been tackled. So then, the question is whether the ASEAN Transboundary Haze Agreement is sufficient to deal with this issue. This is one way of creating an interest among students about a relevant issue in the region and looking at it from different perspectives.

4. Implications of global developments and issues

When it comes to external and global issues, we study the implications of certain issues such as the election of the United States President Trump and his decision to once again pull the United States out from the Paris Agreement. What is the implication of this withdrawal in assessing the strength or weakness of International Environmental Law?

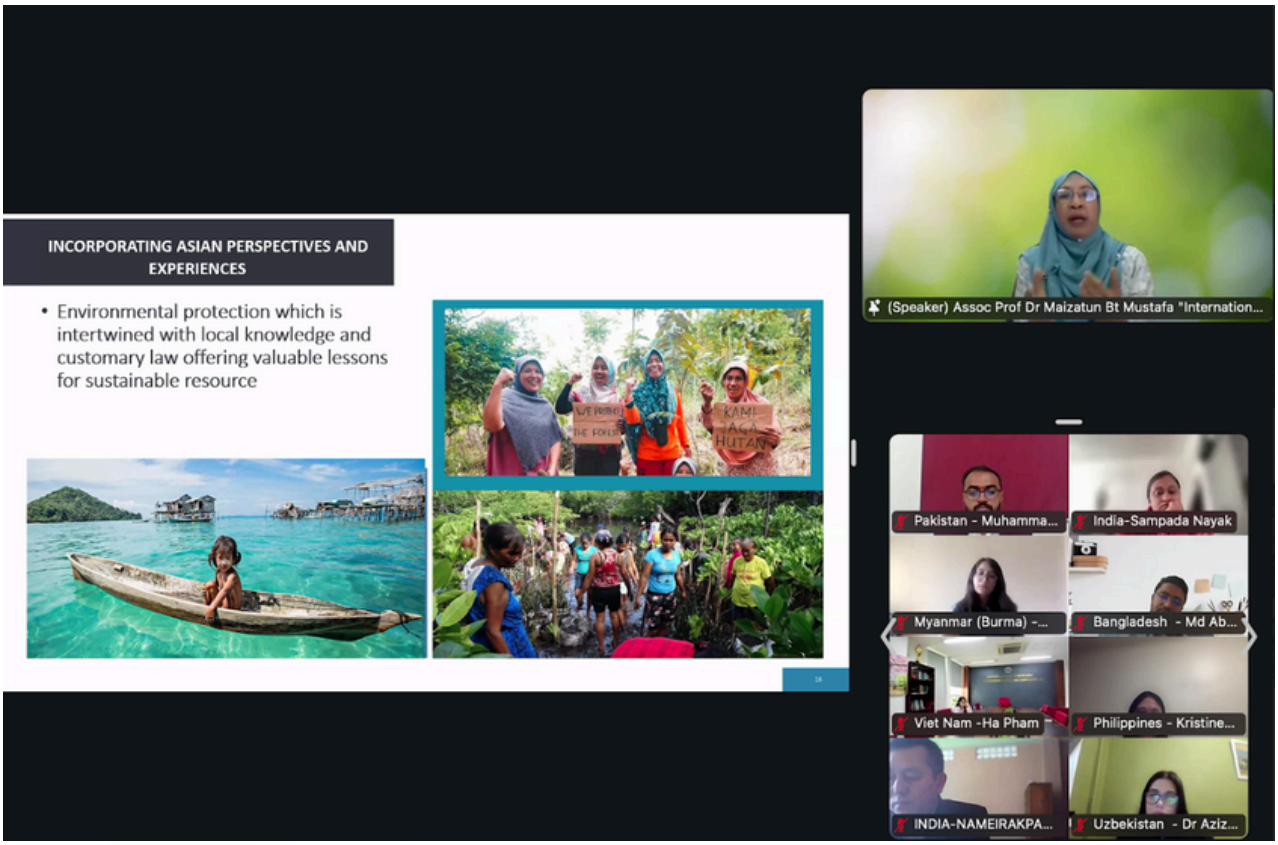
Students' Attitudes

On the topic of students' attitudes and engagements towards International Environment Law course, Dr Mustafa observes that the students' awareness and interest has increased over time. Many of them are interested in climate justice and principles like the Common But Differentiated Responsibilities. So, this is something very positive.

Incorporating Asian Perspectives

On the question of how to incorporate Asian perspectives in the teaching of an environmental law course, Dr Mustafa agrees with Dr Naser that **the diverse perspectives from Southeast Asia and Asia in general could enrich our overall understanding of environmental law**. Even for neighbouring countries like Malaysia and Singapore, the environmental challenges are different. Singapore, being a developed nation, might be using a different approach in International Environmental Law compared to Malaysia, which is rich in natural resources, but facing challenges in terms of balancing between environmental protection and development.

So, there are lessons to be learned in these different approaches, which can be incorporated in the way we teach International Environmental Law. Similarly, the increasing role of Asian countries, like China and India, in the formulation of International Environmental Law cannot be underestimated.



Screenshot from TRILA Webinar

Dr Mustafa also reiterated Dr Naser's and Professor Akhtar-Khavari's comments on the **importance of acknowledging local knowledge and indigenous customs on environmental protection**. Dr Mustafa said that she is impressed by some of the villages in Indonesia who know how to empower themselves and protect their rivers without relying on their government. This is something that Malaysia can learn from because in Malaysia, environmental protection is mostly a top-down approach. There are certain parts of Malaysia, like in Borneo, where native customs are observed, but these are not widely practiced in the whole country. So, this is an interesting angle that can be incorporated in the teaching of International Environmental Law in Malaysia.

Conclusion

Finally, regarding the future direction of the teaching of International Environmental law, Dr Mustafa said that hybrid learning and the use of virtual technologies will enhance accessibility for students across Asia and in that sense, will foster global classrooms. But on this point, it is necessary to have open-access resources.

Screenshot from TRILA Webinar

Presentation

by Dr Thitinant Tengaumnuay

Dr Thitinant Tengaumnuay shared the Thai perspectives and experiences in the teaching of International Environmental Law.

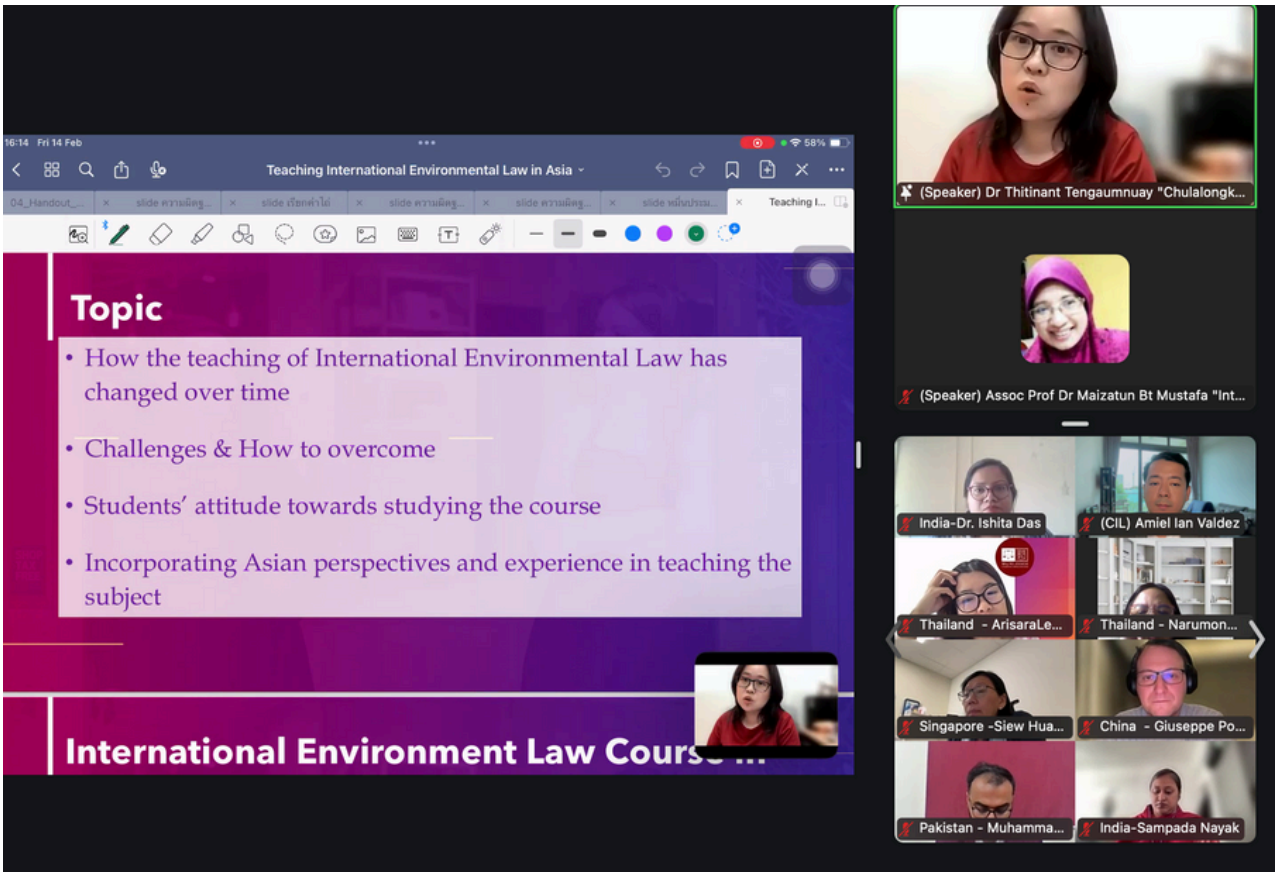
Dr Tengaumnuay broadly delved into:

- the changes in the mindset of Thai students towards environmental law brought about also by the changes in business sector's growing awareness of environmental standards
- increasing environmental problems that Thailand is facing as a developing country

Dr Thitinant Tengaumnuay
Lecturer
Faculty of Law
Chulalongkorn University (Thailand)

Evolution of Teaching International Environmental Law

Dr Tengaumnuay laid down the foundation of her presentation by first describing the place of environmental law in the legal curriculum of Thailand, and how the students' attitudes towards the subject have changed over the years. In Thailand, many students go to law school with the end goal of building a career as a judge or prosecutor or to work in a law firm. That is why the general interest of the students is also to study subjects that are broadly related to these fields of practice. More specifically, Thai students are more interested in studying criminal law, civil law, commercial law, business law, etc. While international law is a mandatory course, it is limited to Public International Law in general and Private International Law. Environmental Law is only an elective subject, which means that it is not compulsory for the students to enroll in. Students may choose to study environmental law if they think it would be helpful in their future career.



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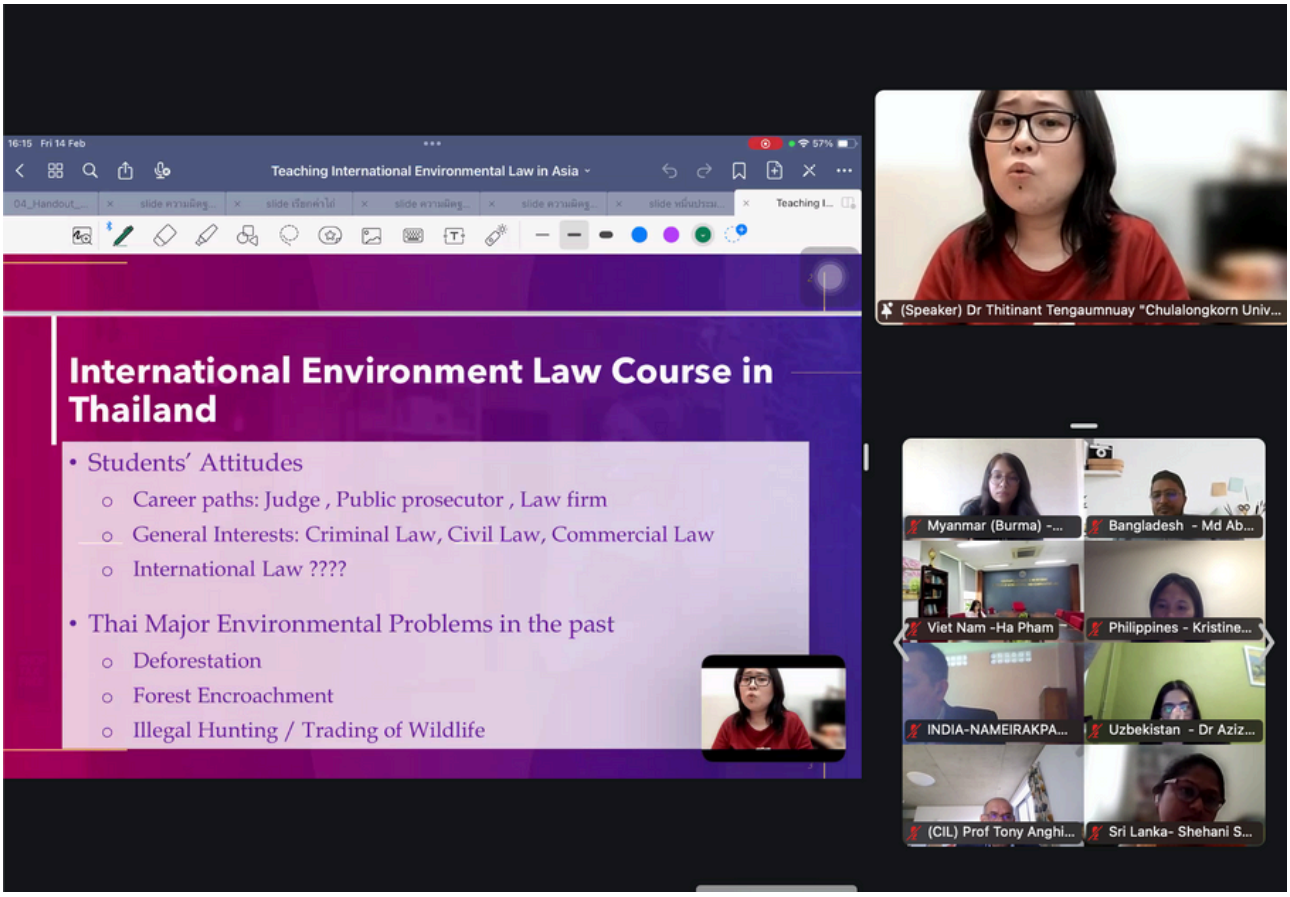
Students' Attitudes

In the past, students would not think of International Environmental Law as an attractive course to enroll in because they would think that it is not helpful in their career, especially those who wanted to start a career in a law firm. The number of students who enrolled in an environmental law course was very small. Many students preferred to know more about business or investment law. So, in international law, they were more interested in International Trade Law or International Investment Law. They thought that courses where they would study the World Trade Organisation system and the different Free Trade Agreements would make their CVs more attractive especially for those who would like to be legal advisors of business corporations. But, this mentality is somewhat changing, as Dr Tengaumnuay explained further below.



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Likewise, when it comes to the topics covered in International Environmental Law, previously, discussions on environmental problems in Thailand and Southeast Asia were mostly about deforestation, illegal wildlife hunting and trade, etc.. But in recent years, many people also talk about issues concerning pollution, toxic substances, etc..

But in recent years, the study has included pressing issues, particularly in Thailand, for example the transboundary movement of hazardous wastes—because Thailand receives a lot of wastes from other countries—and the impact of the Basel Convention. It used to be the case that when it comes to climate change, many people in Thailand do not care much about studying carbon emissions, etc. Although many people are used to high temperatures in Thailand, since the weather is becoming more extreme, people are starting to realise the significance of studying about climate change. Environmental problems are definitely evolving, as the previous speakers pointed out. Therefore, **as educators, we also need to be updated on the complexities of the problem** and the debates and discussions about how to address these problems.

Likewise, historically, environmental classes focused only on basic principles, such as the polluter-pays principle, inscribed in the Stockholm Declaration and Rio Declaration, and other soft law instruments. When people talked about 'sustainable development', we rarely discussed how it would be tangibly applied in legal measures. But again, this is somehow changing.

As Dr Mustafa mentioned, we are now facing the problems of transboundary haze pollution, and even extreme weather like the La Niña effect. So, again, environmental problems are evolving. Since many people are starting to see the real effects of these problems, students are also getting interested in learning more about environmental law.

Other Challenges

The other challenge is that since Thailand is a developing country, the government prioritises economic development. In contrast, it is mostly the Western countries, such as the European block, as well as the United States, that are taking the lead in promoting environmental protection. Germany, Sweden, and the Netherlands are among the countries that are moving towards green energy, Cross-Border Adjustment Mechanism, and taking the lead in forums such as the climate COPs. So, even if energy transition is not a top priority in Thailand, many Thai corporations are paying more attention to the new policies and regulations on the green economy imposed by Europe because these Thai corporations would like to have access to the European market.

We now see the emergence of environmental standards and benchmarks, such as the International Finance Corporation (IFC) standard, bank standards, Equator Principles, and codes like the Forest Stewardship Council (FSC) label. In this sense, the business sector in Thailand is driving some changes in the level of interest towards studying environmental law in Thailand. Students would like to learn more about carbon neutrality, carbon credit, and other climate regulatory trends that also affect the business sector. So, even if a student would like to build a career in a law firm, or be a judge or work in the government, it becomes essential for them to learn about these international standards.

On another point, we are starting to put **more emphasis on studying procedural rights**. In the past, the focus was mostly on substantive rights. Procedural rights were mentioned in the Rio Declaration. But, it had not received much attention in Thailand. However, in recent times, people want to participate in policy-making. Hence, procedural rights, such as access to justice, public participation, access to information, and the applicability of the Aarhus Convention, have become part of environmental law classes. This movement has also led to the enactment of new laws that provide for the procedural rights of the people in Thailand. When people are aware of their rights, they become active in environmental movements. So now, students no longer think about environmental law as a remote subject. They think about environmental law as something that could affect business and their way of living. So, they have to be prepared for that. Dr Tengaumnuay said that now her environmental law classes have grown from small to as big as 50 students.

Strategies for Students' Engagement

When it comes to getting the students engaged in the class discussions, she said that she would **allocate some marks for class participation**. She would divide the class into small groups and give them the materials ahead so that they can prepare to participate and present. She would organise case simulations between human rights groups and activists and the association of industrial companies. Dr Tengaumnuay also acknowledges the issue of language barrier because the materials are mostly in English.

Another way to make the class interesting for the students is to **invite guest speakers**, such as environmental litigators, experts in green financing, etc. In this way, students are inspired and get a glimpse of what could be a career path for them.

Conclusion

All in all, Dr Tengaumnuay said that the better approach to teaching International Environmental Law is to bring the topics to something that are much closer and relatable to the students and their daily lives.

Screenshot from TRILA Webinar

Question & Answer

What is the role of Artificial Intelligence (AI) in teaching International Environmental Law?

Professor Akhtar-Khavari: *challenged the commonly held notion that AI represents a threat or problem to be solved. Instead, he encouraged rethinking AI through the lens of the human experience as a means of re-examining what it means to be human. He suggested that rather than diminishing human agency, AI has the potential to provoke deeper engagement and, paradoxically, return agency to individuals.*

Further, a reconceptualisation could allow AI to be viewed not merely as a disruptor, but as a tool for transformation. If educators explore these themes with students, especially the idea that humans still retain and must exercise agency in the face of technological and environmental challenges, it could lead to more nuanced and inspiring discussions.

