Protection of the Environment in Relation to Armed Conflict – Beyond the ILC

Hamburg, 7 - 8 March 2019

Organized by

University of Hamburg Faculty of Law
and
Lund University Faculty of Law

In cooperation with

Environmental Peacebuilding Association

AGENDA

Thursday, 7 March 2019

12.30 am Registration and Coffee

1.00 pm **Welcoming Remarks**
Florian Jeßberger, Vice Dean for Research & International Affairs

1.15 pm **Setting the Scene**
Britta Sjöstedt, Lund University and *Anne Dienelt*, University of Hamburg

1.30 pm Opening session **The ILC and its Work**

1. **What has been done so far by the ILC (2011-2016)?**
   Marie Jacobsson, Swedish Ministry for Foreign Affairs, former ILC member and special rapporteur

2. **What's next (2016 onwards)?**
   Marja Lehto, Finnish Ministry for Foreign Affairs, current ILC member and special rapporteur

3. **Implications of and for Other Topics of the ILC**
   Michael Wood, 20 Essex Street, ILC member and special rapporteur

3.00 pm Session 1 **Protection of the Environment *before* an Armed Conflict**

1. **Principle of Prevention in International Environmental Law and Principle of Precaution in the Laws of Armed Conflict**
   Michael Bothe, University of Frankfurt/Main

2. **The Pre-Phase to a Warming War: Protection of the Environment in the pre-phase before armed conflict- in the context of the impacts of climate change**
   Kirsten Davies, Macquarie University, Australia

Chair: Alexander Proelß, University of Hamburg

4.00 pm Coffee and Cake

4.30 pm Session 2 **Protection of the Environment *during* an Armed Conflict**

1. **The Updated ICRC Guidelines for the Protection of the Natural Environment in Situations of Armed Conflict**
   Helen Obregón Gieseken, ICRC

2. **Martens' Clause and Environmental Considerations in Relation to Armed Conflict**
   Dieter Fleck, formerly German Federal Ministry of Defence

3. **Human Right to Water - Legal Framework and Water Issues in Armed Conflicts**
   Mara Tignino, University of Geneva

4. **Environmental Governance and Armed Conflict**
   Carl Bruch, Environmental Law Institute and Environmental Peacebuilding Association

Chair: *Stefan Oeter*, University of Hamburg

6.30 pm **Round-up first day**
Anne Dienelt, University of Hamburg and *Britta Sjörstedt*, Lund University

6.45 pm **Drinks and Networking**
Get to know the Law Interest Group, Environmental Peacebuilding Association

7.30 pm **Dinner** (for speakers only)

Friday 8 March 2019

9.00 am Session 3 **Protection of the Environment *After* an Armed Conflict**

1. **Climate Change Adaptation and Sustainable Peace – Addressing Climate Fragility Risks**
   Amanda Kron, UN Environment

2. **The Influence of the United Nations Compensation Commission on Legal Responsibility for Environmental Destruction**
   Cymie Payne, Rutgers University, USA

3. **Can Individual Criminal Responsibility for Environmental Crimes Prevent Attack on the Environment?**
   Charles Jalloh, ILC member and Florida International University, USA

Chair: *Florian Jeßberger*, University of Hamburg

11.00 am Coffee Break

11.30 am Session 4 **Affected Groups and Actors**

1. **Gender Equity and the Environment – How Can the Law Assist?**
   Keina Yoshida, Doughty Street Chambers

2. **Natural Resources and Non-State Actors?**
   Daniëlla Dam-De Jong, University of Leiden

3. **Indigenous Peoples and the Right to Their Environment**
   Elisa Morgera, University of Strathclyde, Glasgow

Chair: *Sigrid Boysen*, University of the Federal Armed Forces Hamburg

1.00 pm **Closing Remarks**
Anne Dienelt, University of Hamburg and *Britta Sjöstedt*, Lund University

SPEAKERS

ABSTRACTS AND BIOS

What has been done so far by the ILC (2011-2016)?

Marie Jacobsson, Swedish Ministry for Foreign Affairs, former ILC member and special rapporteur

The presentation will focus on the background history of the protection of the environment in relation to armed conflicts. It will set out historical examples and inform about the legal and political development that led to the inclusion of the topic on the ILC's agenda. It will describe matters dealt with in the three first reports presented to the Commission, the debate in the Commission and at the United Nations General Assembly. It will also describe why certain issues or aspects of the topic are included, excluded or dealt with in a particular way.

Ambassador **Marie Jacobsson** is the Principal Legal Adviser on International Law at the Swedish Ministry for Foreign Affairs. She was a Member of the United Nations International Law Commission (ILC) from 2007 – 2016 and appointed Special Rapporteur for the topic: Protection of the Environment in Relation to Armed Conflicts in 2013. She has presented the Commission with three reports on the topic.

Contact: marie.jacobsson@gov.se

What's next (2016 onwards)?

Marja Lehto, Finnish Ministry for Foreign Affairs, current ILC member and special rapporteur

The Sixth Committee of the UN General Assembly held last autumn its first substantive debate on the ILC's PErAC topic since 2016. In general, the States that took the floor welcomed the work that had been done as well as the transition between two Special Rapporteurs. This included the focus on situations of occupation as one of the areas chosen to complement the earlier work.

What the Commission had done in this area was to

- state that an Occupying Power has certain environmental obligations including taking appropriate measures to prevent significant harm to the environment of the occupied territory that is likely to prejudice the health and well-being of the population of the occupied territory
- agree that an Occupying Power, to the extent it is permitted to administer and exploit the natural resources of an occupied territory, must do so in a way that ensures their sustainable use and minimizes environmental harm.
- confirm that an Occupying Power shall take appropriate and reasonable measures (exercise due diligence) to ensure that activities in the occupied territory do not cause significant transboundary harm to the environment.

The two first-mentioned draft principles are based on the customary law obligations of an Occupying Power codified in the Hague Regulations and the Fourth Geneva Convention, as read in light of later legal developments. For instance, the obligation to restore and maintain the civil life has been interpreted to entail environmental protection as a widely recognized public function of the modern State. Moreover, environmental concerns relate to an essential interest of the territorial sovereign, which the occupying State as a temporary authority must respect. Similarly, the notion of sustainable use of natural resources has been presented as the modern equivalent of the concept of "usufruct", a standard of good housekeeping, according to which the Occupying Power "must not exceed what is necessary or usual" when exploiting the relevant resource. As for the third draft principle, the applicability of the principle of prevention to situations of effective control of a territory, such as occupation, has been for long recognized, also by the Commission itself.

The future programme of work, similarly endorsed by most of the speakers in the Sixth Committee, included addressing certain questions that are relevant

to non-international armed conflicts as well as questions of responsibility and liability, including responsibility of non-State actors, and consolidation of the set of draft principles with a view to completing the first reading in 2019.

Ambassador **Marja Lehto** is a current member of the UN International Law Commission (2017-) and Special Rapporteur for the topic “Protection of the Environment in Relation to Armed Conflicts”. She serves as the Senior Expert of Public International Law at the Legal Service of the Ministry for Foreign Affairs of Finland (2014 –). She has served formerly, inter alia, as Finland's Ambassador to Luxembourg (2009–2014), Director of the Unit for Public International Law of the MFA (2000–2009) and as Legal Adviser of the Finnish UN Mission in New York (1995–2000). She is Adjunct Professor of international law at the University of Helsinki and has published extensively on a broad range of international legal issues.

Contact: Marja.Lehto@formin.fi

Implications of and for Other Topics of the ILC

Michael Wood, 20 Essex Street, ILC member and special rapporteur

The topic *Protection of the Environment in Relation to Armed Conflict* has implications on various levels for the work of the ILC. These are both procedural and substantive.

I shall focus mainly on the procedural issues. These include matters that are of current concern to States, as was evident in the debate in the Sixth Committee on the report of the ILC in 2018 (though not specifically in relation to this topic). And they are also of current concern to the Commission. It is hoped that the Working Group on Working Methods will reach some useful conclusions at least on some of these matters this year.

