

CONFERENCE ON THE CONTEMPORARY ISSUES OF INTERNATIONAL ENVIRONMENTAL LAW (BRATISLAVA, 30 MAY 2025)

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Under the auspices of the Department of International Law and International Relations of the Faculty of Law of Comenius University Bratislava, an international scientific conference on *"Contemporary Issues of International Environmental Law"* was held on 30 April 2025. The conference was held within the framework of VEGA project No. 1/0713/23 titled: *"International Legal Protection of Environmental Rights - Quo Vadis?"*. The conference opened with the current topic of environmental protection and focused on the latest challenges and solutions in this area not only from the perspective of public international law but also from the perspective of private international law. It was also

held as an online webcast, which ensured access not only for domestic participants but especially for foreign participants.

This conference report provides an overview of the individual papers presented and builds on the findings presented and discussed at the recent international scientific conference. The scientific part of the conference was divided into four panels, each of which was followed by a separate discussion. JUDr. Lukáš Mareček, PhD. opened the conference with an introductory speech on behalf of the organisers, in which he welcomed all participants, highlighted the main objectives of the conference, and provided an overview of the programme. In his address, he emphasised the growing importance of international environmental law in addressing ecological challenges, stressing its relevance to policy-making and global issues, highlighting the ongoing research of the VEGA project, which provided the foundation for the conference.

The first panel was opened by **Professor JUDr. Pavel Šturma, DrSc.**, from the Faculty of Law at Charles University, with his presentation titled *Transboundary Environmental Harm and State Responsibility: Contribution of the International Law Commission*. In his contribution, Professor Šturma revisited the work of the International Law Commission (ILC) on the issue of transboundary environmental damage, particularly from the perspective of State responsibility. While the ILC has dealt with this topic in several areas, most notably in relation to preventive obligations, where a breach constitutes an internationally wrongful act, the greatest expectations were associated with the topic of international liability for the injurious consequences of activities not prohibited by international law. As Professor Šturma noted, these expectations have only been partially met. The concept of "strict liability," in particular, was addressed only modestly in the final outcome of the ILC's work concluded in 2006. He emphasised that it remains secondary whether a State responds to environmental harm through responsibility for unlawful acts, liability for lawful but harmful consequences, or alternative mechanisms - what matters most is the effectiveness of these responses in addressing the actual damage.

The second speaker, **Professor JUDr. Juraj Jankuv, PhD.**, from the Institute of International and European Law at the Faculty of Law of Pavol Jozef Šafárik University, followed with a presentation titled *Historical Development and Current Form of the Principles of International Environmental Law*. In his talk, Professor Jankuv focused on the foundational principles that shape international environmental law, which he described as general rules of conduct embedded in various sources of international law. These principles, although often formulated in non-binding soft law instruments, also appear in international treaties and in customary law. Professor Jankuv emphasised the essential role these principles play in navigating the otherwise vast and fragmented field of international environmental law, serving as interpretative tools and normative anchors. His presentation provided a comprehensive overview of their historical development, current status, and offered insights into how these principles may evolve in the future, highlighting their growing relevance in addressing global environmental challenges.

Another participant in the first panel was **Professor Viktor Bazov, Doctor of Legal Sciences**, from the Department of International Law and Jurisprudence at the National University of Life and Environmental Sciences of Ukraine. His presentation, titled *Compensation for Environmental Damage and Loss in the Activities of the Special Tribunal for the Crime of Aggression Against Ukraine*, focused on the legal foundations and future mechanisms for holding states accountable for environmental harm resulting from armed conflict. Professor Bazov discussed the general principle of international responsibility for wrongful acts, including environmental violations, and emphasised its relevance in the context of Russia's aggression against Ukraine. He introduced the

recently signed Lviv Declaration as a key step toward establishing a Special Tribunal, which is expected to be located in The Hague and to complement the International Criminal Court. A central element of his contribution was the issue of compensation for environmental damage, with particular attention to the procedural and legal instruments being developed by a Ukrainian working group tasked with addressing these complex claims.

