

Transcript of 'The Ongoing Case of Humanity vs Planet Earth'

[Season 3, Episode 6, Transforming Tomorrow](#)

[Theme music]

Paul: Hello and welcome to Transforming Tomorrow from the Pentland Centre for Sustainability and Business.

I'm Paul Turner.

Jan: And I'm Professor Jan Bebbington.

Paul: We all have the right to a healthy environment, but is this enshrined by international law? How can states regulate it and how can courts actually enforce it?

[Theme music]

Paul: Jan, we had trouble with the law a couple of years ago and we've kept them off the shore for a little while, but I feel the need to bring them back.

Jan: I think that's fair. Well, the law does insert itself in our lives in unusual kind of ways.

Paul: Yes. More, more often than we might like in some cases. [Jan laughs] Well, I'm talking about you obviously in that regard.

Uh, in other cases, you, you might feel where on Earth is the law when I need it?

Jan: Yeah. But um, but there's law and there's law. So we're going to do international law, which is the law that pertains between states. So that's a pretty interesting topic in itself.

Paul: I'd really like to think you hadn't been involved with any international law, [Jan laughs] that you hadn't done something so grossly outrageous that countries, nation, states themselves had to come forward and, uh, be involved in the case.

Jan: I, I plead the fifth. [laughs]

Paul: We're not in America.

[Everyone laughs]

Paul: There is no fifth to plead here.

Jan: Uh, in which case carry on, carry on, Paul, don't, don't stop now.

Paul: Yeah, because when it comes to international regulations, international frameworks, international law, a lot of them might be considered around climate.

Jan: Indeed. And there's been a, a small spate of really interesting, um, advisory opinions related to climate change, from a variety of sources.

And these are, you know, not laws that are being passed here and now that are gonna apply to companies next year, but they are, if you like, the water within which we swim as to what the expectations are in around climate change and the duties of states.

Which of course then, you know, make their way through to duties on companies as well.

Paul: Yeah. And they, they might shape the future concrete laws that come into place. Opinions now, rulings now...

Jan: ...yeah...

Paul: ...shape the laws of tomorrow.

Jan: So I only know one lawyer who's the very, very best person to tell us about that.

Have we got 'im? Has he come on?

Paul: Unfortunately, the person who represented you in that case wasn't available. [everyone laughs]

So, therefore I thought we'd bring back, uh, Camilo Cornejo Martínez, who joined us in the first series. And Camilo is a PhD researcher here at Lancaster University School of Law.

He's looking at the evolution of international regulatory frameworks around just transition. So, I think that he'll probably do the job.

Jan: He will indeed. He's my favourite international lawyer, without a doubt.

Paul: Welcome, Camilo.

Camilo: Hi. Thank you very much for having me again. How much, uh, has changed the world in the last two years?

Jan: Yeah, yeah...

Camilo: I think that was two years ago...?

Jan: ...there was...

Paul: ...yes, it was. Yes. Yeah, yeah. Lots of things changed, the, the, during the course of this podcast, I sometimes think that by the time we've finished recording, the world's changed since when we started it. [Camilo laughs]

There's lots going on, but particularly in the legal world, and I know that there's been various different opinions and cases that have come about in, in the interim, since we last spoke, that are shaping how just transition climate conflict is considered within law.

Camilo: Yeah. There, well. It's hard to tell when these all changes start, uh, happening. Uh, but at this point, what we can say, uh, after the last four series of, of rulings is that definitely we're in a different momentum.

We're in a different stage, and now the set of questions that we need to start answering are different.

Jan: And to get us going. So, we are gonna ask you, first of all to explain sort of the context of four rulings, uh, two, which happened in 2024, two which happened in 2025, and then we'll go into depth in one of them.

So these are from the European Court of Human Rights,

Paul: And would you like to say whose case that is, Jan? 'Cause I know you've been looking forward to that particular part of this show.

[Jan and Camilo laugh]

Jan: Klimasenariny... [makes mumbling sounds]

Camilo: KlimaSeniorinnen

[Jan laughs]

Paul: I'm pretty sure that's how I pronounced it before, in my guess. Klima...

