ISSN: 2047-1025



TRANSNATIONAL ENVIRONMENTAL LAW

Transnational Environmental Law

EDITORS-IN-CHIEF

Thijs Etty, Amsterdam University College, University of Amsterdam, The Netherlands Josephine van Zeben, Wageningen University, The Netherlands

EDITORS

Cinnamon Carlarne, Ohio State University, USA Leslie-Anne Duvic-Paoli, King's College London, UK Bruce Huber, University of Notre Dame, USA Anna Huggins, Queensland University of Technology, Australia

BOOK REVIEW EDITOR

Melissa Powers, Lewis & Clark Law School, USA

Assistant Editors

Geetanjali Ganguly, London School of Economics and Political Science, UK Chiara Macchi, Wageningen University, The Netherlands Sroyon Mukherjee, WB National University of Juridical Sciences, India Alexia Staker. Barrister – Victorian Bar. Australia

ADVISORY BOARD

Veerle Heyvaert

London School of Economics and Political Science, United Kingdom

Natasha Affolder

University of British Columbia, Canada

Daniel Bodansky

Arizona State University, USA

Iutta Brunnée

University of Toronto, Canada

Geert Van Calster

K.U. Leuven and DLA Piper, Belgium

Ed Couzens

University of Sydney, Australia

Daniel C. Esty

Yale University, USA

Daniel Farber

University of California - Berkeley, USA

Jessica Green

University of Toronto, Canada

Sébastien Jodoin

McGill University, Canada

Louis Kotzé

North West University, South Africa

Douglas A. Kysar

Yale University, USA

Maria Lee

University College London, UK

Jolene Lin

National University of Singapore, Singapore

Jacqueline Peel

University of Melbourne, Australia

Robert V. Percival

University of Maryland, USA

Lavanya Rajamani

St Peter's College, Oxford, UK

Leonie Reins

Tilburg University, The Netherlands

Benjamin J. Richardson

University of Tasmania, Australia

Joanne Scott

European University Institute, Italy

Gregory Shaffer

University of California - Irvine, USA

Joana Setzer

London School of Economics and Political

Science, UK

Katie Sykes

Thompson Rivers University, Canada

Ionathan Verschuuren

Tilburg University, The Netherlands

Wang Xi

Kunming University and Shanghai Jiao Tong

University, China

Tseming Yang

Santa Clara University, USA

STATEMENT OF AIMS

Transnational Environmental Law (TEL) is a peer-reviewed journal for the study of environmental law and governance beyond the state. It approaches legal and regulatory developments with an interest in the contribution of non-state actors and an awareness of the multi-level governance context in which contemporary environmental law unfolds.

TEL offers a forum for rigorous analysis and discussion of the impacts of globalization on complex environmental risks and norms. It welcomes scholarship that enriches our understanding of contemporary environmental law through comparative and cutting-edge interdisciplinary analysis. TEL's scope is broadly conceived in terms of disciplinary focus: its pages are open to scholarly contributions covering a wide range of environmental issues, including climate change, biodiversity, emerging technologies, industrial pollution and waste management. TEL also promotes the exploration of the evolving dynamics between environmental law and other legal disciplines (including but not limited to trade and competition law, financial law and human rights).

TEL strives for a new generation of environmental scholarship that will bridge geographical boundaries, scholarly styles and generations. TEL encourages the integration of theoretical and practical legal perspectives on current environmental issues, and aims to deliver scholarship of high salience to academics and practitioners alike.

TRANSNATIONAL ENVIRONMENTAL LAW

VOLUME 11 ISSUE 1 MARCH 2022

Contents

	EDITORIAL
1–11	Crossing (Conceptual) Boundaries of Transnational Environmental Law Thijs Etty and Josephine van Zeben, Editors-in-Chief Cinnamon Carlarne, Leslie-Anne Duvic-Paoli, Bruce Huber and Anna Huggins, Editors
	ARTICLES
13–38	Steps Towards a Legal Ontological Turn: Proposals for Law's Place beyond the Human Emille Boulot and Joshua Sterlin
39–67	Mind the Compliance Gap: How Insights from International Human Rights Mechanisms Can Help to Implement the Convention on Biological Diversity Niak Sian Koh, Claudia Ituarte-Lima and Thomas Hahn
69–93	Addressing Climate Change through International Human Rights Law: From (Extra)Territoriality to Common Concern of Humankind Vincent Bellinkx, Deborah Casalin, Gamze Erdem Türkelli, Werner Scholtz and Wouter Vandenhole
95–117	Fighting Deforestation in Non-International Armed Conflicts: The Relevance of the Rome Statute for Rosewood Trafficking in Senegal <i>Pauline Martini and Maud Sarliève</i>
119–139	The Rule of Climate Policy: How Do Chinese Judges Contribute to Climate Governance without Climate Law? Mingzhe Zhu
141–172	Private Processes and Public Values: Disciplining Trade in Forest and Ecosystem Risk Commodities via Non-Financial Due Diligence <i>Enrico Partiti</i>
173–199	From Bushfires to Misfires: Climate-related Financial Risk after McVeigh v. Retail Employees Superannuation Trust Esmeralda Colombo
	CASE COMMENT
201–214	The Swiss Primate Case: How Courts Have Paved the Way for the First Direct Democratic Vote on Animal Rights Charlotte E. Blattner and Raffael Fasel

BOOK REVIEWS

215-218	The Ecological Constitution: Reframing Environmental Law, by Lynda Collins
	Reviewed by Hannah Blitzer

218–221 Protecting the Third Pole: Transplanting International Law, by Simon Marsden Reviewed by Mehran Idris Khan