The topic was perhaps an unusual one for the ILC to take up. This is so for a number of reasons:

- The ILC had not previously dealt with central aspects of the laws of armed conflict (IHL).
- The ILC had, with some notable exceptions, steered rather clear of international environmental law.
- The topic was, at least initially, quite amorphous. It was recognized early on that the topic was cross-cutting, covers a wide spectrum of branches of international law.

This can be seen from the Marie Jacobsson's 2011 syllabus, which forms the basis of the topic: *Protection of the Environment in Relation to Armed Conflict***,** Marie G. Jacobsson**:** Annex E to the ILC's 2011 report: Yearbook of the International Law Commission 2011, Vol. II, Part Two.

A first question raised by the topic concerns the *procedure* within the Commission for taking up new topics.

A second closely related question concerns the *substantive criteria* for the choice of topics.

There is a need to work on a topic, and present it in the annual report, in such a way that States can easily understand and comment on the ongoing work, in the Sixth Committee and in writing.

The topic raises quite vividly the role of the Commission in terms of both progressive development and codification (*lex lata / lex ferenda* / new law). This is an important question for the Commission that is very relevant beyond the present topic.

The topic also raises the issue of the form that the Commission's final product should take This is a question deserving of a more general consideration, coming up in other topics as well.
And perhaps most important of all, as with all Commission topics: what will be the legal significance of the Commission's work in this field – and how such significance is to be appraised?

Sir **Michael Wood** is a member of the UN International Law Commission, and a Senior Fellow of the Lauterpacht Centre for International Law, University of Cambridge. He is a barrister at 20 Essex Street, London, where he practises in the field of public international law, including before international courts and tribunals. He was Legal Adviser to the UK's Foreign and Commonwealth Office between 1999 and 2006, having joined as an Assistant Legal Adviser in 1970.

Contact: MWood@20essexst.com

Principle of Prevention in International Environmental Law and Principle of Precaution in the Laws of Armed Conflict

Michael Bothe, University of Frankfurt/Main

The terms "prevention" and "precaution" are used in different contexts in environmental law (both national and international) and in the law of armed conflict. The paper tries to show how they relate to each other. It tries to answer the question to what extent the rules containing these concepts are effective in restraining environmental damage being caused by military activities.

1. Environmental law

Prevention means in the context of environmental law that measures have to be taken to prevent environmental damage before it occurs, in contradistinction to repression or redress. The standard of prevention is, to begin with, the requirement that measures must be taken to prevent a foreseeable (significant?) damage to the environment. This can be called the principle of protection. As to international environmental law, a companion principle is "due diligence". States have a duty of due diligence to prevent significant environmental damages being caused outside their territory by activities taking place inside their territory.
The "precautionary principle" in the context of environmental law is a more demanding standard for preventive measures to be taken, namely that measures have to be taken against a danger of damage which cannot (yet?) predicted with certainty, in particular because of a lack of knowledge. The principle requires, in other words, environmental decision-makers to be on the safe side. An additional reason for restraining certin activities although they are not likely to cause significant environmental damage is the need to leave room for future activities. This is an important element of the duty to protect the right of future generations.

2. Law of armed conflict

The term "precautions" appear in two provisions of Additional Protocol I, namely Art. 57 (measures to be taken by an attacker) and 58 (measures to be taken by a State which may become the target of an attack).
The "precautions" to be taken by the attacker must be "feasible" or "reasonable" for the purpose of avoiding or minimizing expected civilian

damage. In this sense, the duty resembles the “due diligence” principle. The precautions to be taken, for the same purpose, by the target State “to the maximum extent feasible” are imposed upon that State in its own interest. Both types of duties are obligations of conduct, not of result. They apply to environmental damage to the extent that elements of the environment constitute civilian objects. The duty to take precautions means that an expected, i.e. foreseeable civilian damage must be avoided. This implies a threshold question, namely the degree of certainty of damage which would occur if the precautions were not taken.
The specific provision on environmental damage (Art 55 AP I) does not use the term precaution but prescribes that “care shall be taken”. Whether, and if so, in what sense, this is different from the duty to take precautions is open to debate.
Related to the precautions required by Art. 58 are rules which prohibit attacks on certain defined areas, namely “non-defended localities” (Art. 59 AP I) and “demilitarized zones” (Art. 60 AP I). Both can be characterized as measures to be taken by a possible target State to avoid damage to these areas or to persons who are in these areas.
Customary law of armed conflict has added an additional principle to the rules on environmental protection, namely the “due regard” principle. Methods and means of warfare must be employed with due regard to the protection and preservation of the natural environment. This implies the question of the standard; namely what degree of regard is due.

3. Relationship between the principles of peacetime environmental law and the relevant rules of the law of armed conflict

The principle of prevention, if applied according to the standard of the precautionary principle, requires States which may become target States, to take measures designed to reduce the risk of environmental damage caused by war.
This means:
First, planning decisions must be taken in a way which enables the State to fulfill the duties to take precautions in time of armed conflict. For example: not to place important military installations close to valuable or especially vulnerable civilian objects.
Second, the regime of environmentally sensitive areas (protected areas) must be shaped in a way which would allow to establish them as non-defended areas or demilitarized zones in times of armed conflict. It is postulated as a development of international humanitarian law that procedures are created to

establish environmentally vulnerable areas as specially protected zones in times of armed conflict.

It is submitted that the due regard principle of the law of armed conflict must be interpreted in the light of the precautionary principle of peacetime environmental law. Due regard requires the military decision-maker to take into account future environmental damage which may be caused but is not certain. The ICRC Customary Law Study suggests that this is a rule of customary law. It follows from the overarching rule that all human activities must respect the rights of future generations. Military activities are not exempt from this duty.

Michael Bothe is Professor emeritus of Public Law at the J.W. Goethe University Frankfurt/Main. He held a Chair in Public International Law at the Universities of Hannover and Frankfurt (where he also was Dean), served as a visiting professor in many universities around the world, and was inter alia coordinator of the Tacis Project for creating an Institute of European Law at the Moscow State Institute of International Relations (MGIMO). He was a research fellow at the Max Planck Institute of Comparative Public Law and International Law in Heidelberg, later served as chair of the Institute's Scientific Advisory Board and is currently a member of the Kuratorium. He was president of the German Society for International Law and of the European Environmental Law Association as well as President of the International Humanitarian Fact-finding Commission and Chairperson of the German Committee for International Humanitarian Law. He served as a delegate or adviser in a number of international conferences (including the Diplomatic Conference for the Reaffirmation and Development of International Humanitarian Law 1974-1977) and as a counsel before the International Court of Justice and the German Federal Constitutional Court. He is the author of many books and articles on questions of international law (in particular as it relates to legal restraints on the use of military force and to the protection of the environment), comparative public law, European law and constitutional law.

Contact: bothe-bensheim@t-online.de

The Warming War: How Climate Change is Creating Threats to International Peace and Security

Kirsten Davies, Macquarie University, Australia

Global warming poses serious threats to the environment, communities and international peace and security. It can be referred to as the 'warming war', the ultimate war, threatening the future viability of the planet and its life sustaining ecosystems that provide goods and services for present and future generations. While the international legal climate regime recognises the science and seriousness of climate change, it fails to address it as a security threat. A function of international law is to prevent armed conflict by resolving disputes through diplomacy. However, it is ineffective in addressing the impacts of climate change on armed conflict, because it fails to provide an enforcement and dispute-resolution mechanism. It is time for international law to respond in the pre-phase to a warming war. Climate conflict threats should now fall under the mandate of the United Nations Security Council so it can utilise its powers under the UN Charter to intervene in climate related disputes. Additionally an International Court for the Environment is needed, that can develop legally binding norms and resolve climate-induced disputes. Aside from the reduction of greenhouse emissions to limit global warming, and the establishment of new legal regimes, alternative actions can be undertaken in the pre-phase to conflict to protect the environment, by mitigating threats. There is growing discourse surrounding climate change as a threat 'multiplier', exacerbating existing vulnerabilities, the combination of which can lead to a 'warming war'. In the pre-phase to conflict, there is an urgent need to identify existing vulnerabilities and their levels of influence, when working in combination with global warming. To assist this process, the Climate- Conflict Spectrum has been developed, to aide a deeper understanding of the Climate-Conflict Nexus. The spectrum promises a process of identifying and evaluating vulnerabilities. This process will assist their mitigation, which may reduce, or prevent, the likelihood of a warming war.