Jan: ...Seniorinnen case, which is a, from Switzerland for the European Court of Human Rights.

There's then the Advisory Opinion on Climate Change from the International Tribunal for the Law of the Sea.

Then there's an Advisory Opinion on Climate Change from the Inter-American Court of Human Rights.

And the last one, which we will spend more depth and time on, and the most recent one in July 2025, the Advisory Opinion on Climate Change from the International Court of Justice.

But I am just reading them out. The person who knows what that means is you Camilo. So can you talk us through those four settings, and then we'll go into more depth?

Camilo: Yeah. Happy to talk about those, uh, cases. We can talk a life about them actually. Like so many details, so many interesting stories.

So for starting like in a kind of chronological order, we start with KlimaSeniorinnen, uh, ver, uh, versus Switzerland in the European Court of Human Rights.

This case actually start in 2016. So, another different world. In 2016, to have an idea was the point when Paris Agreement was a start, like getting uh, into force. A lot of things that we know now, at that point, were under serious questions.

After, uh, this case start actually as, as a group of elder women, and they were asking to the government to be more ambitious on the climate goals, uh, that they were pursuing because they felt that the actions that were taken were not enough for mitigating, uh, and with no mitigations, the consequence and the effects of climate change, particularly in these vulnerable groups, it could be massive in, in a couple of years.

This case didn't have a great outcome in Switzerland. So that was when the decision, the, the decision to bring the case before the European Court of Human Rights was made, and that case was filled in 2020.

The courts needed four years for giving the ruling, in that case. Basically the European Court of Human Rights said, definitely there is a connection between climate change and human rights. So climate change on one side can violate human rights. And his is particularly important in face of vulnerable communities, as elder groups.

Paul: Just before we move on to the second case, Camilo, I just wonder, is it standard that it takes so long for a case to start out and work its way through the legal system before you get a final verdict from someone such as the European Court of Human Rights?

Camilo: It really depends on the case. On the complexity of the case, uh, on also the will of the parties.

Some states, like, try to question every single move of the other parties, so takes longer in those cases. But in, in the European and the Inter-American Court used to be longer the cases. Tribunal of the Law of the Sea and the ICG took two years, only...

Paul: ...mm-hmm.

Camilo: Which is decent time for, for, from a legal perspective.

Paul: Well, let's move on to that second case, then. The International Tribunal for the Laws of the Sea. ITLOS...

Camilo: ...ITLOS...

Paul: ...ITLOS, yes. So can you tell us a little bit about that one?

Camilo: This case, uh, started in 2022. The advisory opinion was released in May 2024.

The difference with the European Court of Human Rights and KlimaSeniorinnen is that this case first is an advisory opinion. That means that there was no direct conflict between two different parties.

Here there was a, a group of islands, uh, that stuck, uh, with Vanuatu intervention, uh, that asked to the International Tribunal of the Law, for the Law of the Sea, uh, to clarify how the convention should be interpreted under the new conditions of climate change.

Uh, so the Court, what is doing in this opportunity is just giving, uh, a kind of doctrinal interpretation, like a scholarly interpretation, on how we should start understanding and, and how we should interpret the convention in this new scenario.

Probably the, the big outcomes of this case is that although the, uh, United Nation Convention, uh, for the Law of the Sea say no word about climate

change, the Tribunal said, well, uh, in this context, climate change can be considered as a pollutant or pollution.

And because of that, if we consider climate change as a pollution. Then the convention is applicable to climate change, uh, and states has, uh, the duty, uh, to prevent control and reduce, uh, greenhouse gas emissions...

Paul: ...mm-hmm...

Camilo: ...as any other pollutant that might impact the seas.

Jan: That's quite an amazing one because you know that impact on the seas and that, you know, the jurisdiction of that Tribunal is, is enormously relevant.

Camilo: Yeah. And in this case, actually, like the ITLOS advisor opinion might have an impact, uh, at least in face of one hundred and sixty nine, sixty nine state parties. So, good number.

