International Conference on Climate Change, Business, and Human Rights: The Report.

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On the 15th of September 2025, New University hosted The International Conference on Climate Change, Business and Human Rights. The conference was part of the ARIS project on Corporate accountability, human rights, and climate change, and Jean Monnet Module Dialogues on EU Business and Human Rights Law.

The main objective of this conference was to explore the viability of strenghtening domestic and international legal orders for corporate accountability for adverse human rights impact due to climate change. It aimed to critically address the existing normative frameworks for access to remedies in various legal regimes, both at the domestic level, regional level in the European Union's legal system, and internationally within the UN and other normative systems. It analyzed current access to remedy structures for corporate human rights accountability for climate change and sought models for reform.

This report shows that the Ljubljana conference was successful in its aim of articulating possibilities of rights-holders to enforce accountability for the negative impacts of climate change and business-related human rights abuses, and also successful at pinpointing the ways of establishing corporate accountability for business-related human rights abuses due to climate change.

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The conference began on a sunny morning at 9 o'clock at the premises of New University in Ljubljana. The structure of the conference was organized into 4 panels. First panel contained three speakers, second panel contained four speakers, third panel contained two speakers and last panel again three speakers.

First panel was titled Climate Change, Compliance, Due Diligence, and Legal Frameworks. It contained three speakers: first, Monika Feigerlová from Czech Academy of Sciences/Charles University with her research paper titled Corporate carbon offsetting: A path to climatewashing?, second, Azra Bećirović of Sustineri Partners from Sarajevo and New University – European Faculty of Law with her research paper titled Biodiversity as a Due Diligence Obligation: Bridging Voluntary Frameworks and Legal Accountability through TNFD, GBF and Emerging HREDD Laws, and third, Bruna Singh from Friedrich-Alexander-Universität Nuremberg/Erlangen with her research paper titled The Duty to Influence: Rethinking Business Responsibility through the Leverage Assessment Matrix. The first panel was chaired by Gorazd Justinek from New University.

Second panel was titled International and European Normative Frameworks, Climate Change and Corporate Responsibility. It contained four speakers: first, Eoin Jackson from London School of Economics with his research paper titled The Role of UN Special Procedures in Shaping Corporate Climate Responsibilities: Toward a Normative Consensus on Corporate Climate Accountability under International Human Rights Law?, second, Karmen Lutman from University of Ljubljana with her research paper titled Remedies for Greenwashing in European Private Law: The Right Tools for Achieving Sustainability in the EU?, third, Giuseppe Di Vetta from Sant'Anna School and fourth, Benedetta Paterra from University of Pisa with their research paper titled The Interplay between ECD and Corporate Sustainability Due Diligence to Strengthen Corporate Criminal Liability in Envi-

ronmental Offences. The second panel was chaired by Anja Strojin Štampar from New University.

Third panel was titled Corporate Practices and Responses to Sustainability and Climate Change Challenges. It contained two speakers: first, Elena Plotnikova from Jyväskylä University with her research paper titled Powering up Sustainability in SMEs: the role of Business Development Services and Stakeholder Cooperation in enhancing sustainability due diligence and second, Jaime Villeta García from University of Barcelona with his research paper titled Puerto Rico's Coast: Preservation through Positive Obligations on Property Owners and the State in the Context of Climate Change. The third panel was chaired by Jure Andolšek from New University.

The final panel was titled Climate Change, Financial Institutions, and Courts. It contained three speakers: first, Aylin Yildiz Noorda of Lisbon Public Law Research Centre from University of Lisbon with her research paper titled When Balance Sheets Pollute: Litigating the Climate Change-Related Human Rights Impacts of Financial Institutions, second, Socheata Sao of Royal University of Law and Economics from Cambodia with her research paper titled Assessing the Effectiveness of Independent Accountability Mechanisms in Addressing Corporate Environmental and Social Harm: A Case Study of the Office of Compliance Advisor Ombudsman of the IFC and third, Enikő Krajnyák of University of Miskolc from Hungary with her research paper titled The Role of Corporations in Human Rights-based Climate Litigation: Lessons from the Inter-American Court. The fourth panel was chaired by Katja Hančič Mlinarič from New University.

Before the first panel commenced, Jernej Letnar Černič from New University, prepared a proper introduction to the conference through his presentation of relevant dilemmas and problems regarding the conference topic.

1. Introduction

Before the first panel started, a brief but thourough introduction on the topic of the conference was by Jernej Letnar Černič. As the conference on corporate accountability, human rights and climate change was held in the Ljubljana, the capital city of Slovenia, Letnar Černič started with the challenges that Ljubljana faces. He explained that the challenges have a lot to do with the geographical location which is in a valley. This comes to full effect in the winter. He elaborated how climate change protection has Slovenia as the poster child, as Slovenian Constitution even contains the right to water from 2017 onwards. Slovenia is known for its green diversity and rich natural heritage, with constitutional protection of envoronmental rights. But in reality climate has shown its fierce nature in the shape of floods, fires and heatwaves in Slovenia. On top of that Slovenia has observed shorter winters. Recently there were devastating floods which caused damages increasing to 3 billion euros because river basins were not cleared. Two years after the floods the people who were affected received compensation but not new houses like the prime minister promised them to build new houses for them within a month. People on the ground are discontent and are clearly not happy with what is going on. He added that there are discrepancies between what is on paper and what is real, as Slovenia has challenges to comply even with the Paris agreement. Letnar Černič added that the government established a body just for such purposes but we hardly hear from it.