Dr. **Kirsten Davies** is an academic at Macquarie University's Law School (Sydney Australia) and Director of International Engagement. At the centre of her work is the engagement of communities and their connections with nature. She is the architect of Intergenerational Democracy, a method of whole-of-community engagement and capacity building and the subject of her (2012) book, Intergenerational Democracy, rethinking sustainable development. Kirsten has been part of a team that has developed an online course on community engagement that was launched in 2016. She has extensive education, policy, governance, management, marketing and board experience. In her career she has held senior management, directorship and chair roles. Her depth of experience includes leading cultural institutions and community access programs in rural and urban localities.

Kirsten holds a Master's Degree (USyd), PhD (USyd) in Sustainable Management and is currently undertaking a second PhD in Environmental Law (MQU) . She was awarded a Winston Churchill Fellowship to conduct research in USA, UK and Japan (2002) and was the recipient of the University of Sydney Agri-Management Scholarship for post graduate research (2005). Kirsten was awarded an Australian Government, Endeavour Award - Research Fellowship to undertake sustainability research in Vanuatu (2009) and maintains a close relationship with the South Pacific Region. She was appointed as an Expert Adviser and Co-ordinating Lead Author of the Asia- Pacific Regional Assessment for the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES) from 2014 (onwards). Kirsten is a member of the Global Network for the Study of Human Rights and one of the drafting authors of the Declaration on Human Rights and Climate Change.

Contact: Kirsty.davies@mq.edu.au

The Updated ICRC Guidelines for the Protection of the Natural Environment in Situations of Armed Conflict

Helen Obregón Gieseken, ICRC

While a certain level of environmental damage is inherent in armed conflict, it cannot be unlimited. Ever since its inception, international humanitarian law (IHL) has set limits on the rights of parties to an armed conflict to cause suffering and injury to civilians and civilian objects, including the natural environment. To facilitate the incorporation of relevant rules in military manuals and instructions, the International Committee of the Red Cross (ICRC) issued, after consultation with international experts, its Guidelines on the Protection of the Environment in Armed Conflict in 1994. As a result of a seminar organized by the ICRC and UNEP in 2009, the ICRC Legal Division has been working to revise the Guidelines so that they reflect continued developments in the law. This presentation will provide an update on the status of this work and of the scope, purpose and content of the revised Guidelines.

Helen Obregón Gieseken has worked for the ICRC since 2011. She has served as a Thematic Legal Adviser within the Legal Division in Geneva since 2014. Before this, she worked for the ICRC/British Red Cross project on customary international humanitarian law and in the ICRC's Policy and Humanitarian Diplomacy Division. Prior to joining the ICRC, Helen worked in several positions, notably at Oxfam International, TRIAL International and as an International Cooperation Adviser for the international cooperation agency of the Colombian government.

Contact: hobregon@icrc.org

Martens' Clause and Environmental Considerations in Relation to Armed Conflict

Dieter Fleck, formerly Federal Ministry of Defence

The applicable treaty law relating to the protection of the environment during armed conflicts is less than adequate: the provisions relating to international armed conflicts are limited to the prohibition of damage of an extreme kind and scale that has not occurred so far and may hardly be expected in the conduct of hostilities, unless weapons of mass destruction would be used, in which latter case, however, nuclear-weapon States have denied the applicability of that treaty law. For internal wars no pertinent treaty provisions exist in the law of armed conflict. On the other hand, multilateral environmental agreements (MEAs) concluded in peacetime stand as an alternative approach to enhance environmental protection even in wartime. This underlines that the environment, as a civilian object, may not be targeted nor attacked; but it does not solve the problem of collateral damage, neither does it offer particular standards for proportionality in attack.

Consequently, the present contribution looks into other sources of international law which might be suitable for closing the apparent gaps of treaty law. In this context the author examines the role of the famous Martens Clause in the interplay of the laws of armed conflict, international environmental law and human rights law. After reviewing relevant rules of customary law, general principles and best practice, the author concludes that (1) the Martens Clause may be used as a door opener to identify and further develop existing rules on the protection of the environment during armed conflict and support their implementation; (2) the problem of collateral damage and particular standards for proportionality in attack remain in the focus of any rules on the protection of the environment during armed conflict; (3) pertinent soft law instruments should be developed in international academic and practical cooperation; and (4) it deserves an in-depth study, whether and to what extent the Martens Clause may also apply in in post-conflict peacebuilding as a case of interaction between the jus in bello and the jus post bellum, at least as far as the protection of the natural environment is concerned.

Dieter Fleck, Former Director International Agreements & Policy, Federal Ministry of Defence, Germany; Member of the Advisory Board of the Amsterdam Center for International Law (ACIL)

Contact: DieterFleck@t-online.de

Human Right to Water - Legal Framework and Water Issues in Armed Conflicts

Mara Tignino, University of Geneva

Water and sanitation increasingly play a significant role in human rights law. Among the economic, social and cultural rights, the right to water is one of the most well developed in terms of relationship with armed conflicts. The General Comment No. 15 clearly states that the right to water includes the obligations of international humanitarian law such as the protection of objects indispensable for survival of the civilian population and the protection of the natural environment against widespread, long-term and severe damage.

After having discussed the normative content of the right to water and its application during armed conflicts, the presentation will deal with the issue of the extraterritorial application of human rights instruments. This topic has been analysed by the International Court of Justice and regional human rights mechanisms such as the European Court of Human Rights and the Inter-American Court of Human Rights. The 2017 Advisory Opinion requested by Colombia on the Environment and Human Rights points out a new development in this field. The Inter-American Court expanded the extraterritorial jurisdiction link beyond the control over territory or persons to the control over domestic activities with extraterritorial effect. This could have implications for the right to water as States would have the obligation not only to respect human rights abroad but also to prevent third parties from violating human rights in other countries.

Dr. **Mara Tignino** is currently a Reader at the Faculty of Law of the University of Geneva and the Coordinator of the Platform for International Water Law at the Geneva Water Hub. Dr. Tignino acts as a legal adviser for States and as an expert for international and non-governmental organisations. Her publications include the monographs “Water during and after armed conflicts. What protection in international law?” (Brill, 2016) and “L’eau et la guerre: éléments pour un régime juridique” (Bruylant, 2011). She co-edited the volume on the “Convention on the Law of the Non-Navigational Uses of International Watercourses. A Commentary” (Oxford University Press, 2018) and the “Research Handbook on Freshwater Law and International Relations” (Edward Elgar, 2018). Dr. Mara Tignino holds a Ph.D. in international law, summa cum laude, from the Graduate Institute of International and Development Studies in Geneva and the Habilitation à diriger des recherches (HDR) from the University Jean Moulin Lyon 3.

Contact: Mara.Tignino@unige.ch

Environmental Governance and Armed Conflict

Carl Bruch, Environmental Law Institute and Environmental Peacebuilding Association

While it is generally agreed that both international and domestic environmental law continue to be in force during armed conflict, it is less clear what is the import of this continuation. This presentation will address the effects of armed conflict on the administration of environmental law (and environmental governance more broadly), including the rise of diverse actors and legal pluralism. It will then turn to the various ways that environmental governance applies during armed conflict, including the use of commodity-tracking systems and due diligence to address conflict resources (including the Kimberley Process, Dodd Frank, and the new EU rules on conflict minerals); and designation of certain environmental areas (particularly World Heritage sites) as off limits to combatants. It will also touch on efforts by rebel groups and non-state actors to govern natural resources and the environment.