Dr Naser: *suggested creating video simulations with AI to present course content in a more engaging way. He also proposed assigning poster presentations where students use AI tools.*

For his upcoming environmental law course, he plans to input environmental problems into AI and ask students to reflect on the solutions generated. Students will assess the accuracy and relevance of AI outputs, and provide their own critical reflections, integrating the human perspective into the evaluation.

Dr Mustafa: *raised concerns about the environmental impact of data centres, especially for developing countries like Malaysia. While acknowledging the benefits of AI in education, she highlighted the challenge educators face in keeping pace with rapid AI development, particularly regarding ethics.*

She noted that it is often possible to tell if a student's work is AI-generated unless the student is highly skilled. This raises questions about academic integrity and how much AI-generated content should be accepted. She agreed with Dr Naser that if students are honest about their use of AI, it could serve as a basis for a deeper ethical discussion. She also emphasised the need to develop stronger ethical components in the curriculum, given AI's borderless nature.

Question & Answer

What is the role of Artificial Intelligence (AI) in teaching International Environmental Law?

Dr Tengaumnuay: *acknowledged the benefits of generative AI, especially in group projects aimed at promoting environmental awareness. Students used AI to create videos and improve presentation flow without violating copyright, which she found effective for knowledge dissemination.*

However, she echoed concerns about ethical issues in student essays. To address this, she assigns reflective papers, which are harder for AI to generate convincingly. While AI can support learning, she noted the difficulty it poses in detecting unethical use in written assignments.

Session 2:

Formulating an International Environmental Law Syllabus and Course Outline

Presentations by:

Associate Professor Dr Stellina Jolly

Faculty of Legal Studies,
South Asian University (India)

Associate Professor Dr Jolene Lin

Faculty of Law,
National University of Singapore

Mr Gregorio Rafael Bueta

Adjunct Lecturer, School of Law,
Ateneo de Manila University (Philippines)

In this session, the speakers focused more specifically on the question of: *how we formulate a syllabus for an International Environmental Law course*. There are many textbooks with hundreds or even thousands of pages covering a range of topics, from basic environmental law principles to the relationship between environmental law and trade law, etc.

The question then is: *what topics should be included in a syllabus? How do we deal with the issue of what we teach and how we proceed?*

Presentation

by Dr Stellina Jolly

Associate Professor Dr Stellina Jolly shared some of her broad considerations when formulating an International Environmental Law syllabus, such as, looking at the different narratives and the debates and discussions between Global North and Global South in environmental governance, and many other factors

Dr Stellina Jolly
Associate Professor
Faculty of Legal Studies
South Asian University (India)

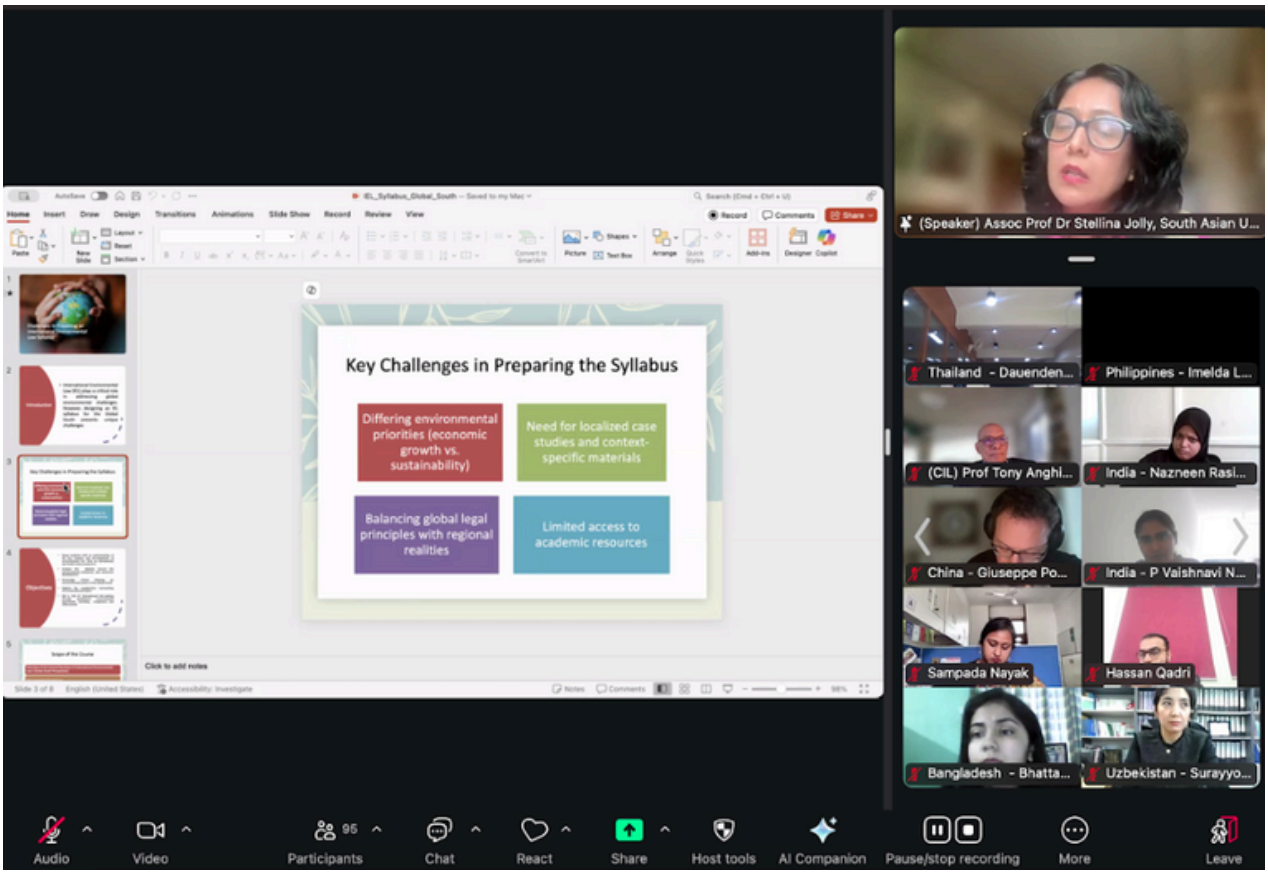
Development of the Course

To begin with, Dr Jolly believes that preparing and delivering a course is a learning experience in itself. She said that her syllabus has changed over the years. As mentioned earlier, some International Environmental Law textbooks now are more than 1,000 pages. But, this was not the case 30 or 35 years ago, when environmental law consisted only of a chapter in an international law textbook. And fortunately or unfortunately, if you add the current debates on climate change and other issues driving International Environmental Law, these debates and issues have also become part of the syllabus.

Climate Change Law and International Environmental Law are subjects that are not confined to a particular branch of law. They also deal with other fields of law, such as international investment, trade, refugee, or even corporate law. So, this makes the preparation of the syllabus very difficult. **As an academician, one question you ask yourself is: should I include other intersectionalities**, for example, armed conflict, because they deal with the environment too? Moreover, given the fact that there are more than 200 or 300 international legal instruments dealing with the environment, and then you have the core environmental law principles, the scope of the subject has clearly widened. In that particular mix, **when you also look at the subject from the Asian perspectives or from the Global South perspectives, there are multiple challenges**.

Key Challenges

Dr Jolly then discussed what she believes are the broad considerations and challenges in developing an International Environmental Law syllabus. First, she thinks about the learning objectives she would set for the course. Based on those objectives, she would then decide the scope of the studies.



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Narratives

Dr Jolly also emphasised the **importance of central narrative** in the teaching of International Environmental Law. When you think of any subject in international law, you may think that there is only one central narrative and it is neutral. However, that is not the reality. There are multiple narratives. As a teacher, you may not be able to tell all the narratives, but it is important to assess what would be the narrative or story that you are going to give to your students. This is an important factor to think about because of the unique issues that we face in Asia. In Asia, we look at environmental issues not only from the perspectives of conservation and sustainability, but also from the perspectives of economic growth and development. So then, the question is: how do we balance the debate between economic growth and sustainability?

Balancing Global Principles with Regional Priorities

Dr Jolly also pointed out the need to balance global legal principles and regional priorities. We can look at this in terms of the division between Global North and Global South, and the issue of legitimacy. For example, when she teaches Climate Change Law, Dr Jolly not only discusses the processes in the UNFCCC, Kyoto Protocol, and Paris Agreement, but also, most importantly, she discusses **the role of the Global South and Asian jurisdictions in those processes. Were their views accommodated?** So, there may be a dual perspective in a certain process. And whichever narrative you talk about will be very important in teaching this subject.

Screenshot from TRILA Webinar

Another example is when we discuss climate litigation, which is taking place in many jurisdictions, we should also think about it from a normative point of view. While we appreciate the Global North judgments where they talk about the accountability or liability of the transnational corporations or the parent companies for their activities in the Global South, but as scholars, we should think what is really appreciated at the entire Global North in steering climate litigation and jurisprudence? When they say, for example, that courts in Zambia or Indonesia are not capable of advancing substantial justice, what is meant by that from a normative point of view?

Access to Materials

The other issue that Dr Jolly pointed out was in relation to materials and access. Even though she did not have much problem accessing academic resources, occasionally, she does encounter one. In this instance, she would reach out to her former students who are studying or teaching abroad to share such materials. The point is, access to academic resources remains to be a challenge in preparing a syllabus. And in some way, that will affect the framing of your course objective and scope.

Objectives

In terms of framing one's course objectives, from her experience in teaching master's students, Dr Jolly said that it is important to give the students an overall picture of International Environmental Law governance, and the participation of the Global South in it. What is their role in environmental law-making? What are the debates surrounding the principles and their applications? For example, during the negotiations of the UNFCCC text, Article 3 on Principles, the United States brought out so many asterisk marks. They wanted to change the language of the proposed text. Does this change of language come as a semantics? Every negotiation has a particular purpose. We have to understand what sort of negotiations the United States did in Article 3. In other words, students have to understand what the main pillars are of a treaty, who the main actors are, and the power dynamics involved in it—**what are the principles in which there is a divide between the Global North and the Global South**. You do not really have to look at every treaty provision. But once the students are able to see the broad debates and why understanding those debates is important, then they will be able to replicate that learning in other fields. That is the objective.

Topics and Scope

Dr Jolly follows the same approach in terms of what topics to teach. For example, she may focus only on three areas of the environment, such as climate change, biodiversity, and water, and then, discuss aspects such as, governance, basic principles, dispute resolutions, organisations (World Bank, etc.). Discussing the mechanisms of multilateral environmental agreements (MEAs) is also important. So, again, the idea is to give a large picture of International Environmental Law governance, and the South Asian perspectives towards it.

When she first started to teach this course, Dr Jolly wanted to cover as many MEAs as possible. But, she realized later on that the vertical element of the debates and discussion is more important than the horizontal element.

In her syllabus, Dr Jolly also includes the evolution of the subject. But, her approach in discussing the evolution of environmental law is not in chronological way, but in the way the judicial decisions and cases have evolved. By studying the cases, students are also able to appreciate the different perspectives, for example, Judge Weeramantry's opinion on how the Global South would have approached the different environmental law principles.

Dr Jolly also covers basic concepts in international law, such as liability, state responsibility, etc. In some universities, these concepts are also covered in other subjects. So, in that instance, as a teacher, you can bring together other ideas and concepts mentioned in other subjects.

Teaching Materials

When it comes to the materials used in class, Dr Jolly said that **academics have the moral responsibility to balance the literature from the Global North and Global South**. Sometimes, we feel the overwhelming amount of literature from the Global North. But, it is very important that we consider equal representation from the Global South, and also consider the gender dimension, etc.

Teaching Techniques

In terms of teaching techniques, Dr Jolly said that she mainly uses the lecture method for master's students. There are also a lot of discussions and interactions since the materials are given in advance to the students. What she noticed is that **when the teacher is more open to the idea of disagreements, the students are more comfortable interacting.** So, it is very important to **be open-minded** to different ideas.

Teaching through case analysis is a good method not only because environmental issues are contextualised, but also students get to see how states argue and interpret the different principles. Sometimes, Dr Jolly would try debates and simulations in her class.

Other helpful methods include field visits and having guest lecturers. If your university permits, it would be good to organise field visits, for example, on topics such as environmental impact assessment (EIA) consultations. Regulation is a big part of environmental law governance. So, a field visit on how EIA is conducted would be very helpful for the students. Similarly, it would be good for the students to hear from the experts themselves, such as those from international organisations and civil society groups. They provide a different kind of motivation to the students.

Another good teaching method is a comparative approach. For example, you can compare the practices in EIA in the Philippines, Nepal, to the local process.

Conclusion

Lastly, Dr Jolly emphasised the importance of being sensitive towards the subject because we are dealing with the environment, nature, and humans.

Presentation

by Dr Jolene Lin

Associate Professor Dr Jolene Lin shared insights into teaching Transnational Environmental Law with a focus on broadening traditional international law frameworks.

She emphasised the importance of incorporating multi-actor governance and Asian perspectives, particularly through case studies on climate change law and climate litigation across the region.

Dr Lin also shared innovative pedagogical approaches that accommodate diverse learning styles by integrating a variety of resources beyond conventional textbooks.

Dr Jolene Lin
Associate Professor
Faculty of Law
National University of Singapore

Introduction: Identifying the Context

Dr Lin started her presentation by stating the **importance of identifying the audience and teaching context**. At NUS, where she teaches, International Environmental Law, like other environmental law modules, is offered as an elective. The course is open to both final-year undergraduate and postgraduate students, including those in master's and PhD programmes.

However, there are no dedicated undergraduate or postgraduate International Environmental Law modules. International law is also not a prerequisite to take this module.. This means that many students take the course without prior exposure to foundational concepts, and this requires a careful balancing of content and expectations at the outset.

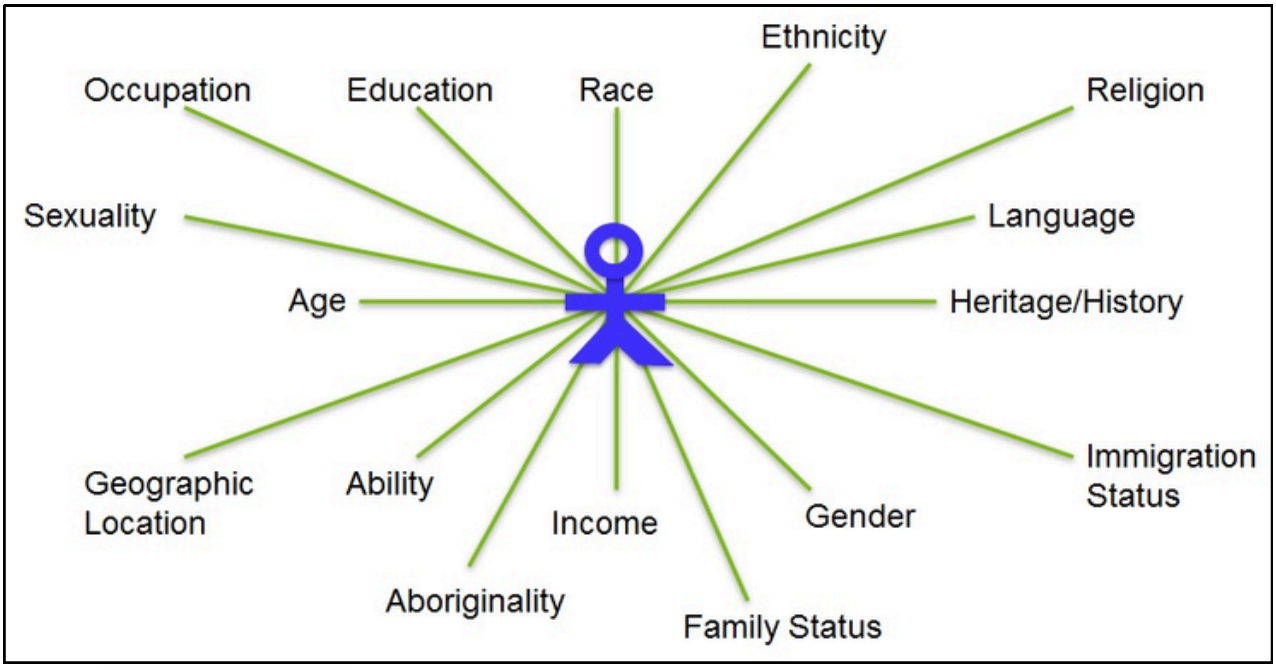
Incorporating Asian Perspectives

She also emphasised the importance of **classroom philosophy: *what kind of learning environment she wants to create and what goals she sets for her students.*** A major priority in her teaching is the inclusion of Asian perspectives, something she actively incorporates whether teaching at NUS or abroad. These perspectives remain underrepresented in mainstream environmental law literature and education. To address this, she draws on three (3) strategies:

1. Incorporating case studies from Asia and supplements standard textbooks, typically authored by scholars from the Global North (e.g., Philippe Sands, Jacqueline Peel, Daniel Bodansky) with journal articles and blog posts that reflect Asian experiences. She acknowledged the difficulty in finding textbooks that present a balanced view, and highlighted the importance of curating alternative resources.

2. Inviting practitioners as guest speakers such as civil society actors and environmental lawyers to share their on-the-ground experience, adding practical insights that complement theoretical discussions.

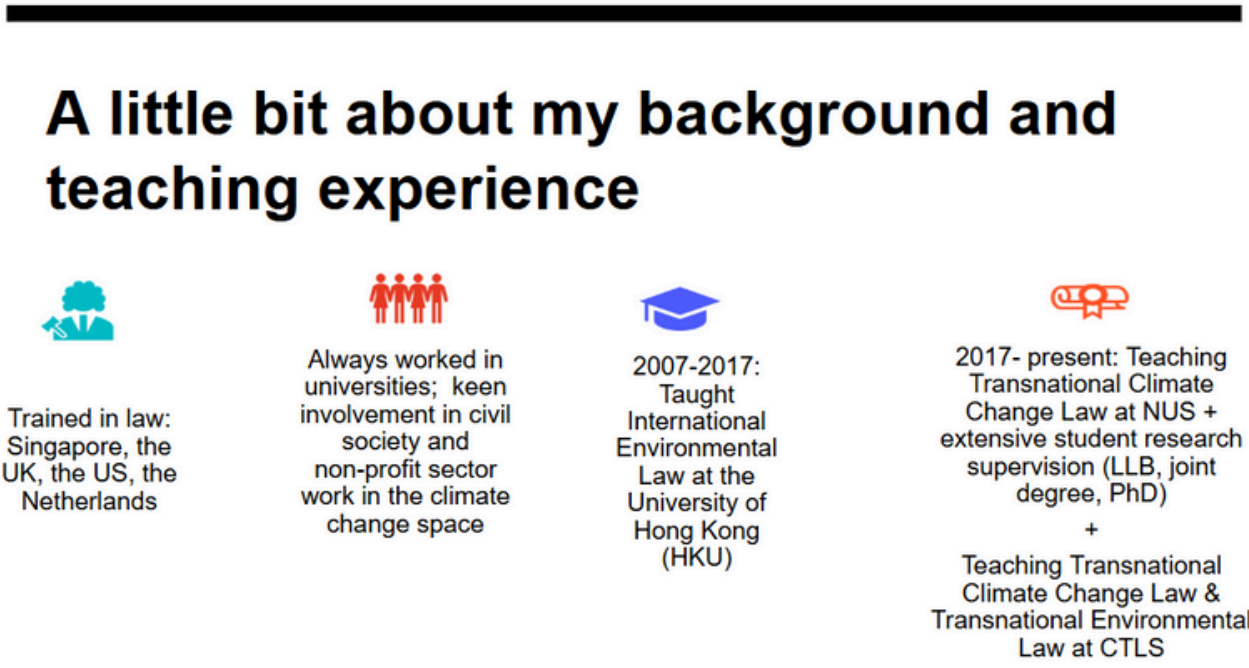
3. Reflecting on her teaching journey, Dr Lin also spoke about the idea of '**positionality**'—a concept introduced to her by one of her postgraduate students. Initially unfamiliar with the term, she came to understand it as a way of recognising how one's personal and professional background can shape teaching and research, often in unconscious ways. She underscored that becoming aware of one's positionality is crucial to effective teaching.



