



Wisconsin International Law Journal Annual Symposium

“Sustainable Development Goals and International Law: Intersections of Environmental Law, Human Rights and Environmental Justice”

Friday, April 6, 2018

Room 2260, UW Law School

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Overview

The year 2015 was a historic year for environmental protection. The international community adopted the 2030 Agenda and Sustainable Development Goals (SDGs) as well as the Paris Agreement on Climate Change. The concept of sustainable development has had a long and winding road culminating in the adoption of the SDGs in 2015. However, sustainable development and sustainability have remained rather elusive concepts - hard to define and hard to achieve. The SDGs thus are a welcome and long-overdue development as they provide measurable goals and targets. From the Brundtland Report in 1987 to the Rio Declaration in 1992 and the adoption of the SDGs in 2015, the global community took close to three decades to flesh out the parameters of sustainable development.

This symposium seeks to discuss the three pillars of sustainable development as articulated by the global community in the Copenhagen Declaration on Social Development (1995) and endorsed later by the Johannesburg Declaration on Sustainable Development (2002) – environmental protection, economic development and social development - and discuss how SDGs intersect with them using environmental law, human rights and environmental justice as overarching frameworks.

Program

8:30-9:00	Registration and Breakfast
9:00	<p>Welcome</p> <p>John Rejowski and Jasmin Elhindi <i>WILJ Symposium Editors, UW Law School</i></p>
9:05	<p>Welcome Remarks</p> <p>Dean Margaret Raymond <i>Fred W. & Vi Miller Dean and Professor of Law, UW Law School</i></p>
9:10	<p>Welcome Remarks</p> <p>Heinz Klug <i>Evjue-Bascom Professor of Law and WILJ adviser, UW Law School</i></p>
9:15-10:45	<p>Panel 1: Evolution of Sustainable Development and Sustainable Development Goals</p> <p>Chair: Paul Robbins <i>Director, Nelson Institute for Environmental Studies, UW-Madison</i></p> <p>“Our Pen as Hourglass: Past, Present and Future Generations of Sustainable Development Law” Marie-Claire Cordonier Segger <i>University of Waterloo, Canada</i></p> <p>“From ‘Our Common Future’ to Sustainable Development Goals: Evolution of Sustainable Development under International Law” Sumudu Atapattu <i>UW Law School</i></p> <p>“Sustainable Development Goals and the Global South” Usha Natarajan <i>American University in Cairo, Egypt</i></p>
10:45-11:00	Break

11:00-12:30

Panel 2: Exploring Key Components of Sustainable Development

Chair: Cathy Middlecamp

Office of Sustainability & Nelson Institute, UW-Madison

"The Environmental Objective of Sustainable Development"

Christina Voigt

University of Oslo, Norway

"Sustainable Development: Energy Justice and Women"

Lakshman Guruswamy

University of Colorado at Boulder

"Business Responsibilities for Environmental Human Rights in Sustainable Development: Reimagining the Worker as a Relational Being"

Sara Seck

Schulich School of Law, Dalhousie University, Canada

"Why Corruption Matters in the Sustainable Development Goals"

Rukshana Nanayakkara

Transparency International Secretariat, Germany

12:30-2:00

Lunch and Keynote Address

(Lunch served in Room 2211)

"Sustainable Development and Human Rights: The Necessity of a Common and Transversal Agenda"

Margarette May Macaulay

Commissioner, Inter-American Commission on Human Rights

2:15-3:45

Panel 3: Intersections: Sustainable Development, Human Rights and Environmental Justice

Chair: Anna Gade

Nelson Institute for Environmental Studies, UW-Madison

"Sustainable Development Goals and Environmental Justice: Realization through Disaggregation?"

Joshua Gellers

University of North Florida

"Promoting Environmental Justice through a Partnership for the Sustainable Development Goals: Shareholder Activism for Climate Action and Stakeholder Engagement to Curb Corruption"

Erika George

University of Utah S.J. Quinney College of Law

“Shutting Down Poletti: Human Rights Advocacy Lessons from an Environmental Justice Victory”

Rebecca Bratspies

City University of New York School of Law

3:45-4:00

Break

4:00-5:30

Panel 4: Future of Sustainable Development and Sustainable Development Goals, and the Role of International Law

Chair: Heinz Klug

UW Law School

“SDGs and Transitioning to the Anthropocene: The Imperative of a More Radical Ecological Rule of Law”

Duncan French

University of Lincoln, U.K.

“Sitting at the Crossroads: The City as Locus for Sustainable Development, the SDGs and the New Urban Agenda or the Art of Precarious Living-With”

Ileana Porras

University of Miami School of Law

“SDGs and the North-South Divide: The Promise of International Law”