Carl Bruch is the Director of International Programs at the Environmental Law Institute (ELI) and the founding President of the Environmental Peacebuilding Association (EnPAx). An authority on environmental governance, he has helped dozens of countries throughout Africa, the Americas, Asia, and Europe strengthen their environmental laws, institutions, and practices. His work focuses on environmental peacebuilding (especially after conflict), environmental governance, adaptation, and environmental emergencies. He has provided technical and legal assistance, built capacity, and conducted research across Africa, the Americas, Asia and the Pacific, and Eastern Europe, including many conflict-affected countries. He has edited more than ten books and authored more than 80 journal articles, book chapters, and reports.

Contact: bruch@eli.org

Climate Change Adaptation and Sustainable Peace - Addressing Climate-Fragility Risks

Amanda Kron, Legal Advisor and Project Coordinator, Climate Change and Security, UN Environment Programme

Climate change impacts the ecosystem of peace in many ways, for example through contributing to droughts and deforestation in Somalia, water availability in Lake Chad and Iraq, and extreme weather events and migration in Nepal. In recent years, the implications of climate change for security and peacebuilding has received increasing interest and momentum, as part of Agenda 2030, within discussions at the UN Security Council, the Economic and Social Council, the Peacebuilding Commission, as well as in developing responses to the Sustaining Peace Agenda.

Climate change worsens existing social, economic and environmental risks that can fuel unrest and potentially result in conflict. Security concerns aggravated by climate change include impacts on food and water supply, increased competition over natural resources, loss of livelihoods, climate-related disasters, migration and displacement.

Crisis-affected countries are more susceptible to being overwhelmed by the security risks posed by climate change. Stabilization efforts often do not consider the impacts of climate change. At the same time, state fragility hinders climate change adaptation efforts, particularly among the most vulnerable communities. To address these needs, the G7, the EU, the UN Security Council and other actors have called for improved global analysis as well as strengthened action at the local level. Responding to this call, UN Environment Programme and the European Union have joined forces to assist crisis-affected countries tackle the effects of climate change. Building on the findings of the G7-commissioned report "A New Climate for Peace", the project is developing tools to convert theory on climate change and security into practice.

The presentation will outline ways in which environmental peacebuilding is linked to the climate change and security nexus. It will also highlight opportunities to integrate climate change adaptation and peacebuilding, using examples from efforts to build resilience to climate-fragility risks at global, national and local levels.

Amanda Kron works as Legal Advisor and Project Coordinator for Climate Change and Security at the Crisis Management Branch of UN Environment Programme since 2015. She holds an LL.M. from Uppsala University (Sweden) with a specialization in international law. Prior to joining UN Environment Programme, Amanda served as research assistant at the International Law Commission, where she focused on protection of the environment in relation to armed conflicts. In addition, Amanda serves as member and Swedish representative of the International Law Association Committee on the Role of International Law in Sustainable Natural Resource Management for Development.

Contact: amanda.kron@un.org

The Influence of the United Nations Compensation Commission on Legal Responsibility for Environmental Destruction

Cymie Payne, Rutgers University, USA

Twenty-eight years after Iraq withdrew its troops from Kuwait and the UN Security Council created the United Nations Compensation Commission (UNCC), thirteen years after the UNCC completed its review of claims for losses directly caused by the 1990-1991 Gulf War, and six years after the completion of the oversight program to ensure that UNCC environmental damage awards were used for environmental restoration projects: what does the UNCC represent in international law? Considering that it is sometimes dismissed as sui generis and that its closest successor, the Eritrea-Ethiopia Claims Commission appeared to draw little from it, the UNCC can appear just a footnote in the law of armed conflict.

Yet there is a more complex story that interweaves legal developments with social norms and scientific knowledge. Environmental practices are more apparent today in all phases of military operations than in 1991, reflecting some of the same normative shifts that led to recognition of environmental damage by the UNCC. The influence of the UNCC environmental program on international environmental law surfaces clearly and explicitly in the International Court of Justice (ICJ) decision, Certain Activities-Valuation (Costa Rica v Nicaragua), which applied the central legal tenet advanced by the UNCC: damage to the environment as such is compensable under international law. The ICJ recognized the value of environmental resources that have no commercial value; it found that reparations can include compensation for impairment or loss of environmental goods and services and payment for their restoration; and in the scope of these compensable resources, it included intangibles such as biodiversity and carbon sequestration.

Turning back to the protection of the environment in relation to armed conflict, the ICJ's expanded vocabulary for environment allows a sharper legal distinction between the battlefield and environment that is to be protected. This could, in turn, facilitate the further development of law in relation to armed conflict.

Professor **Cymie R. Payne** is a member of the Rutgers University faculty, where she teaches international and environmental law. She participated, as counsel for the United Nations Compensation Commission (UNCC), in reparations for environmental damage due to armed conflict and in the creation of a related environmental award oversight program to ensure that awards were used to restore the environmental harm. She is the editor, with Peter H. Sand, of Gulf War Reparations and the UN Compensation Commission: Environmental Liability (Oxford University Press 2011). She has acted as legal counsel before the International Tribunal for the Law of the Sea and as expert on environmental reparations in the case Certain Activities (Costa Rica v. Nicaragua) before the International Court of Justice. She holds a Master's degree from The Fletcher School of Law and Diplomacy and a Juris Doctor from the University of California, Berkeley.

Contact: cp@cymiepayne.org

Can Individual Criminal Responsibility for Environmental Crimes Prevent Attacks on the Environment?

Charles Jalloh, ILC member and Florida International University, USA

For my presentation, the organisers have asked me to consider the question whether individual criminal responsibility for "environmental crimes" can prevent attacks on the environment. My short answer is that it can. Provided that we assume 1) the existence of certain prohibited conduct amounting to environmental crimes; 2) an effective means of investigation and prosecution of persons who commit such crimes; and 3) accept criminal law theories suggesting that the prosecution of persons may serve as a source of general deterrence that prevents others from committing the same crimes.

I propose to focus on a limited set of "environmental crimes," which may be prosecuted in the course of a conflict or after hostilities cease. More specifically, I consider the prospects of individual criminal responsibility for environment related crimes through international criminal law as provided for in the Rome Statute and as applied by the International Criminal Court ("ICC").

The Rome Statute, which was adopted on 17 July 1998, established the first permanent global criminal tribunal. It endowed the ICC with jurisdiction over natural persons for the "most serious crimes of international concern" (Articles 1, 4 and 25(1)), namely, the crime of genocide (Article 6), crimes against humanity (Article 7), war crimes (Article 8), and as of the 2010 Kampala amendments, the crime of aggression (Article 8bis). The ICC's definitions of those crimes largely drew from established treaties such as the 1948 Genocide and 1949 Geneva Conventions or (aspects of) customary international law. The ICC was designed to be complementary, rather than to have primacy over, the jurisdiction of the national courts of its States Parties.

The Rome Statute, consistent with the legality principle, only applies to crimes that occurred after the treaty entered into force on 1 July 2002 (Article 11). The exercise of the ICC's carefully delineated jurisdiction, which today extends to 123 States Parties, does not apply to any environmental crimes committed before July 2002. It is also dependent upon the fulfilment of certain preconditions to the exercise of that jurisdiction. A key aspect of the Rome system is the requirement of State consent and the general obligation of States to cooperate in the ICC's exercise of its secondary jurisdiction (Articles 12, 13 and 86). Even where jurisdiction exists, since it is not universal in nature, the Court must go further and satisfy itself that specific admissibility requirements are fulfilled that would otherwise render the case inadmissible (Articles 17-20).

This means that national courts are primarily (and impliedly) responsible for investigating and prosecuting the ICC crimes at the municipal level.