Graphic on positionality
Source: UPenn's Weingarten Learning Resources Center

Personal Background

This prompted her to reflect on her own experiences.



Adapted from Dr Lin's Presentation

She was trained in the Global North, exclusively in law, and has worked in academia throughout her career. Nonetheless, she has remained engaged with civil society, particularly in the area of climate litigation. Between 2007 and 2017, she taught International Environmental Law at the University of Hong Kong, where she was the first to offer the course.

She joined NUS in 2017, where she now teaches Transnational Climate Change Law and supervises student research projects. For example, she is now supervising one of her current students, enrolled in a double-degree programme in law and science, in researching coral reef conservation strategies, both legal and non-legal, across Southeast Asia.

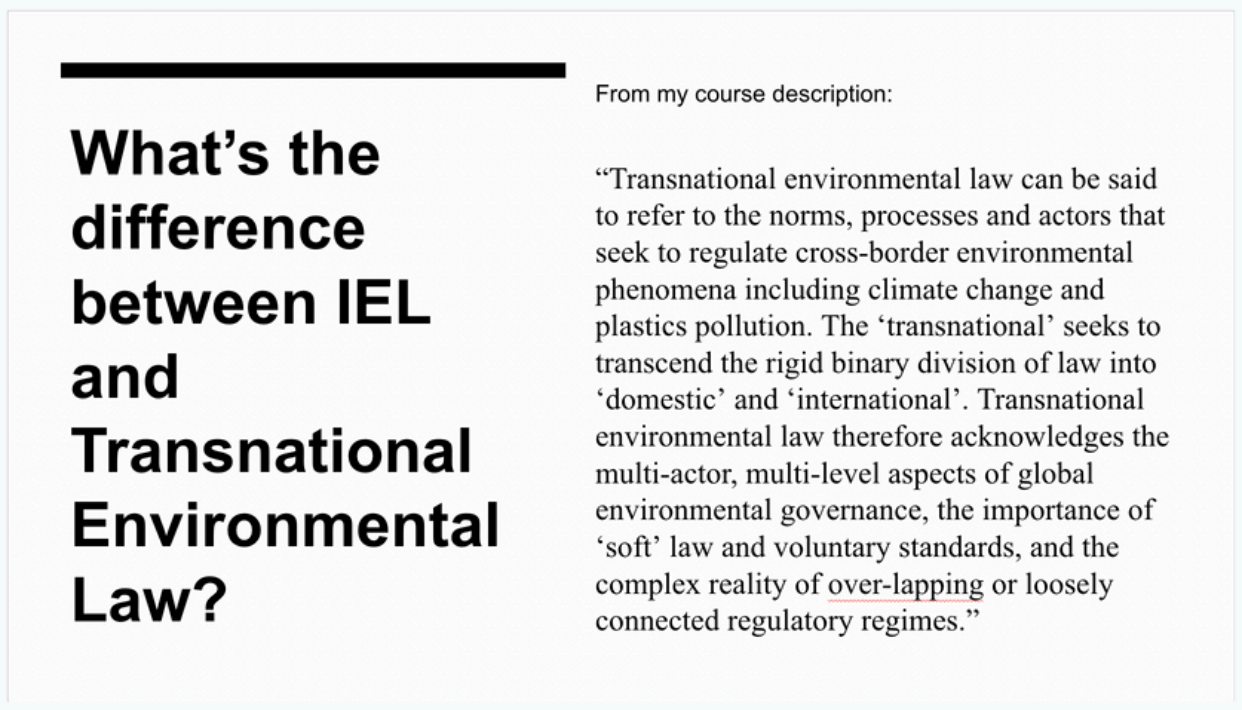
She has also taught at the Centre for Transnational Legal Studies (CTLS) in London and the University of Turin in Italy.

She is also scheduled to teach in 2026 at Bhutan's Jigme Singye Wangchuck (JSW) School of Law in its inaugural LLM in environmental and climate change law.

Difference between ‘Transnational’ and ‘International’

Dr Lin explained her decision to use the term ‘transnational’ rather than ‘international’ in her course titles, such as Transnational Environmental Law and Transnational Climate Change Law. While her academic training is rooted in international law, she said that her research journey led her towards broader conceptualisations of the field, including perspectives from the New Haven school. Over time, she became increasingly interested in understanding international law through the lens of transnationalism.

By using the term ‘transnational’, she has intentionally **moved beyond the traditional binary between domestic and international law**. This framing allows her to **explore environmental governance as a complex, multi-actor and multi-level process**. It also **opens space for examining soft law instruments, voluntary standards, and regulatory regimes** that are overlapping and loosely connected.



Adapted from Dr Lin’s Presentation

To illustrate this, she pointed to the climate change regime. A strictly international law approach would focus on the UNFCCC and Paris Agreement. These are important instruments with numerous sub-topics such as adaptation, loss and damage, and global solidarity funds. However, her course also includes discussion of the many other actors involved in global climate governance who fall outside the narrow international framework

Syllabus

Dr Lin shared a detailed and engaging overview of her Transnational Environmental Law course, taught over a 13-week semester at NUS. She began by acknowledging that she intentionally tries to cover a wide range of material, though not exhaustively, given the vast scope of the field. Instead, the course is designed with three (3) goals:

1. **Introduce cutting-edge developments** in Transnational Environmental Law.

2. **Equip students with analytical tools to critically assess global regulatory responses to major environmental challenges**.

3. **Provide space for independent, in-depth research** beyond the formal syllabus, primarily through a major research paper that also forms the main mode of assessment.

To support this, she incorporates two weeks of student presentations at the end of the semester. Each student presents his or her research project—many of which go beyond the topics covered in class—and gives and receives peer feedback. With up to 50 students enrolled, these sessions are held as full-day workshops, complete with food and a lively atmosphere to encourage participation. Attendance is only mandatory for five sessions, but most students voluntarily stay for the full two days. Presentations are recorded and uploaded to the online learning platform for wider access.

Adapted from Dr Lin's Presentation

On the course structure, Dr Lin walked through her rationale for selecting specific seminar topics.

The course begins with foundational material:

Seminar 1: introduces key concepts in international and transnational environmental law, with attention to environmental justice, Third World Approaches to International Law (TWAIL), and other perspectives. She assigns an editorial from the launch issue of the Transnational Environmental Law journal as a primer.

Seminar 2: focuses on traditional sources and principles of International Environmental Law.

From **Seminar 3** onwards, the course shifts to transnational perspectives:

Seminar 3: examines the role of non-state actors, including cities, sub-national governments, businesses, and religious organisations, in global environmental governance.

Seminar 4: explores various regulatory instruments, including voluntary standards, public-private partnerships, and hybrid mechanisms.

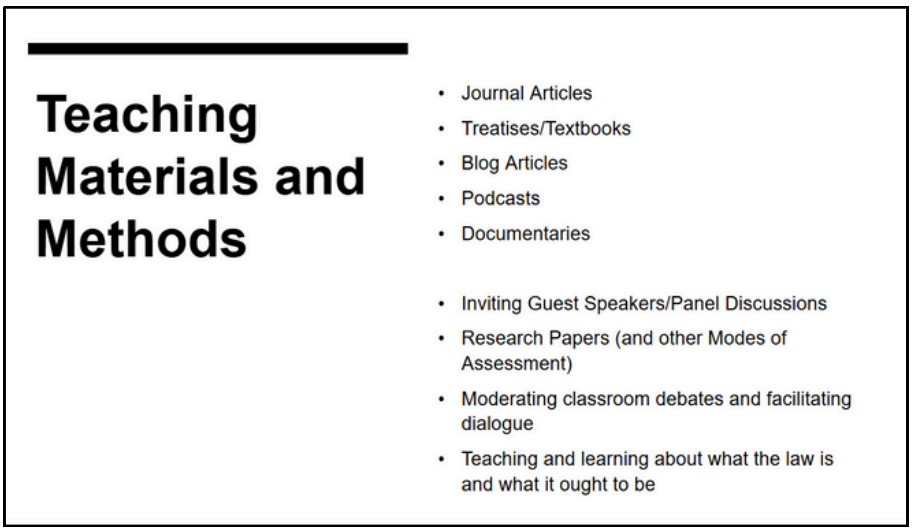
Seminar 5: addresses corporate accountability, especially with regard to transnational corporations and environmental harm. This includes a strong focus on environmental justice, using case studies from Asia and Latin America.

Seminars 6 and 7: focus on the state of climate change law across Asian jurisdictions, using regional case studies to highlight legal developments, challenges, and the rich landscape of climate litigation in the Global South.

Dr Lin highlighted the **final seminar** (**Seminar 13**) as particularly illustrative. Titled around the '**Global Reach of EU Law**', it is often misunderstood as a celebration of EU regulatory power. In fact, she uses it to critically assess how the EU attempts to influence environmental practices abroad, especially in developing countries, through instruments like the EU Deforestation Regulation. This allows students to reflect on how well-intended laws made in Brussels may face serious implementation challenges on the ground in Asia and elsewhere, and how regional regulatory power is reshaping global environmental law, sometimes more than traditional international law.

Teaching Materials and Methods

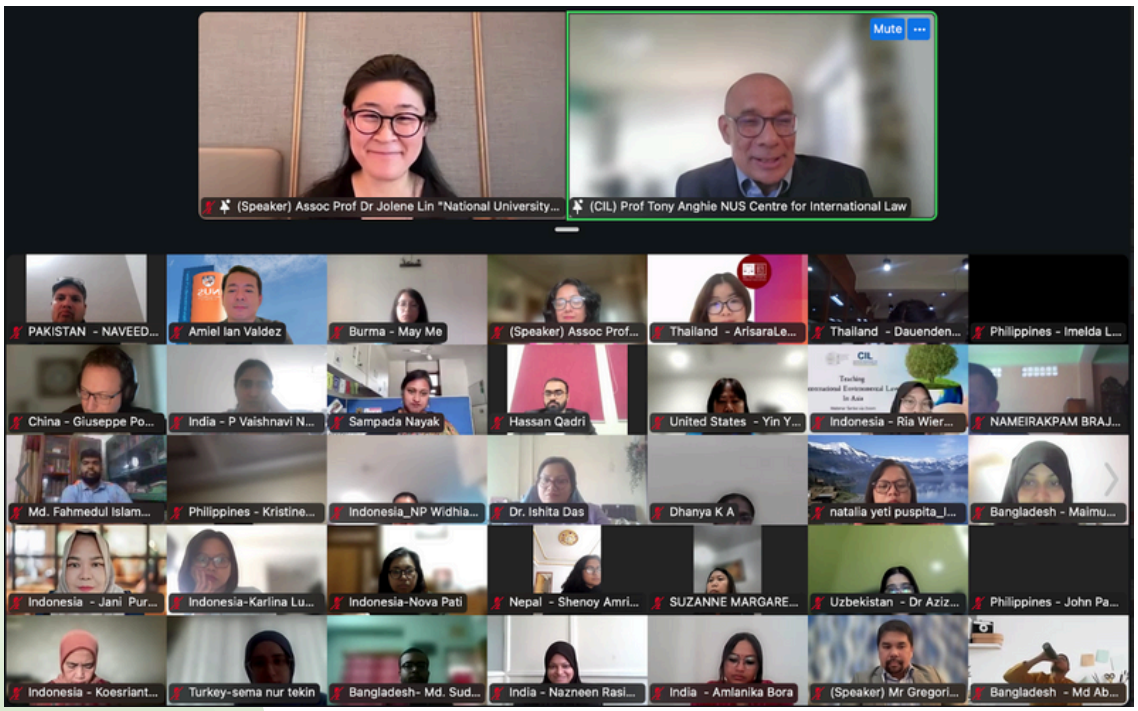
Contrary to common assumptions, there is a significant amount of climate litigation taking place across Asia. She noted her preference for using a diverse range of teaching materials rather than traditional textbooks, which she finds often restrictive. Her course includes both required and recommended readings, with the latter frequently encompassing non-written resources such as podcasts and documentaries. This approach reflects her commitment to accommodating diverse learning styles and needs among students.



Adapted from Dr Lin's Presentation

Conclusion

In conclusion, Dr Lin emphasised the importance of creating a space within her syllabus for debate and dialogue, underscoring that teaching International Environmental Law involves not only understanding what the law currently is, but also critically engaging with what it ought to be.



Screenshot from TRILA webinar

Presentation

by Mr Gregorio Rafael Bueta

Mr Gregorio Rafael Bueta highlighted the need to adapt teaching methods in International Environmental Law to today's fast-paced and multidisciplinary world.

Drawing on his practical experience, he emphasised fostering student engagement and climate advocacy through creative, participatory, and context-driven approaches.

Mr Gregorio Rafael Bueta
Adjunct Lecturer
School of Law
Ateneo de Manila University (Philippines)

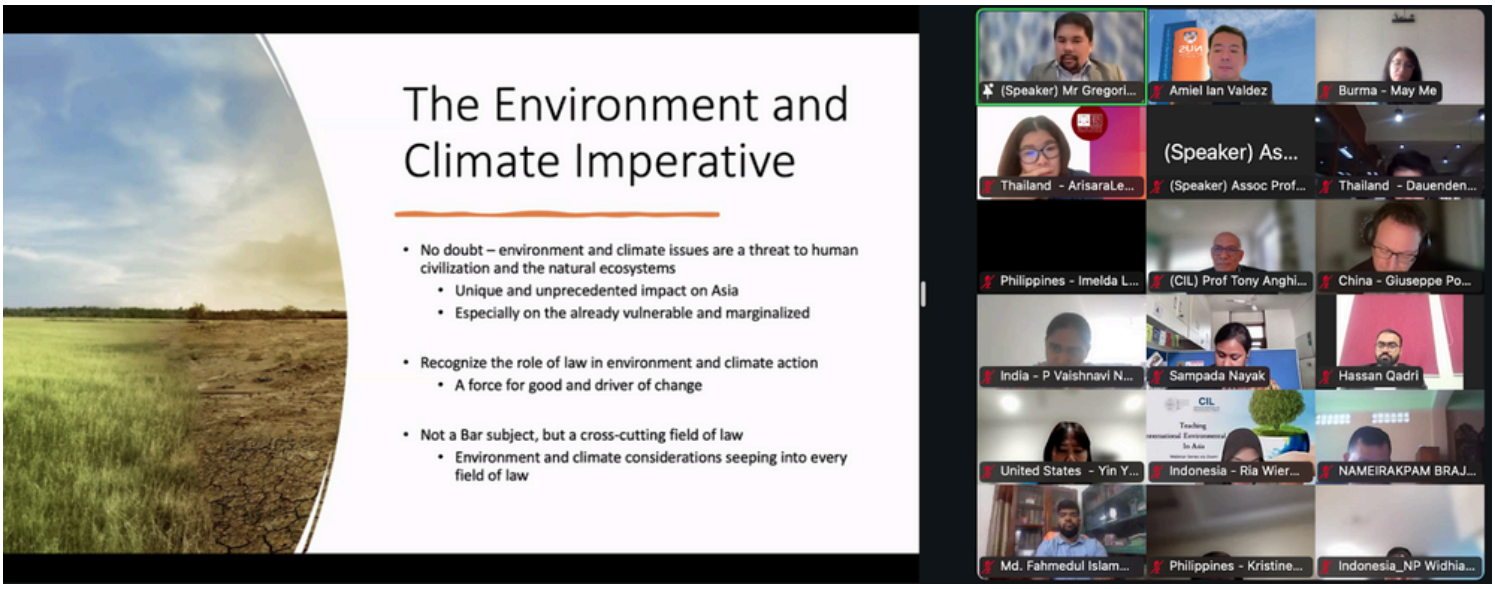
Introduction

He began by posing the fundamental question: *why do we teach International Environmental Law*? Mr Bueta emphasised that environmental and climate issues pose a serious threat to both human civilisation and natural ecosystems. It is within this context that educators, as advocates and scholars, play a critical role in **inspiring students with a sense of purpose and responsibility**. He highlighted the disproportionate impact that environmental and climate crises have on vulnerable and marginalised communities in the region.

He stressed the importance of **recognising the rule of law as a tool for advancing climate and environmental action**. While International Environmental Law may not be part of the bar examination or traditional legal curricula in many jurisdictions, it is a cross-cutting field. Students may initially approach the subject with skepticism especially those pursuing fields such as corporate or intellectual property law but it is the educator's task to demonstrate how environmental and climate considerations are becoming relevant across legal disciplines.

Evolution of International Environmental Law

Mr Bueta also noted the **evolving and interdisciplinary nature of International Environmental Law**. He pointed to its intersections with other areas of law, including humanitarian law, human rights, children's rights, indigenous rights, energy, trade, and waste management. At his law school, environment and climate law are taught together as a single subject, which presents added challenges given the breadth and complexity of the content.