The final speaker in the first panel was **Dr. Olexandr Bazov, Doctor of Juridical Science and judge** from Ukraine, with a presentation titled *Current Issues of Prosecution of International Crimes Against the Environment in the Context of Armed Aggression Against Ukraine*. In his contribution, Dr. Bazov addressed the challenges related to the prosecution of environmental war crimes, particularly in light of Ukraine's recent ratification of the Rome Statute of the International Criminal Court. He outlined the ICC's jurisdiction over attacks causing serious environmental damage, and noted that Ukraine, as of January 2025, has officially become a State Party to the Statute with a temporary reservation under Article 124 of the Rome Statute. Dr. Bazov emphasised that, given this transitional legal framework, the primary responsibility for prosecuting such crimes currently lies with Ukraine's national courts. This, he argued, necessitates the development of consistent judicial practice to ensure effective enforcement and accountability for environmental harm during armed conflict.

The first panel concluded with a discussion involving the speakers, offering an opportunity for participants to reflect on the presented contributions and share their perspectives.

After a short break, the conference continued with the second panel. The panel opened with a presentation by **Professor Mgr. Yuliia Vashchenko, PhD.**, from the Faculty of Law at Comenius University Bratislava, Department of Administrative Law and Environmental Law, titled *The Right to Clean Energy: The International Law Dimensions*. In her contribution, Professor Vashchenko explored the growing significance of international legal frameworks in the field of energy, particularly in connection with environmental protection and climate change. While the regulation of energy resources has traditionally been the domain of national states, she emphasised that international law has increasingly played a role, especially considering Sustainable Development Goal 7, which promotes access to affordable, reliable, and sustainable energy for all by 2030. Highlighting the 2023 UN General Assembly resolution that established the International Day of Clean Energy, Professor Vashchenko argued for the recognition of access to modern energy services as a human right. Her presentation examined how energy law and environmental law intersect and stressed the need for integrated legal mechanisms at all levels to effectively protect and promote the right to clean energy.

The second presentation was delivered by **Professor Olena Hulak, Doctor of Law**, from the National University of Life and Environmental Sciences of Ukraine. Her talk, titled *International Legal Aspects of Forest Protection from Fires on Radiation-Hazardous Lands under Martial Law in Ukraine*, addressed the escalating risks and legal challenges related to forest fires in radioactively contaminated areas, particularly in the Chernobyl Exclusion Zone. Professor Hulak highlighted how recent large-scale fires, especially those in 2015 and 2020, have had severe environmental consequences, including the transboundary spread of radioactive aerosols. These risks have been significantly exacerbated by the ongoing war and occupation of certain forested territories. She emphasised the lack of adequate regulatory frameworks, resources, and inter-agency coordination for effective fire prevention and response under current martial law conditions. Her presentation called for the development of international legal mechanisms and cooperative approaches to strengthen fire protection in such high-risk, radiation-affected zones.

The next presentation was given by **Associate Professor JUDr. Katarína Chovancová, PhD., LL.M., Univ. Prof., MCI Arb**, Senior Research Fellow at the Institute of State and Law of the Slovak Academy of Sciences. Her talk, titled *Striking the Right Balance between Property Rights and the Public Interest in the Preservation of Natural Resources in International Law*, examined the often-tense relationship between private property rights, especially those of foreign investors, and the public interest in environmental protection and the sustainable use of natural resources. Drawing on prominent investor-state dispute settlement cases such as *Eco Oro v. Colombia* and *Union Fenosa v. Egypt*, she highlighted the recurring legal and ethical dilemma between commercial interests and ecological preservation. Professor Chovancová critically reviewed prevailing assumptions about private ownership, proposing instead models of semi-public and collective ownership as more balanced approaches under international law. Her presentation emphasised the principle of permanent sovereignty over natural resources as a guiding norm and concluded with a cautious reminder that achieving a just equilibrium between property rights and environmental responsibility remains a long-term challenge.