Carmen Gonzalez

Seattle University School of Law

6:30

Dinner for speakers, chairs and invited guests

Biographies of Speakers and Chairs

Sumudu Atapattu

Sumudu Atapattu is the Director of Research Centers and International Programs at the University of Wisconsin Law School. She teaches seminar classes on “International Environmental Law” and “Climate Change, Human Rights and the Environment” and is affiliated with UW-Madison's Nelson Institute for Environmental Studies and the Center for South Asia. She is the Executive Director of the campus-wide interdisciplinary Human Rights Program. She serves as the Lead Counsel for Human Rights at the Center for International Sustainable Development Law based in Montreal, Canada, is on the advisory board of the McGill Journal of Sustainable Development Law and is affiliated faculty at the Raoul Wallenberg Institute for Human Rights and Humanitarian Law, Sweden. She has published widely in the fields of international environmental law, climate change, environmental rights, and sustainable development and her book titled *Human Rights Approaches to Climate Change: Challenges and Opportunities* was published by Routledge in 2016. She was a co-editor of *International Environmental Law and the Global South* published by Cambridge University Press in 2015 and is currently working on a textbook titled *Human Rights and Environment: Key Issues* to be published by Routledge (with Andrea Schapper) and an edited volume titled *The Cambridge Handbook on Environmental Justice and Sustainable Development* (with Carmen Gonzalez and Sara Seck) to be published by the Cambridge University Press in 2019. She holds an LL.M. (Public International Law) and a Ph.D. (International Environmental Law) from the University of Cambridge, U.K., and is an Attorney-at-Law of the Supreme Court of Sri Lanka.

Rebecca Bratspies

Rebecca Bratspies is Professor of Law at the City University of New York (CUNY) School of Law and Director of the CUNY Center for Urban Environmental Reform. Her scholarly research focuses on the transnational dimensions of environmental regulation. She has published widely on questions of environmental democracy, food policy, and human rights. Her environmental justice comic books (*Mayah's Lot*, and *Bina's Plant*) have been used in classrooms around the country, adopted by state environmental agencies, and made into a video. Professor Bratspies serves on EPA's Children's Environmental Health Protection Advisory Committee, and is a member-scholar with the Center for Progressive Reform, and with the Environmental Law Collective. She blogs with The Nature of Cities. She has served on the ABA Standing Committee on Environmental Law, and as an adviser to the CGIAR. She is past Chair of the American Association of Law Schools Section on the Environment.

Marie-Claire Cordonier Segger

Marie-Claire Cordonier Segger is a Professor at School of Environment, Enterprise and Development (SEED) at University of Waterloo, Canada, and an International Adviser of the Interdisciplinary Centre on Climate Change (IC3). She is a LCIL Fellow at University of Cambridge and Senior Director of the Centre for International Sustainable Development Law (CISDL). She received the international *Justitia Regnorum Fundamentum* Award in 2016. Her research focuses on international law and governance related to climate change adaptation, mitigation and finance, natural resources, investment, trade and the green economy, among other sustainable development challenges.

Professor Cordonier Segger has published 20 books and over 120 papers in five languages, edits the Cambridge University Press series on *Implementing Treaties on Sustainable Development*, and serves on the Editorial Boards of several law journals. She has taught at many universities around the world as a visiting professor including: University of Chile Law School, Yale University; and Oxford, Cambridge, McGill, Victoria, Montreal, Costa Rica and Kisangani Universities. She leads international education and research networks, serving as Executive Secretary of the Climate Law and Governance Initiative in the UNFCCC; Chair of the Biodiversity Law and Governance Initiative in the CBD; Rapporteur for the International Law Association's Committee on Sustainable Resources Management; Chair of the World Bank LJD Climate Law CoP; and a member of several Boards of Directors and Foundations.

She also holds 20 years of international negotiations, executive and advisory experience that spans 79 countries, including as IDLO Senior Legal Expert and Head of Economic Growth and Trade Department; CIFOR Senior Research Associate, Senior Legal Advisor to the Ramsar Convention, also as Senior Director of Research for Sustainable Prosperity, among other roles. She is a member of the Canadian Bar Association with practice in both civil and common law systems, fluent in English, French and Spanish, and speaks basic Portuguese, Italian and German.

Duncan French

Duncan French is Head of the Lincoln Law School and University PGT Dean, and a leading academic on international environmental law and international legal implications of sustainable development. He has written extensively in these areas, as well as on broader questions of public international law, international economic and investment law and the interaction between international law and European Union law. He has secondary research interests in law of the sea and Antarctica. He was the co-rapporteur of the International Law Association's Committee on the International Law on Sustainable Development for ten years (2002-2012) and the Chairman of the ILA Study Group on International Law and Due Diligence (2012-2016). In 2017, he was on a UN technical experts committee on environmental crime. The book *Global Justice and Sustainable Development* edited by him and published by Martinus Nijhoff in 2010 was nominated for the prestigious International Studies Association's 2012 Harold and Margaret Sprout Environmental Studies Book prize. Prior to taking up his position at the Lincoln Law School, he was Professor of International Law at University of Sheffield from 2009-2012.

Anna Gade

Anna M. Gade is a Vilas Distinguished Achievement Professor in the Nelson Institute for Environmental Studies at UW-Madison. She holds M.A. and Ph.D. degrees from the University of Chicago in the History of Religions, specializing in Islam. Her B.A. degree is in Mathematics from Swarthmore College. She has held academic positions at Cornell University (Near Eastern Studies), Princeton University (Music/Religion), Oberlin College (Religion), Victoria University of Wellington, New Zealand (Religious Studies), and in Languages and Cultures of Asia at UW-Madison. She teaches academic courses on Islam, the study of global religions, Asian Studies, and comparative environmental ethics and environmental studies from a humanistic perspective. She has completed a book manuscript, *Muslim Environmentalism and Environmental Humanities* (working title). Professor Gade has recently begun field-based comparative research on religion, culture and resources with respect to communities and sovereignty, ethics of environmental personhood, and global trends relating to "rights of nature."