A threshold question is whether the ICC's subject matter jurisdiction contemplates environmental crimes. I suggest that each of the four "core crimes" contained in Articles 5 to 8bis of the Rome Statute prohibiting genocide, crimes against humanity, war crimes and the crime of aggression is primarily anthropocentric. This may be understandable given their origins. These core crimes generally focus on prohibiting the widespread or systematic commission of gross acts of violence against human beings, and in some cases crimes against property, rather than protecting the environment as such. The inclusion of Article 8(2)(b)(iv) into the Rome Statute criminalising intentionally launching an attack with knowledge that such attack will cause "widespread, long-term and severe damage to the natural environment" stands as the sole eco-centric exception in the entire Rome Statute. This thereby made the natural environment a potential crime "victim" that enjoys international legal protection since violation of it would entail individual criminal responsibility for the perpetrator. There are, of course, various other crimes against humanity or war crimes such as pillage contained in the Rome Statute and other treaties that may supply incidental protection.

Against the above backdrop, the ICC Office of the Prosecutor announced in a September 2016 Policy Paper on Case Selection and Prioritisation that it will give "particular consideration" to selecting Rome Statute crimes that are committed by "means of" or that "result in," among other things, "the destruction of the environment." Many scholars and members of global civil society have celebrated this policy. Nonetheless, for various legal, structural and other reasons, I will suggest that the ICC's current legal framework is ultimately inadequate to address environmental crimes whether committed during or after armed conflict. Indeed, Article 8(2)(b)(iv) can be understood as an important, but largely symbolic recognition, of the fundamental international community interest in protecting the global environment. The crime, as framed in the Rome Statute, carries inbuilt limitations. It requires a high threshold of conduct. Further, it imposes a high mens rea requirement. Moreover, its scope of application is rather narrow. This is because it applies only to international armed conflicts when most contemporary conflicts are non-international in nature.

Scholars have attempted to come to the rescue with a range of creative proposals for new environmental crimes such as "ecocide" or "crimes against future generations." Before the ICC was created, for which the draft statute was prepared by the International Law Commission based upon a request of the United Nations General Assembly, the ILC had also proposed Article 26 in

the 1991 Draft Code of Crimes against Peace and Security of Mankind concerning the wilful and severe damage to the environment. So far, such proposals have not been taken up by States. This suggests that, absent increased political will to amend the Rome Statute to introduce anthropocentric crimes, future protection of the environment through criminal law may have to take place more at the national or perhaps even regional levels.

For this reason, in the second part of my presentation, I propose to briefly consider whether developments at the regional level, using the example of the African Union's 2014 "Malabo Protocol", could offer an additional or alternative means to pursue criminal responsibility for natural as well as legal persons involved with certain international and transnational environmental crimes – at least for African Union member states. In this regard, I briefly explore the promise, and limitations, of the international crimes contained in the Malabo Protocol using the example of the war crime prohibiting the use of nuclear weapons or other weapons of mass destruction (Article 28G(D)). I then assess the inclusion of various transnational crimes that are aimed at environmental protection, within the subject matter jurisdiction of the same African Court, specifically trafficking in hazardous wastes (Article 28L) and illicit exploitation of natural resources (Article 28Lbis). I suggest that the criminalisation of such conduct, which in the case of hazardous wastes is also regulated under other more universally supported treaties (the 1989 Basel Convention), may in the future assist in stemming widespread destruction of the environment in Africa.

In conclusion, I end with some key limitations in adopting a purely international or regional criminal law approach to environmental protection. Instead, I endorse the so-called "toolbox approach" of the European Union/United States. Under that more multi-faceted policy approach, a variety of remedies (civil remedies, administrative penalties, etc.) would seem to be part of what the international community might require if criminal prosecutions are – as ultima ratio – to play a modest preventative role in environmental protection. I then step back to frame a wider picture. I situate my closing remarks against the backdrop of the theme of the workshop and the contributions of the International Law Commission whose mandate is to assist States with the promotion of the "progressive development of international law" and its "codification."

Charles Jalloh is Professor of Law at Florida International University (FIU) in Miami, USA, a member of the United Nations International Law Commission, where he was elected by his peers as Chair of the Drafting Committee for the historic Seventieth Session in 2018 and founding editor of the African Journal of Legal Studies and the African Journal of International Criminal Justice. Professor Jalloh was selected for the FIU Top Scholar Award in 2015, the FIU Senate Faculty Award for Excellence in Research in 2018 and the Fulbright Lund University Distinguished Chair in Public International Law for the 2018-2019 academic year.

Contact: charles.jalloh@lu.se

Gender Equity and the Environment – How Can the Law Assist?

Keina Yoshida, Doughty Street Chambers

Since 2000, the emergence of the Women, Peace and Security framework has placed a spotlight on women in conflict and post-conflict situations. The enactment of General Recommendation No. 30 by the CEDAW Committee has created further synergies between these frameworks in relation to protection from sexual violence in conflict and the participation of women in peacekeeping and peace-building. The most recent general recommendation no. 37 by the CEDAW Committee on gender equality, disasters and climate change makes an important recognition that gender equality is a pre-condition for the realisation of the sustainable development goals (SDGs). The purpose of this paper is to highlight how these rules, intersect and relate to the protection of the environment. Any principles on the protection of the environment pre-conflict, conflict and post-conflict should be complementary to and inclusive of the work of the WPS agenda and the CEDAW Committee's normative guidance in this area.

Keina Yoshida, is a barrister at Doughty Street chambers and has particular expertise in women's human rights, including VAWG, CEDAW, sexual and reproductive rights and LGBT rights. Keina is currently a research officer on the project 'A Feminist International Law of Peace and Security' at the Centre for Women, Peace and Security at the London School of Economics. She has taught on LLB and masters courses in a number of universities in the UK and further afield on the topic of international human rights law, conflict, feminism and women's human rights. She is a member of the editorial board of Feminist Legal Studies and has an LLM and PhD in law from the LSE.

Contact: k.yoshida@doughtystreet.co.uk

Natural Resources and Non-State Actors

Daniëlla Dam-De Jong, University of Leiden

Question: do armed groups have a right to exploit natural resources and, if so, under what conditions?
Reasons for addressing this:
1) many armed conflicts have been financed by the trade in natural resources. This practice begs the question of whether foreign States and their corporations, when engaging in such trade with armed groups, violate international law. Relevant examples: Angola (UNITA) before UNITA reneged on its obligations pursuant to the peace agreement it concluded with the Angolan government, Libya (EU regulation), Syria.
2) If a right to exploit natural resources would accrue to armed groups, it would be subject to obligations pursuant to international environmental law and international human rights law, in any case in as far as these can be read into relevant rules of international humanitarian law.
Starting point: IHL as lex specialis
Principal rules:
1) Prohibition to seize property of the adversary, except in cases of military necessity (Art. 23(g) HR for international armed conflicts and rule of customary international law for internal armed conflicts)
2) Prohibition of pillage (several provisions, including for internal armed conflicts, and recognized as rule of customary international law)
3) Right of usufruct (Art. 55 HR, applies exclusively to situations of occupation).
These rules hinge on the notion of property -> renvoi to domestic law and general international law.
Who owns public property?
General international law:
1) Permanent sovereignty over natural resources -> States, peoples
2) But… who represents the State and its people?
3) Presumption: de jure government
4) But… what if the position of the government is contested?
5) Relevance of the right to self-determination?
Current developments in the fields of:
1) Recognition of governments
2) Peace agreements
3) UN Security Council responses

4) Regulatory instruments aimed at curbing 'illegal' trade in natural resources
Taking stock and the way forward

Daniëlla Dam-de Jong is Assistant Professor at the Grotius Centre for International Legal Studies at Leiden University. She has defended her PhD at the same university on a thesis entitled International Law and Governance of Natural Resources in Conflict and Post-Conflict Situations, for which she received a research prize by the Foundation Praemium Erasmianum and an honorary mentioning by the Max van der Stoel Human Rights Award. The dissertation has been published as a monograph by Cambridge University Press (2015). Daniëlla is a member of the ILA Committee on Role of International Law in Sustainable Natural Resource Management for Development and the ILA Study Group on UN Sanctions and International Law. Her research interests are related to international legal questions in the fields of sustainable development and peace & security, with a focus on peace agreements and the work of the UN Security Council.