Jan: Yeah, yeah.

So, the Inter-American Court of Human Rights, who, who is that and who do they cover then?

Camilo: Yeah. Well, this is, uh, another, uh, different tribunal. Just to add, as a context, the international system has been developing, uh, since the Second World War in different branches of, or areas.

So, one side is human rights. And the idea that was put and was designed for the human rights context, that was, that might be better to make regional courts. So that is why we have the European Court of Human Rights and we have the Inter-American Court of Human Rights and we have the African Court of Human Rights. As a kind of pending project is what happened with Asia, uh, and that part of, of the world.

Uh, in this case, what we are hearing in, in the opportunity is the Inter-American Court of Human Rights talking about climate change. And similarly to KlimaSeniorinnen, here the focus is on human rights.

This case start in 2023, uh, when Chile and Columbia ask to the Inter-American Court to give the opinion about how human rights might be impacted, and what states should do in considering the reality of climate change in the region.

And the Inter-American, Court of Human Rights, eh, release one of the most, to say, in a way progressive rulings at this time.

Uh, the Court take the opportunity for dealing with some of the topics and some of the issues that at this point, none other tribunal has touched. Uh, for instance, the Court, uh, directly talk about climate change, human rights, and the rights of defenders or those who, uh, aims to protect the, the environment and the climate. Or the Court talks about the right of nature and, uh, that is one of the, the favourite topics of, of the region.

Or the Court, uh, start talking about, uh, the right to a healthy environment for the region, with very particular characteristic. Like connected, for instance, with Escazú Agreement. And similarly in this case to the ITLOS, this is an advisory opinion.

Paul: Mm-hmm.

Camilo: This case was not a confrontation between two parties, was not a conflict between states in the, uh, Inter-American [inaudible].

This case start, because Chile and Columbia have doubts on how we can, uh, apply the human rights framework to the climate change context.

Paul: It ties back into the discussions we had those two years ago about the rights of nature there as well...

Jan: ...yeah...

Camilo: ...yeah...

Paul: ...and that, that's something then that was emerging and, yeah, to see that that now is making its way into these advisory opinions.

Jan: And I didn't know what an advisory opinion was until you described it there. And that strikes me as a really wise way to start drawing out principles, not when you're in the midst of a fight...

Paul: ...mm-hmm...

Jan: ...but actually to seek advice about what would be the right and the appropriate way to operate.

So that seems like advisory opinions are really helpful then.

Camilo: Yeah. Uh, and the import, the importance of the advisory opinion in a first degree is for states that need to comply and need to meet the international standard. If states doesn't follow the, those elements or their criteria, they risk to, uh, breach the international law, and that may imply a responsibility.

So it's not, it's not like, so soft, uh, the consequence, but at the same time has another element, uh, that is relevant for other stakeholders, like companies, private actors, civil societies, NGOs, among others.

Jan: So how does the International Court of Justice fit within this framework?

Camilo: Yeah, well, the International Court of Justice is, uh, again, in this map of the international system is for some of scholars called the World Court.

This is recognised in the United Nations Charter and has jurisdiction over, uh, international matters in general. So the difference, for instance, with the Inter-American Court of Human Rights is that Inter-American Court is focused mainly on human rights.

The ICJ or the International Court of Justice has a broader view of the international conflicts, uh, and also a difference with other regional courts like the European Court of Human Rights or the African Court of Human Rights. The ICJ has jurisdiction over the, all the state that has recognised and has not denounced, uh, the, the jurisdiction of the United Nations provisions.

Paul: Now, I think there's a key point you just made there. [Jan laughs] Those who...

Jan: ...have not denounced...

Paul: ...not denounced...

Jan & Paul together: ...yet.

Camilo: Yeah.

Paul: So therefore, that who does have to abide by its rulings? Does anyone have to abide by its rulings or can everyone just say, I don't like that particular ruling, I'm gonna denounce you now.

