

4th Tony Oposa Intergenerational Moot Court

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Reflections from Students at the University of Cebu, Philippines

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It is my pleasure and honor to have represented the Member States of the Association of Southeast Asian Nations in the 4th Tony Oposa Intergenerational Moot Court. It was a worthwhile experience since I had the opportunity to hear the concurrences as well as dissents with respect to certain aspects of my position to the issue at hand. I realized so many things and understood concepts I was not able to properly comprehend during the research process. This is because I had the opportunity to see the situation from my colleagues' vantage points. I have come to appreciate the importance of protecting the environment not only for my generation's sake but also for the sake of generations to come who will ultimately inherit our obligations to look after Mother Earth.

I believe that this moot court activity is very relevant to the current situation in the Southeast Asian region, which is home to biodiverse countries potentially threatened by human-induced temperature changes and climate change impacts; and this is important especially to my home country where intergenerational responsibility is acknowledged as part and parcel of the constitutional right to a balanced and healthful ecology. Our jurisdiction acknowledges this novel concept which involves the rights of our posterity to the protection of our environment inasmuch as we are heavily dependent on it as a nation with economic needs and as people to make ends meet.

Hence, I posited in the Moot Court that insofar as mitigation measures involving the reduction of greenhouse gas emissions are inadequate responses to climate change; it is within ASEAN's interests to consider alternative approaches such as geoengineering designed to respond to the global climate crisis. I do not discount the risks as regards particular facets of geoengineering,

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but I would like to emphasize that the environmental and human rights violations associated with climate change under current trajectories trump those of climate geoengineering. My submissions do not preclude safeguards against breaches of obligations under international law. In my presentation before the judges, I wanted them to understand that measures like geoengineering should not be done away with because vulnerable countries like Member States of ASEAN need all the help they can get in curbing and, ultimately, eliminating the impacts of climate change to our environment.

I still subscribe to the idea of due diligence on the part of the States in the implementation of geoengineering projects especially since studies show that these activities may affect environmental and human rights. I would like to emphasize that a human rights-based approach is needed insomuch as the economy, environment and human rights, especially that of the poor, marginalized, and vulnerable sectors of society are interrelated.

It is also important to stress that indigenous and local communities have so much to offer when it comes to the formulation and implementation of mitigation and adaptation measures. Their traditional ecological knowledge, which they used to unceasingly and sustainably manage the ecosystems, transcends constitutions, domestic laws, and international legal instruments. In contrast to Western scientific approaches, the knowledge of indigenous and local communities is comprehensive.

In sum, this moot court activity helped me broaden my worldview since I was able to discuss my arguments with my colleagues. I hope that activities where novel and important ideas and issues in international environmental law are discussed, such as this intergenerational moot court, will continue to flourish for the sake of the generations yet unborn.