The presentation that followed was given by **Associate Professor JUDr. PhD. Lilla Garayová, PhD. LL.M.** from Pan-European University, titled *The Child's Right to a Healthy Environment in International Law - From Soft Law to Justiciable Rights*, addressed the urgent issue of environmental degradation as a human rights concern, particularly in relation to children. The speaker underscored that the environmental crisis is no longer a future concern but a present-day emergency that disproportionately endangers children's health, development, and overall well-being. Despite the gravity of these impacts, the presentation emphasised that international law has yet to clearly recognise the justiciable right of the child to a healthy environment. Article 24 of the Convention on the Rights of the Child was critically examined for its limited framing of environmental risks strictly through the perspective of health, which leaves interpretative, normative, and enforcement gaps. The speaker argued that this right must be understood not only as implicit within the broader framework of the child's best interests, but also as foundational to the full realisation of other rights under the Convention on the Rights of the Child. The talk concluded by calling for a shift to ensure that the environmental rights of children are protected not only in principle but in practice.

The next presentation given by **Associate Professor Antonina Sabovchyk, PhD.** From the State Higher Educational Institution "Uzhhorod National University", Department of Civil Law and Procedure, was titled *International legal standards for conducting Environmental Impact Assessment in a transboundary context: problems of implementation in national legal system* addressed Ukraine's efforts to align its environmental legislation with EU standards following the Association Agreement. The speaker focused on the 2017 Law *On Environmental Impact Assessment*, which significantly reformed national procedures. Emphasis was placed on the importance of ecological assessments in preventing environmental harm and the challenges of implementing international EIA standards.

The next speaker was **JUDr. Ľudmila Elbert, PhD., univ.doc.** from Pavol Jozef Šafárik University, Faculty of Law Institute of International law and European law, who gave the presentation titled *Principle of intergenerational equity: the bodyguard to the environment*. She aimed to assess how regional and national court decisions, through the application of the principle of intergenerational equity, can help bridge the gap in the implementation and enforcement of international environmental obligations, particularly by invoking legal standards from other areas of international law, most notably human rights law. The speaker examined how the principle of intergenerational equity can serve

as a legal tool to address the weak enforcement of environmental obligations under international law. She argued that while states often commit to environmental goals, effective implementation and enforcement remain limited. As environmental degradation increasingly impacts human rights, courts have begun applying intergenerational equity which has its roots in the ideas of Rawls and Kant and is reaffirmed in key international instruments, as a means of reinforcing state accountability. The speaker also highlighted the recent case law, including the European Court of Human Rights judgment in *Verein KlimaSeniorinnen Schweiz v. Switzerland* and the South Korean Constitutional Court decision in *D.H. Kim et al v Korea*, both of which invoked the principle in assessing the adequacy of climate policies.

The third panel opened with a presentation by **Dr. Vikram Singh** from the Department of Law at Shivalik University in India, titled *Reconciling Trade and Ecology: India's Legal and Policy Dilemmas in the Era of Global Environmental Governance*. In his contribution, Dr. Singh examined the complex legal and policy challenges faced by India as it attempts to balance its economic development with growing environmental obligations under international frameworks such as the Paris Agreement and the UN Sustainable Development Goals. He discussed the tension between global trade rules, particularly those under the WTO and domestic environmental regulations, as well as the potential implications of new international instruments such as the EU's Carbon Border Adjustment Mechanism. Drawing on landmark cases such as *Vellore Citizens' Welfare Forum v. Union of India* and national policies such as the National Green Tribunal Act, Dr. Singh illustrated India's evolving approach to environmental governance. He advocated for a form of "green diplomacy" that includes technology transfer, fair climate financing, and more equitable global trade reforms to ensure sustainability is pursued without undermining economic equity.

The second speaker of the third panel was **Karim Yemelianenko, PhD.** from the Research Service of the Parliament of Ukraine, who presented a paper titled *International and National Mechanisms for Judicial Protection of the Right of Communities to Environmental Safety*. In his presentation, Dr. Yemelianenko explored both domestic and international legal frameworks that safeguard the community's right to a safe environment. He focused on the constitutional guarantees provided in Ukrainian law, as well as relevant provisions of international legislation, including mechanisms for seeking compensation through judicial protection. Drawing on the perspectives of Ukrainian and foreign scholars, he assessed the role of local and national authorities in ensuring environmental safety and highlighted best practices from other Eastern European countries. A key aspect of his contribution was the argument that communities, as legal entities, should be recognised as having standing to pursue claims before national and international courts, not merely through representatives but directly on behalf of their residents when environmental rights are threatened or violated.