Camilo: Uh, well that is a, a controversial topic, uh, and as legal scholarship, we don't have a definitive answer. On one side, uh, there is a theory, there is a doctrine that said that human rights and the United Nations Charter aims a

progressive realisation. So that means that we cannot go backwards. We need to put, and we need to move forward.

If we denounce, we are in direct contradiction to that principle. So, uh, the discussion that is, well, what happened with the state sovereignty? States are sovereign and they should denounce, and they, they are not obliged to be in a treaty if they don't want to.

So the, the clash between both principles is a discussion, but in general, uh, some states, what used to do when they are not really happy with some ideas, uh, on a treaty, uh, is that they make some reservations.

So, for instance, the kind of classical example, in the ICJ context is what happened with the US. The USA said, well, uh, I'm really happy with United Nation Charters, wonderful, beautiful. But! I'm not totally convinced with an idea of, uh, uh, a war court, uh, making rulings, uh, that I should follow mandatory.

So, uh, the US said, well, I'm part of the United Charter. I recognise, in a way, in a degree, the Court, but I'm not following the mandatory ruling, as mandatory rulings because I am a sovereign state.

And then we have, uh, the other case, more extreme, uh, when we have this discussion on... can one state or, or not denounce and, and not continue in the, in the jurisdiction of the Court?

Jan: So, bearing in mind that these, um, these findings will, and advisory opinions will have different elements to it, let's Focus on the ICJ, the International Court of Justice.

What's the essence of their opinion? What do they say?

Camilo: Uh, well this is my reading of the, of the advisory opinion. So, uh, I, I want to make this warning because at this point one of the thing that is happening is, is that, uh, different scholars and different readers are having different conclusions about the, the ICJ opinion, advisory opinion.

Which is in, in a way quite good because we can keep the discussion, and we can keep progressing on, on how we need to interpret climate change in the context of international law.

So, uh, in my view, there are three main elements of the ICJ. First is about the history and evolution of the climate regime. And the opportunities that this

advisory opinion is unpacking, and how climate regime is going to evolve from now then.

As an example in this point, uh, is again connected with the origin of the case. The ICJ case start, uh, with a, a civil organisation, a group of students from Pacific Islands. They organise and they say, well, it's not really fair that, uh, because of climate change, uh, Pacific Islands are going to lose their territory and potentially, uh, the character of a state. If you don't have territory, how you can be a state?

So that was one of the questions. And they, this group of student start connecting, uh, networking, pushing with this idea, uh, until we finish in this opinion, uh, before the advisory, as an advisory opinion, before the International Court of Justice.

So they achieve more than 150 states, I think, agreeing with the petition before the advisory opinion, like United Nations, unanimously, uh, agree and send the, uh, the request to the Court.

Jan: That's amazing.

Camilo: Yeah.

Jan: But also should be inspirational. I know we have quite a lot of student listeners. A group of students can make the world change!

But if you ever needed evidence, here it is.

Paul: And to talk about the group, these groups of nations coming together reminds me a lot of, when we talked about the Global Plastics Treaty and the discussions that were going on and how you have interest groups involved there.

And different groups from like the South Pacific Island states...

Jan: ...yeah...

Paul: ...and you might have other island nations coming together 'cause they're the ones, like you say, in terms of climate change, big risk. And as we discussed at the time in terms of plastic pollution.

Jan: Brilliant.

Camilo: It's a powerful message for civil organisations and for private actors.

And I want to recall just a short phrase when we start talking about, uh, this topic in the podcast, we said, well, international lawyers related with the states.

And I think that this is one of the points that the advisory opinion is breaking in a way. Because this is showing that civil society individuals have a clear space and have a clear role in the international law.

Jan: That's brilliant. So the first bit of their opinion was about the evolution of the climate regime. What are the other elements?

Camilo: Yeah. Well, the other elements is particularly on how the climate regime is articulated.

We have in climate change law, uh, too many different institutions, treaties, COPs, that at some point is confusing even for the most knowledgeable legal experts, uh, on how all these elements play together.