Letnar Černič presented the fact that Slovenia has faced over 35 cases at the Court of Justice of the EU and was convicted for breaching the environmental law in 9 cases. Breaches included waste management, air quality, water infrastructure, pollution control and remediation of environmental damages. He pointed out the systemic challenges that revealed themselves, starting with poor project man-

agement and going as far as political instability and reasons connected to subpar administration.

When talking about the role of business and regulatory developments he touched upon The Corporate Sustainability Reporting Directive (CSRD) and The Corporate Sustainability Due Diligence Directive (CSDDD) which mandate comprehensive sustainability reporting and environmental due diligence for companies. In this section of his presentation he explained how major companies have started to introduce due diligence for climate change in their drafts but slovenian businesses face regulatory uncertainty. Although there is hardly any compliance in practical terms, there are a few examples of good practices in slovenian industry. Even though there are only a few, some companies have developed compliance indicators.

He went on to talk about an example from Ljubljana, the notorious Kanal C0, which is a projected collector wastewater channel. Criticisms included expert warnings, protests, a parliamentary inquiry and constitutional initiatives as hydrogeologists stressed that the route of the channel crosses a protected water area near Kleče waterworks. Potential leaks would cause groundwater pollution. Even the Constitutional Court of Slovenia ruled that the municipality unconstitutionally interfered with property rights through road categorization, which violates the right to private property. The point that caused monthly protests infront of the municipality main building was the fact that such a project could potentially risk contamination of Ljubljana's main aquifer.

In addition to the presented example, he added another potentially risky project for the environment; a waste incinerator in Ljubljana which the municipality wants to build for the incineration of toxic waste that is now being exported. He explained that the main problem here would be temperature inversion and poor air quality as the experts say this will lead to problems in public health.

Before concluding, Letnar Černič presented persistent weaknesses and barriers which present themselves in the shape of inadequate financial incentives, cumbersome administrative procedures and lack of skilled personnel. Such reasons are found in the way state institutions are run and in the rule of law. Many businesses struggle to adopt sustainable models due to limited access to green finance and expertise. Some construction companies for example do not have any policies in this regard.

He concluded on a positive note, that Slovenia has the potential to lead in regional sustainability, but must accelerate reforms and strenghten implementation. Currently there are weak rule of law and weak institutions. Comprehensive reforms are needed with stronger political will and strategic investment which are needed to meet the climate goals. In his opinion the way forward is also to strenghten the integrity of people working at state institutions.

2. First panel

The first panel was chaired by Gorazd Justinek. He commented on the topic of this panel regarding compliance and due diligence. He explained that every presenter in this panel will be given ten to fifteen minutes to present their research paper and lightheartedly said that he will be strict to enforce this time limitation rule.

The first to present in this initial panel was Monika Feigerlová. She presented her research paper on corporate carbon offseting. Firstly, she explained how it all started with corporate climate commitments as everyone wanted to achieve that coveted net zero, explaining that the net zero concept is about balancing the amount of greenhouse gases emmited into the atmosphere with an equivalent amount of emissions removed. It is according to the Paris agreement to balance emissions and removals, but as it is an international treaty it is questionable how companies try to achieve such goals.

She explained that the peak of such activities by companies was in 2018, as well as the peak of public scrutiny towards such practices.

She explained voluntary carbon credits on the demand side and presented carbon credit disputes. One example that struck the minds of attendees was the fact that the company Vodafone has an entire chapter in their yearly report dedicated to how they deal with such challenges. She presented how a company can change technology or buy credits for carbon offset. It was of great interest to hear how removal credits are for example planting trees and avoidance credits are for example more efficient cookers in Africa and India. It was also intriguing to hear the broad figure of 1 credit equaling one tonne of emissions removed. Attendees were bewildered to learn that there is an estimation that more than 90 % of such offseting is practically worthless. As this is a voluntary framework, it means that the whole EU legal framework does not give a clear message to companies to use certification and that compensation is not equal to reduction.

Feigerlová explained in detail the greenwashing cases and presented 8 categories for carbon credit disputes, as credits are tradeable and in some jurisdictions also allowed as tax incentives. First category was named Rights of indigenous people, second category Climate-washing / consumer protection, third Cancellation of licenses, administrative permits, fourth Regulatory compliance, fraudulent behaviour, fifth Disputes arising from contracts between the project implementer and the verifier, sixth Disputes relating to the secondary market (further transfers of credits), seventh Legal nature of carbon credit and eight Tax.

Second presenter was Azra Bećirović. She explained how environmental problems are also about biodiversity and ecosystems. She views biodiversity to be crucial to sustain us all as food security, clean water and health become a problem if we lose biodiversity.

According to her, biodiversity is the foundation to our life and without biodiversity we have no future. This in term means that the right to life, health and water can be erroded. Numerous bodies that deal with human rights all around the world claim that destruction of nature is a violation of human rights. Destruction of nature is thus directly linked to the violation or as Bećirović eloquently put it, destruction of human rights. Bećirović went on to explain horizontal obligations between companies and individuals. The responsibility to respect human rights is also for companies not just the state. She added an explanation on what does corporate accountability mean for biodiversity through the xplanation of CSDD and adding to it that due diligence is also environmental.