Contact: D.A.Dam@law.leidenuniv.nl

Indigenous Peoples and the Right to Their Environment

Elisa Morgera, University of Strathclyde, Glasgow

This paper will bring into conversation the 2018 UN Framework Principles on Human Rights and the Environment related to indigenous peoples and the ILC's work on "Protection of the Environment in Relation to Armed Conflict." In particular, it will discuss the protection of indigenous peoples' rights to natural resources, including through prior impact assessments, free prior informed consent, and fair and equitable benefit-sharing, in pre-conflict, conflict, and post-conflict situations. The paper will conclude by reflecting on the relevance of a mutually supportive interpretation of international biodiversity and human rights law in armed conflicts.

Prof **Elisa Morgera** is Professor of Global Environmental Law at the Strathclyde University Law School, UK. She specialises in international biodiversity law at the interface of international human rights law and the law of the sea. Elisa has been leading the 5-year research programme Benelex (funded by the European Research Council), on fair and equitable benefit-sharing in different areas of international law and in local community-level case studies in Greece, Argentina, South Africa, Namibia and Malaysia. Elisa is now leading a 5-year, £20-million global inter-disciplinary research programme, the One Ocean Hub (funded by the UK Global Challenges Research Fund), focusing on integrated ocean governance for inclusive sustainability, together with colleagues from Southern and West Africa, the South Pacific, the Caribbean and the UK.

Contact: elisa.morgera@strath.ac.uk

CHAIRS

BIOS

Professor **Alexander Proelß** holds the Chair for International Law of the Sea and International Environmental Law, Public International Law and Public Law at the Faculty of Law of the University of Hamburg. Prior to his move to Hamburg, he was Professor for Public Law, in particular Public International Law and European Union Law, at Trier University, where he also acted as Director of the Institute of Environmental Law (IUTR) and the Institute for Legal Policy (IRP). From August 2007 to October 2010, he taught public international law and European Union law as one of the directors of the Walter-Schücking Institute for International Law at Kiel University. International environmental law and the international law of the sea constitute the focal points of his research. Alexander Proelß has been a member of several national and international research consortia and has advised State agencies, international organizations and NGOs both in Germany and abroad at numerous occasions.

Contact: alexander.proelss@uni-hamburg.de

Prof. Dr. jur. **Stefan Oeter** is Professor for German and Comparative Public Law and Public International Law at the Faculty of Law, University of Hamburg since 1999. He holds a law degree from the University of Heidelberg. From 1987-1997 Stefan Oeter worked as a research fellow at the Max Planck Institute for Comparative Public and Public International Law, Heidelberg. In 1990, he completed his doctoral thesis (Dr. iur. utr.). He finalized his *Habilitation* in Public Law and International Law (University of Heidelberg) in 1997. Stefan Oeter is a member of the Permanent Court of Arbitration and the Academy of Sciences in Hamburg. His current research interests focus on minority protection and human rights law, law of armed conflict, theory of international law and international relations.

Contact: stefan.oeter@jura.uni-hamburg.de

Florian Jeßberger is Professor of Law at the Faculty of Law, Universität Hamburg, where he holds the Chair in Criminal Law, Criminal Procedure, International Criminal Law, and Modern Legal History and serves as a Vice Dean. Before joining Universität Hamburg in 2010, he was the Lichtenberg Professor of International and Comparative Criminal Law at the Faculty of Law, Humboldt-Universität zu Berlin. He was a Visiting Fellow at Jesus College in the University of Oxford, held the Gianformaggio Visiting Chair at the University of Ferrara, and was a Feodor Lynen Scholar of the Alexander von Humboldt-Foundation at the University of Naples Federico II. His research focuses on substantive criminal law including its international, comparative, and historical dimensions. He is a co-editor of the Journal of International Criminal Justice and a co-author of the 'Principles of International Criminal Law' published by Oxford University Press (3d ed. 2014; 4th ed. forthcoming).

Contact: florian.jessberger@uni-hamburg.de

Dr. iur. **Sigrid Boysen** is professor of public law, European and public international law at Helmut Schmidt University, Hamburg. Before joining Helmut Schmidt University, she was assistant professor at Free University Berlin. Her research focuses on European Union law and international law, with particular focus on international economic and environmental law and EU external relations. Her recent publications include book chapters on the EU's common commercial policy, journal articles on global public goods and various chapters on constitutional rights. She is editor-in-chief of the international law review "Archiv des Völkerrechts".

Contact: boysen@hsu-hh.de

AUDIENCE

BIOS

Dr. iur. **Felix Boor** is lecturer and researcher at the chair of Public Law, European Law and International Economic Law at the School of Socio-Economics of the Faculty of Business, Economics and Social Sciences at Hamburg University. He is a temporary Professor of Public Law and Economic Law (including Public Procurement Law) at the Helmut-Schmidt-University of the German Federal Armed Forces in Hamburg and an affiliated member of the Institute for International Law of Peace and Armed Conflict at the Ruhr-University in Bochum. His primary research interests lay in the areas of public international law and international economic law.

Contact: Felix.Boor@uni-hamburg.de

Ove Bring is a professor emeritus of International Law (since 2008), Stockholm University and the Swedish National Defence College (SNDC). He is a former Legal Adviser at the Swedish Ministry for Foreign Affairs. Ove Bring also was professor of international law at Uppsala University 1993-1997, thereafter he held the same position in Stockholm. He is an expert in International Law on the use of force, the Law of the UN Charter (including the Law of Peace Operations), International Humanitarian Law, Human Rights Law, the law of Diplomatic Protection and Foreign Investment Law and International Claims.
For further information: http://ovebring.com/cv-profile-in-english/

Contact: ove.bring@swipnet.se

Ammar Bustami has studied German law with the specialisation of Public International and European Law at the University of Trier and has acquired a Licene en Droit at the University of Bordeaux (France). Since February 2018, he works as a research associate at the chair of Professor Alexander Proelß (since October 2018: Chair in the International Law of the Sea and International Environmental Law, Public International Law and Public Law at the University of Hamburg). In the context of his Ph.D. project, he deals with “Human Rights of Future Generations as an Intertemporal Perspective of Public International Law”, focussing on international environmental law aspects.

Contact: ammar.bustami@uni-hamburg.de

Kristina Hadzhieva is a lecturer and research fellow at the chair of Public Law, European Law and International Economic Law at the School of Socio-Economics of the Faculty of Business, Economics and Social Sciences at Hamburg University. She is particularly interested in humanitarian law and international human rights law. Her current research project is related to fact-finding in humanitarian crises.

Contact: Kristina.Hadzhieva@uni-hamburg.de

Öykü Irmakkesen is a PhD candidate at the University of Geneva, Faculty of Law. She is also a researcher at the Geneva Water Hub and a teaching assistant at the Geneva Academy of International Humanitarian Law and Human Rights. Previously, she has worked for the International Committee of the Red Cross (Geneva, Switzerland) and for the Association for Solidarity with Asylum Seekers and Migrants (Ankara, Turkey).

Contact: Oeykue.Irmakkesen@unige.ch

Frank Jarasch, LL.M. (University of Michigan Law School), Head of Division Public International Law of the Federal Foreign Office, Germany.
He was born in Hamburg/Germany 1964. Frank Jarasch studied law in Heidelberg/Germany and Lausanne/Switzerland. He graduated with his First State Exam in Heidelberg 1991. Subsequently, he worked as a research assistant at the Max-Planck-Institute for Comparative Public Law and International Law in Heidelberg. Then, he completed his Master of Law at the University of Michigan Law School, Ann Arbor, 1992. Furthermore, he passed the New York State Bar Exam in 1992. Frank Jarasch also worked for one year at the law firm Steptoe & Johnson, Washington, D.C. In 1995, he passed the Second State Exam Berlin/Germany. He started as diplomat in 1996 in the Federal Foreign Office, Bonn/Berlin. From 1997-2000 he worked in the division for Public International Law (i.a. establishment of the International Criminal Court). Also, he worked as a diplomat in Latvia (2000-2004), New York (2007-2010) and Geneva (2014-2017), and back in Berlin in the Federal Foreign Office.