The third presentation was delivered by the Associate Professor at the Department of Environmental Law at Yaroslav Mudryi National Law University, **Dr. OIha Donets, PhD.** Her paper, titled *Legal Regulation of Humanitarian Demining as a Tool for Environmental Security: The Case of Ukraine in the Context of International Law*, addressed the environmental consequences of landmine contamination caused by Russia's full-scale military aggression against Ukraine. Dr. Donets emphasised that humanitarian demining is not only a matter of physical safety but also a critical step toward ecological restoration, sustainable land use, and socio-economic recovery. She analysed the integration of international legal standards, such as the Ottawa Convention, the Convention on Cluster Munitions, and the UN's PERAC principles into Ukrainian legislation and practice. Drawing on official reports, legal norms, and procurement data

from the Prozorro system, her presentation identified key regulatory gaps and proposed targeted legal reforms to enhance environmentally sound demining strategies within Ukraine's broader post-conflict recovery efforts.

The next presentation was delivered by **Mgr. Ivan Gabani, PhD.** from the Department of International Law at the Faculty of Law, Uzhhorod National University, and bore the title *Ukraine's Cooperation with International Organizations in the Development of Environmental Law* while focusing on the environmental and socio-economic impact of pollution spreading beyond Ukraine's borders. The speaker analysed the causes of transboundary pollution and assessed Ukraine's compliance with EU and UN environmental obligations. Particular attention was given to legal liability, gaps in national legislation, and environmental risks stemming from inadequate regulation of industrial pollution and biodiversity protection. The presentation highlighted the role of international cooperation programmes such as Interreg NEXT Romania-Ukraine and stressed the need for legislative harmonisation, improved monitoring systems, and institutional strengthening to mitigate cross-border threats and enhance Ukraine's integration into global environmental governance.

The next contribution titled *The Role of Financial Institutions in Advancing International Environmental Protection Standards* featured three speakers **Associate Professor Liudmyla Huliaieva, PhD.** and **Associate Professor Iana Tkachenko, PhD.**, both from the Department of Finance, Academy of Labour, Social Relations and Tourism in Kyiv, Ukraine as well as **Associate Professor Andrii Oliynyk, PhD.** from the Department of International Management, State University of Trade and Economics in Kyiv, Ukraine. They focused on the intersection of global financial governance and international environmental law. The presentation examined how public and private financial institutions, such as multilateral development banks, central banks, and private lenders, contribute to implementing environmental obligations through instruments such as the Equator Principles, the UNEP Finance Initiative, the OECD Guidelines, and the EU Taxonomy. The speakers addressed the growing influence of financial actors in operationalising environmental due diligence and climate-related disclosures, while also highlighting the soft-law nature of many relevant frameworks and the evolving legal status of financial institutions under international law. The panel concluded that finance now plays a normative role in global environmental governance and called for stronger legal frameworks to ensure enforceability and cross-border cooperation in support of sustainability and climate goals.

The following couple of speakers, **Associate Professor Serhii Kidalov, PhD.**, who is an independent researcher and advocate **Associate Professor Nataliia Kidalova, PhD.**, had their presentation of the topic of *Legal Regulation of the Activities of International Organizations in the Field of Environmental Security* within which they focused on the evolving role of international organisations in addressing global environmental challenges such as climate change, pollution, and biodiversity loss. The speakers provided a detailed analysis of the legal frameworks guiding the work of key actors including UNEP, WHO, and the EU, highlighting binding instruments such as the Paris Agreement, the Rio Declaration, and the Basel Convention. The presentation emphasised the institutional mandates, cooperation mechanisms, and enforcement tools used by these organisations, while also addressing persistent challenges related to state sovereignty and fragmented implementation.

After the last and short coffee break, the last block of the conference consisted also of contributions by the researchers of the project under the auspices of which the conference was held, as well as contributions by other members of the department who participated in the conference.