She emphasized that we must breach the rigid framework and directly enforce protection of biodiversity, not just make promises about it. Biodiversity requires action of both companies and states, as the court cases prove this. She explained how we have volunatry frameworks and laws that are good but lack th emphasis on biodiversity. She gave a german example where the environmental scope of legislation is narrowed.

Beširević concluded that legislators must turn soft law into enforcable legislation and only then will due diligence truly be enforced as the core of due diligence is in the remedy.

Third presenter was Bruna Singh. She presented a leverage assesment matrix. The line of her presentation was to tie corporate influence to duty of conduct. Firstly she explained that leverage is still a responsibility and posed a question about when does it turn into responsibility. She explained corporate influence very graphically; when we talk about unfluence we talk about bussines power and when we talk about leverage it is always about enabling the remedy. In this part of her presentation she touched upon political science on when does bussines power have leverage and what are the elements that connect business to the responsibility and make it responsible.

When addressing adverse impacts she structured it into three separate categories; 1) caused by the enterprise, 2) contributed to by the enterprise and 3) directly linked to enterprise operations, products or services by a business relationship.

She then went on to present relevant cases, underlining the Milieudefensie v. Shell case, where in 2021 Dutch District court found Shell owed a duty of care under Dutch tort law and imposed 45 % reduction by 2030, covering Scope 1 – 3 emissions, where scopes 1 and 2 mean result obligations and scope 3 mean significant best-efforts duty of conduct. The Court of Appeal affirmed duty of care in 2024. Singh explained that scope 3 is interesting because it is about end users which means that a company cannot say that they are not responsible for the end use of their products. In fact, attendees were baffled to hear that Shell is such a powerful company that scope 3 is 90 % of the footprint.

Singh explained that the matrix brings coherence as it synthesizes insights from case law, doctrine and practice but also makes explicit the reasoning courts are already using. This means it clarifies thresholds and shows when companies must use or build leverage (duty of conduct). For Singh, leverage is a responsibility, not just in managerial capacity but a juridical factor in corporate duty, which means that leverage is a bridge between corporate power and responsibility, making the Leverage Assessment Matrix a legal assessment tool, grounded in case law, doctrine and practice which clarifies when companies have a duty of conduct.

After the first three presentations concluded the first panel, Gorazd Justinek announced that the next half an hour is open for debate. He was the first to contribute his imput by explaining from his own experience how companies always argue that everything is expensive and making them uncompetitive. He added that this is a problem in global economy.

Justinek asked Feigerlová about the minimum legal test and she replied that EU is in a trend that sees it will not

achieve its goal without actual carbon removal. To this she added that indicators of carbon credits are given and we need to make certain why companies are ommited as they should be directly mentioned to either use carbon credits or not. She concluded her answer by saying it would be helpful if EU would take on verified projects in Europe not just Amazonia. She reiterated what Justinek said from his experience and added that competitiveness goes with the framework and that green deal is not a killer of business because they know they do not need to do it in one day.

Justinek then turned to Bećirović and asked her where we could explicitly name biodiversity in all of this. Bećirović had a very frank and comprehensive answer; just define it as by defining biodiversity it also incorporates it into the legal framework. She said that defining the issues around biodiversity is just as important as definig biodiversity itself. She then said that companies cannot say it is too expensive because they are doing business and sustainability is a cost of doing business. She explained that long term it will bring companies money back so there is a financial benefit.

Justinek asked Singh to name two concrete indicators, questioning if market share is one of them. Singh said that indicators are seen through the elements of what a leverage is and one element is for example group wide policy and company size, also relevant is if they participare in lobbying. She also explained that it is a risk of doing business when a company has to halt their operations.

Then the questions were posed by other participants. Firstly, Noorda asked about greenwashing and if what causes greenwashing is in alignment with the cases Feigerlová accumulated. Feigerlová explained that such a thing has yet to come out of the cases, but as of yet it still does not. She made clear that frameworks differ in the scope so there is not a case yet because the matter at hand is too broad.

Noorda then asked Singh whether multinational companies perceive the leverage to be sort of a framework, to

which Singh replied it is unclear but it would be interesting to see that.

Garcia posed an intriguing question to Feigerlová; is there a relation between planting trees in an urban area and carbon credits? Feigerlová confirmed that there is a connection. Garcia thanked her for the answer and added that regulation will become more abstract in that sense.

Lutman asked Bećirović if it would be better from the perspective of the consumer to specify what biodiversity means. Bećirović replied that we need to first educate people on what biodiversity is, which means that the consumer needs to be educated on it first and foremost. She then gave an example in regard of losing bees. Lutman thanked her for the answer and shared an example from her research expertise, stating that many people are confused about what is green and what is sustainable and have difficulty differentiating it. Lutman provide a followup question if certificates contain biodiversity to which Bećirović confirmed that some do but it is not known to what extent.