Professor Gade is a Faculty Affiliate of the Center for Culture, History and Environment; the Center for Southeast Asian Studies; the Department of Asian Languages and Cultures; Religious Studies; and the Human Rights Program. She has recently served as Co-Chair of the Qur'an Group of the American Academy of Religion, and has authored two books dedicated to understanding the Arabic Qur'an with respect to diverse Muslim perspectives worldwide.

Joshua Gellers

Joshua Gellers is an Assistant Professor in the Department of Political Science and Public Administration at the University of North Florida, Research Fellow of the Earth System Governance Project, and 2016-17 U.S. Fulbright Scholar in Sri Lanka. In 2015, Professor Gellers was a Visiting Scholar-in-Residence in Global Environmental Constitutionalism at Widener University Delaware Law School. His research focuses on environmental politics in the developing world, with an emphasis on environmental rights and development finance. His work has been published in *Global Environmental Politics*, *International Environmental Agreements*, *Journal of Environmental Law and Litigation*, *Journal of Human Rights and the Environment*, *Journal of Human Rights Practice*, *Review of Policy Research*, *Sustainability Science*, and *Transnational Environmental Law*. He is the author of *The Global Emergence of Constitutional Environmental Rights* published by Routledge in 2017.

Erika George

Erika George is Samuel D. Thurman Professor of Law at University of Utah S.J. Quinney College of Law. She earned a B.A. with honors from the University of Chicago and a J.D. from Harvard Law School, where she served as Articles Editor of the Harvard Civil Rights-Civil Liberties Law Review. She also holds an M.A. in International Relations from the University of Chicago. Prior to joining the University of Utah, Professor George served as a law clerk for Judge William T. Hart on the United States District Court for the Northern District of Illinois, as a litigation associate for the law firms of Jenner & Block in Chicago and Coudert Brothers LLP in New York City, and as a fellow and later consultant to Human Rights Watch. She currently serves as special counsel to the Women's Rights Division of Human Rights Watch.

Professor George has published widely and her research interests include globalization and the indivisible, interdependent, and interrelated nature of civil liberties and socioeconomic rights; cultural pluralism and rights universalism; gender violence and gender equality; justice and peace promotion in post-conflict societies; environmental justice; and the use of documentary film in human rights advocacy and education. Her current research explores the responsibility of transnational corporations to respect international human rights and various efforts to hold business enterprises accountable for alleged abuses.

She has served on the Executive Committee of the U.S. Department of State Public-Private Partnership for Justice Reform in Afghanistan and as a board member of the American Civil Liberties Union of Utah. She was co-chair of the Africa Interest Group of the American Society of International Law and a founding Advisory Board Member of the University of Utah's Tanner Center for Nonviolent Human Rights Advocacy. Professor George teaches Constitutional Law, International Human Rights Law, International Environmental Law, and Civil Procedure. In 2008 she was awarded the College of Law's Early Career Award. She is also an Editor for the blog globaljusticeblog.com.

Carmen G. Gonzalez

Carmen G. Gonzalez is professor of law at Seattle University School of Law and teaches torts, environmental law fundamentals, international environmental law, and international trade law. She has published widely in the areas of international environmental law, environmental justice, trade and the environment, and food security. Professor Gonzalez was a Fulbright Scholar in Argentina, a Visiting Fellow at University of Cambridge, a Visiting Professor at the Hopkins-Nanjing Center in Nanjing, China, and a U.S. Supreme Court Fellow.

During 2011-2012, Professor Gonzalez served as Chair of the Environmental Law Section of the Association of American Law Schools. She is currently a member of the Board of Trustees of Earthjustice, a member of the Governing Board of the International Union for the Conservation of Nature Academy of Environmental Law (IUCNAEL), and a member scholar of the Center for Progressive Reform, a non-profit research and educational organization of university-affiliated academics that seeks to inform policy debates regarding environmental regulation. She has served as member and vice-chair of the International Subcommittee of the National Environmental Justice Advisory Council (an advisory body to the U.S. Environmental Protection Agency on environmental justice issues), co-chaired the IUCNAEL Research Committee, and represented non-governmental organizations in multilateral environmental treaty negotiations.

Professor Gonzalez is the co-editor of the critically acclaimed book, *Presumed Incompetent: The Intersections of Race and Class for Women in Academia* (with Gabriella Gutierrez y Muhs, Yolanda Flores Niemann, and Angela P. Harris, eds., 2012). Her latest book, *International Environmental Law and the Global South* (with Shawkat Alam, Sumudu Atapattu, and Jona Razzaque, eds.) was published by Cambridge University Press in 2015. During Spring quarter 2017, Professor Gonzalez served as the George Soros Visiting Chair at the Central European University School of Public Policy in Budapest, Hungary.