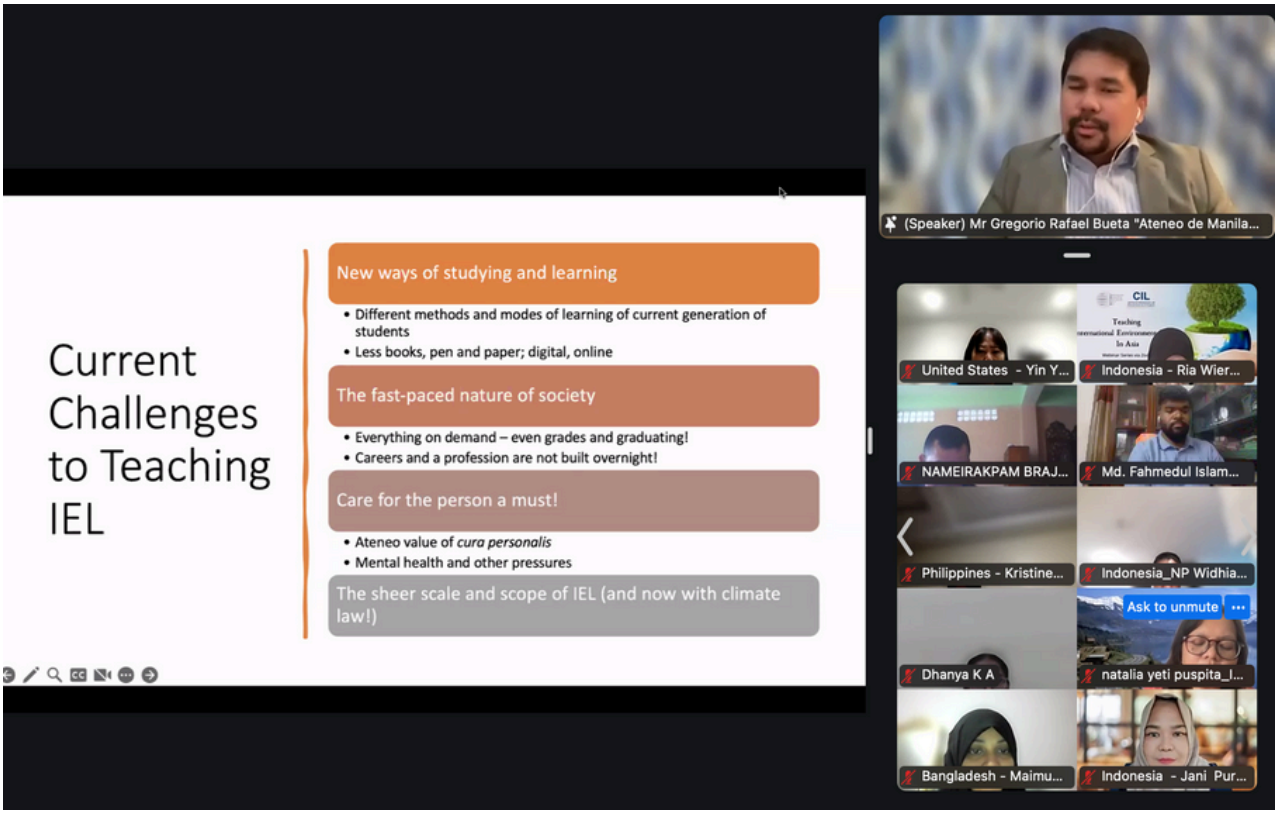


Screenshot from TRILA webinar

He went on to reflect on the **changing modes of teaching and learning**. He observed that today's students rely almost entirely on digital devices such as laptops and tablets in contrast to the more traditional methods of using notebooks, printouts, and handwritten notes. He emphasised the need to adapt to these shifts in learning styles and technologies when designing and delivering courses.

Challenges

Mr Bueta also identified three (3) key challenges in teaching International Environmental Law to today's generation of students:



Screenshot from TRILA Webinar

1. First, he pointed to the **fast-paced nature of modern society**, noting how students are often eager to complete their degrees and immediately pursue legal careers. He stressed the need to remind students that professional development takes time, and that building a meaningful legal career is a gradual process.

2. Second, he spoke about the **importance of *cura personalis*, or care for the whole person**—a core value at Ateneo de Manila University. Mr Bueta explained that this value is especially relevant in the context of the mental health challenges and pressures faced by students today. While maintaining a strong academic environment is essential, he emphasised the need for faculty to be mindful of their students' wellbeing and to offer appropriate support where possible.

3. Third, he highlighted the **scope and scale of International Environmental Law**, which now includes climate law, and raised the question of how educators can effectively convey such a vast body of knowledge. To address this, he described his approach of likening the course to a "degustación"—a curated tasting of various topics, concepts, and legal frameworks. Through this metaphor, he encourages students to sample different aspects of environment and climate law and discover areas they may wish to explore further, such as energy law, sustainable finance, or corporate sustainability.

Selection of Topics and Issues

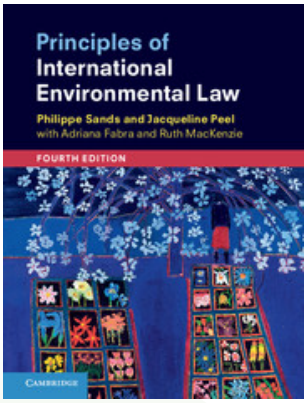
On the selection of topics and issues, Mr Bueta said that he begins his course by **establishing a baseline understanding of International Environmental Law—covering its history, foundational principles, treaty regimes, jurisprudence, and case law**. He underscored the **importance of continuous learning** and staying updated with the current trends and developments, noting that teachers must also engage in ongoing study and professional growth. He also highlighted the value of interdisciplinary learning, pointing out that International Environmental Law educators must be able to communicate with experts in fields such as climatology, biology, oceanography, and meteorology in order to fully grasp the scientific context of legal developments.

Students' Engagement

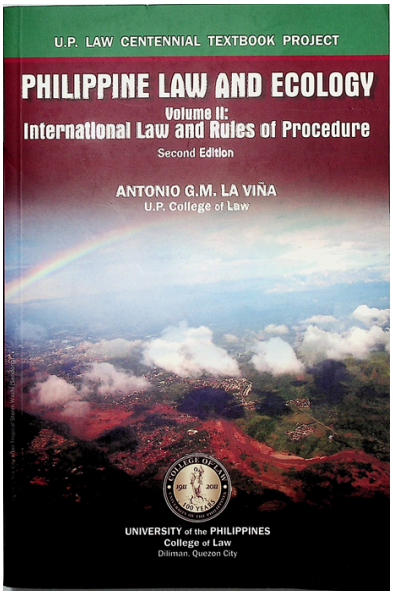
To encourage **engagement and participatory learning**, Mr Bueta reserves the latter part of his course for **student-led discussions** on topics of shared interest. He explained that this not only increases student involvement but also allows them to take ownership of their learning; his course structure moves from a broad introduction to environmental and climate law, through foundational rights and principles, to an exploration of treaty regimes and, finally, to emerging areas of synergy with other branches of law and their national and international applications.

Teaching Materials

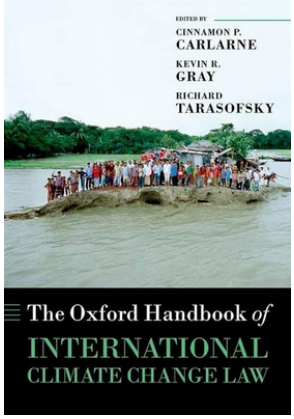
In discussing teaching materials, Mr Bueta mentioned that he uses a **combination of sources**. While many educators use Philippe Sands' *Principles of International Environmental Law*, a well-known textbook often referred to as the bible of International Environmental Law. Mr Bueta also draws on materials by his mentor, Dr Tony La Viña such as the *Philippine Law and Ecology Volume II*. In addition, he incorporates excerpts from the *Oxford Handbook of International Climate Change Law*, various journal articles, videos, and case law to provide students with a well-rounded and dynamic set of readings.



Principles of International Environmental Law



Philippine Law and Ecology Volume II



Oxford Handbook of International Climate Change Law

Turning to teaching methods, Mr Bueta shared several classroom practices designed to **foster active learning**. One example is a **comparative mapping exercise** based on the readings by Daniel Bodansky, Philippe Sands, and Peter H. Sand, where students helped **co-create a visual framework** on the board during the discussion. Another exercise asked students to **draw their personal interpretation of the word 'environment'**, which produced both creative and humorous results, encouraging collaboration and reflection on environmental concepts.

He also described an activity that uses a **web diagram of climate change solutions to prompt critical thinking**. In one session, a student observed how individuals in developed countries often have choices in their environmental behaviours, whereas many people in vulnerable or marginalised communities do not—even something as basic as choosing between private and public transportation may not be an option. Mr Bueta noted that such reflections help students connect legal concepts to issues of environmental and climate justice.

To break the monotony of dense legal material, Mr Bueta occasionally introduces lighter activities, such as a 'meme check' midway through class. Students are invited to choose from a selection of animal memes such as a sleepy koala or a confused panda and explain which one best represents how they feel at that point in the lesson. This activity not only brings humour into the classroom but also allows students to express their mental state and re-engage with the material.

Scale of animals
Source: Pinterest

On the importance of **creativity in legal education**, Mr Bueta encourages students to submit creative outputs such as video blogs or original songs. He shared an example of a student who documented a commute on the Pasig River Ferry, reflecting on environmental issues observed along the route. Others produced field trip documentaries or wrote songs related to environmental themes. These creative expressions are a meaningful way to break the traditional mold of legal studies and make the learning process more personal, reflective, and impactful.

The Way Forward

In concluding his presentation, Mr Bueta reflected on the way forward in teaching International Environmental Law. The goal is not to compel students to become environmental or climate lawyers, but to equip them with a **climate-conscious lens** that they can apply in any legal field they choose to pursue. He shared an anecdote about an alumnus, Attorney Bobby Chan from Palawan, who built a sculpture from **confiscated chainsaws** used in illegal logging.

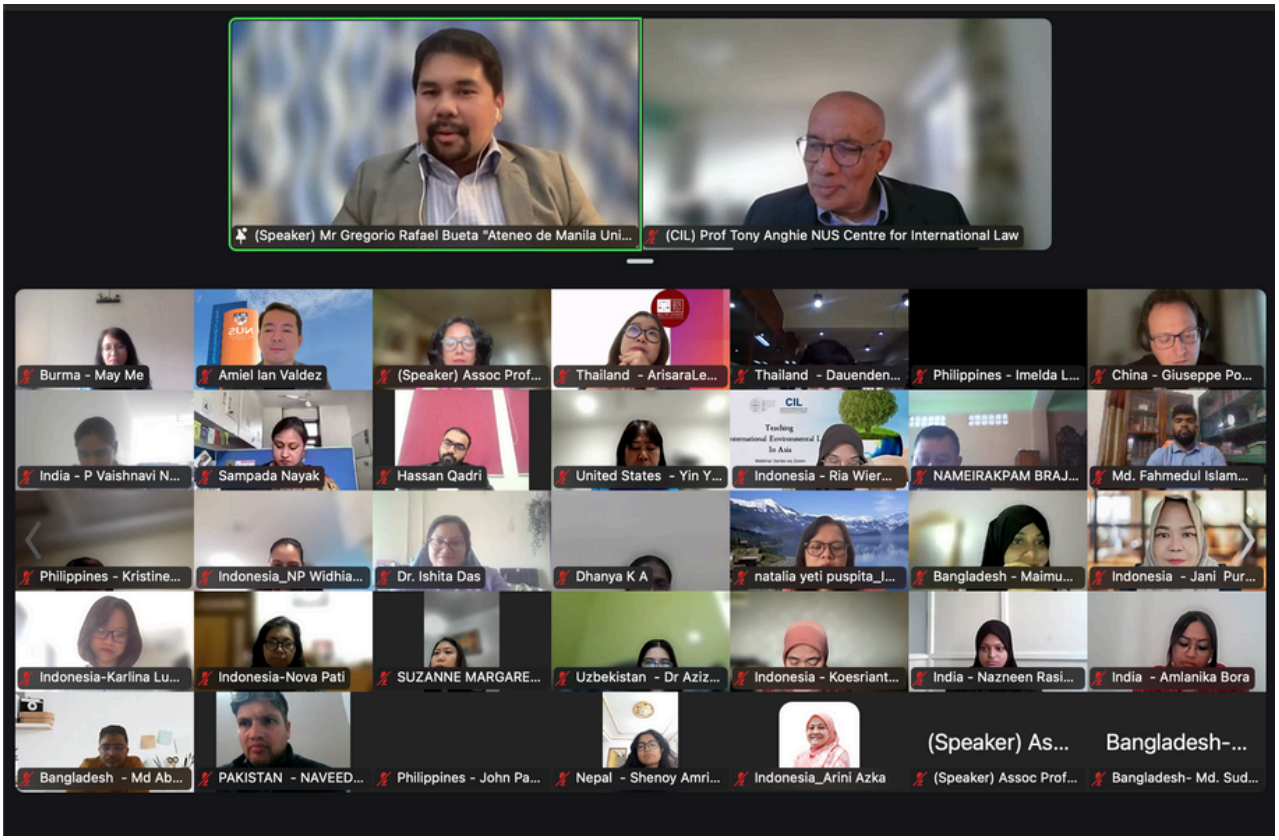
Confiscated Chainsaws Sculpture
Source: CoverStory

While Mr Bueta clarified he is not asking students to follow the same path, he stressed the importance of being **mindful of environmental and climate issues** regardless of one's area of legal specialisation.

Conclusion

He reiterated that environmental and climate concerns are **no longer confined to a single legal niche but are increasingly embedded across all areas of law**. For this reason, he believes students, practitioners, and educators alike must commit to continuous learning to keep pace with evolving developments.

Mr Bueta also referenced the concept of the '**wicked problem**'—**a problem with no single, definitive solution**—and encouraged participants to **embrace 'wicked solutions' in response**. These could emerge from creative thinking, continuous learning, and the exchange of ideas among students and educators.



Screenshot from Trila webinar

Finally, he reminded participants that the study and teaching of International Environmental Law and sustainability should not be viewed as a trend or a feel-good pursuit. Rather, he emphasised that cultivating climate and environmental awareness among students is a matter of urgency and survival. In other words, our very lives depend on it.

Question & Answer

How can we sustain student engagement with International Environmental Law beyond the classroom? Does our responsibility end in class? Or is it where a lasting community begins?

Dr Lin: *noted that unlike some other legal fields, environmental law often attracts academics who are also advocates at heart. While activism has no formal place in the classroom, she emphasised the importance of encouraging students to care deeply about environmental issues and to carry that commitment into their careers.*

She described her ongoing efforts to support students outside formal teaching, joking that she sometimes feels like she runs a 'mid-career crisis adjustment center.' Many of her students initially enter commercial practice due to financial obligations but later seek to return to more values-driven work in environmental or human rights law. To help bridge this gap, she has created a portfolio of short micro-internships—ranging from a few days to two weeks—with law firms and NGOs. These provide students with low-commitment opportunities to gain exposure and consider alternative career paths.

Dr Lin also makes herself available for informal mentoring, especially for postgraduate students interested in becoming academics. For her, building a lasting community of engaged environmental law practitioners and scholars is as important as classroom teaching.

Dr Jolly: *emphasised that environmental law education should go beyond career preparation to foster genuine sensitivity and concern for environmental issues. This, she noted, is a challenge in terms of classroom engagement and interaction.*

*To address this, she shared **two key strategies**. First, there is an **intentional effort** to cultivate a sense of commitment among students. Second, **internships** are strongly encouraged. In India, particularly in Delhi, there are lawyers and organisations, including the Centre for Science and Environment (CSE), that work exclusively in environmental law and advocacy. Students are guided to take up internships with such practitioners and civil society groups to gain first-hand experience.*

She also noted that professionals are often invited to speak with students, helping them see career possibilities not just in academia, but also in litigation and corporate sectors. While these efforts may not be formalised institutionally, they are often driven by personal initiative and faculty commitment.

Question & Answer

How can we sustain student engagement with International Environmental Law beyond the classroom? Does our responsibility end in class? Or is it where a lasting community begins?

Mr Bueta: *said that in his course, he encourages students to see how environmental law can connect with various legal specialisations, such as intellectual property, commercial law, or litigation. His aim is not to redirect their careers, but to show that they can still be environmental advocates within their chosen fields.*

He stays in touch with his thesis advisors—even after graduation—and occasionally invites them to collaborate on research or co-author articles based on their past work. These opportunities allow former students to remain involved in environmental law, even while pursuing other career paths. He also remains available to his former students for guidance and discussion throughout their professional journeys.

Can we include an introductory section on environmental philosophy in the syllabus for International Environmental Law students?
What are the pros and cons of doing so?

Dr Jolly: *expressed that including an introductory section on environmental philosophy in the syllabus is a good idea but depends on the teacher's expertise. She emphasised that teaching environmental philosophy requires a strong grounding in jurisprudence, philosophy, and methodology. According to her, only teachers with this skill set should spend one or two weeks on the topic to provide proper contextualisation.*

She acknowledged that not every teacher possesses these skills, which come with years of practice. To address this, Dr Jolly suggested involving interdisciplinary experts as guest lecturers to support the teaching of environmental philosophy.

Mr Bueta: *agreed with Dr Jolly on the necessity of having the competence to teach environmental philosophy. He shared that at the start of their course, he asked students about their undergraduate degrees, which vary widely, including historians, accountants, and occasionally philosophy majors. The respondent recounted an experience where, during a discussion, a philosophy major became overly enthusiastic and focused on Rousseau's ideas, which somewhat derailed the conversation.*

Question & Answer

Can we include an introductory section on environmental philosophy in the syllabus for International Environmental Law students?

What are the pros and cons of doing so?

Dr Lin: *agreed with Dr Jolly on the importance of having the right expertise to teach environmental philosophy. Dr Lin shared that although she has never included environmental philosophy in her own syllabus because she does not feel equipped to teach it, she has found ways to bring in related themes such as indigenous rights through climate litigation cases. She mentioned the Wild Coast case from South Africa where the Constitutional Court recognised the religious significance of natural resources to indigenous communities and emphasised respect for those beliefs as protected by the constitution. Dr Lin described the judgment as a fascinating example for exploring philosophical issues but admitted she lacks the expertise to engage more deeply with the subject.*

Professor Anghie: *believes environmental philosophy should not be intimidating. Rather than focusing on abstract thinkers like Rousseau, Professor Anghie suggested beginning with accessible examples such as the opinion of Judge Weeramantry in the 1997 Gabcíkovo-Nagymaros case. This judgment raises key issues about competing ideas of nature, including the human-nature relationship and whether nature is viewed as a trusteeship or a resource. He emphasised the importance of helping students connect with the subject through practical experiences like field trips. Professor Anghie described this approach as fostering a 'meaningful living' philosophy, which is more engaging than abstract discussions. He encouraged making philosophy approachable and relevant instead of grand or intimidating.*

Should the international community abandon or strengthen the CBDR-RC principles amid challenges and unilateral measures in climate change governance?

Dr Jolly emphasised that Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC) remains vital for the Global South and should not be abandoned. While acknowledging that the principle has been diluted, she believes it must continue to be advocated at every COP and relevant forum. She pointed out that NDCs currently focus on mitigation, but the Paris Agreement allows inclusion of adaptation, finance, and technology transfer which offer a way to embed CBDR-RC more concretely. However, she is concerned that in other domains like civil aviation and maritime sectors, Global North countries reject CBDR-RC, viewing it as exclusive to the UNFCCC framework. Still, she encouraged Global South countries to push for CBDR-RC recognition in all climate-related negotiations.

Question & Answer

Should the international community abandon or strengthen the CBDR-RC principles amid challenges and unilateral measures in climate change governance?

Dr Lin: *agreed with Dr Jolly and added that she found it fascinating that in Milieudefensie v. Royal Dutch Shell, the Hague court, for the first time, applied the CBDR-RC principle to a corporation. Dr Lin said that she is starting a research project on this development, as it opens up exciting possibilities for corporate climate accountability.*

Mr Bueta: *added that in his classes, discussions on CBDR-RC often spark a mini-debate, as some students question whether it has truly reached the status of a general principle of environmental law or if it remains emerging, given inconsistent respect by different countries. He found Dr Lin's point about applying CBDR-RC to non-state actors particularly interesting, as it helps keep the topic relevant and engaging.*

How do you teach students with disabilities?