Lutman then turned to Feigerlová and asked about problems with advertising, citing an example of the plane ticket and the advertising about the amount of trees planted to offset the plane ticket, asking if some sectors should not use such advertising. A solid yes from Feigerlová confirmed it, to which she added some doubt to the effectiveness of greenwashing litigation in such cases as companies do tend to do the same thing all over again and again. She wittingly pointed out a company that advertised carbon neutral gas, which intrinsically misleading.

Jackson asked Feigerlová if there are any successful cases regarding carbon credits. She affirmed and replied that even though greenwashing is a purely legal term there are impacts as there is a lot of naming and shaming for the companies involved in it.

Jackson commented on the research paper that Singh presented and expressed how much he liked the leverage

matrix. He asked Singh if there are is an alternative remedy to which Singh replied that there can be, as there are many ways to influence the end user. Letnar Černič added to that his opinion that if the leverage fails the result should be termination of business relationship with the company but softened it with stating that it should always go towards mitigation not termination. Singh replied that it is always a part of the business to see where they have leverage and maybe the comapny can find leverage in lobbying.

Short coffee break followed the conclusion of the first panel.

3. Second panel

Second panel was chaired by Anja Strojin Štampar. She gave an introduction to the topi cof the second panel by commenting on the negative impact of business on environment and how the governments started to adopt normative regulation because of it. She added that we need to be stricter with manadatory laws to impose obligations in such sense as there are effective remedies. The question is how to ensure effective legal remedies for human rights and also not to place disproportionate and unreasonable burden on companies. In conclusion of her opening speech, she stated that we need to improve and protect human rights and that such measures will be presented by the next speakers of the second panel.

First speaker to present in the second panel was Eoin Jackson. The topi cof his presentation revolved around the role of UN Special procedures communications in shaping corporate climate accountability efforts.

He explored first and foremost the role of normative state of play. His opinion was that companies need to take some action, but dwelled on the question what climate action would be enough. He explained that UN Special procedures issue specific letters to governments but they are not

binding, even though they can generate significant media attention.

Jackson identified three types of communication of UN Special procedures; 1) Australian communications from 2022, which focuses on impacts of fossil fuel project with regard to its possible clash with the Paris agreement, viewing it as a violation of human rights, treating corporations as if they have obligations in this aspect, 2) Saudi Aramco communications from 2023, which highlighted carbon major status of Saudi Aramco, noted its historic contribution to climate change which placed a heightened expectation on the company to address its climate impacts, 3) Communication 3 – greenwashing from 2024 that addressed greenwashing concerns regarding the issuance and sale of carbon credits under the Architecture for REDD+ Transactions scheme with specific reference to Guyana, noting that many of the carbon credits sold as alternatives to direct emissions reductions have been widely discredited which can reduce progress on climate change, on top of that it targets philanthropic institutions, thus expanding the web of responsibility beyond corporate sector.

Jackson explained that it is not particularly clear what these heightened expectations look like in reality, but that elevating greenwashing to the international human rights sphere means recognition of greenwashing as a human rights violation on the basis of its potential to disguise a lack of actual progress on addressing climate change.

Jackson commented on the background of Australian communications how the project has still continued and in regard to Saudi Aramco communications explained that there was no reply from Saudi Aramco, even though there was some response from European and Japanese banks but no willingness to engage with the substance of the claims.

He concluded that continued targeting of banks which may be more responsive to such types of risks would be beneficial in the same way as it would be to consider targer-

ing more climate concious sectors like the insurance industry. The media attention is a strategic impact, but there is a lack of capacity of institutions as they operate in a gap. This means that state responsibility to regulate private sector is not sufficient.

Strojin Štampar asked Jackson about the criticism that some have by claiming people do not know the local situaction from the outside so they are not fit to make such conclusions on the matter at hand. Jackson explained that they are solely advisory opinionhs which do not tell them what to do, just recognize what needs to be done. Strojin Štampar followed up with a question if we are moving closer to a consensus in regard to this topic to which Jackson confirmedm stating that corporations should take action and think strategically.

Next one up was Karmen Lutman with her research paper on remedies for greenwashing in European private law and the right tools to achieve sustainability in the EU. She started with providing the participants with relevant statistical data on greenwashing; 53,3% of green claims were vague, misleading or unfounded and 40% of green claims had no supporting evidence according to European Commission. She described general trends of the fact that severity of misleading claims increasing, on how consumers are noticing but feel ill-equipped and the fact that there is a strong public support for regulation and verification.

Lutman explained that traditional concepts of private law are not focused on sustainability but several steps have been taken in Europe to achieve sustainability in the field of consumer protection. Lutman emphasized that sustainable consumption is up to the consumer to decide and the choices they make even though European legislator put stricter rules on advertisements. Touching on this subject, she gave an example of the Dieselgate affair which had a broad dimension for the duscussion of greenwashing as green claims should be transparent and backed by evidence, not just mislead-

ing. In this sense, a strong public support for regulation is needed.

Lutman divides green claims into mandatory and voluntary ones. The latter are the sectors where sustainability communication is part of the value proposition, and staying silent in the form of greenhushing would make you look less innovative, less responsible and simply irrelevant.