So the Court, uh, take a couple of steps back and say, well, we have three main, uh, treaties or agreements. The first is the United Nation Framework Convention on Climate Change, that was agreed in 1992.

This is, to say in a way, the mother treaty and the Court said, well, this treaty is quite clear in what is the aim, what is the goal. And this treaty is not just a political view, it's not just a, any other political declaration. This treaty is mandatory and this treaty has obligations for states.

Then the Court said, uh, alongside this main treaty, we have Kyoto Protocol. That, eh, for a long time we, we thought that Kyoto protocol was dead, but eh, actually not.

And the Court said two important things, said Kyoto Protocol has a series of principles, and in a way is making more concrete the goals, uh, that parties agree in 1992, uh, in the Framework Convention.

So Kyoto Protocol also has another, uh, clear idea on how states should reduce the emissions. And the Court said this is important because this is a proof that for states, it's not also a political aspiration. States are obliged to reduce, uh, greenhouse gas emissions.

And then we have Paris Agreement. And this is probably the most well-known, uh, climate treaty. Is quite relevant. And the Court, uh, said that Paris

Agreement is under the umbrella of the United Framework Convention on Climate Change.

Articulating these three treaties, the Court said that, uh, there are, uh, at least, uh, a series of obligations that a state should follow, mainly in mitigation and adaptation.

So in both [inaudible], uh, the Court found that a state needs to meet certain, uh, requisites. That is in one side. But then the question was connected with Paul's question a couple of seconds ago, what happened with those states that are denouncing, for instance, uh, any treaty or Paris Agreement.

So the Court said, hold on, we also have something to say here. In international law, we have different sources of obligation. On one side, uh, is this group of treaties, but the Court said, well, also we have customary international law.

So if all the states are acting in some way, because they consider that they are fully following the rule of law, that means that it is a general rule that every reasonable state should consider.

So the Court said, even if there is any state that is not part of these, uh, treaty regimes, there are two important obligations that are coming from the customary international law, that states need to follow.

The first is the obligation to prevent harm to the environment, and the Court said states need to avoid any harm to the climate system.

And then the Court add another particular element saying that a state, in order to meet that obligation, need to carry a due diligence process. So in a way, it's a compound duty that the states have. They need to prevent, and in order to prevent, they need to apply a due diligence standard.

And the other main obligation that the Court found is that a state has a duty to cooperate. And the Court said, don't look this duty to cooperate so light. It's not just, uh, we're friends and we are giving the hands and I'm supporting you.

This duty to cooperate is a duty under international law, uh, and has different ramifications, different expressions, for instance, like, um, technological transfer, finance, uh, among other instruments.

So that, that is in a way what the Court is trying to, to articulate. How this treaty system works alongside this other set of obligations. And by the end, and that is one of the disruptions of this advisory opinion.

We can read, in the ruling that doesn't matter really, uh, if you haven't signed or not any treaty. Or doesn't matter if you denounce the treaty, uh, because in any case you had the duty to protect the environment.

Jan: That seems like, actually, I'm quite excited. [laughs]

Was it, was this kind of opinion expected? Or was it people like going, oh my goodness, or uh, you know, 'cause there must be an array of response to it.

So maybe starting with your own, what did, did you find this very exciting and unexpected?

Camilo: No, but was very excited and very unexpected in, in different layers.

The, at international level, tribunals used to be very conservative, to say in a way. Because, uh, there is this idea of sovereignty, and the heaviest sovereignty always relevant.

So for tribunals and for scholars, for international law is not easy to say any state has this duty, doesn't matter if they have seen it or not, the, the treaty. Because what you're affecting is the sovereignty of the state.

That is the very basic, uh, is the grammar of the international law. It's the grammar of the system that we're living together. So at some point there were a group of scholars very pessimistic about the outcome of the ICJ.

There were another group of a scholar, more optimistic, but I think that even the optimistic group was not thinking in this outcome...

Jan: ...oh...

Camilo: ...uh, particularly because, another historical discussion is about the right to a healthy environment. That is not expressly recognised in any treaty at international level, uh, covering the whole world.