The panel started with the presentation by **Associate Professor dr hab. Tomasz Srogosz** from the University of the National Education Commission in Krakow topically titled *Nature as a Subject of Public International Law*. The speaker explored the theoretical shift from anthropocentric legal norms to posthuman and new materialist approaches within environmental law. He argued that international environmental law remains largely human-centered and called for rethinking Nature as a subject of law through the emerging Rights of Nature framework. The presentation examined the influence of indigenous legal traditions, particularly in countries such as Ecuador, New Zealand, and Bolivia, on the growing recognition of Rights of Nature in national systems, while also noting the anthropocentric limitations of these approaches. It introduced posthumanist feminism as a conceptual path beyond these limits, emphasising a nature-culture continuum and interdependence between humans and the environment.

The second presentation of this panel was delivered by **Mgr. Denisa Hlušíčková**, from the Faculty of Law, Palacký University in Olomouc, Department of International and European Law. Her talk, titled *The Energy Charter Treaty and International Environmental Law: Systemic Integration as a Tool for Treaty Reconciliation* addressed the normative tensions between international investment law and environmental commitments, particularly in light of climate change. The speaker focused on the Energy Charter Treaty, which has faced criticism for its perceived conflict with the Paris Agreement and other environmental obligations. The presentation explored the principle of systemic integration under Article 31(3)(c) of the Vienna Convention on the Law of Treaties as a doctrinal tool for harmonising these competing regimes. Through an analysis of arbitral jurisprudence, including cases such as *RWE v. Netherlands*, *Rockhopper v. Italy*, and *Greentech v. Italy*, the speaker argued that integrating environmental norms into investment treaty interpretation is both legally feasible and necessary to align international investment law with evolving climate obligations.

The next presentation titled *Human Rights in the Blue Lagoon: Environmental Rights Protection in Pacific Island State Frameworks* was delivered by **Mgr. Laura Gazdagová** from Pavol Jozef Šafárik University, Faculty of Law, Institute of International Law and European Law and examined the growing intersection of human rights and environmental protection in the legal systems of Pacific Island nations. Faced with acute environmental threats such as sea-level rise and biodiversity loss, these states are increasingly framing environmental rights within national and regional legal frameworks. The speaker provided a comparative analysis of how these rights align with international human rights standards, highlighting both legal gaps and promising developments. Selected case studies illustrated evolving approaches to safeguarding ecosystems while protecting the dignity and well-being of affected populations.

In her presentation, **doc. Mgr. Liudmyla Golovko, PhD.**, from the Department of International Law and International Relations of the Faculty of Law, Comenius University Bratislava, addressed the urgent need for stronger international legal protection of the environment during armed conflicts. She emphasised that military operations not only cause human casualties and infrastructure destruction, but also result in severe environmental damage, including pollution, destruction of natural reserves, and technogenic disasters, such as the destruction of the Kakhovka Dam, which she cited as the largest European disaster since Chernobyl. Golovko argued for the adoption of a new international treaty, possibly a Fifth Geneva Convention, that would focus on protecting environmental human rights, defining key legal terms, and applying to both international and non-international conflicts. She also highlighted the absence of standardised international methodologies for assessing environmental damage caused by military actions. Drawing on Ukraine's experience in developing a national methodology for

environmental damage assessment following Russian aggression, she suggested this could serve as a model for future international standards, helping to improve the implementation of existing norms and ensure greater legal clarity and accountability.

The presentation that followed was given by **JUDr. Lukáš Mareček, PhD.**, from the Department of International Law and International Relations of the Faculty of Law, Comenius University Bratislava, in which the speaker addressed the issue of international criminal responsibility for large-scale environmental destruction. His contribution examined the limitations of current international environmental law, emphasising that while states are obligated not to cause significant environmental harm, there remains a lack of effective enforcement mechanisms. He pointed out that environmental destruction is currently recognised as a war crime only in the context of international armed conflict, and in other cases, the environment is merely a secondary legal interest, protected indirectly. Mareček also highlighted the inability of international law to impose criminal liability on legal entities, despite the major role of corporate actors in environmental damage. He criticised the reliance on national implementation of treaty-based obligations, warning that this can lead to impunity. Finally, he discussed growing calls for the recognition of ecocide as a new international crime to strengthen environmental protection.