The sectors where sustainability is part of value proposition are; food and beverage, clothes, cosmetics and personal care, consumer electronics, travel, hospitality and tourism, transport and premium / lifestyle sector. Voluntary in this sense means that a company wants to make some claims about sustainability and if they remain silent they are ran out. The sectors where greenwashing is not an option are growing. This means that stricter regulation about greenwashing is needed, which also brings the need to introduce green claims with evidence. According to Lutman, EU consumer law can contribute to more sustainability.

Mandatoy green claims have their legal framework in the Ecodesign regulation (Regulation (EU) 2024/1781) and voluntary green claims have their legal framework in the Green Transition Directive (Directive (EU) 2024/825) and Proposal for a Green Claims Directive.

The question of how to sanction greenwashing is tied to the importance of an effective remedy. The trend now is to harmonize remedies so the consumer would be protected in the same way as sanctions were left to the member states to decide. Lutman hinted that collective remediues are the future and the way to go forward. In this sense she commented how Ecodesign is ex ante oriented so companies need to provide proof for example how long will some fabric last. On the other hand, Green transition directive gives an idea about what is forbidden as remedies are ex post oriented. Lutman also gave an insight into the Proposal for a Green claims directive, stating that if a company wants to make a voluntary green claim it needs to provide a very

detailed evidence of the claim to prove it, making it a very ex ante approach to fight against greenwashing. This seems relatively efficient, according to Lutman, as EU consumer law focuses on market access and in a way influences consumer choices.

Lutman concluded that EU consumer law legislation is shifting its focus towards an ex ante approach and focuses on market access not damages. In the end this means that companies which invest in eco-innovation and exceed minimum standards can gain market share while slow mowers risk losing access to the EU market altogether.

Strojin Štampar asked Lutman what we can do if we want to achieve a better battle against greenwashing to which Lutman gave a detailed answer; it depends on the culture of the member state as some consumers like to bring everything to court but in general administrative penalties are better in the majority of member states. Lutman voiced her concerns that inspectors which issue these penalties are overburdened and undepowered so it is a problem to issue administrative penalties in a way that would be effective.

The last two presenters of the second panel were Giuseppe Di Vetta and Benedetta Pattera. Their research paper about the interplay between ECD and corporate sustainability due diligence revolved mainly around criminal liability and how to strenghten it in environmental offences.

Di Vetta started with an outliner of analyzing different approaches characterizing the ECD and the Corporate sustainability due dilligence Directive (CSDDD) with the particular focus on corporate legal accountability concerning environmental harms, crimes and adverse impacts. He examined the distinct role of due dilligence within each framework. He xplained that criminal law had a historically crucial role for protection of the environment and that the new directive is a progressive development of it. He proceeded to comment how corporate liability stands with environmental criminal offences. Di Vetta made it clar that

under this directive everything is based on criminal sanctions and the approach is very traditional as it stipulates legal entities to be held accountable if a certain criminal activity was done for thebenefit of the corporate entity. This means that human agents do personal actions but these personal actions are taken into establishing corporate liability. For Di Vetta the concept of corporate conduct fades into background as we look at the actions of corporate agents, and under ECD it is not based on due diligence but instead environmental crime leans on corporate crime. This shows that ECD adopts a traditional approach where there is no room for self-regulation of corporate actors. On the other hand, the directive mentioned does not establish the obligation of due diligence for the entire supply chain. Di Vetta added that corporate criminal liability in the ECD corporate liability model is not founded on infringement of due dilligence obligations, such as the failure to prevent models adopted by the CSDDD and other due diligence laws.

Instead the ECD adopts a traditional command-and-control approach to corporate criminal liability as there is a limited scope within the Directive for self-regulation or strategic corporate engagement in preventing environmental risks. The concept of due diligence is in the centre of such framework.

Di Vetta compared the ECD model with the CSDDD model and explained how the latter aims to close the impunity gap by adopting a compliance oriented regulatory approach, emphasizing due diligence. It aligns with a reflexive understanding of regulation and corporate accountability, reflecting Ruggie's polycentric governance model.

Pattera went into detail about the early drafts of a new paradigmo f corporate environmental crime. She said that the DEVE Committe commented on the ECD Proposal by saying that legal persons should be held liable when the lack of supervision or control of their supply chain has made

possible the commission of an offence. She included in her presentation the comment made by AFET Committee on the CSDDD Proposal stating that criminal liability shall be established for most severe human rights violations and damage to the environment, directly linked to the product of the company, their services and operations. All of this means that human rights should be incorporated into such frameworks and business actors should be held accountable for environmental harm.

She concluded that due diligence schemes imply the need for direct involvement of companies in preventing climate change and environmental harm. This means that companies are held accountable if their violations result in a severe impact on the environment. Coincidentally, this is the famed Failure to prevent model of punitive liability. Lastly, she mentioned ecocide as an international crime of the highest gravity, which includes a fault element; the knowledge of a substantial likelihood of severe environmental harm. According to Pattera, it is a broad framework that is also very difficult to implement.

Strojin Štampar gave her comment about criminal law being a strong tool but expressed her doubts tied to Slovenia, stating that in Slovenia criminal proceedings tend to be very long which questions the effectiveness of it. She asked whether it would be better to add misdemeanor as an administrative penalty.