Professor Anghie: *reflected that across various jurisdictions that he has taught in recently, there has been a noticeable rise in students applying for accommodations related to disabilities, including psychological and anxiety related conditions. This growing trend has, at times, required him to adapt their teaching methods to better support these students.*

Mr Bueta: *reflected that he has not yet had the opportunity to teach a student with a disability and is not aware of any law courses specifically designed for visually impaired or differently abled students. Still, he believes this is an area where change can begin.*

On his campus, for example, physical accommodations like ramps and accessible classrooms help ensure that students can navigate the space and participate fully. But beyond infrastructure, he emphasised the importance of cura personalis (care for the whole person). If more differently abled students begin to take an interest in studying law, he feels that universities should be ready to respond, perhaps by offering specially designed classes or tailored learning resources. He mentioned that he already records some of his lectures, which could be particularly helpful for students with visual impairments. For him, this is all part of creating a more inclusive and supportive learning environment.

Question & Answer

How do you teach students with disabilities?

Dr Jolly: *said that while she does not have extensive experience with specific disabilities, she recognises the broad and complex nature of the term itself, as Professor Anghie pointed out. She expressed concerns about whether adequate institutional support truly exists, especially when it comes to accessible materials like Braille, even at her own university. For her, it's clear that institutions need to pay closer attention to these needs.*

On a more personal level, she noted how the faculty often ends up taking on the role of counselors or confidants for students facing mental health challenges and career pressures, especially younger students. However, with increasing student numbers and growing administrative demands, she worries that the capacity for this kind of individual support is becoming more limited.

Dr Lin: *brought up the topic of* ***eco-anxiety****, noting how frequently her students mention it. She observed that many young people today are deeply worried about the future, grappling with the climate crisis and environmental disasters. While she acknowledged the seriousness of these concerns, she admitted she does not have easy answers.*

Eco-anxiety graphic
Source: Challenge

Dr Lin also reflected on the challenges of trying to support students' mental health in this area, especially since she is not professionally trained and worries that she might unintentionally make things worse. Because of this, she often directs students to external resources—not out of lack of care, but because she recognises the limits of her own expertise.

Question & Answer

Is there an example of how one applies a comparative method in class?
How effective is this compared to other teaching methods? Additionally, could you elaborate on what simulations and debates entail in the classroom context?

Dr Jolly: *explained that a comparative approach could be useful in terms of some topics,* ***depending on the time and duration of the course****. While teaching EIA as a regulatory tool, along with the ICJ decisions, if time permits, she looks at how South Asian countries have approached EIA. A comparative approach can give the students a wider perspective, but such an approach will not be possible for the entire course. Simulations and debates are administered through giving the students a case study in advance with broad points for them to prepare and deliberate in class.*

How do you handle classroom disagreements when a student holds a political view very different from yours?
For example, valuing development over environmental protection?
Do you address it during class, follow up privately, or try to shift their perspective?

Dr Jolly: *believes that students may hold political views that differ from those of their teachers. Rather than disagreeing with them outright, she engages them in discussion using academic arguments and scholarly perspectives. The goal is not to force a change in their views, but to expose them to broader academic discourse and critical thinking.*

Session 3:

Towards the Future: Prospects and Potentials

Presentations by:

Dr Nilufer Oral

Centre for International Law
National University of Singapore

Professor Dr M. R. Andri Gunawan Wibisana

Faculty of Law
Universitas Indonesia

Associate Professor Dr Tran Viet Dung

International Law Faculty
Ho Chi Minh City University of Law (Vietnam)

Dr Julia Dehm

School of Law
La Trobe University (Australia)

The third and final session of the webinar series on Teaching International Environmental Law in Asia paints the picture of **what the teaching of this subject could be in the future**.

In session one, speakers and participants discussed how the teaching of this subject has changed over time, the challenges that teachers and students face in dealing with this subject, and what educators should be doing to teach this subject better.

In session two, the discussion focused on how we should formulate a syllabus on International Environmental Law, and the main factors to consider in creating a course outline.

Here, in the third session, the speakers and particulars exchanged views on some of the **major issues and themes going forward**, and **how these issues and themes could be incorporated in teaching the subject**.

Presentation

by Dr Nilufer Oral

Dr Nilufer Oral shared her experience in arguing on behalf of Palestine before the International Court Justice (ICJ) on the proceedings regarding the advisory opinion on climate change responsibilities of states.

Dr Nilufer Oral
Director
Centre for International Law
National University of Singapore

Introduction

Dr Oral said that **we are living in such remarkable times with many paradoxes**. We see several conflicts and a lot of what seems to be failures. Some have criticised international law for being ineffective. Yet, we have seen a surge of cases before the ICJ and International Tribunal for the Law of the Sea (ITLOS). What it seems to show is that international law continues to play a very important role, and at the level of the international courts and tribunals, which clearly, are seen as part of the tools we have available. This is a time we are also seeing **hegemonic states wielding their power in unfortunate ways**.

Origins of the ICJ Climate Change Advisory Opinion

Dr Oral recalled how the ICJ Advisory Opinion proceedings on climate change started. She highlighted that it did not start from the great powers, but to the contrary, it was started by a group of students from Vanuatu, a tiny island in the Pacific. Many Pacific Islanders have been great advocates for global awareness on climate change since 2007 during the adoption of the Malé Declaration on the Human Dimension of Global Climate Change or even earlier than that.

Malé, capital of the Maldives
Photo credit: Shahee Ilyas

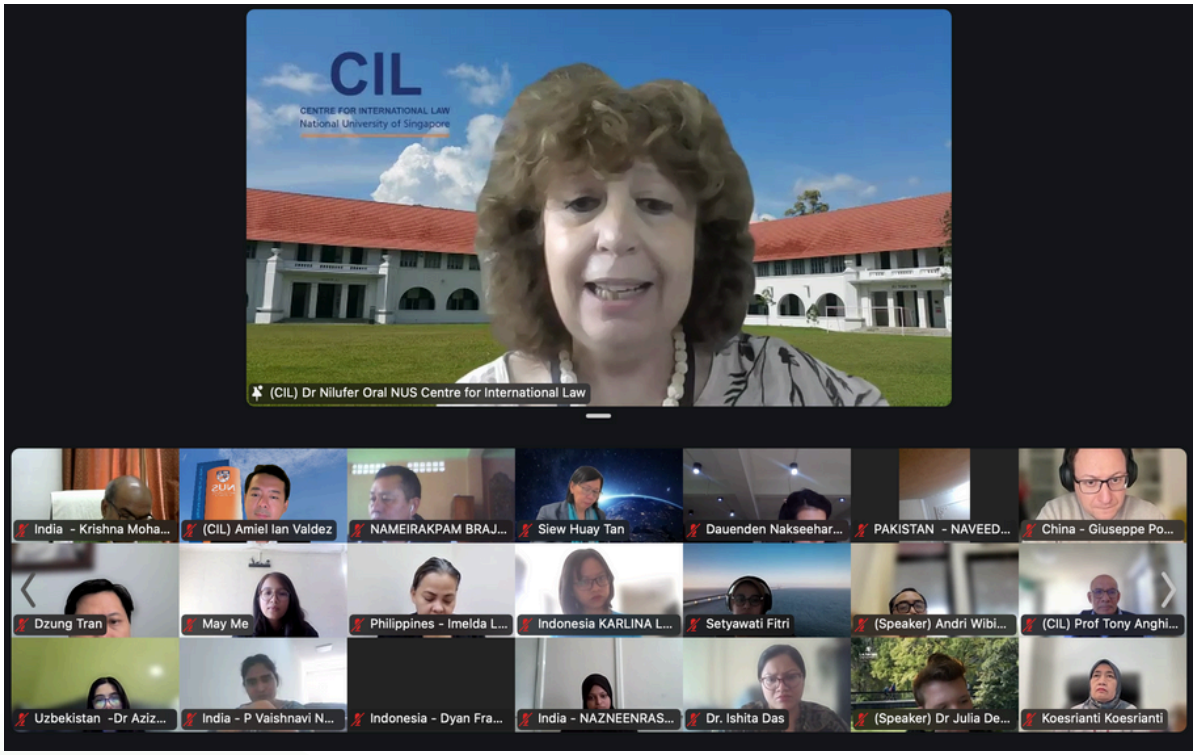
Since 2007, it has been a slow process, but still of great importance. Then, a movement started off in a law school in Vanuatu and spearheaded by Ambassador Odo Tevi, Dr Margaretha Wewerinke-Singh, and other important personalities. Dr Oral expressed her admiration to these people because they took the issue of seeking an advisory opinion for climate change through the rather arduous process of the UN system, meaning convincing states to sign on to a request for an advisory opinion. As we know, one of the ways to invoke the advisory jurisdiction of the ICJ is to have a resolution adopted by the General Assembly. In the past, there were some attempts made by small island states, but they were immediately thwarted by the big powers, such as the US and some European powers.

The request for an advisory opinion essentially asked the ICJ to determine the responsibility of states in relation to climate change taking into consideration treaty obligations of states, obligations under customary international law, rights of the future generation, and looking particularly into the situation of vulnerable states and small island states.

The question is: if international law is failing, as some critics would argue, why is it that there are more than 100 states and international organisations who submitted written statements and participated in the oral arguments in this advisory opinion proceedings? It takes a lot of resources to prepare these written statements and present oral arguments before the court. So clearly, international law matters, and the views of the states and the ICJ are very important.

Palestine's Unique Perspective

Dr Oral said that she was fortunate to be invited to join the Palestinian team that presented before the court. Palestine did not submit a written statement but requested to intervene at the oral proceedings. **The issue that Palestine raised before the Court was the relationship between armed conflict, occupation and climate change**. You might wonder what armed conflict and occupation have got to do with climate change. A great amount of greenhouse gas emissions are released when there is war. It does not even have to be an armed conflict. Military activities during peace time can overall generate a lot of greenhouse gas emissions. Why is this point relevant? If we look at the Paris Agreement, the goal is to hold the increase in the global average temperature to well below 2°C above pre-industrial levels and pursue further efforts to limit the temperature increase to 1.5°C above pre-industrial levels. Are we on target? No, in fact we are far from achieving this target. According to some reports, we are on the trajectory towards 2.6°C.



Screenshot from TRILA Webinar

Under the current climate change regime, states have to submit their GHG inventories. However, they do not report their greenhouse gas emissions that come from military activities. Unfortunately, there are many armed conflicts. The Russian invasion of Ukraine, Israel's attacks on Gaza, and the expansion of conflict in Syria and Lebanon have all produced greenhouse gas emissions that are not being calculated. So, this is the basis of Palestine's argument but focussing specifically on Gaza.

If you follow the oral arguments on the advisory opinion on climate change, most of the states argued as to whether the Paris Agreement was *lex specialis* or not , and whether certain environmental principles, such as precautionary principle, the principle of prevention, etc. apply. So, the trend and line of arguments were clear. But, Palestine presented a different perspective. Palestine believes that international law must take center stage in protecting humanity from the dangerous path of human made destruction resulting from climate change. **Palestine also believes that this issue affects fundamental rights enshrined in international law, including the inalienable rights of peoples to self-determination and the permanent sovereignty of people to their natural resources.** Palestine then links this argument to the UNFCCC and the Paris Agreement and said that.

Bombing of Gaza Strip
Photo credit: Mahmud Hams/AFP/Getty Images

Under the current climate change regime, states have to submit their GHG inventories. However, they do not report their greenhouse gas emissions that come from military activities. Unfortunately, there are many armed conflicts. The Russian invasion of Ukraine, Israel's attacks on Gaza, and the expansion of conflict in Syria and Lebanon have all produced greenhouse gas emissions that are not being calculated. So, this is the basis of Palestine's argument but focussing specifically on Gaza.

Environmental Impact of Armed Conflicts

Palestine, presented actual scientific facts to support these arguments. Accordingly, 'climate scientists have determined that the ongoing war in Gaza was responsible for emission of between 420,000 - 650,000 tons of carbon dioxide and other greenhouse gasses in just the first 120 days.' They all came from fuels burned by fighter jets and obviously, the missiles themselves.

Smoke produced from the bombing of Gaza
Photo credit: Abir Sultan/EPA

There are also other aspects of the environment that are affected by armed conflict and occupation. If you are bombing lands, you could also be bombing forests and therefore destroying valuable carbon sinks. Similarly, agricultural lands could be hit and affected by the armed conflict. For example, it was reported that 60% of Gaza's farmlands, which is approximately 140 square kilometres, was damaged or destroyed by the ongoing war. Olive trees, which comprise a majority of the cultivated lands in Gaza, were also damaged. We know that olive trees are resilient against drought and they can last for hundreds of years. This destruction of agricultural lands will lead to desertification, as well as loss of other related services. This shows how ecosystems and carbon sinks are very vulnerable in an armed conflict situation.

International Legal Frameworks and Gaps

What is the legal implication of all of this? We have to draw the relationship between international law and the obligation of states to protect the environment. In this regard, we can look at, for example, Article 35 of the Additional Protocol to the 1949 Geneva Conventions, which prohibits the employment of ***'methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment'.***

Article 35 - Basic rules

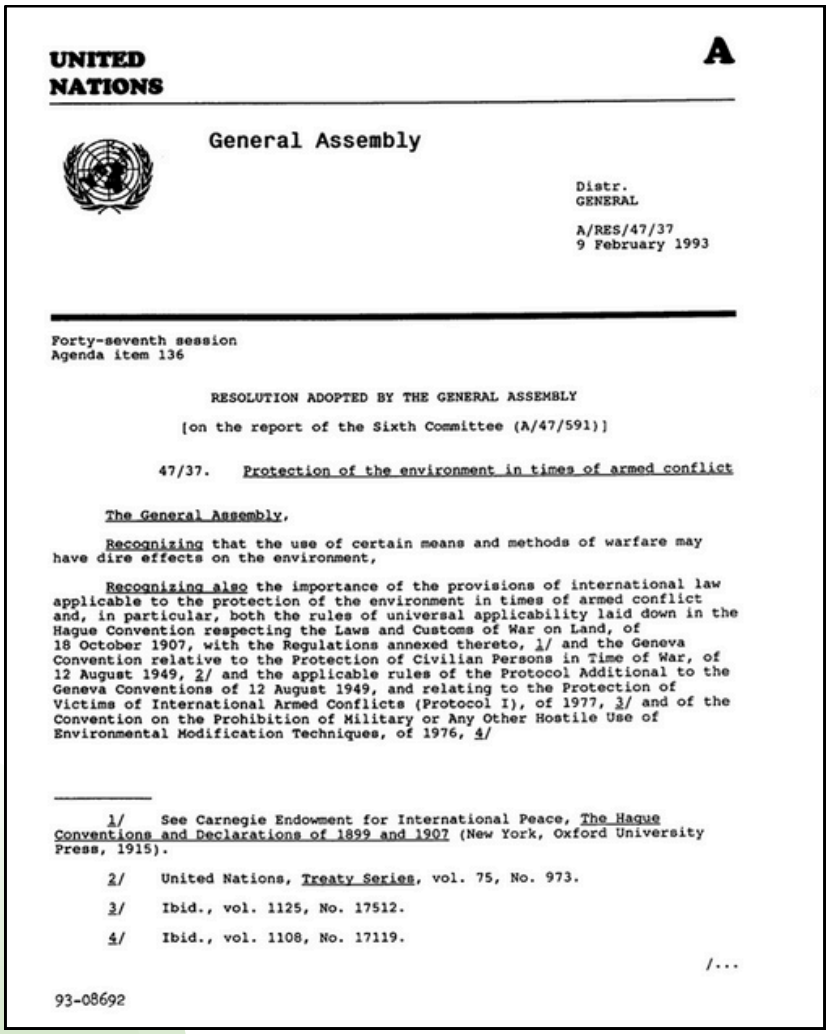
1. In any armed conflict, the right of the Parties to the conflict to choose methods or means of warfare is not unlimited.

2. It is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.

3. It is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment.

Article 35 of the Geneva Conventions

There is also the UN General Assembly Resolution 47/37 (25 November 1992) which recognised the ***'use of certain means and methods of warfare may have dire effects on the environment'.***



UNITED NATIONS

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General Assembly

Distr.
GENERAL

A/RES/47/37
9 February 1993

Forty-seventh session
Agenda item 136

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Sixth Committee (A/47/591)]

47/37. Protection of the environment in times of armed conflict

The General Assembly,

Recognizing that the use of certain means and methods of warfare may have dire effects on the environment,

Recognizing also the importance of the provisions of international law applicable to the protection of the environment in times of armed conflict and, in particular, both the rules of universal applicability laid down in the Hague Convention respecting the Laws and Customs of War on Land, of 18 October 1907, with the Regulations annexed thereto, 1/ and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 2/ and the applicable rules of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), of 1977, 3/ and of the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, of 1976, 4/

1/ See Carnegie Endowment for International Peace, The Hague Conventions and Declarations of 1899 and 1907 (New York, Oxford University Press, 1915).

2/ United Nations, Treaty Series, vol. 75, No. 973.

3/ Ibid., vol. 1125, No. 17512.

4/ Ibid., vol. 1108, No. 17119.

/...

93-08692

UNGA Resolution 47/37

The relationship between armed conflict and the environment was also recognised by Principle 24 of the Rio Declaration.

Principle 24

Warfare is inherently destructive of sustainable development. States shall therefore respect international law providing protection for the environment in times of armed conflict and cooperate in its further development, as necessary.

After the Iraqi invasion of Kuwait and the bombings and destruction of the oil wells, there was a realisation of the important relationship between armed conflict and the environment.

Burning of Kuwaiti Oil Fields
Picture credit: Per-Anders Pettersson/Getty Images


Draft principles on protection of the environment in relation to armed conflicts
2022

Adopted by the International Law Commission at its seventy-third session, in 2022, and submitted to the General Assembly as a part of the Commission's report covering the work of that session (A/77/10, para. 58). The report will appear in *Yearbook of the International Law Commission, 2022*, vol. II, Part Two.

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2022

Draft Principles

Hence, in 2009, the UN Environment Programme (UNEP) did a study of some 20 armed conflicts, and they found out that despite the existing International Humanitarian Law Framework, there are still significant gaps in international law in terms of adequately protecting the environment from the effects of armed conflict. This is how the International Law Comission (ILC) came in, and started doing work on the protection of the environment in relation to armed conflict. In 2022, the ILC adopted the Draft Principles on Protection of the Environment in relation to Armed Conflicts.

Conclusion

In summary, Dr Oral considers it a milestone that the issue on the relationship between armed conflict and the environment was raised in a major forum as the advisory opinion proceedings before the ICJ. It was also a significant achievement that Palestine was given the opportunity to speak up and reflect on the dangers of war not just for human beings but also for the environment.

Presentation

by Professor Dr. M. R. Andri Gunawan Wibisana

Professor Dr. M. R. Andri Gunawan Wibisana delivered a wide-ranging presentation on International Environmental Law.