The next speaker was **Mgr. Ondrej Ružička, PhD.**, from the Department of International Law and International Relations of the Faculty of Law, Comenius University Bratislava, who focused on how non-European institutions address environmental rights through their case law. He analysed decisions from the Inter-American Court of Human Rights, the African Court on Human and Peoples' Rights, and the International Tribunal for the Law of the Sea. His paper showed how these bodies increasingly treat environmental protection as part of individual human rights. Ružička argued that this trend reflects a growing universal recognition of environmental rights as a stable component of international law, transcending regional boundaries and reinforcing a global human-centred approach to environmental protection.

Mgr. Petra Paľuchová from the Department of International Law and International Relations of the Faculty of Law, Comenius University Bratislava, delivered the presentation titled *The Right to Food in the Context of Climate Change*. The speaker addressed the profound impact of climate change on the enjoyment of the right to adequate food, a right recognised in Article 11 of the International Covenant on Economic, Social, and Cultural Rights. The speaker analysed how environmental degradation, driven by extreme weather, droughts, and soil loss, threatens food security and undermines human rights. The presentation critically assessed current international legal frameworks, highlighting significant enforcement gaps that hinder effective protection. Her talk was concluded by emphasising the urgent need to strengthen the integration of environmental and human rights law in the era of accelerating climate change.

JUDr. Lea Mezeiová, PhD. from the Department of International Law and International Relations of the Faculty of Law, Comenius University Bratislava and **Mgr. Regina Šťastová, PhD.** from the Institute of State and Law of the Slovak Academy of Sciences focused their contribution on the complex but still developing topic of corporate environmental responsibility with a special emphasis on the responsibility arising from the activities of entities in supply chains, especially if these activities are directly linked to third countries. The analysis relied on a key legislative instrument, namely the recently adopted Directive (EU) 2024/1760 of the European Parliament and of the Council of 13 June 2024 on corporate sustainability due diligence and amending Directive (EU) 2019/1937 and Regulation (EU) 2023/2859. This Directive explicitly sets out the obligation for European companies to carry out due diligence to ensure the protection of

human rights and the environment, with their contribution primarily focusing on environmental issues. The adoption of the Directive would thus provide a specific mechanism for European companies to be held accountable for their supply chain, even if the supplying company in question is located outside of the European Union. Until the adoption of the Directive, European companies were subject only to fragmented legislation, and it was not possible, in many cases, to define their liability in cases where it was directly proven that their business activities and those of their business partners in a third country were causing environmental damage.

Following each panel, the conference sparked an engaging discussion among participants, reflecting on the relevance and complexity of the presented topics. As a result of the fruitful discussion, it is not possible to summarise every single question, answer, or opinion that was raised. Among all the discussions, one of the most interesting discussions took place after the presentation by Associate Professor dr hab. Tomasz Srogosz. The idea of reconceptualising nature as a subject of law captured the attention of participants and generated significant debate. As a controversial and evolving area of international environmental law, it specifically raised practical and theoretical questions among participants, including how such a shift would interact with existing legal systems.

After all the presentations, in the Closing remarks part of the conference, JUDr. Lukáš Mareček, PhD., in addition to thanking individual participants for their participation, summarised the conclusions that emerged not only from the presented papers, but especially from the joint discussions that did not only take place formally during the individual sessions, but also included informal debates during the breaks. Therefore, the conference was able to contribute to the identification of gaps and directions in which the issue should be addressed in the future due to the feedback that confirmed the complex nature of the topic. The event brought together academic researchers from several countries, whose diverse disciplinary backgrounds and legal perspectives enriched the discussion and contributed to a deeper understanding of the subject matter. This diversity of participants also enabled the identification of areas where current legal frameworks fall short and where innovative approaches may be required. As a result, the conference can be described as beneficial not only for the solution of the ongoing project in question, but also for the individual participants, who took away new knowledge as well as questions arising from the presented topics in the field of international environmental issues.

In conclusion, it can thus be assessed that the common goal of the event was not only to provoke a broader discussion among academics but also to find common solutions to the problem of the protection of environmental law in different areas of international law.