Di Vetta answered that corporate liability is not individual criminal law as we know it but it refers to an organization, a legal subject in its own entirety. He highlighted the fact that there is a need for constitutional architecture to adopt criminal environmental law as now the CSDDD could be an opportunity to set new kind of criminal law proceedings. For Di Vetta, criminal law has become multidimensional and it is now a conceptual challenge.

The question and answer section of the second panel was quite dynamical to say the least. Plotnikova asked Lut-

man if it would be enough to just make provisions in consumer law, to which Lutman replied that consumer law is not a separate branch so it is also connected and works together with contract law. The example she gave was breach of contract.

Plotnikova then posed a question to Pattera; have the legislators failed when it comes to mandatory rules. Pattera reasoned that it was probably intentional to create such a framework, but the gaps are without a doubt unintentional. Now it is up to the member states to decide how to impolement it. Di Vetta intervened by explaining why it was intentional to adopt different approaches. He thinks it was probably to reaffirm it is about nation states and their domestic law.

Singh had a question for Lutman if remedies can guarantee no repetition. Lutman replied that non-repetition is a public law remedy but in private law there are several remedies amongst others some with a deterring effect. This is usually achieved, according to Lutman, by compensation or punitive damages. Lutman concluded her answer by giving an example from slovenian law, where there is a provision regarding the situation where there might be some prohibited practice, the consumer does not need to return the product.

Singh then asked Di Vetta and Pattera how come the mentioned directives talk about the same thing but not communicate between each other. She also asked about the problem of statue of limitation. Di Vetta replied that the omnibus legislator risked the unintentional effect and that the EU legislator is trying to conserve the regime which means the publicly enforced system will be the response to infringement of due diligence. This will lead to the public enforcement system to be the only one in effect. Pattera answered about the statute of limitation, giving an example from France, where the statue of limitation is the day the offence was discovered so that gives a lot more space and time to work with.

4. Third panel

Third panel was chaired by Jure Andolšek. He set the tone for the third panel, stating that we will now focus more on the practical aspects.

First speaker of the third panel was Elena Plotnikova. Her research paper was about powering up sustainability in SMEs and the role of business development services and stakeholders cooperation in enhancing sustainability due diligence. She explained how small corporations will be affected by the new due diligence framework and how important it is to look at local aspects. She added that Finland needs to study small and medium enterprises so they can provide consultancy as even small and medium enterprises are important even though they are small actors in the big picture. She addressed the problem of low SME engagement at the moment. She opined that SMEs are key players in global sustainability, but research on the relevant benefits and barriers is still limited as well as environmental and social dimensions often being overlooked in comparison to economic perspectives.

Plotnikova explained sensemaking; how managers understand the new sustainability and due diligence. Her method was qualitative research and her data was gathered through interviews to find out what SMEs are already doing.

The risks and obstacles she diagnosed ranged all the way from financial constraints, lack of skilled personnel and not enough stakeholder cooperation to reputational risk. She found out that voluntary commitments were perceived as something huge and complicated.

She discovered that the key challenges for SMEs were limited internal resources, insufficient understanding, lack of access to guidelines and not enough stakeholder collaboration. Her list of improvements included tailored, hands-on support for SMEs and practical, easy-to-integrate tools for daily operations. One of the goals would be for SMEs to fos-

ter collaboration with stakeholders. This would be all done in a manner ensuring that everything would be meaningful for both sides. She emphasized how small and medium enterprises are not fully equipped to face their challenges in this field and that her study wants to enhance SMEs. She gave an example of how bigger actors are obliged to tell what they do, and if they do not then others will not enter into a partnership with them.

The final speaker of the third panel was Jaime Villeta Garcia. His research was about Puerto Rico's coast. He researched preservation through positive obligations on property owners and the state in the context of climate change. The main hypothesis revolved around the question if it is possible to impose positive obligations on both coastal property owners and on the state. He focused on the social function of property on the part of the property owners and transformation of administrative law on the part of the state. The result would be to join the frontier between public and private law.

Garcia explained climate change with a very clever metaphor; we have the information but we do not have the details, like a thunderstorm, we know when it will happen but not where each lightning will strike. There is a certainty of environmental influence and connection to climate change but we do not know the full extent of what it will bring.

Puerto Rico is a small island known for its beaches and tourism. It is in the centre of a hurricane pathway.

Atendees of the conference were shocked to hear that in the last seven yeas 100 kilometres of coast was lost. Before it was sand, and now the sea water is colliding with property.

Garcia presented the fact that there are two fields of research needed as property law in Puerto Rico is from Spain and administrative law in Puerto Rico comes from the USA. Puerto Rico also does not have coastal law.

Garcia posed a question if it is possible to impose positive obligations. What is needed is to expand the social function

of property to live in a community, which leads us to creating a concept of coastal property that has positive obligations in it. Garcia enlightened the attendees that in Puerto Rico they have the principles but not the concept yet. The area of the beach is a private domain, normative framework provided by a law from 1880, which is a spanish law from north of Spain which is completely different from the Caribbean. The law is antiquated so the state does nothing.

Garcia concluded that just the property owners need to preserve the boundary and we can protect the beach. Also, the state should take positive obligation and protect the beach. In Garcia's opinion, they first need coastal law as they are inhabiting uncertainty. He also ingeminated that nature based solutions would be the most effective in preserving the beaches.