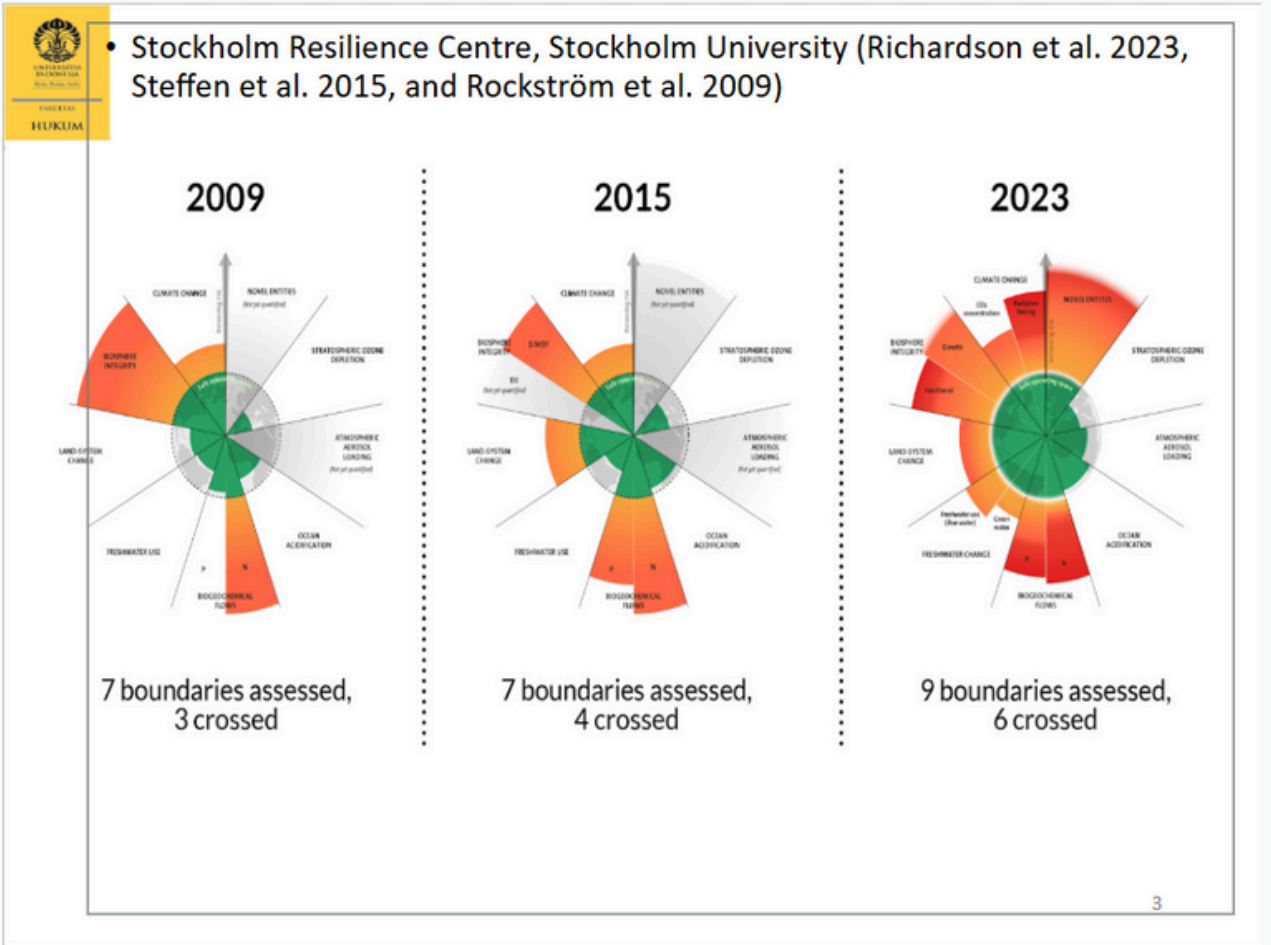
Drawing on real-world legal cases, he examined the structural and legal complexities of addressing today's global environmental crises.

He emphasised that challenges such as climate change and biodiversity loss are transboundary in nature, require systemic and coordinated responses, and highlighted the urgent need for stronger international cooperation and legal frameworks to remedy market failures and governance gaps.

Prof Dr. M. R. Andri Gunawan Wibisana
Vice Dean for Education Research and Student Affairs
Faculty of Law
Universitas Indonesia

Introduction

He began by noting that while corporate law is a compulsory subject in Indonesian law schools, International Environmental Law remains an elective. Using the *Stockholm Resilience Centre's planetary boundaries framework*, he illustrated how humanity has already crossed six of nine critical environmental thresholds, such as climate change and biosphere integrity, underscoring the severity of the crisis. He described these challenges as 'polycentric' in nature, meaning that they result from cumulative and indirect impacts across sectors and jurisdictions, making them resistant to simple, unilateral solutions.



Adapted from Professor Wibisisana's Presentation

ICJ Landmark Cases

He then turned to international case law to illustrate how courts have contributed to the development of environmental norms. He highlighted the *Gabčíkovo–Nagymaros* (Hungary/Slovakia, 1997) case, where the ICJ recognised sustainable development as a principle of international law.

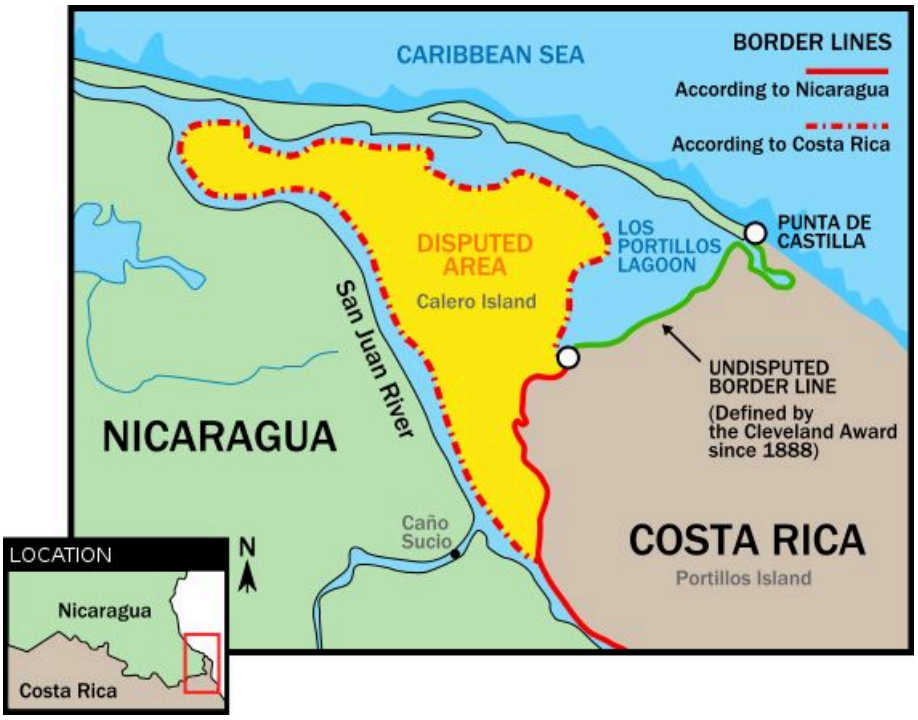
Map of the original project
Source: ICJ

In the *Pulp Mills on the River Uruguay* (Argentina v. Uruguay, 2010) case, the ICJ affirmed that conducting an EIA is now a requirement under general international law, although it left the specific content of EIAs to domestic regulation.

Pulp Mills on the River Uruguay
Source: UFM Pulp

ICJ Cases

Professor Wibisana also pointed to the *Costa Rica v Nicaragua* cases, where Judge Trindade argued that compensation for environmental harm must be used for ecological restoration—not merely treated as state revenue. He noted the relevance of this principle for Indonesia, where compensation paid by polluters has sometimes not translated into actual environmental recovery.



Map of disputed area between Costa Riva v Nicaragua
Source: Wikimedia Commons

ITLOS Cases

Turning to ITLOS, he highlighted the *Southern Bluefin Tuna* cases (New Zealand v Japan; Australia v Japan) cases and a recent advisory opinion requested by the Commission of Small Island States. In this opinion, ITLOS recognised greenhouse gases as 'substances' that could constitute marine pollution under UNCLOS, thereby affirming legal obligations of states to address climate change under the law of the sea.

Professor Wibisana also discussed the growing role of human rights-based climate litigation, citing the Urgenda Foundation v The Netherlands and *Milieudefensie et al. v Royal Dutch Shell plc*. In Urgenda, the Dutch court ruled that inadequate emission reduction targets violated the right to life and family life under the European Convention on Human Rights.

Urgenda Foundation's victory against the Netherlands
Photo credit: Urgenda/Chantal Bekker/Climate Law

In Milieudefensie, the court held that major emitters like Shell have a legal duty to align their emissions targets with the Paris Agreement, although this was later partially overruled on appeal. These cases suggest that both state and corporate actors may bear human rights obligations in the context of climate change.

Protest against Royal Dutch Shell at the Hague
Photo credit: REUTERS/Eva Plevier

Conclusion

In closing, Professor Wibisana stressed that tackling environmental challenges requires more than legal reform; it demands **robust collaboration between governments, researchers, civil society, and advocacy groups**. Litigation, standard-setting, and treaty-making are all crucial tools, but they must be **supported by strong multi-actor cooperation** to ensure meaningful and lasting impact.

Screenshot from TRILA Webinar

Presentation

by Associate Professor Dr Tran Viet Dung

Associate Professor Dr Tran Viet Dung, centred his presentation on the growing water access challenges facing farming communities along the Mekong River.

He shared findings from his research on how climate change and human activities—particularly dam construction and upstream water diversion—have increasingly threatened the livelihoods of these communities.

Drawing on International Environmental Law, he argued for recognising such populations as 'vulnerable' and called for a stronger regional cooperation, especially through ASEAN, to promote equitable and sustainable water resource management.

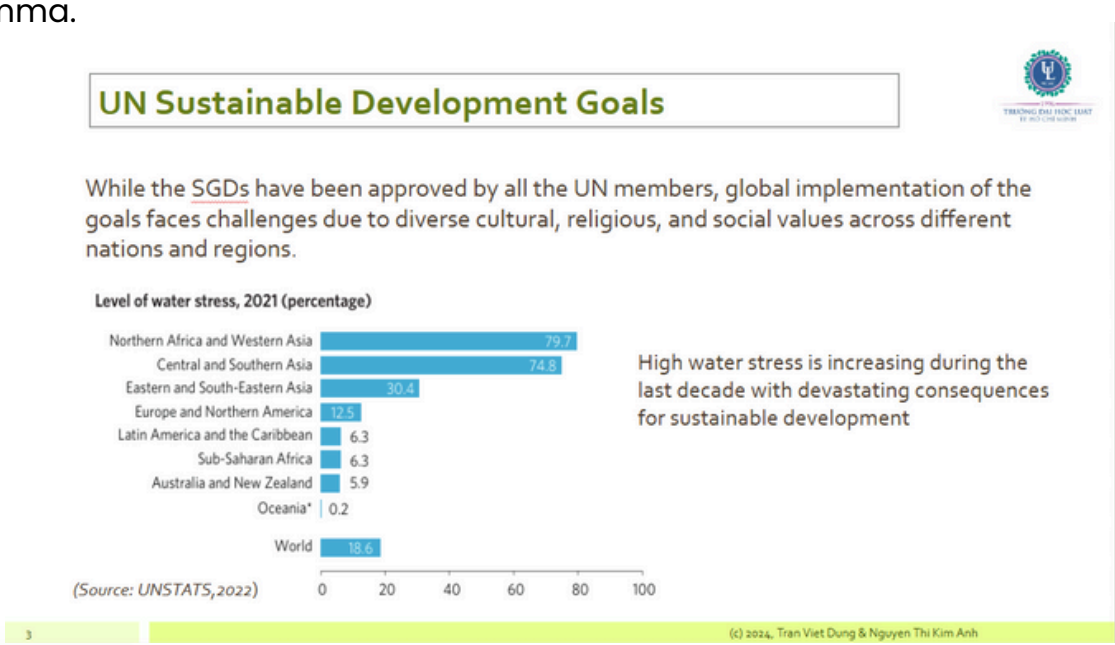
Associate Professor Dr Tran Viet Dung
Dean
International Law Faculty
Ho Chi Minh City University of Law

Introduction

He began by framing the Mekong within the broader context of the global climate crisis, noting that although climate change has been recognised internationally through instruments like the UN Sustainable Development Goals, implementation remains uneven.

Screenshot from TRILA Webinar

Local cultural, religious, and political differences have hindered effective action which makes the Mekong a significant regional case study of this global dilemma.



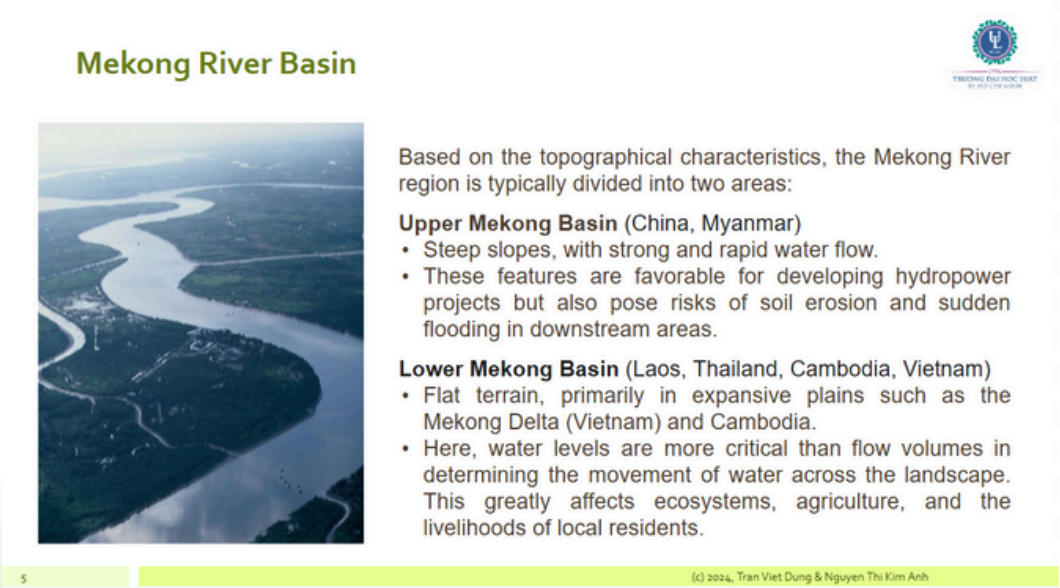
Adapted from Dr Dung's Presentation

Mekong River

The Mekong River, Southeast Asia's largest and the third longest in Asia, runs through China, Myanmar, Laos, Thailand, Cambodia, and Vietnam. It is known as the '*rice bowl of the world*' due to its vital role in agriculture.

Map of Mekong River
Source: Encylopedia Britannica

The river basin is divided into an upper section (China and Myanmar), characterised by mountainous terrain and fast flows, and a lower basin (Laos, Thailand, Cambodia, Vietnam), which features flat land well-suited for agriculture. Around 85% of the people in the region rely on the river for irrigation, fishing, livestock, transportation, and access to fertile sediment.



Adapted from Dr Dung's Presentation

Impact of Climate Change on the Mekong River

However, over the past decade—and particularly in the last five years—the Mekong has been severely affected by erratic water flows, increased salinisation, and more frequent extreme weather events. These changes have reduced crop viability and disrupted fisheries and biodiversity. In 2019, the river recorded its lowest water levels in over a century, with some areas dropping to nearly two meters (from a seasonal average of 3.4 meters). In 2020, Cambodia's Tonlé Sap Lake, which is connected to the Mekong, recorded only 60% of its usual water volume. This marked a historic low.

Drivers of Disruption: Human Activities

Dr Tran identified upstream dam development as a major source of disruption. There are currently 19 hydropower projects along the river, 11 of which are operational, drastically altering the ecosystem and water availability. He also raised concern over Cambodia's planned Funan Techo Canal, which will divert water from the Mekong to a Cambodian seaport. Despite reassurances from Phnom Penh, the project has drawn sharp criticisms from Vietnamese and international experts for its potential to cause downstream water shortages and worsen salinisation in Vietnam's Mekong Delta.

Defining Vulnerable Groups

A core contribution of Dr Tran's paper is a **proposed framework** for identifying and protecting vulnerable populations under international and regional law. He argued that while there is **no universally accepted definition of 'vulnerable people'**, **the term should apply to communities, like farmers in the Mekong Delta, whose survival is wholly dependent on environmental stability**. His theoretical contribution rests on the idea that if a group cannot adapt or survive due to changes in a single life-sustaining condition (in this case, access to river water), they should be treated as legally vulnerable and prioritised for protection and support.

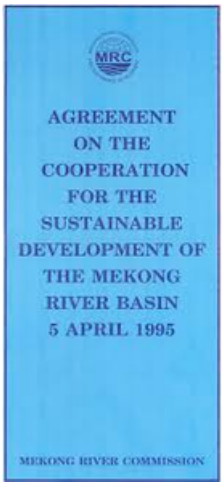
Rights Expansion

He emphasised that **formal recognition of these farmers as vulnerable** would strengthen the responsibility of ASEAN governments, policymakers, and international institutions to intervene. His paper recommends **expanding the definition of environmental rights in ASEAN documents** such as the ASEAN Declaration on Environmental Rights, which currently centres on indigenous peoples to include all communities whose livelihoods depend on fragile ecosystems.

Regional Governance

Dr Tran also reviewed existing legal and institutional frameworks for Mekong River governance. The 1995 Mekong Agreement established cooperative mechanisms among lower Mekong states, but China and Myanmar declined to sign. The Lancang-Mekong Cooperation (LMC) Forum, which includes China, exists but primarily focuses on economic development rather than water governance. Dr Tran argued that **ASEAN is well-positioned to play a more proactive role**, given its regional legitimacy and existing commitments to environmental protection under the ASEAN Charter.

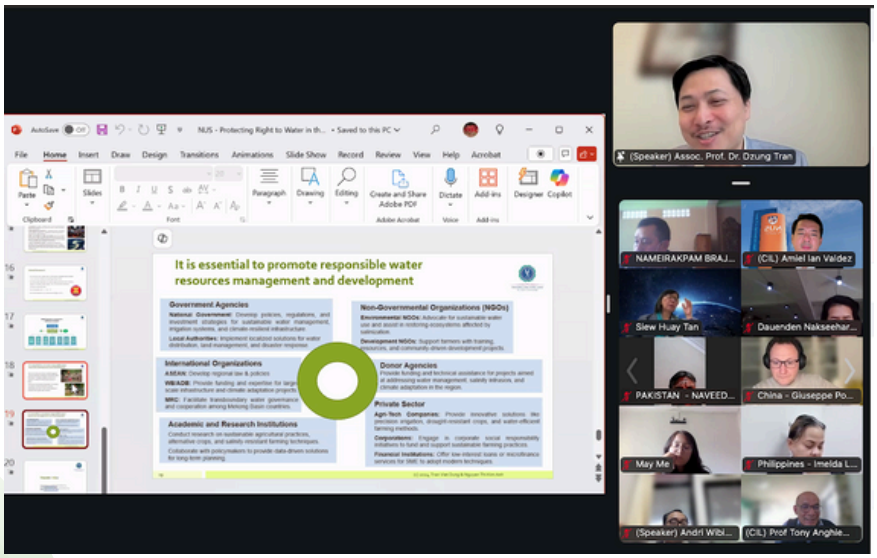
Signing of the 1995 Mekong Agreement



1995 Mekong Agreement

Conclusion

In conclusion, Dr Tran called for an **inclusive, multi-stakeholder water governance** that brings together governments, NGOs, academic institutions, international organisations, and private actors. Such cooperation is essential not only for protecting vulnerable communities in the Mekong Delta but also for ensuring **long-term ecological resilience** and **sustainable development** in the region.