And the Court said that, actually, considering international domestic regulation, considering all the set of activities that the state are doing at international level, at this point. It's not really hard to recognise that exist are right to a healthy environment. So...

Paul: What do you think then are gonna be the effects of this ruling going forward?

Camilo: Well, the Court is quite clear saying that states need to regulate, uh, in their territory, and the Court is quite clear also adding that states are

responsible on what happened, uh, in their territory. And also, in the activities they have control.

If they don't regulate, if they don't control the activities and the frontiers and activities that they can control, uh, they are breaching, uh, the international law.

So what is expected now is that states start getting more ambitious on climate change, particularly, uh, on this call of mitigation. The Court reaffirmed that 1.5 degrees Celsius is the goal that states agree. So that is the standard, uh, that, uh, a state needs to meet.

And additionally, the, I think that as we, we were talking, civil society and organisations find a place now in the international law. And they are going to use different instruments, different moments for, for using this ruling.

So one side, only one side, but uh, just to prove the point is, uh, climate litigation. After this we're going to have a new and a different wave on climate litigation.

Paul: But what about those countries that, uh, politically at the moment, swinging in completely the opposite direction? What about the likes of the USA, where they've got a president at the minute who thinks that it's a load of hokum, climate change, et cetera.

And in a country, especially where the Supreme Court is very political as well. So therefore, the politics of the courts are very similar to the politics of the government.

Camilo: Can we switch the question – I'm applying for my visa waiver?

Paul: [joking] No...

[everyone laughs]

Camilo: Uh, well, the, the ruling has also, I, I think that the, well, the judges were quite, uh, mindful about this point. They don't talk, uh, directly about, uh, the political change, uh, and the political cycles that different state might be suffering.

But the Court said that, uh, it is quite clear under the international law, that if you have an obligation and you don't meet that obligation as any other obligation in law, you're going to suffer consequences.

Jan: And I suppose the consequence isn't theirs to put on those states, but it opens up the door for citizens and other groups to be able to pressure.

Camilo: Yeah. And well, that is one of the potential, uh, that we seen actually in the first period of Donald Trump. That when the state, uh, change its direction, the civil society organisations or different institutions start taking the lead.

So it's, it is expected that the US, although the government, the official answer is that, uh, they are not fully agree apparently with, with the climate goals. At internal level, in domestic level, uh, organisations and other institutions are going to push or, or at the state level, they're going to push for keeping the 1.5 degree goals and adaptation goals.

Jan: And I suppose from a business perspective, this, you know, that you pointed out that climate, it's a different regime for climate litigation. S that's obviously something that business will have to be thinking very carefully about.

But then also there is a phrase you use that really caught my ears. And that said, activities where they have control. So things like due diligence requirements on corporations which are headquartered in your state are then , you know, immediately activities where you do have control.

So even while the EU is currently backsliding on, on due diligence and in a, you know, [laughing] sort of quite a wholesale way, this in some ways actually helps, you know, staunch that backsliding because there is actually a potential there for, for business regulation as well...

Camilo: ...yeah...

Jan: ...by the state.

Camilo: Yeah. And, and this is one of the points that I think that was carefully written by the judges, uh, on this advisory opinion. Because they were clear that, uh, the responsibility, uh, of a state is for their territory and the activities they have control in their territory. So, they add that phrase, not once, uh, and in different chapters of the ruling.

So at this point, it's really difficult to think, well, if the state has no control, how can react? And the second, uh, consequence of this, uh, is regarding the climate litigation again.

We seen, uh, a couple of months ago this case from Germany where a farmer from Peru, uh, start a complaint, uh, against a bank in Germany for the climate hazard that his farm is suffering, uh, in Peru.

One of the argument of the case, uh, and one of the discussions that the scholar is having now, uh, the scholar are having now is, well, why in Germany? Uh, and the answer is what? Because Germany has control over what finance system is promoting.

Jan: Mm-hmm. Yeah, that's, that could be, that'll be tricky.