The question and answer section of the penultimate panel was very fruitful and eye-opening.

Feigerlová asked Plotnikova about the interviews she conducted with SMEs, if the companies prefer hard law. Plotnikova answered that in 15 interviews only one company said that they want hard law, others say it should be voluntary so they can do what they can. She explained in detail how in Finland they want to be regulated more by the market rather than by regulation.

Singh directed a question at Garcia, asking him what is the social function of property. Garcia answered that there is a notion that property cannot do 100% of what we want to do with it, but only in the social framework where we live, similar to gated communities in the USA, where you must limit property rights and cannot do everything when it comes to the ways you want to use your property. It limits property rights through the concept of social skeleton of the community. Garcia added that we should expand it on what you should do, not just what you must not do.

Letnar Černič posed the final question of the debate following the third panel. He asked Garcia how does inequality

affect Puerto Rico. Garcia replied that Ocean Park neighbourhood is a semi gated community and most of the property owners there are wealthy. Also most of coastal communities are wealthy communities and they open the gates to go to the beach and close them off at night.

5. Fourth panel

The final panel of the conference was chaired by Katja Hančič Mlinarić. She introduced the three speakers that were presenting in this panel.

First presenter was Aylin Yildiz Noorda with her research paper on litigating the climate change related human rights impacts of financial institutions. She went straight to the core of it and with all honesty explained that financial institutions do not believe they are affecting the environment. She explained the indirectness of the problem as financial institutions are implicated in climate change in an indirect manner, primarily through the value chain of numerous industries due to their extensive financing, investing, insurance and reinsurance activities. The direct emissions stemming from the own operations of financial institutions are estimated to be much lower when contrasted with the indirect emissions related to their products and services. She presented these two arguments, indirect emissions and direct relationship between an emission and financial activity. In addition to that, the indirect emissions reffered to as Scope 3 emissions of financial institutions are a relevant factor in determining the fulfillment of their baseline responsibility to respect human rights. Noorda clarified that the direct relationship between a financial activity and an adverse impact may be demonstrated through the use of climate attribution science.

The methodology she used for her research was thourough database research, with the first phase being data collection, second phase was filtering cases so that human rights

were mentioned and in the thid phase she located the cases depending on the actors, which meant that state owned companies as actors were included too. From 49 cases it was narrowed down to a yield of 14 relevant cases.

The earliest case she found was from 2002. the important note here was that 84% of the cases were filed after 2015.

She highlighted the Marsh case about an insurance broker company that revolved around a pipeline connecting Uganda and Tanzania. As an insurance broker they were directly connected to environmental impacts.

Noorda concluded with two fascinating swiss cases about banks where the court said climate change was not directly impacted.

The second presenter in this final panel was Socheata Sao with her research paper on assessing the effectiveness of independent accountability mechanisms in addressing corporate environmental harm and social harm. The objective of her research paper was to examine the effectiveness of independent accountability mechanisms in addressing corporate environmental and social harm. The case studies Sao included were of HAGL (Cambodia's agribusiness) and RCBC (Philippines' extractive). The key research question was how effective are independent accountability mechanisms in providing access and effective remedies.

Sao explained that non-judicial grievance mechanisms have functions such as dispute resolution (mediation), compliance review (investigations) and advisory function. She expanded on that with the explanation in regard of access to remedy, how independent accountability mechanisms give communities, including vulnerable groups, an independent forum to voice concerns and seek remedies while empowering those who are excluded from judicial remedies due to lack of standings, bias or weak institutions.

Independent accountability mechanisms are often criticized for voluntary, non-binding, weak enforcement but despite these limitations, independent accountability mecha-

nisms are recognized as playing and increasingly important role in resolving environmental and social disputes and mitigating future harms.

Sao provided key distinctions between access and remedy. Access to remedy being a procedural entry and the right to effective remedy signaling outcomes that restore livelihoods, protect cultural rights, and ensures non-repetition. This means that effectiveness must capture both pathways (access) and results (remedy quality).

The effectiveness criteria for non-judicial grievance mechanisms, as identified by Sao, are as follows; 1) legitimacy, 2) accessibility, 3) predictability, 4) equitability, 5) transparency, 6) rights-compatibility, 7) engagement and dialogue and 8) continuous learning. These are also assessment criteria for independent accountability mechanisms when it comes to process quality assessment.

Sao then explained what a boquet of remedies is and how it includes restitution, compensation, rehabilitation, sanctions and guarantees of non-repetition.

A very interesting part of the presentation that Sao gave was the part about special challenges in land-related disputes where remedies must address environmental loss (forests, water, ecosystems) and social harm (displacement, cultural impacts, labor rights). She explained that affected groups were heterogeneous, for example indigenous people, women, farmers.

The assessment criteria for remedy outcomes include protected and restored cultural integrity, strenghtened tenure security such as indigenous recognition, implementation and enforceability, timeliness, non-repetition, structural change and adequacy judged from the perspective of rights-holders.

Sao then presented the details of the HAGL case where the complaint was submitted in 2014 by indigenous communities in Ratanakiri province affected by HAGL's rubber plantations, alleging harms such as land dispossession, loss of sacred sites, destruction of forests and water sources. Me-

diation went on from 2015 to 2024 but the outcome was delayed remedies with a breakthrough in 2024 when 703 ha of land was returned.