Screenshot from TRILA Webinar (28 February 2025)

Presentation

by Dr Julia Dehm

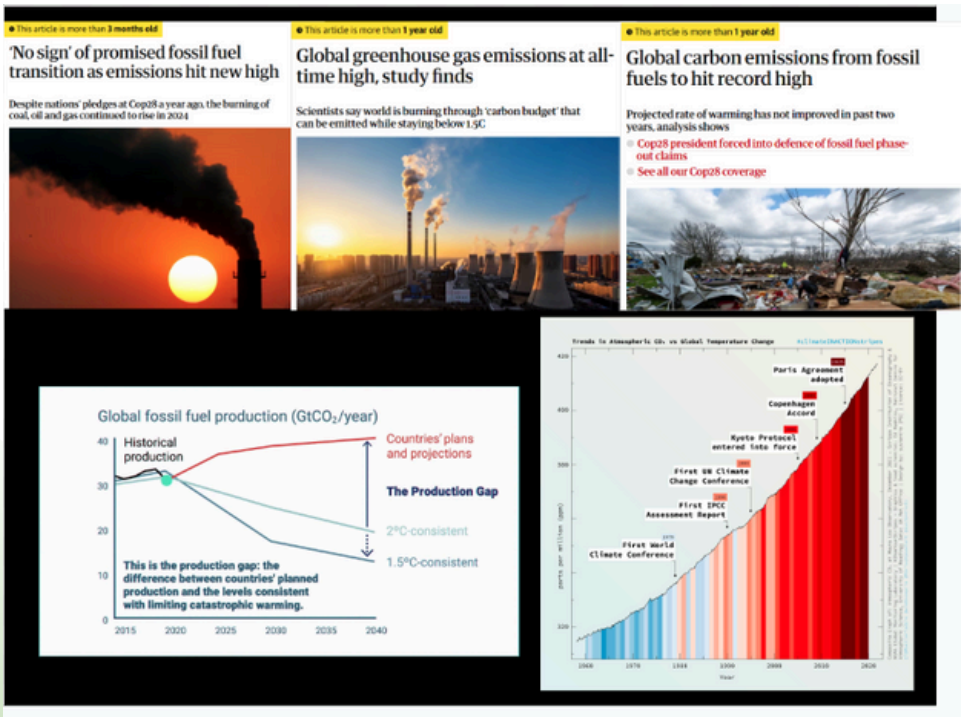
Dr Julia Dehm argued that all international law must now be understood as environmental law.

She highlighted how climate change is transforming every area of international law and called for integrating ecological considerations across the entire legal curriculum, beyond the confines of environmental law.

Dr Julia Dehm
Associate Professor
La Trobe University Law School

Introduction

Dr Dehm began her presentation with a stark assessment of the global climate crisis, noting that despite decades of political and legal efforts, including landmark treaties and numerous COP decisions, emissions continue to rise and temperature records are being broken. She highlighted that it took nearly 30 years of international climate negotiations before fossil fuels were explicitly named as the structural driver of the crisis.



Adapted from Dr Dehm's Presentation

Critiques

She then identified two (2) core problems within the field of International Environmental Law:

1. First, she argued that **the regime has become shaped by market-oriented imperatives**, prioritising economic growth and efficiency over justice and sustainability.

2. Second, she questioned the framing of the environment as a specialised legal domain concerned only with managing the externalities of industrial development. Instead, she called for a **broader interrogation of how international law itself contributes to unsustainability**.

Prospects and Potentials

Despite these challenges, Dr Dehm also highlighted two (2) emerging developments that offer reasons for cautious optimism:

1. First, she pointed to the **growing trend of bringing environmental disputes beyond narrow specialist regimes** such as the UNFCCC, and instead arguing for the application of general principles of international law.

This shift is reflected in current efforts to seek climate-related advisory opinions from broader legal forums, including the ICJ, ITLOS, and the Inter-American Court of Human Rights.

2. Second, she noted the increasing recognition in academic discourse that international law itself must be interrogated for the ways it produces unsustainability.

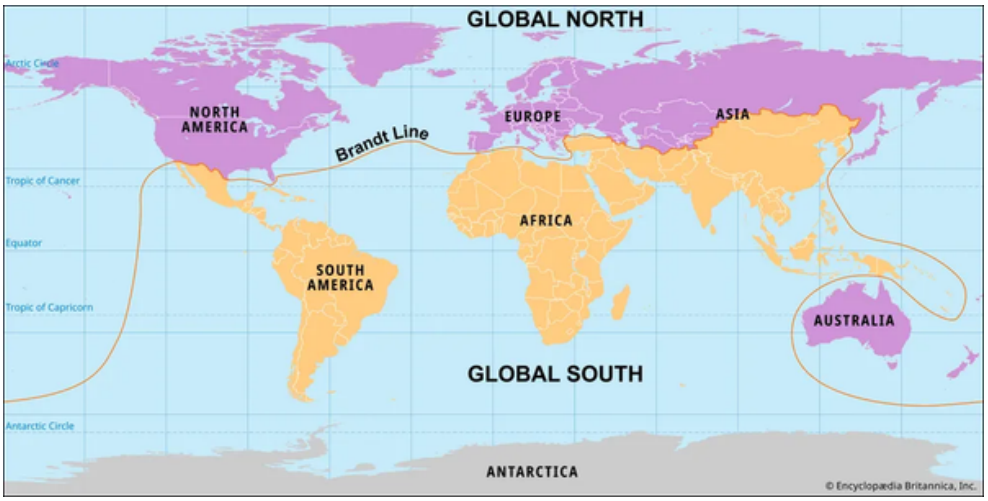
This includes acknowledging how **liberal Western legal frameworks are implicated in the ecological crisis**. Dr Dehm suggested that such discussions are opening up important possibilities for rethinking international legal norms.

She articulated a powerful take-home message: **in the 21st century, all international law must be understood as environmental law**. This insight should shape both how international law is taught and how it is researched going forward.

The Climate Regime and Market Rationality

Dr Dehm turned to her first argument concerning specialised regimes within International Environmental Law, focusing mainly on the climate regime, which is central to her research. She explained that although this regime was originally designed to address the environmental side effects of industrial development, it has increasingly been shaped by market-driven imperatives prioritising economic growth and efficiency. This market rationality assumes that markets are the most appropriate means to handle social provisioning and distribution, which limits the scope of climate action.

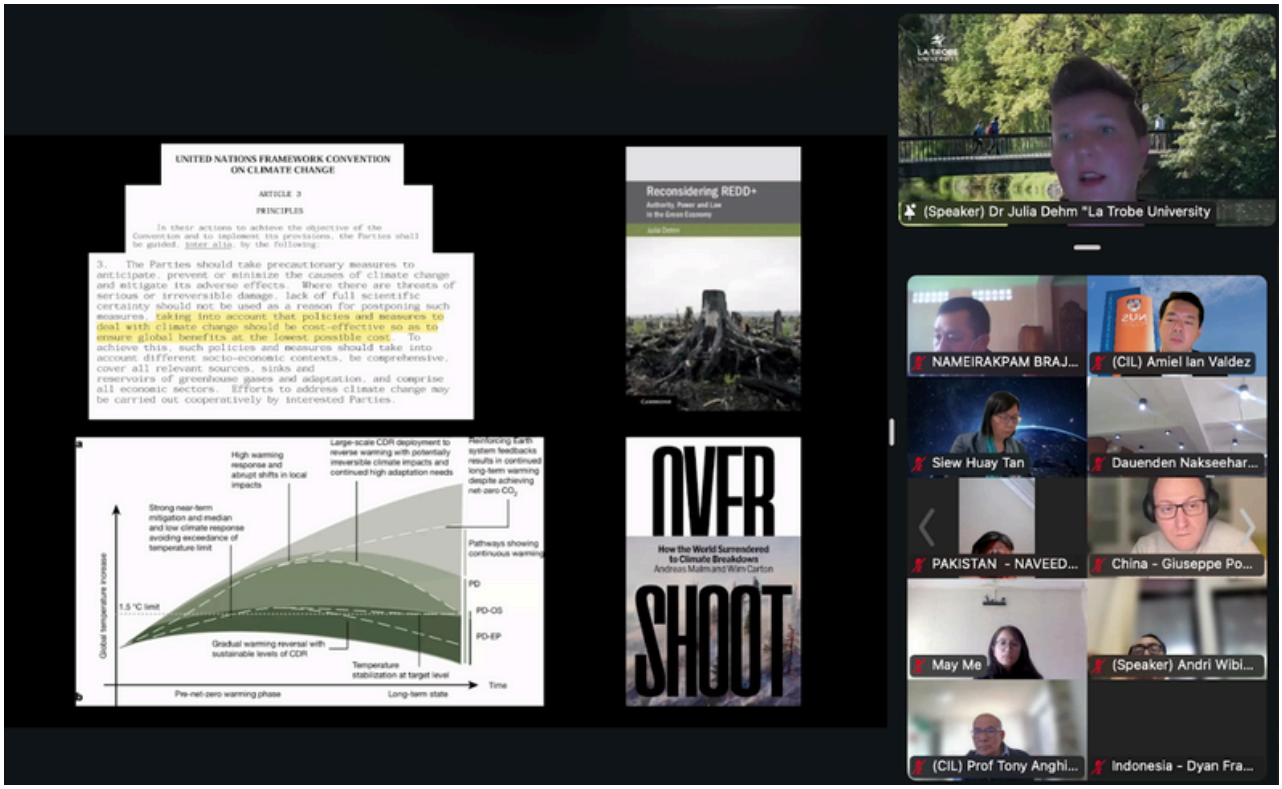
She highlighted that **International Environmental Law is a contested field**, given that the benefits and burdens of environmental degradation and protection are unevenly distributed. Those most vulnerable and marginalised suffer the greatest harm from ecological crises. Drawing on the perspectives from the Third World Approaches to International Law (TWAIL), she noted that **International Environmental Law not only reflects but also reproduces inequalities between the Global North and South**, **perpetuating neo-colonial dynamics**. This has led to growing discussions on **climate and carbon colonialism**, where current mechanisms and energy transitions continue to marginalise vulnerable communities.



Map depicting the Global North and Global South divide
Source: Britannica

Dr Dehm emphasised how environmental concerns have been reframed to align with neoliberal economic growth. She referenced Michel Foucault's analysis of neoliberalism to explain how regulatory approaches have been limited by cost-effectiveness principles embedded in the climate regime. For example, the UNFCCC promotes climate policies that are cost effective to maximise global benefits at minimal cost. While this principle appears reasonable, in effect it has narrowed the kinds of climate actions considered feasible, often sidelining justice and equity.

She illustrated this by pointing to how economic cost-benefit analyses have influenced discussions on acceptable levels of global warming. African nations, for instance, have described **the two-degree Celsius target as a 'suicide pact'** due to its devastating impact on their communities. Despite these warnings, the **international community accepted this target as a pragmatic compromise**.



Screenshot from TRILA Webinar

Dr Dehm further elaborated on how the principle of cost-effectiveness has shaped the evolution of climate mitigation measures, particularly through the adoption of market-based mechanisms. She traced this development from the flexibility mechanisms under the Kyoto Protocol to the provisions of Article 6 in the Paris Agreement. These mechanisms have often shifted the burden of climate mitigation away from the major historical emitters toward the most vulnerable populations. Schemes such as carbon credit markets have frequently failed to deliver real emissions reductions, with frequent headlines exposing ineffective or even harmful practices. Quoting Andreas Malm and Wim Carton, she warned that we are now in an '*era of overshoot*'.

Within climate policy and modelling communities, there is a growing resignation to the fact that the 1.5°C limit—hard-won by small island states during the Paris Agreement negotiations—will be exceeded. Most climate models, including those used by the IPCC, now assume that global temperatures will surpass this threshold before being drawn back down later in the century through negative emissions technologies.

However, Dr Dehm cautioned that these technologies, such as bioenergy with carbon capture and storage (BECCS), are neither proven nor viable at scale. As a result, current climate law and policy rely on speculative future interventions rather than addressing the root assumptions embedded in integrated assessment models, particularly the assumption that all climate action must be cost-effective. She criticised this approach as a '*fantastical gamble*' on the future of the planet, describing it as a form of blind faith in capitalism's ability to solve the problems it has caused.

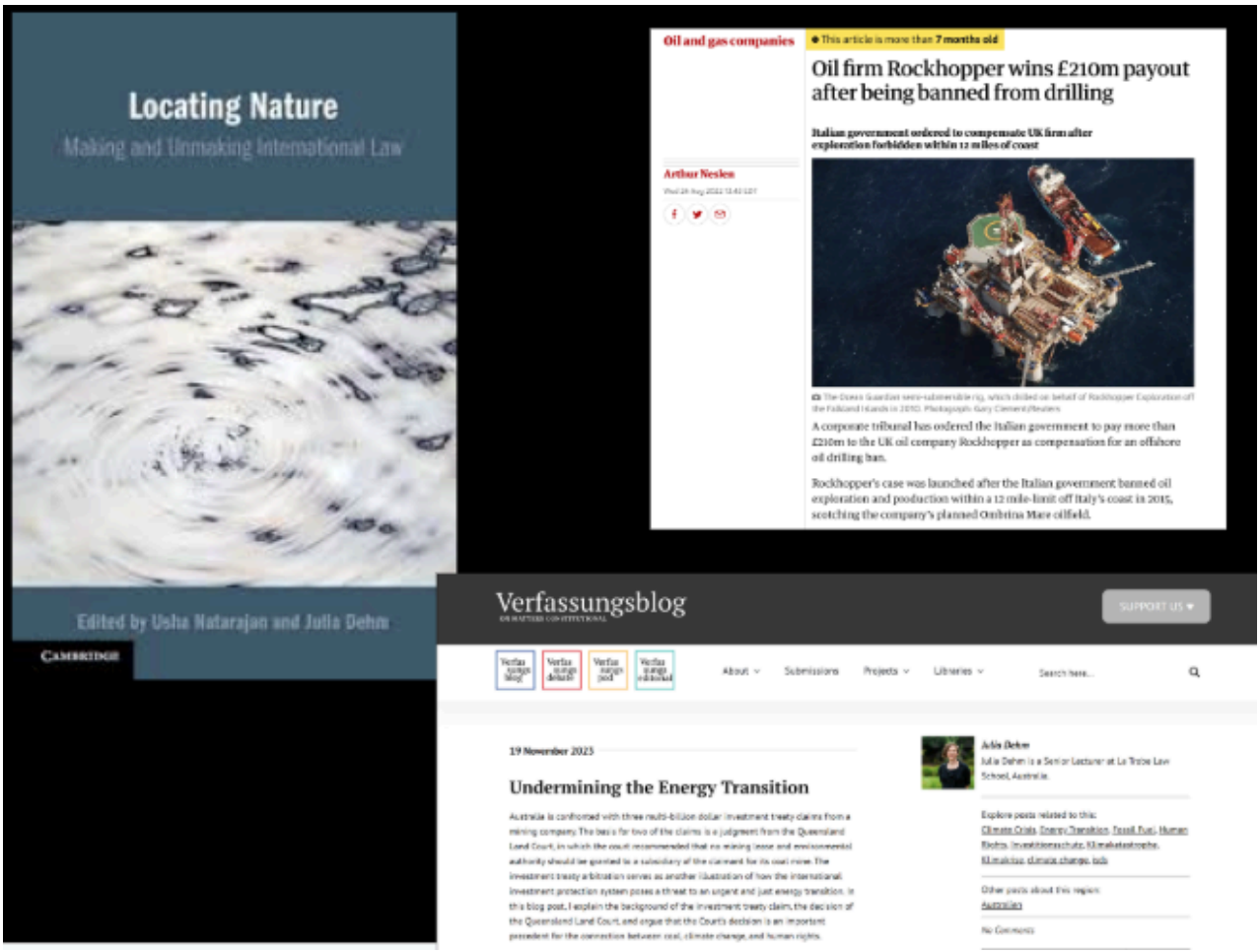
Case for Optimism

Despite this, Dr Dehm offered a note of optimism. **There is a growing move to bring environmental disputes into general international legal forums**, rather than limiting them to specialist regimes such as the UNFCCC. For example, the mid-2024 advisory opinion issued by ITLOS, which affirmed that obligations under the Law of the Sea Convention are not fulfilled merely by complying with the Paris Agreement.

She also referred to the ongoing ICJ advisory opinion proceedings, where one of the central debates has been whether the UNFCCC and Paris Agreement should be seen as exhaustive statements of climate law. Many small island states have argued that while adherence to the Paris Agreement is essential, it does not displace states' obligations under customary international law. Dr Dehm hoped that the ICJ would impose more stringent mitigation requirements and award more meaningful reparations than the current climate regime has so far managed. If so, it would force the international community to reckon with the troubling fact that the specialist climate regime has, to date, been more permissive of pollution and less responsive to harm than general international law.

The Environment as a Specialised Legal Domain

Dr Dehm then turned to the second problem she had identified earlier in her presentation: the framing of the environment as a specialised legal domain. This framing, she argued, obscures the deeper issue of how international law itself authorises and perpetuates unsustainability. Drawing from the edited volume Locating Nature: Making and Unmaking International Law, which she co-edited with Dr Usha Natarajan, she emphasised that environmental harm is not confined to the realm of environmental law. Rather, it is embedded systematically across the entire discipline of international law, with various legal institutions contributing to the structuring of efficient and widespread ecological destruction.



Adapted from Dr Dehm's Presentation

She traced the emergence of the contemporary concept of 'the environment' to the post–Second World War period. During this time, the planet was reimagined as an object that could be measured, governed, and managed. While this conceptualisation made the environment newly visible in legal and policy terms, it also came with significant limitations. This understanding of the environment reflects a distinctly Western worldview, one that is not necessarily shared by much of the Global South. She warned that viewing the environment as a separate object of governance and stewardship reflects a dangerous sense of hubris.

Importantly, Dr Dehm stressed that the **natural environment underlies every domain of international law**, as it provides the foundational conditions for all forms of life. As such, it is neither accurate nor productive to treat the environment as a distinct or isolated concern. International lawyers cannot meaningfully separate themselves from environmental realities, and the discipline must move beyond compartmentalised approaches if it is to address the ecological crisis in a just and effective way.

Dr Dehm then expanded on her second core argument by highlighting how the dominant framing of the environment as an object of stewardship conceals a longer and more troubling history. **International law has long been implicated in transforming nature into a set of exploitable resources**, regulated not primarily for protection, but for free commerce and industrial extraction. The exploitation of natural resources, she explained, is governed not only by public international law but also by private international law, international business transactions, and regimes such as international economic trade and investment law. There is a need for greater scholarly inquiry into these intersecting dynamics, both historically and in contemporary practice. Her current research project focuses on the history of resource struggles in international law.

The international investment regime is a particularly stark illustration of how international law can promote unsustainability. She noted that over 150 investment law cases have been brought by companies involved in fossil fuel extraction, transport, refining, and sale. Most of these cases, she explained, have not directly challenged climate policies. However, some recent disputes have begun to do so. One notable example is Rockhopper v. Italy, an arbitration under the Energy Charter Treaty (ECT), where the Italian government had banned oil and gas projects within 12 nautical miles of its coast. This decision affected Rockhopper's Ombrina Mare project. In 2022, a tribunal awarded the company 240 million euros in damages.