It'll be interesting to see how that comes through. 'Cause that's actually quite a big stretch, isn't it?

Camilo: Yeah.

Jan: Yeah.

Paul: Which I guess brings us to the, what's next?

It's the question, so just to wrap things up, where do you see this space moving now?

Are there any legal cases that are currently ongoing that you're waiting for an opinion, a ruling on that you think might shape this?

Where's this area going to move to?

Camilo: Uh, well, just in a couple of weeks, uh, we have seen the, uh, effects of the advisory opinion from the ICJ.

So, for instance, at the, at the moment, South Africa, Canada, and Brazil has quote, uh, directly, the ICJ opinion for uh, solving cases. Even when the, the advisory opinion is a new, uh, ruling, we already seen this.

The Council of Europe and South Korea are also arguing, uh, cases using the advisory opinion. So, uh, in this couple of months, we can see already that the advisory opinion is putting the direction on the question on, uh, how we can achieve the 1.5 degrees, how we can achieve the adaptation goals.

So, I think that, uh, the questions now are not anymore on how climate change is connected with human rights or, uh, what is the value of 1.5 degrees. The question now is how we can agree that.

In that context there are two main areas that we are aiming to see more developed. One is the idea of laws and damages because the Court also, uh, said a couple of ideas about that, uh, and how a state, and who needs to respond, for the damages, uh, that climate change is making.

The other idea is, uh, how climate change is connected with other treaties and with other regimes. Human rights at this point is quite established, the link between climate change and the institutionality of, uh, of human rights for protecting, for discussing climate change, for finding remedies on climate change.

But the Court also, uh, said, well, there are other areas. Look at what is happening biodiversity...

Paul: ...mm-hmm...

Camilo: ...the Court said, uh, there is a convention, and the convention on, on biodiversity is also protecting the, the climate system, and protecting the, the integration of the climate system with other ecosystems, or how the ecosystem works.

The Court also said, uh, pay attention, or pay more attention to, the Law of the Sea. So in these other areas we think that the work now is how we can take the ideas from the advisory opinion to these very specific hot topics.

Uh, I think that the next state might be trade law, uh, finance. And finally, just to follow up with what is next, or what we are expecting now, uh, is the African Court of Human Rights. They, they should release their opinion on, on human rights and climate change.

And in the scale also, like African Court has so many particularities, and has so many different ways of reading, uh, human rights and reading international law, that will be very interesting to, to see how they see this connection.

Paul: Well, I certainly feel a lot more informed after this discussion, Camilo. Thank you.

Camilo: Oh, good!

Jan: That's amazing. And 'cause I see these things, and I'm sure many of our listeners too, go past us in the newspaper, and we go, well that sounds interesting. I don't know what it means. Whereas I, I now know what it means.

Paul: My only disappointment is that when he listed, oh this will have effect on trade and finance, he didn't then say, on accountants, so...

Jan: [laughs]...accountant. Well let's, let's leave that go by. [Camilo laughs]

He's trying to bait me. Just ignore it.

Paul: More accountants, more regulation.

Camilo, thank you very much for joining us once again.

Camilo: Thank you very much for having me.

[Theme music]

Paul: It always makes things complicated, Jan, when we bring the lawyers in.

Jan: It does, but I like the complications and you also get a sense in which this changing, uh, international landscape, which will cascade through country level, but then also will cascade down to businesses wherever they are in the world as well.

So it was complicated, but it was really helpful.

Paul: And it's fascinating to see already how there are some countries in the world who are using this judgment from, sorry, this advisory opinion. And that's the key aspect...

Jan: ...yes...

Paul: ...from the International Court of Justice. And they're using it in rulings, judgments, advisory opinions in their own country.

So you've got the likes of Brazil, South Africa, other nations doing it and demonstrating that, while what the ICJ said isn't binding, it is very much influential.

Jan: Yeah. And there was a phrase that Camilo used that I really, really loved, and that is 'the grammar of international law'. And that really helped me understand these different rulings, 'cause I knew they kind of existed, they went past on my newsfeed like everyone else, and I didn't understand how they fitted together.