What we can gather from this case is the fact that this Vietnamese company eventually agreed to return 703 ha of land. The remedy outcome was an apology, land demarcation and land return all the while no one was reporting on the case due to the way media is in Cambodia.

Sao assessed the process quality, how it was strong in legitimacy and access, modest in rights-compatible engagement, but weak in timeliness, equitability and systemic follow-up.

Before concluding her presentation, Sao explained the details behind the RCBC case from the Philippines. Complaint was submitted in 2017 by Philippine Movement for Climate Justice and supporting NGOs. It is not yet a very lenghty process. Allegations included pollution, displacement and other violations by 11 coal plants financed by RCBC. The harms are ongoing and there is no direct remedy. The assessment that Sao made was that the process quality was independent and accessible but weak in timeliness, transparency and power-imbalance mitigation. The remedy outcomes were minimal as there was procedural access but no substantive remedy. There was no direct compensation. Sao added that in this case dispute resolution is better than the compliance resolution. She explained that in Cambodia people do not have land title due to the history of the events that happened in Cambodia.

Sao concluded that the shared weakness was lack of enforceability and leverage as HAGL case had incremental remedies and cultural recognition while having a weak implementation and enforcement. RCBC case on the other hand had strong diagnostic findings but no effective remedies as harm continues. Sao came to a conclusion that dispute resolution can yield incremental, tangible gains, but implementation and enforcement remain weak. Weak rule of law,

insecure tenure and state-business collusion all constrain independent accountability mechanisms. There was a gap between access and remedy in both cases.

The final speaker to present in the ultimate panel of the conference was Enikö Krajnyák with her research paper on the role of corporations in human rights-based climate litigation with a focus on Inter-American Court.

Firstly, she explained the classic doctrine of international human rights law where states are duty bearers and individuals are rights holders. She then described systemic integration as a treaty interpretation method with integration of other relevant sources of international law in the human rights jurisprudence. Krajnyák illustrated how to integrate business and human rights and explained that instruments provide a sophisticated tool.

For her decision to analyze the case law of Inter-American Court she singled out the iura novit curia principle as used in the Lhaka Honhat v. Argentina case and the jus cogens nature of the obligation not to cause irreversible damage to the environment and the climate as it follows from the OC-32/25 case.

The case study she presented was that of La Oroya v. Peru, involving the violation of the American Convention on Human Rights, including the right to a healthy environment under the Article 26. The case gave an insight into the fact that states have a duty to preven human rights violations by private companies which means that businesses must ensure that their activities do not cause human rights violations.

This in term means that states should adopt measures to ensure that business enterprises have appropriate policies for human rights protection, due diligence processes, remedies for human rights violations and to encourage businesses to adopt good corporate governance practices. This accumulates to the fact that states must ensure the existence of judicial and extrajudicial mechanisms while the businesses should adopt preventive measures. Krajnyák proved

this through the Cf. Cannavacciuolo and Others v. Italy case where positive obligations under Article 2 of the ECHR were coincidentally prevention and protection. This was a pilot judgement procedure that implied how the state must introduce general measures capable of addressing the pollution phenomenon at issue.

In her concluding remarks, Krajnyák emphasized the need for a binding treaty and the deliberation on the status of business and human rights norms in international human rights law, potentially pointing at customary law in the future. She explained that the status of it is still soft law but is slowly formulating into customary law which means that Inter-American Court should go into that direction.

The final question and answer session of this conference was a pleasant revelation in exchanging opinions and views.

Jackson was the first to open with his question to Noorda regarding the differehnces between approaches. She answered and added that if climate litigation is successful it requests for disclosure.

Jackson then turned to Krajnyák and asked her about her thoughts on jus cogens to which she replied she is very optimistic about it and the way in which things are going now.

The exchange between Garcia and Sao was a very insightful one as Garcia explained how in Puerto Rico there is a land trust after years of abandonment. This was in regard to the fact of no tittle of the land that Sao mentioned earlier. She explained that private land has no marcation, and refered to the term of so called state private land if it is identified as such and then given a concession to someone.

Letnar Černič commented on the research paper that Krajnyák presented and said that the strenght of Inter-American Court is undermined due to lack of implementation of its verdicts, but that it is a messenger of the things to come in 30 years.

In the debate that followed, Garcia pointed out how Colombia and Ecuador are in the forefront when it comes to

nature. Letnar Černič gave an insight into his research work by saying how in Slovenia bank directors always say that such a thing is an ethical obligation and not a legal obligation.

The final question from Hančič Mlinarić was very deep and meaningful; will the green agenda step back with what is happening in the world now? Lutman nodded and confirmed that the new agenda now is on digitalization not on sustainability anymore. Hančič Mlinarić doubled down that even amerian bank institutions are not putting climate change in their reports anymore.

As the debate ensued, Singh said that Brazil has a very strong human rights law, in some aspects even stronger than in Europe. Bećirović added that the diversity of topics in this conference was truly amazing.

The final speech at the closing of the conference was given by Letnar Černič who expressed how happy he is that the conference was a success and that it is always a pleasure to meet the young new generation and build a new researching network.