Oil and gas companies

This article is more than 2 years old

Oil firm Rockhopper wins £210m payout after being banned from drilling

Italian government ordered to compensate UK firm after exploration forbidden within 12 miles of coast

Arthur Neslen

Wed 24 Aug 2022 18.43 BST

Share

The Ocean Guardian semi-submersible rig, which drilled on behalf of Rockhopper Exploration off the Falkland Islands in 2010. Photograph: Gary Clement/Reuters

Rockhopper v. Italy case outcome
Source: The Guardian

She also referenced a case currently underway against Australia, where a mining company is suing the government for over 110 billion Australian dollars under two investment treaties. This follows the Queensland Land Court's recommendation against issuing a mining license, partly on human rights grounds. Dr Dehm pointed out the troubling asymmetry in legal outcomes: it is far more likely for fossil fuel companies to receive compensation for perceived losses than for communities most affected by climate change to receive reparations for harm.

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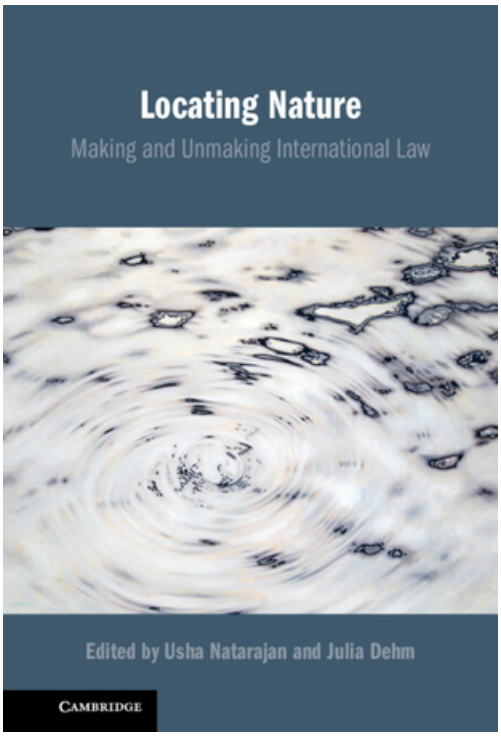
Case for Optimism

Nevertheless, she identified reasons for cautious optimism. There is growing scholarly and activist attention on the ways in which the structures of international law uphold unsustainable practices and protect the interests of fossil capital. Dr Dehm stressed the **importance of asking difficult questions about these legal structures and their role in climate injustice**.

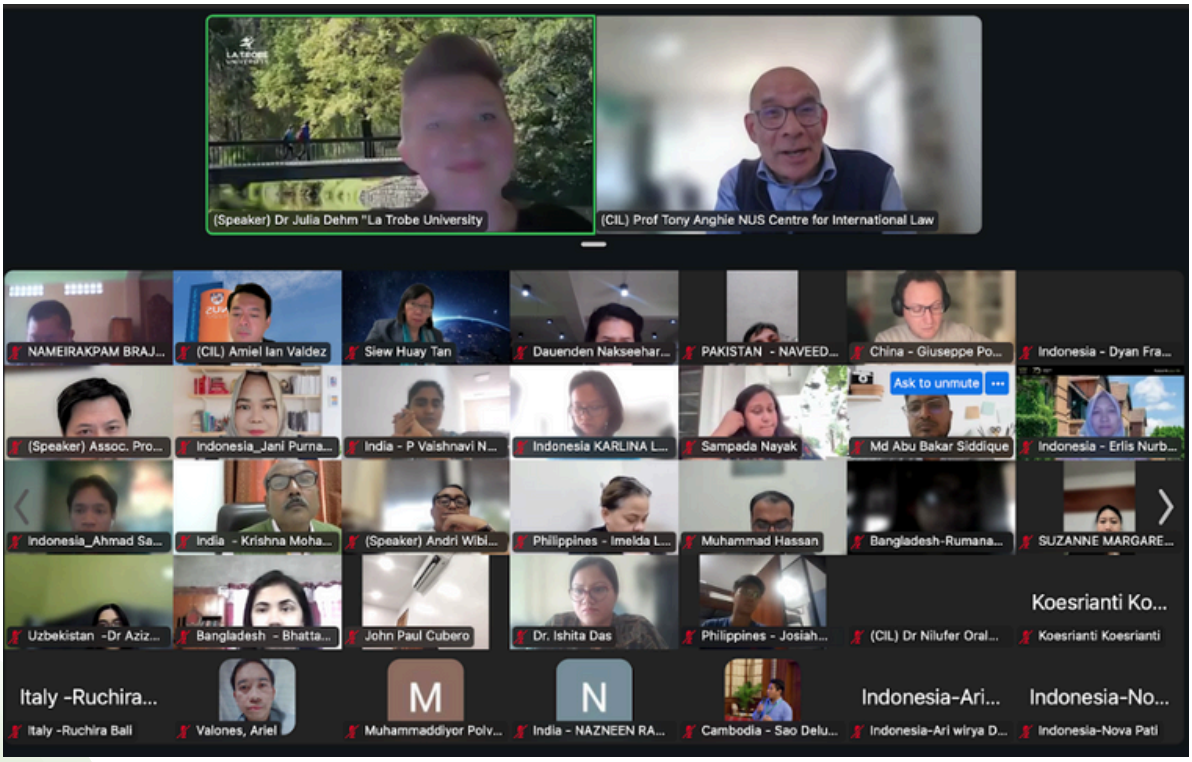
She also highlighted **the emergence of a significant body of academic work interrogating the role of law in producing ecological harm**. When she first began work on the Locating Nature project more than a decade ago, there were few scholars engaged in this line of inquiry. Since then, the field has expanded considerably. More researchers are now exploring how legal thought must evolve to confront the ecological crisis meaningfully.



Locating Nature (Usha Natarajan and Julia Dehm)

There must also be a **fundamental rethinking of humanity's relationship with the natural world**. The ecological crisis cannot be addressed within the limits of Western modernity alone. Instead, there must be **space for alternative narratives and worldviews that recognise the interdependence between humans and the more-than-human world**. Relinquishing the belief in the supremacy of Western philosophy and the illusion of human separateness, she suggested, is essential to building a more just and sustainable future.

Assemblage of stories, poetry, song, artwork and academic writings
Source: Abhishek Chauhan

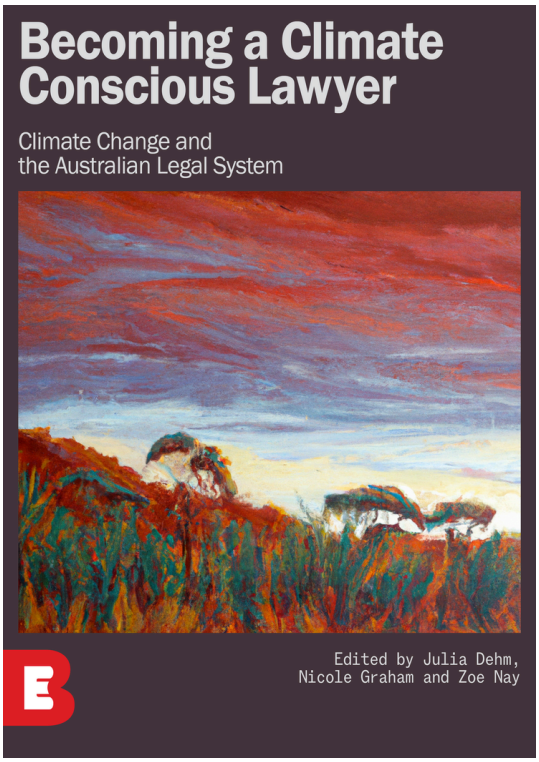


Screenshot from TRILA Webinar

Mainstreaming Climate Change into Legal Education

Drawing from her work in the Australian context, she described a collaborative initiative titled Climate Conscious Lawyers, which she co-leads with colleagues across the country. This project emerged from the recognition that the impacts of climate change and the transition toward a low-carbon society are already transforming core legal doctrines and principles across many fields. It challenges the idea that environmental law is a niche or specialised area, arguing instead that ecological considerations are reshaping the entire legal system. This transformation, she stressed, must be reflected in both legal education and practice.

Climate Conscious Lawyers website



Becoming a CLimate Conscious Lawyer

To support this mainstreaming process, the team has developed an open-access textbook titled Becoming a Climate Conscious Lawyer: Climate Change and the Australian Legal System which she edited with Nicole Graham and Zoe Nay. The book includes 26 chapters that span all core areas of legal education including compulsory subjects such as property law, company law, and constitutional law demonstrating how these fields are both impacted by and relevant to climate change. Dr Dehm emphasised that this work aims to equip future lawyers to engage meaningfully with the legal challenges posed by the climate crisis.

Towards an Integrated International Legal Curriculum

A similar project is urgently needed in the field of international law. Every area of the international legal curriculum, she contended, is increasingly implicated in climate-related issues. Foundational concepts such as statehood are being tested—for example, by the existential threat faced by small island states at risk of submersion. Treaty interpretation and development are also being reshaped, with the climate regime introducing novel processes of innovation and experimentation, as explored in the work of Lavanya Rajamani. Ongoing proceedings at the ICJ further highlight evolving understandings of state responsibility and remedies.

Dr Dehm noted that the **effects of climate change are now manifest across numerous specialised international legal regimes**. The Law of the Sea has been the subject of new advisory opinions addressing climate obligations. International human rights bodies, both domestic and regional, are responding to climate-related claims.

- **Migration and refugee law** is grappling with climate-induced displacement.
- **Trade and investment law** continues to play a central role in shaping climate outcomes, as discussed earlier in her talk.
- **International criminal law** is also beginning to engage with the idea of ecocide.
- Perhaps most critically, **international humanitarian law** and the **law on the use of force**—often neglected in climate discussions—are now recognised as central to understanding climate impacts, particularly in relation to war, occupation, and militarism. The continued silence on militarism within the climate regime is a profound gap that must be addressed.

Conclusion

She concluded by acknowledging the continued relevance of specialised legal regimes but underscored the urgent need for ecological and climate-related questions to be treated as integral to all areas of international law. It is no longer possible to practice or teach international law without considering how human societies interact with, depend upon, and are embedded within broader ecological systems. These questions, she insisted, must now be at the heart of international legal scholarship, teaching, and practice.

Question & Answer

Do different tribunals and legal regimes require different approaches when dealing with International Environmental Law issues?

Dr Oral: *affirmed that tribunals do differ, noting that the recent ITLOS advisory opinion was based specifically on the UN Convention on the Law of the Sea, which contains clear and binding obligations, often using the term 'shall', which as it is not commonly found in other international environmental agreements. As a result, the ITLOS opinion was notably robust in setting a high standard of due diligence for states in protecting the marine environment.*

She highlighted the contrast with the ICJ, which now has the responsibility to deliver its own opinion. Unlike ITLOS, the ICJ comprises a different composition of judges and deals with a broader set of issues, including human rights. A key question is whether the ICJ will adopt a similarly high standard of due diligence or introduce different obligations, including those related to future generations.

Dr Oral also said that while a unanimous decision from the ICJ is unlikely, the hope is for a strong and meaningful opinion.

Question & Answer

Given the recent climate science cutbacks in the United States, including layoffs of researchers working on issues like Antarctica, should legal educators address this potential gap in climate research within their teaching?
Could it affect the quality of reports like those from the IPCC?

Professor Wibisana: *raised concerns about the lack of political will among government officials when it comes to climate change. He observed that some ministers, including those tasked with representing their country in international climate negotiations, often downplay the urgency of the issue. For example, he cited how certain officials have expressed indifference, suggesting that if major powers like the United States (US) under the Trump administration do not prioritise climate change, then their own country need not take it seriously either.*

This attitude undermines the government's credibility and weakens the national commitment to climate action, despite official rhetoric claiming otherwise. In this context, Professor Wibisana emphasised the potential role of the judiciary in compelling governments to act. He suggested that courts could be instrumental in holding national governments accountable by mandating stronger commitments to both mitigation and adaptation measures. Judicial intervention could then serve as a necessary mechanism to ensure serious and sustained climate action when political leadership falls short.

Dr Tran: *reflected on Vietnam's evolving approach to climate change, noting that while the issue was not considered very important ten years ago, it has now become a priority. He observed that Vietnam is paying much more attention to the impacts of climate change, especially in vulnerable areas like the Mekong Delta, where the ecosystem is significantly affected.*

Although there has been less discussion in Indonesia, Dr Tran believed the situation in Vietnam will have broader implications across the region. He stressed that countries affected by climate change must take action and participate in international efforts to address the issue. He noted that Vietnam has already signed and ratified several environmental agreements under the United Nations, and among the countries in the Mekong Delta, Vietnam has been one of the most active in this regard.

Question & Answer

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Could it affect the quality of reports like those from the IPCC?

Dr Dehm: *expressed concern on the role of the US and noted that the US has a history of withdrawing from key international environmental treaties, such as the Paris Agreement. During the first Trump administration, there was a significant response from sub-national actors like cities, states, and companies who asserted they would continue with climate efforts. However, she observed that this kind of resistance appears to be weaker now.*

Dr Dehm also highlighted the importance of the US in financing climate adaptation and mitigation globally. While the absence of the US in negotiating spaces might allow other countries to make progress more efficiently, its role remains critical. As one of the world's largest emitters and producers of fossil fuels, especially after the fracking boom during the Obama era, the US must be part of any serious global effort to reduce emissions.

Finally, Dr Dehm agreed with both Professor Wibisana and Dr Tran about the importance of building public awareness. She argued that if environmental policies are framed as improving people's daily lives, such as through more efficient public transport or housing, this can help build a strong constituency for environmental justice.

Professor Anghie: *remarked that many people, both in the US and elsewhere, seem to still be in a state of shock. However, he expects that there will eventually be a response, with cities and other actors taking various steps to address the situation. He found it important to consider the role of educators in such times, not only in engaging with students but also in reaching out to the broader public and other communities.*

Question & Answer

How can we ensure government accountability amid human rights abuses, armed conflicts, fossil fuel expansion, and emerging space-related challenges?

Dr Dehm *described this issue as a fundamental and longstanding challenge in the discipline. She emphasised the value of creative thinking and expanding the sites of accountability beyond the state. Over the last decade, environmental campaigners have increasingly targeted private companies for their role in causing environmental harm. She referred to landmark research showing that 60% of emissions since the Industrial Revolution come from just 90 fossil fuel companies. Cases like Milieudefensie v Royal Dutch Shell in the Netherlands demonstrate how pressure on corporate actors can be a meaningful avenue for accountability. In her view, more tools and approaches should continue to be added to the accountability toolbox.*

Does prolonged occupation, such as in the Palestinian context, present unique environmental impacts compared to other forms of armed conflict?

Professor Anghie: *acknowledged that this question raised a very specific issue concerning whether occupation holds a unique character in terms of environmental harm under the laws of war and international humanitarian law, especially when compared to other uses of force.*

He noted that Dr Oral had already made an important contribution by drawing a connection between environmental preservation and self-determination. Referring to the advisory opinion on the status of Palestine and the occupied territories, Professor Anghie highlighted that the right to self-determination was strongly affirmed and suggested that within the concept of self-determination lies the notion of environmental integrity.

Dr Oral: *affirmed that the occupying power does indeed bear obligations under international law to protect the environment, a point that was raised—albeit briefly—in arguments before the court. She emphasised that in the case of Israel, the occupation had already been deemed unlawful by the court, and even if it were lawful, Israel had not fulfilled its environmental obligations.*

Dr Oral highlighted how Gaza had been used as a dumping ground for Israeli waste, including electronic waste. She also referenced the dumping of toxic chemicals linked to illegal settlements in the West Bank.

Question & Answer

Does prolonged occupation, such as in the Palestinian context, present unique environmental impacts compared to other forms of armed conflict?

Dr Oral then pointed to the work of the ILC on the Draft Principles on Protection of the Environment in Relation to Armed Conflicts. She noted that the Draft Principles includes a specific section on the obligations of an occupying power to protect the environment—calling this a groundbreaking development due to the lack of comparable sources.

She explained that Part Four of the Draft Principles outlines general environmental obligations, including the sustainable use of natural resources for the benefit of the occupied population, and the prevention of transboundary harm.

Dr Oral briefly addressed the broader geopolitical context. She commented on the US' environmental failures, particularly under former President Trump, questioning why—despite increasingly visible climate disasters such as fires in the US and flooding in Florida—there remained such political resistance to addressing climate change. Drawing attention to the psychological and sociological dimensions, she criticised the 'drill, baby, drill' mentality, equating it with a self-destructive drive to 'burn, baby, burn'.

Donald Trump campaigning for energy dominance (2024)
Photo credit: Alex Brandon/AP

Question & Answer

What innovative approaches can legal education adopt to prepare lawyers to prevent and respond to climate-induced instability?

Dr Dehm: *emphasised that a key challenge for legal education is to do much more to prepare students. Law graduates who are graduating now will be leaders in the profession in 2050, which is the year set by the Paris Agreement for the world to reach net zero. Our students need to be equipped to play a leadership role in this fundamental transformation. This is why questions like these are important, as they involve mainstreaming ecological concerns across different areas and thinking more imaginatively about law. Legal education should focus on how law can be used to address these fundamental challenges. This is a question that needs to be constantly engaged with in the classroom so that graduates can go out and make the difference that needs to be made.*

Professor Wibisana: *highlighted the important role that universities and environmental NGOs play in public policy making. In Indonesia, environmental organizations and lecturers, including himself, have actively participated in issuing statements criticizing government policies and have been involved in drafting new laws. He shared his experience as a junior lecturer involved in the drafting of the 2009 environmental law. Additionally, they contributed to the development of Supreme Court rules in Indonesia that introduced significant advancements in environmental litigation. For example, they introduced the concept of market seller or pollution share liability in these regulations, despite the absence of formal recognition of such rules in Indonesian law.*

He emphasised that it is crucial not only to train students but also to raise their awareness so they can engage meaningfully both as students and later as activists.
Regarding the ICJ advisory opinion, Professor Wibisana expressed hope that it will be as robust as the ITLOS advisory opinion, as previously mentioned by Dr Oral. He expects that the ICJ opinion will have an impact primarily on national courts rather than just at the international level.

Question & Answer

Are there any eco-centric principles incorporated in the Mekong River Treaty?

Dr Tran: *shared that the Mekong Agreement, developed under the Mekong River Commission, reflects a strong commitment to eco-centric and environmentally sustainable principles. The Agreement underscores the importance of using the river's resources in ways that serve both present and future generations, without disrupting the ecological balance of the river system. It calls for member countries to work together to protect the river's ecosystem—its water quality, biodiversity, and habitats—which is essential to the well-being of the millions who depend on the Mekong Basin. The Agreement promotes an integrated approach to water resource management that considers social, economic, and environmental dimensions to ensure responsible development. It also includes provisions for regular monitoring of water quality, ecosystems, and biodiversity.*

How far has the UN Watercourses Convention and Berlin Rules on Water Resources 2004 been resourceful in addressing the issues pertaining to the Mekong River?

Dr Tran: *explained that these frameworks serve as important international guidelines for managing transboundary watercourses and addressing the challenges associated with shared water resources. While they do not specifically apply to the Mekong River, they offer useful principles and approaches that are relevant to the region's water governance. However, it is important to note that Mekong countries are not legally bound by these treaties.*

THANK YOU