Lakshman Guruswamy

Lakshman Guruswamy is the Nicholas Doman Professor of International Environmental Law at the University of Colorado at Boulder Law School. He teaches International Environmental Law, Global Energy Justice, Oil and International Relations, and International Law. He is the director of international energy programs at the Getches-Wilkinson Center, and his research uses interdisciplinary frameworks to explore how and why energy justice calls for the fashioning of practical energy solutions, for the energy poor inhabiting the least developed parts of the developing world. An internationally recognized expert on International Environmental and Global Energy Law, he was born in Sri Lanka and prior to joining University of Colorado, he taught in Sri Lanka, the UK, and the Universities of Iowa and Arizona. Professor Guruswamy has published widely, and is the author of *Global Energy Justice: Law and Policy* published by West in 2016; co-editor of *International Energy and Poverty: The Emerging Frontiers* published by Routledge in 2015; *International Environmental Law in a Nutshell* (5th ed. 2017); and *Model Laws for Combating Global Energy Poverty* (forthcoming Edward Elgar, 2019). He co-authored *International Environmental Law and World Order* (2nd. 1999); *Biological Diversity: Converging Strategies* (1998); and *Arms Control and the Environment* (2001). He won the 2016 Senior Scholar award given by the Environmental Academy of the International Union for the Conservation of Nature (IUCN).

Heinz Klug

Heinz Klug is Evjue-Bascom Professor of Law at the University of Wisconsin Law School and an Honorary Senior Research Associate in the School of Law at the University of the Witwatersrand, Johannesburg, South Africa. Growing up in Durban, South Africa, he participated in the anti-apartheid struggle, spent 11 years in exile and returned to South Africa in 1990 as a member of the ANC Land Commission and researcher for Zola Skweyiya, chairperson of the ANC Constitutional Committee. He was also a team member on the World Bank mission to South Africa on Land Reform and Rural Restructuring. He has taught at University of Wisconsin since September 1996.

Professor Klug taught law at the University of the Witwatersrand in Johannesburg from 1991-1996, offering courses on Public International Law, Human Rights Law, Property Law, Post-Apartheid Law and Introduction to South African Law, among others. He also worked as a legal adviser after 1994 with the South African Ministry of Water Affairs and Forestry as well as the Ministry of Land Affairs on water law and land tenure issues. Professor Klug has presented lectures and papers on the South African constitution, land reform, and water law, among other topics, in Australia, Canada, Colombia, Ethiopia, Germany, South Africa, the Netherlands, and at several U.S. law schools. His research interests include: constitutional transitions, constitution-building, human rights, international legal regimes and natural resources. His current teaching areas include Comparative Constitutional Law, Constitutional Law, Human Rights and Humanitarian Law, Property, and Natural Resources Law. Professor Klug's books on South Africa's democratic transition, *Constituting Democracy* was published by Cambridge University Press in 2000 and *The Constitution of South Africa: A Contextual Analysis* was published by the Oxford University Press in 2010.

Usha Natarajan

Usha Natarajan (BA, LLB, MA, PhD) is Associate Professor of International Law and Associate Director of the Center for Migration and Refugee Studies at the American University in Cairo, Egypt. Her research and publications are interdisciplinary, utilizing postcolonial and Third World Approaches to International Law to provide an interrelated understanding of the relationship between international law and issues of development, migration, environment and conflict. In 2016, Professor Natarajan's work on pioneering new approaches to law and the environment won an award from the IUCN Academy of Environmental Law. In 2015, she led the convening of the Third World Approaches to International Law Conference in Cairo. Professor Natarajan leads various global collaborative research projects on law and the environment, refugee entitlements in Egypt, and statelessness in the Arab region. Prior to joining AUC, she worked with UNDP, UNESCO, and the World Bank, on law reform initiatives in Asia and the Pacific.

Margarette May Macaulay (Keynote speaker)

Margarette May Macaulay, a citizen of Jamaica, was elected Commissioner of the Inter-American Commission on Human Rights in June, 2015, by the OAS General Assembly, for a four-year term that runs from January 1, 2016, through December 31, 2019. Commissioner Macaulay holds a bachelor of laws degree from the University of London and is currently an attorney in private practice in Jamaica. She serves as Mediator in the Supreme Court of Jamaica and as Associate Arbitrator, as well as serving as Notary Public. She served as a Judge of the Inter-American Court of Human Rights from 2007-2012, contributing to the formulation of the Court's Rules of Procedure. She is an honored member of the Gender Justice Legacy Wall of notable women's rights advocates who have brought about important changes, which was launched in December 2017 at the United Nations in New York, during the Assembly of Ministers. She took part in the reform and drafting of laws in Jamaica and is well known as a strong proponent of and authority on women's rights.

Cathy Middlecamp

Cathy Middlecamp is a professor in the Nelson Institute for Environmental Studies and interim director of the Office of Sustainability at UW-Madison. In addition, she holds a joint appointment in the Integrated Liberal Studies Program and is an affiliate of the Chemistry Department. Her scholarship lies at the intersection of science, people, and the planet. For her teaching and work bringing science to the public, she has received awards at the local, state, and national levels. She is a member of the Center for Culture, History, and the Environment, and has served on its steering committee. She is also the faculty co-director of Community and Environmental Scholars Program.

Professor Middlecamp is the editor-in-chief for the 7th and 8th editions of *Chemistry in Context*, and has served as the lead author for the chapters on air quality, acid rain, ozone depletion, polymers, food, nuclear energy, and sustainability. She is a fellow of the Association for Women in Science, (2003), American Association for the Advancement of Science (2004), and the American Chemical Society (2009). She received two national awards, both sponsored by the Camille and Henry Dreyfus Foundation, Inc.: 2006 Award for Encouraging Women in Careers into the Chemical Sciences and 2015 Award for Encouraging Disadvantaged Students into Careers in the Chemical Sciences. Professor Middlecamp did her undergraduate studies at Cornell University, graduating Phi Beta Kappa with distinction in all subjects and was awarded a Danforth Fellowship for graduate study and earned her doctorate in chemistry from UW-Madison.