And then really excited for him to let us know that there is going to be an advisory opinion coming from the African Court as well. And, it makes me feel like it's much less, uh, colonial than it might be, because what you have is you

have, um, different parts of the world seeking to understand and build off each other's understanding, in ways that are suitable for their context.

Paul: Yeah. 'Cause you have the African Court, you have the European Court of Human Rights, you have the Inter-American Court of Human Rights. And then you've got the, you know, the Pirate Court [Jan laughs] or the International Tribunal for the Law of the Seas. Which, I, I like to think that that really is just for long John Silver in his ilk.

Jan: [laughing] I didn't... Hereafter, I'm gonna call it nothing but the Pirate Court. And, uh, that was obviously fascinating to me because dear listeners, you'll, you'll know that I, I hang around in ocean science and I'm very interested and fishy things.

So actually to see that Law of the Sea really having a dedicated theme running through as well, means that everyone who's operating in the ocean will actually be influenced by that as well.

So you've got country as well as sector.

Paul: And it's really good to see that various events that we've talked about, across the course of this podcast, the 1992 in Rio, the Kyoto, and Paris. They have all influenced this.

And while people might not necessarily have all signed up to it, while some of them may have denounced it, as the phrase was, they're still going to be affected by it when these other international laws come down.

Because they'll say, it doesn't matter if you signed up to Paris, it doesn't matter if you signed up to Kyoto. You still have to listen to this. This is still international law.

Jan: And I think that certainly gave me a lot of hope. Because the world can be quite dark when we think about climate denial and changing policy landscapes, et cetera.

But, but, the podcast data tells me actually there's still a continuing dialogue and a process that will actually still address these things.

So certainly, um, I felt uplifted, but then I always enjoy seeing Camilo, and I always feel better after having seen him, [Paul laughs] which is a good outcome for any interaction.

Paul: Yes. He's not one of these visitors who are darkening your doorway.

Jan: [laughing] Not at all. He lightens my doorway, which I love.

Paul: I'm glad to hear it. And something else that he brought up, that was really positive for me, was the fact that even when the political winds are blowing in a different direction when it comes to things such as climate change and sustainability, even when you've got governments in power who might not want to enact policy or just do things generally that are gonna be positive with regards to these areas.

You've got individuals and businesses who will pick up on these rulings and who will act upon them and do things that are based upon them that, so therefore there is positive action taking place, even if it's not always coming from central government.

Jan: Absolutely. And uh, one of the key phrases were, um, uh, the connection with climate change and governing actions where they have control on, on behalf of nation states, and that includes corporate governance, critically.

So, I was very pleased about that as well.

Paul: So we're talking about people darkening your doorways. That really brings me to next week's guest. [Jan laughs softly]

Because, you know, sometimes we bring in notes from home, next week you're bringing in your husband.

Jan: [laughing] Yes, indeed. And it doesn't darken my doorway as much as enliven and enlighten my life.

So I don't where the darken the doorway business comes from...

Paul: [joking] ...that's not what you say when we're not recording.

Jan: [laughs] That's not true. Dear listeners and dear, dear husband, that's not true.

Paul: Yeah...

Jan: ...so, so why is Jason going to come?

Paul: Yes. Jason Harrison will be joining us, not to discuss life at home with Jan, but to discuss various aspects of mountains and eagles. Because he is got expertise in history of the clearances and the effects on eagles in Scotland.

And also of mountains, and preserving mountains, and how that fits in with sustainability.

Jan: And I, I can guarantee that's gonna be interesting.

Um, even on the nth time of hearing about it, I find it interesting. [Paul laughs]

So dear listeners, you're gonna be fine.

Paul: A bit more enthusiasm and, you know, honesty in that statement would've been good, Jan, but we'll let you away with it.

Well, until then, thank you very much for listening. I'm Paul Turner.

Jan: And I'm Professor Jan Bebbington.

[Theme music]