Contact: 500-rl@auswaertiges-amt.de

Morgaine Jelitko is a student at the Georg-August-University of Göttingen. She works as a student assistant at the professorship of Professor Dr. Dr. h.c. Lipp. In addition to school exchanges to New Zealand and Canada Morgaine has studied at the Université Panthéon- Assas Paris II with a focus on international law the last winter semester. As of January 2019, she is Editor-in-Chief of the Goettingen Journal of International Law.

Contact: morgaine.jelitko@gojil.eu

Betcy Jose is an associate professor in the political science department at the University of Colorado Denver and currently a fellow in the Cluster of Excellence "Formation of Normative Orders" at Goethe University. Relying on her law degree and PhD, she studies human security, global norms, and international humanitarian law. Her current projects explore how civilians protect themselves in war, the emergence of illiberal norms and their suppression using the practice of targeted killings as a case study, contestation in the norm of humanitarian intervention, and agenda-setting as it relates to war crimes.

Contact: betcy.jose@ucdenver.edu

Isabel Kaiser studies law at the Georg-August-University in Göttingen and works as a student research assistant at the chair of Public and International Law held by Professor Andreas L. Paulus, Judge of the Federal Constitutional Court. Having spent a year abroad in the United States as well as in South Africa, she is planning on participating in the Philip C. Jessup Moot Court next year. At the beginning of this year, she has been elected Editor-in-Chief of the Goettingen Journal of International Law.

Contact: Isabel.Kaiser@gojil.eu

Cannelle Lavite studied law at the Université de Toulouse (France). She was awarded an LL.M. with a dual specialization in corporate governance and criminal law from the Université de Montréal (Canada) and the Université de Lyon (France). After her graduation, she worked for several local organizations in Brazil and Mongolia focusing on socio-economic rights, as well as for the Veil Jourde law firm, specialized in white collar crimes. She then worked at Human Rights Watch on the trial of Hissène Habré. Cannelle Lavite's doctoral thesis looks at the protection of whistleblowers under asylum. In autumn 2018, she joined ECCHR's Business and Human Rights Program as a Bertha Justice Fellow.

Contact: lavite@ecchr.eu

Eva Leptien is research associate at the Chair of Public Law, with Focus on Environmental and Planning Law at Brandenburg University of Technology Cottbus - Senftenberg (BTU), Germany. Eva received a B.A. in International Relations and International Organisation from the University of Groningen, in the Netherlands and holds a M.A. in World Heritage Studies as well as a M.Sc. in Environmental and Resource Management both from BTU. She currently pursues her Ph.D. in the field of international climate change law and policy. Her research interests include the implementation of international climate law in the EU and on national level, environmental and climate justice, climate change migration with a particular focus on the role of international law with regards to the recognition of people displaced by climate change or climate change related conflict.

Contact: eva.leptien@b-tu.de

Professor Dr. iur. **Karsten Nowrot**, LL.M. (Indiana) is Professor of Public Law, European Law and International Economic Law, Director at the Research Institute for Economic Law and Labour Law as well as the current Head of the Department of Law at the School of Socio-Economics of the Faculty of Business, Economics and Social Sciences at Hamburg University, Germany. He is also an affiliated professor at the Faculty of Law at Hamburg University and serves as Deputy Director of the Master Programme "European and European Legal Studies" at the Institute for European Integration of the Europa-Kolleg in Hamburg. His primary research interests lay in the areas of public international law and international economic law. Among his recent and current research projects related to the present workshop is the international legal framework dealing with the status and protection of animals in armed conflicts such as legal issues related to wildlife trafficking in wartime and the status of "animal soldiers" under international humanitarian law.

Contact: Karsten.Nowrot@uni-hamburg.de

Stavros-Evdokimos Pantazopoulos is completing his PhD thesis at the EUI and holds the position of Legal and Policy Analyst at the Conflict and Environment Observatory, UK (starting on the 1st of April). His doctoral research focuses on the protection of the environment against the impacts of an armed conflict and he was a research assistant to former Special Rapporteur Marie Jacobsson during the 67th session of the ILC. Stavros has published in the fields of international humanitarian law, international environmental law, and autonomous weapons systems. He holds an undergraduate law degree from the National and Kapodistrian University of Athens and LLM degrees in international law from LSE, the European University Institute and the University of Athens. Stavros was a Teaching Fellow at SciencesPo Paris (Reims campus, 2017-2018) where he taught international law, international humanitarian law, human rights law, and law of the use of force.

Contact: Stavros.Pantazopoulos@eui.eu

Richard Pearshouse joined Amnesty International's Crisis Response Programme in September 2018 where he leads work on the intersection of environmental degradation, conflict and crises. Richard was most recently associate director of the environment program at Human Rights Watch, where he worked for 10 years. From 2015-2017, he helped found HRW's environment program and develop its main pillars of work: environmental defenders, toxic substances, and climate change. He has undertaken high-level advocacy on environmental issues with national governments, the UN, and multilateral and bilateral aid donors. He has researched and written reports in countries including Brazil, Thailand, Bangladesh, Vietnam, Cambodia and Laos. He has also worked as a legal advisor to the United Nations Special Panels for Serious Crimes in East Timor, as a researcher for an East Timorese judicial monitoring organization, and as a field monitor with a Guatemalan human rights group. He is a lawyer of the Supreme Court of New South Wales, Australia.

Contact: richard.pearshouse@amnesty.org

Seraina Petersen is a project- and event manager passionate about interdisciplinary research and humanitarian affairs. She studied International Relations at the University of Geneva and holds an LLM degree in Public International Law from Leiden University, with a specialisation in International Humanitarian Law. Her Master Thesis discussed the Application of International Environmental Law during International Armed Conflict.

Contact: serainapetersen@gmail.com

Arne Reißmann is research and teaching associate at the Walther Schuecking Institute for International Law at the University of Kiel, associated with the chair for public international law of Prof. Dr. Andreas von Arnauld. Arne studied law in Hamburg and specialized in public international law, international humanitarian and criminal law (Mag. iur., first state exam). His research focuses on the interaction between the principle of permanent sovereignty over natural resources and situations of foreign control, namely military occupation, non-international armed conflict and non-self governing territories, and the resulting obligations for third states. Consequently, his PhD project is titled "Sovereignty over Natural Resources under Foreign Control".

Contact: areissmann@wsi.uni-kiel.de

Dr. **Miriam Saage-Maaß** is a qualified lawyer and Vice Legal Director at ECCHR, where she coordinates the Business and Human Rights program. She has worked on various cases against corporations, including proceedings against Lidl relating to exploitation of workers in Bangladesh and Pakistan and against companies trading in cotton picked through forced child labor in Uzbekistan. She regularly publishes articles on the legal liability of corporations for human rights violations in the global supply chain and is internationally consulted as an expert in the area of corporate responsibility and human rights. She is a temporary lecturer at the Freie Universität Berlin. On 15 October 2016, the Association of Democratic Lawyers (Vereinigung Demokratischer Juristinnen und Juristen – VDJ) in Germany awarded Saage-Maaß and ECCHR's General Secretary the Hans Litten Prize. VDJ made the award in acknowledgment of Kaleck and Saage-Maaß's role in the strategic approach of ECCHR's work.

Contact: saage-maasz@ecchr.eu

Marta Saraiva has been working at the Public International Law Division - Legal Affairs Department at the Portuguese Ministry of Foreign Affairs since 2015. Among other topics, she has covered the work of the Sixth Committee of the UNGA – which includes the analysis of the ILC's annual report and drafting national statements- environmental law matters and issues related with privileges and immunities. Marta Saraiva has graduated in law in 2009 at the Portuguese Catholic University (Lisbon School) and has got her LL.M Law in a European and Global Context at the Católica Global School of Law in 2013. From 2009 to 2012, she was a trainee lawyer at the public and environmental law department of SRS Advogados (Lisbon) and worked as a legal adviser of Secretary of State for Energy (2014/2015), where she dealt essentially with natural resources exploitation matters and their environmental implications.