Rukshana Nanayakkara

Rukshana Nanayakkara is the Advocacy Manager for Sustainable Development Goals at Transparency International Secretariat (TI-S) in Berlin, Germany. His work involves supporting TI chapters and other regional and international networks in prioritizing SDG anti-corruption targets in SDG implementation and monitoring. To this end his programs focus on creating knowledge on SDG issues, building capacity of TI chapters in implementation and monitoring of SDGs and working with regional and international networks and coalitions for effective advocacy.

Rukshana has been working for TI-S since January 2011. Prior to that he was the Deputy Executive Director of Transparency International Sri Lanka chapter. Before joining the TI movement he taught at the Faculty of Law, University of Colombo and was a researcher at the Law & Society Trust, Colombo. Rukshana is a Fulbright Scholar and a Summer Fellow of the Centre for Democracy, Development and Rule of Law of Stanford University, USA. He holds two LLM degrees, one from George Washington University in International and Comparative Law and another from the University of Hong Kong in International Human Rights. He obtained his LLB from the University of Colombo, and is an Attorney at Law of the Supreme Court of Sri Lanka.

Ileana Porras

Ileana Porras is a senior lecturer at University of Miami School of Law. She holds a B.A. (honors) from the University of Leeds in English literature and philosophy, an M. Phil. in criminology from University of Cambridge and a J.D. cum laude from Harvard Law School. In 1991-1992 she was awarded a Ford Fellowship in International Law by Harvard Law School, during which time she also served as a Costa Rican Delegate to UNCED 1992. In 1992-93 she served as a Senior Fellow at Harvard Law School and taught a class in international environmental law. From 2008-2010 she was Visiting Professor at the Watson Institute of International Studies at Brown University and Director of the Brown International Advanced Research Institutes. She has been Visiting Professor at the Sandra Day O'Connor College of Law at Arizona State University and at Boston College Law School. She was Professor of Law at the University of Utah from 1993-1999. She has also taught at

the Universidad de la Paz, San José, Costa Rica, at the Erik Castrén Institute of International Law and Human Rights, University of Helsinki and since 2005 she has taught regularly at the Faculté de Droit, Université Paris V, France.

Professor Porras teaches in the fields of international law (including international legal theory, European Union law, the international law of sustainable development, international environmental law, and trade and environment) and property law. Her scholarship in international law has been primarily concerned with issues of violence, colonialism, trade, and the environment. Most recently her work has focused on the subject of the city and sustainable development. She is the author of *Liberal Cosmopolitanism or Cosmopolitan Liberalism? Notes from International Law*, in Parochialism, Cosmopolitanism, and the Foundations of International Law, Mortimer Sellers (ed.), (Cambridge University Press: 2011) and *European Origins, the Doctrine of the Providential Function of Commerce and International Law's Embrace of Economic Growth*, Panel on Complex History of International Law, 107 *Proceedings of the American Society of International Law* (2013).

Paul Robbins

Paul Robbins is the director of the Nelson Institute for Environmental Studies at UW-Madison, where he guides the institute in serving as a world leader in addressing rapid global environmental change. Professor Robbins has years of experience as a researcher and educator, specializing in human interactions with nature and the politics of natural resource management. He has taught topics ranging from environmental studies and natural resource policy to social theory. His research addresses questions spanning conservation conflicts, urban ecology, and environment and health interactions. He has done extensive fieldwork in rural India, where he has focused his work on the politics surrounding forestry and wildlife conservation in Rajasthan, India, as well as recent research examining the wealth of biodiversity (frogs, birds and mammals) in commercial coffee and rubber plantations throughout South India.

He is the author of the foundational textbook *Political Ecology: A Critical Introduction* and numerous research articles in publications that address conservation science, social science, and the humanities. His award-winning book *Lawn People: How Grasses, Weeds, and Chemicals Make Us Who We Are* is widely recognized as one of the most accessible books on the environmental politics of daily life. Professor Robbins previously led the School of Geography and Development at the University of Arizona, which he helped establish and served for two years as director. A UW-Madison alumnus with a bachelor's degree in anthropology, Professor Robbins also holds a master's degree and doctorate in geography, both from Clark University.

Sara Seck

Sara Seck is Associate Professor of Law at Schulich School of Law and Marine and Environmental Law Institute at Dalhousie University in Canada. She is particularly interested in the relationship between international human rights law, environment, and business law, with a focus on the rights of local and indigenous communities, and Global South perspectives on sustainable development. She has published extensively on home state duties and business responsibilities in the extractive industries context. More recently, she has begun to consider how lessons from this research might inform approaches to climate justice, and has begun to assess insights from feminist and relational theory for environmental justice. Professor Seck has a pre-law professional background in music. She studied law in Ontario where she articulated with a large Bay Street business law firm. After completing a PhD in law at Osgoode Hall Law School, she joined Western University in 2007. She

taught a variety of courses including Property Law, Environmental Law, and International Law and developed a new course exploring the legal dimensions of Corporate Social Responsibility. She joined Dalhousie University in 2017.

Christina Voigt

Christina Voigt is Professor of law at the Department of Public and International Law, University of Oslo, Norway. She received her legal education in Germany, holds an LLM in Environmental Law from the University of Auckland, New Zealand, and received her doctorate in law from the University of Oslo. Her PhD dissertation was titled "Sustainable Development as a Principle of Integration in International Law- Resolving Potential Conflicts between WTO Law and Climate Change Mitigation Measures." Professor Voigt has previously worked as a legal practitioner in Germany. During 2009-2010, she worked for the Norwegian government as lead negotiator on REDD+ (Reducing emissions from deforestation and forest degradation in developing countries) in the UN climate negotiations. She continues to work as a legal adviser for the Norwegian Ministry of Climate and Environment and as consultant to several governmental and non-governmental organizations.

She is currently on the Steering Committee of "The Legitimate Roles of the Judiciary in the Global Order" (Pluricourts) research project which was awarded Centre of Excellence Status, where she is project coordinator for the environmental sector. She is the chair of the research group "International Law and Governance" and a founding member of the research group on 'Natural Resources Law' and 'International Relations'. Professor Voigt is the Academic Coordinator of International Affairs at the Faculty of Law and a member of the Law Faculty's Council for Researcher Education (PFF). She is the Vice-Chair of the Norwegian branch of the International Law Association, a member of the editorial board of the Journal of Human Rights and the Environment and Resource Management Theory & Practice as well as a member of the Global Network for the Study of Human Rights and the Environment.

Abstracts

“From ‘Our Common Future’ to Sustainable Development Goals: Evolution of Sustainable Development under International Law”

Sumudu Atapattu

Sustainable development as the overarching framework for environmental governance and a potential alternative to the dominant economic development paradigm that currently exists, has come a long way since it was first popularized by the World Commission on Environment and Development (WCED) in 1987. Defined as “development that meets the needs of the present without compromising the ability of future generations to meet their needs,” sustainable development has received attention by scholars, policymakers and states as no other concept has in recent years. While scholars are still splitting hairs on its meaning, it is more accurate to view sustainable development as an umbrella term that encompasses both substantive and procedural components. While scholars differ on the exact components, it is clear that most of the components that comprise the umbrella impose clear obligations on states. It is now considered as having three interdependent and mutually reinforcing pillars - economic development, social development and environmental protection - at the local, national, regional and global levels. This paper traces the evolution of sustainable development from Our Common Future Report to the adoption of Sustainable Development Goals and Agenda 2030 by the international community. It will discuss the milestones and the substantive and procedural components of sustainable development and its legal status as well as the criticisms leveled against it.

“Shutting Down Poletti: Human Rights Advocacy Lessons from an Environmental Justice Victory”

Rebecca Bratspies

Environmental justice demands that public policy be based on mutual respect and justice for all people, free from any form of discrimination or bias. Like other big cities, New York City has struggled to realize the promise of environmental justice. Too often, our communities of color suffer from environmental injustice—particularly with regard to the siting of polluting activities. Poor and minority communities find themselves unwilling hosts to far too many polluting facilities. As a result, these communities find themselves beset by the adverse health consequences from unequal exposure to polluted air, contaminated water, and excessive noise. The struggle for environmental justice can seem never-ending. With our eyes on the next fight, the next looming injustice, we too rarely take time to celebrate environmental justice victories. This paper uses one such victory, the shuttering and ultimate dismantling of the Poletti power plant in Astoria, New York, to draw human rights and environmental justice advocacy lessons. At its peak, the Poletti Plant emissions exceeded the combined total of all the rest of New York City's stationary sources. The legal strategy that shut the Poletti was also a human rights victory that created a stronger, more vibrant community, and reframed environmental protection as a human rights challenge.

“Our Pen as Hourglass: Past, Present and Future Generations of Sustainable Development Law”

Marie-Claire Cordonier Segger

International law and governance can provide a crucial contribution to achieving the global Sustainable Development Goals. From their origins in ancient rules for transboundary stewardship of resources, to their present imperative in binding international treaties and the decisions of tribunals, legal commitments to sustainable development are gaining in relevance and complexity. As the environmental, social and economic dimensions of success - or failure - in securing development that can at last become clearer, the international legal community wakes to its responsibilities. This presentation will briefly survey the past, present and potential futures of the law on sustainable development, highlighting the scale and scope of current challenges and their urgency, offering illustrative examples of innovative legal and institutional reforms which may, if implemented effectively, help to turn the tide. The presentation conveys a compelling call for creativity, courage and cooperation in legal scholarship and practice, towards justice for present and future generations.

“SDGs and Transitioning to the Anthropocene: The Imperative of a More Radical Ecological Rule of Law”

Duncan French

This paper, based on a recently published co-authored article with Professor Louis Kotze, will argue that the Anthropocene’s deepening socio-ecological crisis amplifies demands on, and exposes the deficiencies of, our ailing regulatory institutions, including that of international environmental law and such policy prescriptions as the SDGs. Many of the perceived failures have been attributed to the anthropocentric, as opposed to the ecocentric, ontology of this body of law and policy. As a result of its anthropocentric orientation and the resultant deficiencies, international environmental law is unable to halt the type of human behavior that is causing the Anthropocene, while it exacerbates environmental destruction, gender and class inequalities, growing inter- and intra-species hierarchies, human rights abuses, and socio-economic and ecological injustices. These are the same types of concerns that the SDGs set out to address. The SDGs are, however, themselves anthropocentric; an unfortunate situation which reinforces the anthropocentrism of international environmental law and *vice versa*.