Contact: marta.saraiva@mne.pt

Valentin Schatz is a Ph.D. Candidate and Research Associate in Public International Law at the Chair of International Law of the Sea and International Environmental Law at the Faculty of Law of the University of Hamburg. His research focuses on the International Law of the Sea, International Environmental Law and International Dispute Settlement. In his Ph.D. research, Valentin focuses on the settlement of fisheries access disputes within the framework of the 1982 United Nations Convention on the Law of the Sea.

Contact: v.j.schatz@gmail.com

Jürgen Scheffran is professor in integrative geography at the University of Hamburg and head of the Research Group Climate Change and Security (CLISEC) in the CliCCS Cluster of Excellence and the Center for Earth System Research and Sustainability. He had positions at the University of Marburg, Technical University of Darmstadt, Potsdam Institute for Climate Impact Research and the University of Illinois. Research fields include: climate security risks and environmental migration; water-food-energy nexus and rural-urban interaction; agent-based modeling of environmental conflict and cooperation; sustainable peace, disarmament and technology assessment.

Contact: juergen.scheffran@uni-hamburg.de

Stefan Sohm joined legal service of German Armed Forces in 1991. After positions as legal adviser of an army division and lecturer for international law at the Civic Education and Leadership Centre since 1995 in different functions in the German MOD. Since 2013 branch chief for international law and legal aspects of foreign deployments of German Armed Forces. Stefan Sohm has published several articles in the field of military law, is co-author of a commentary to the Status of Military Personnel Act and President of the German Society for military law and humanitarian law.

Contact: StefanSohm@bmvg.bund.de

Christoph Stefes is a Professor of Comparative Politics at the University of Colorado Denver. His main teaching and research areas are European and Post-Soviet Politics, political regimes and regime transitions as well as sustainable energy politics. More recently, his research has shifted to the causes of environmental crime and ways to combat it.

Contact: Christoph.Stefes@ucdenver.edu

Dr. **Leonie Steinl**, LL.M. (Columbia) is a researcher at Hamburg University, where she works in a DFG-project on „Strategic Litigation Networks and Accountability for Gross Violations of Human Rights“ headed by Prof. Dr. Florian Jeßberger.

Contact: leonie.steinl@uni-hamburg.de

Zabrina Welter is a researcher from the University of Freiburg, Germany. She holds an MSc. In Environmental Governance from the University of Freiburg in Germany and a Bachelor's in Political Science emphasizing on conflict resolution and peacebuilding from the Javeriana University in Bogota, Colombia. She has over three years of international experience in project assistance and research in the fields of environmental governance and peace. Her major research interest is environmental peacebuilding.

Contact: zabrina.welter@gmail.com

Maurus Wollensak is a law student at the University of Hamburg in his 4th year. His specialization is European and Public International Law. During his studies he competed in multiple moot court competitions including the Philip C. Jessup. Furthermore, he is an alumnus of the University of Seoul and The Hague Academy of International Law.

Contact: mauruswollensak@gmail.com

ORGANISERS

Dr. **Britta Sjöstedt** is a postdoctoral fellow and a senior lecturer at the Faculty of Law, Lund University, Sweden, researching and teaching public international law. Britta's PhD thesis focused on questions on how international humanitarian law and international environmental law protect the environment during armed conflict and how to reconcile these two branches of international law. She has published several articles and book chapters related to this topic. She has been involved in the work of the International Law Commission on the topic Protection of the Environment in relation to Armed Conflict. In 2017, she was received a 2-year grant to conduct a research project focusing on environmental peacebuilding. Britta is a founding co-director of the Environmental Peacebuilding Association and the co-leader of its Law Interest Group. She is also a member of the International Law Association's Committee on the Role of International Law in Sustainable Natural Resource Management for Development.

Contact: Britta.Sjostedt@jur.lu.se

Ass. iur. **Anne Dienelt**, maître en droit (Aix-en-Provence, France) is a senior research fellow and lecturer at the Institute for International Affairs of the University of Hamburg School of Law. She has researched the multilayered protection of the environment in relation to armed conflicts by international humanitarian law, international environmental law and human rights law for her doctoral thesis ("Armed Conflict and the Environment – Complementing the Laws of Armed Conflict with Human Rights Law and International Environmental Law") with the University of Goettingen (supervisor: Prof. Dr. Andreas L. Paulus, judge at the German Constitutional Court). Anne has worked on the topic with several members of the UN International Law Commission from 2013 until 2016. Her research interests more generally deal with intersections in public international law in context of fragmentation and refinement. Anne has published several articles and book chapters on the topic.

Contact: anne.dienelt@uni-hamburg.de

Sara Wissmann is a law student at the University of Hamburg specializing in European and Public International Law. She has studied as an exchange student at the Université Paris 1 Panthéon Sorbonne and successfully took part in the International Willem C. Vis Moot Court Competition where she was awarded the Pieter Sanders Award and the Eric E. Bergensten Award. Sara is now working as a student assistant for Ass. Iur. Anne Dienelt and as a coach for the NILOS Moot Court Competition in International Law of the Sea at the chair of Professor Alexander Proelß.

Contact: sara.wissmann@uni-hamburg.de

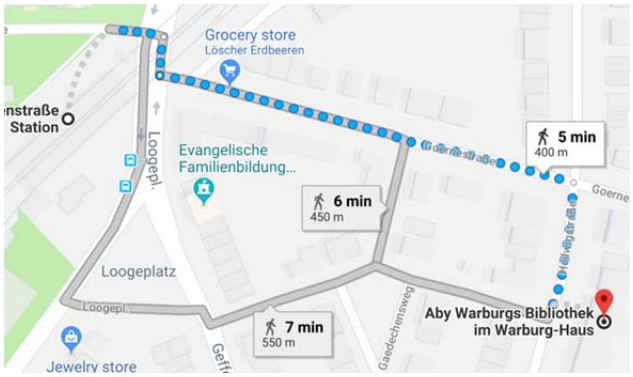
Jara Al-Ali is currently in her seventh semester of studying law at the University of Hamburg focusing on public international law and the law of the European Union. Between graduating high school and starting university, she worked as an au pair in the United States for one and a half years. During the first semesters of her studies she volunteered in a refugee camp in Hamburg Harburg before joining the Refugee Law Clinic (RLC) of the University of Hamburg fall of 2017. Since then she is giving pro bono legal advice to refugees at three of the four counseling locations of the RLC Hamburg and was actively involved in the establishment of a place for independent legal advice in Hamburg Rahlstedt not far from the accommodation that serves as the first point of contact for refugees arriving in Hamburg. Between 2016 and 2018 she worked as a so called “Meeting Leader“ for Cultural Care Au Pair GmbH, as well as a student assistant in a criminal law firm between 2017 and 2018. Currently she is working as a student assistant at the Institute for International Affairs of the University of Hamburg at the chair of Prof. Dr. Stefan Oeter as well as the chair of Prof. Dr. Nora Markard where she will be joining the organizational team of the RLC Hamburg in April.

GENERAL INFORMATION

How to get to Warburg Haus by public transport?

(for detailed instructions see next page)

Take either **U1** (blue line) or **U3** (yellow line) to **Kellinghusenstraße**.



To arrive at Warburg Haus, you need to walk about five minutes, 400 m.
First, head East on **Goernestraße** towards Kellinghusenstraße/Loogeplatz.
Second, turn right onto Kellinghusenstraße. Then, turn left onto Goernestraße. Last, turn right onto **Heilwigstraße**. The Warburg Haus will be on your left-hand side.

General Information:

Workshop Venue:
Warburg Haus Hamburg
Heilwigstraße 116

Emergency contacts

+49 160 88 06 22 3 (Anne Dienelt)
+46 704 38 26 22 (Britta Sjöstedt)
+49 173 74 04 52 9 (Sara Wissmann)