Considering the anthropocentric genesis of environmental law and the broader SDGs framework, this paper sets out to argue that the anthropocentrism inherent in the ontological orientation of the law and the SDGs risks exacerbating Anthropocene-like events, and a more ecocentric orientation for both is urgently required to enable a more ecocentric rule of law to better mediate the human-environment interface in the Anthropocene. Our point of departure is that respect for ecological limits is the only way in which humankind, acting as principal global agents of care, will be able to ensure a sustainable future for human and nonhuman constituents of the Earth community. Correspondingly, the rule of law must also come to reflect such imperatives.

“Sustainable Development Goals and Environmental Justice: Realization through Disaggregation?”

Joshua Gellers

Sustainable development represents the practical means of reconciling conflicts among three sectors—the economy, environment, and society. Interestingly, although social equity and environmental protection arguably fit well into the notion of sustainable development, explicit mention of the term resting at the intersection of these objectives—environmental justice—has not been observed in any major international document on the subject. In light of the silence on the matter of environmental justice curiously pervasive among the vanguard texts of sustainable development, what, if any, role does environmental justice play in the world’s latest program designed to achieve sustainable development—the SDGs? Further, to what extent, if any, are countries making strides towards realizing environmental justice through the pursuit of progress on the SDGs? Using a qualitative analysis, we find that the SDGs mostly reflect a capabilities approach to environmental justice and emphasize distributional equity above other aspects of environmental justice. Our results also demonstrate that the progress towards achieving environmental justice through the SDGs is uneven among countries that have submitted Voluntary National Reports.

“Promoting Environmental Justice through a Partnership for the Sustainable Development Goals: Shareholder Activism for Climate Action and Stakeholder Engagement to Curb Corruption”

Erika George

The United Nations 2030 Agenda for Sustainable Development is an ambitious “plan of action for people, planet and prosperity” which seeks to promote peace and eradicate poverty. The Agenda’s goals cannot be reached without private sector participation and changes to certain business practices that contribute to adverse environmental and human rights impacts. When natural resources are managed responsibly, the resulting economic development can help to eradicate poverty. However, when natural resources are managed poorly, certain extractive industry sector practices can generate or exacerbate human rights abuses, environmental degradation, corruption and conflict. Fossil fuels are connected to the changing climate. The practices of extractive industry and our patterns of consumption are implicated in the expected adverse social impacts and environmental injustices associated with the changing climate such as displacement and forced migration. If the SDGs are to be reached by 2030 action on climate change, corruption and patterns of corruption will require pressure from the public as well as partnerships with the private sector.

This paper explores the role of economic actors and public/private multi-stakeholder initiatives as partners in promoting action on climate and curbing corruption to protect institutional integrity. It plots points of convergence between the SDGs and the priorities of socially responsible investors, the efforts of human rights and transparency initiatives regulating the extractive industry sector, and global principles intended to guide responsible business conduct. It explains how certain complementary points of convergence could create opportunities for business enterprises to address environmental and social challenges through aligning business incentives with the aims of the SDGs. First, the paper will provide an analysis of selected international law, policy and governance instruments relevant to achieving the SDGs with reference to the role of the extractive industry sector including the human right to a healthy environment and the responsibility of business enterprises to respect human rights. Next, the paper will present examples of the increasing interest of investors in environmental and social issues as well as examine shareholder

proposals put forward by institutional investors seeking information about the financial implications of these issues for firms. The paper will then offer an overview of multi-stakeholder and extractive industry initiatives that provide an institutional framework for managing corruption and conflict. Finally, the paper concludes with a call for a consideration of shared values solutions to challenges and an increased appreciation of a range of ways to advance the SDGs by creating aligned incentives for economic actors.

“SDGs and the North-South Divide: The Promise of International Law”

Carmen Gonzalez

Scientists believe that climate change will displace hundreds of millions of people by the end of the century. The majority of the displacement will occur in the ecologically and economically vulnerable states of the Global South. Neither international refugee law nor the legal regime on climate change governs the status of climate refugees. This presentation will explore the role of the Sustainable Development Goals in forging potential solutions to the problem of climate change-induced migration and the role of international law.

“Sustainable Development: Energy Justice and Women”

Lakshman Guruswamy

This paper examines the plight of approximately two billion people who lack access to modern energy for cooking, illumination, heating, sanitation, and transportation - the energy poor. From deaths caused by the pollutants emitted by inefficient cook-stoves to the hours spent collecting water due to lack of water pumps, women and children are disproportionately burdened by energy poverty. The harm is compounded by customary laws and traditions that limit the decision-making authority of women while imposing onerous responsibilities in and outside the home. Rural women generally work longer hours than men, earn lower salaries, engage in immense amounts of unpaid care-giving, have unequal access to land and credit, and are excluded from formal decision-making about matters affecting their lives and livelihoods. This paper draws upon political and moral philosophy to argue that the North has an obligation to address the impacts of energy poverty on women and that Southern states are also obligated to take action. The paper contributes to the literature on environmental justice by highlighting the intersection of gender, poverty, and rurality and by analyzing the theories of justice that call for reform.

“Why Corruption Matters in the Sustainable Development Goals”

Rukshana Nanayakkara

SDGs, the ambitious global development agenda comprising 17 goals and 169 targets cover three aspects of development: economic prosperity, social development and the protection of the environment. What are the real risks in achieving these targets? According to the 2018 Transparency International's Corruption Perception Index, the majority of countries in the world are making little or no progress in countering corruption. Substantially reducing bribery and corruption is a target under SDG Goal 16 and progress is only measured through the amount of bribes paid to the public sector. However, corruption is multi-faceted and brings critical challenges to the achievement of all SDGs across the board. Therefore, the anti-corruption targets of SDGs should be interpreted broadly covering risks they bring in achieving SDGs particularly the targets that have a significant impact on improving the lives of those who are most vulnerable and marginalized and protecting the environment.

“Sustainable Development Goals and the Global South”

Usha Natarajan

What are the implications of the Sustainable Development Goals for the peoples of the global South? What role has the global South played in the evolution of the concept of development and its most recent incarnation as the SDGs? In line with this symposium's focus, this presentation examines in particular the role of environmental issues and their implications for international law. For example, SDG 13 on building the resilience of the most vulnerable to climate change explicitly relies on the Paris Agreement on Climate Change for solutions. However, neither the SDGs nor international law provides direction on how to address the issue of mass displacement resulting from climate change, which is already afflicting many millions of peoples in the global South. As with international laws on environment and migration, the SDGs are the product of a particular history, reflecting the tensions, compromises, and power struggles over several decades. While a North-South divide remains evident on many issues, the challenge of sustainable development has the potential to transcend this divide.

“Sitting at the Crossroads: The City as Locus for Sustainable Development, the SDGs and the New Urban Agenda or the Art of Precarious Living-With”

Ileana Porras

The city has become a site of deep attention for international law. International law has accepted as fact the claim that humanity is on an inexorable march towards urbanization. In light of this, international law has projected its hopes and fears on the city. According to one view, cities have been embraced as cosmopolitan economic engines, sites of creativity and innovation, privileged partners in the pursuit of sustainable development and the fight against climate change. At the same time, cities are viewed as atavistic sites of chaos and insecurity, breeding grounds for terrorism, culpable of excess, consuming an inordinate share of the world's natural resources and contributing a disproportionate share of global greenhouse gas emissions. The city is imagined as both an ideal destination for human migration and as the principal source of human dislocation in the context of climate change and sea level rise. At times, international law appears to embrace cities as full partners, encouraging cities to experience themselves as autonomous subjects of international law, untethered from the nation state. Elsewhere, the city is presented as a site in need of international law's saving intervention. This paper critiques international law's approach to the city, focusing on sustainable development, the SDGs and the New Urban Agenda. In so doing, it highlights the ways in which international law's attention to the city is both too optimistic and too interventionist. In the process, the paper seeks to reclaim the city as a crossroads, and a home for community engaged in the art of precarious living-with.

“Business Responsibilities for Environmental Human Rights in Sustainable Development: Reimagining the Worker as a Relational Being”

Sara Seck

This paper first considers how labor law and environmental law are generally treated as distinct fields of study and expertise, each with a colonial history and contested boundaries. It then examines the business responsibility to respect rights under the 2011 UN Guiding Principles on Business and Human Rights and its differing treatment of environment and labor rights, with explicit attention to recent UN Human Rights Council consideration of environmental human rights. Next, the paper will introduce the Rana Plaza factory collapse in Bangladesh and consider how industry-led responses to this disaster that align with understandings of the business responsibility

to respect labor rights adopt a bounded, autonomous model of the worker that the paper then critiques drawing upon relational theory. The critique reveals the worker as an embedded corporeal citizen with ecological and social needs that extend beyond those evident in traditional labor and human rights approaches. It then considers how recent attention to the rights of the child, in conjunction with the Sustainable Development Goals, may offer an opportunity to both align action with business responsibilities for human rights, and to overcome the labor/environment divide.

"The Environmental Objective of Sustainable Development"

Christina Voigt

This paper discusses the objective of sustainable development, in particular the question whether the concept has a non-derogable ecological core. Sustainable development has often been criticized as being indeterminable and leaving wide discretion to decision-makers. However, the idea of sustainable development is based on a balance between human societies and the natural environment (as their basis) in a way that allows for (indefinite) continuity.

This balance requires environmental (or ecological) integrity, or more accurate, the protection of the quality, resilience and regenerative capacity of the natural resource base. This requires human development that (at a minimum) sustains essential bio-physical processes and resources which support plant, animal and human life and which must be allowed to continue without significant change. The objective is to assure the continued health of essential life support systems of nature, including air, water, and soil, by protecting the resilience, diversity, and purity of ecosystems and ecosystem services such as air and water filtration, pollination, soil fertilization etc. In other words, sustainable development implies that ecological functions exist that are indispensable for a durable and equitable human society. Practicing this understanding of sustainability means to accept that the thresholds for ecosystem resilience and regeneration capacity set the framework within which the balance of various objectives can be achieved. This requires no less than a reformation of the norms (both ethical and legal) by which societies – both Western and Southern - are governed.