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Reimagining International Law: Exploring the Implications of Extending Legal Personhood to Nature

Amber Darwish

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About the author

Amber Darwish is a current Doctoral Fellow of the Geneva Centre for Security Policy (GCSP) and a Lifetime Fellow of the Sylff Association. Leveraging extensive experience as an international consultant and UN arms expert, she advises on security policies and multilateral frameworks, particularly in arms control and disarmament. Amber holds an LLM and an Executive LLM and is currently pursuing her PhD at the Geneva Graduate Institute, specialising in global governance and multilateral norm development.

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Key points

- Traditional anthropocentric legal frameworks in international law are inadequate for addressing contemporary ecological crises.
- Recognising nature's legal personhood challenges the human-centric foundations of international law and offers a transformative approach to environmental governance.
- Structural constraints – particularly state sovereignty and the limitations of sustainable development paradigms – remain major impediments to the international recognition of nature's rights.
- Incremental measures such as soft law instruments, guardianship models and a potential study by the International Law Commission provide feasible pathways for progress.
- Advancing legal recognition for nature requires not only legal reform, but a broader normative shift in how international law conceptualises its subjects and purpose.

"A human being is part of a whole, called by us the 'Universe' – a part limited in time and space. He experiences himself, his thoughts, and feelings, as something separated from the rest – a kind of optical delusion of his consciousness. This delusion is a kind of prison for us, restricting us to our personal desires and to affection for a few persons nearest us. Our task must be to free ourselves from this prison by widening our circles of compassion to embrace all living creatures and the whole of nature in its beauty."[1]

"[T]he past two years have been a stark reminder of how anthropocentric world views jeopardise the existence of all forms of life, human and non-human, on the planet .... Developing a new narrative to reconnect our species with the natural world has become more urgent than ever."[2]

Introduction

[A] genuine accommodation of nature's rights requires not only a fundamental transformation in international environmental law, but also a broader reimagining of the legal architecture of global governance.

The evolving international discourse on environmental conservation has increasingly highlighted the inability of the traditional anthropocentric legal order to safeguard the natural world. Amid mounting ecological crises,[3] the notion of granting legal personhood to the natural environment has emerged as a highly influential and transformative approach in international law, inviting a fundamental shift in how we conceptualise and address issues relating to natural entities.[4] By recognising nature as possessing its own intrinsic value and rights, this approach challenges the dominant human-centric perspective of international law that views nature solely as property or a resource for human exploitation and economic gain.[5] Instead, it advocates for a new paradigm in which nature is regarded as a legal subject with inherent rights deserving of protection, dignity and respect.[6] Embracing this alternative approach offers a promising legal framework for nature's protection and conservation, with the potential to foster a more harmonious and sustainable relationship between humankind and the natural world. However, its realisation is also fraught with challenges.

This Strategic Security Analysis (SSA) explores the complexities and challenges of recognising the legal personhood of nature in contemporary international law. It argues that, despite its transformative promise, the realisation of this vision faces deep structural and operational obstacles within the current international legal order, rooted as it is in state-centric and anthropocentric governance paradigms. By exposing these legal and institutional dynamics, the SSA contends that a genuine accommodation of nature's rights requires not only a fundamental transformation in international environmental law, but also a broader reimagining of the legal architecture of global governance. In addition to identifying these structural and conceptual challenges, the SSA also outlines feasible pathways toward a more inclusive legal order, offering concrete institutional measures that may help to progressively align international law with the intrinsic value and legal relevance of the natural world.

Legal personhood in international law

The concept of legal (or juridical) personhood – also known as legal (or juridical) personality – lies at the core of Western legal systems.[7] Originating from the Roman law trifurcate classification of civil law as rules pertaining to persons (*personae*), things (*res*), or actions (*actiones*),[8] the concept further evolved during the Enlightenment period under the influence of natural rights philosophy and social contract theory.[9] This history laid the basis for a crucial differentiation in law between natural persons (humans), who are held to possess inherent personhood, and legal persons, which are typically non-biological entities that are recognised and granted specific rights and responsibilities by law.[10] Today, the concept of legal personhood serves as a critical structuring mechanism: it not only identifies the entities eligible to participate in a legal system, but also outlines the scope of their legal capacities and limitations. It thus plays a pivotal role in the organisation and application of law.[11]

Even when framed as a "common good", nature remains positioned within legal frameworks as something to be managed or stewarded for human benefit.

In the realm of international law, legal personhood has historically been synonymous with states.[12] This perspective, deeply associated with state sovereignty, was formalised in 1648 by the Peace of Westphalia, which established states as the primary subjects of international law.[13] Endowed with distinct rights and responsibilities, states were empowered to enter treaties, establish diplomatic relations, and engage in international organisations autonomously. Over time, international legal personhood has evolved to recognise selected rights and responsibilities of a broader array of entities, including international organisations, multinational corporations, and non-governmental organisations.[14] In response to human rights and international criminal norms, it has also expanded to recognise (to a lesser extent) individual human beings.[15] This gradual expansion of legal personhood underscores the concept's flexibility and responsiveness to the evolving demands of the global community, illustrating that legal personality is adaptable and shaped by societal needs and international consensus. As the International Court of Justice (ICJ) has aptly observed, "The subjects of law in any legal system are not necessarily identical in their nature or in the extent of their rights, and their nature depends upon the needs of the community".[16]

Despite its evolution, the concept of legal personhood in international law has largely remained centred around human collectives (such as states, corporations and international organisations), reinforcing the anthropocentric (human-centred) perspective entrenched in the international legal order.[17] This paradigm has profoundly influenced the trajectory of international law, embedding a bias that prioritises human interests while marginalising, undervaluing or disregarding the legal significance of non-human entities, including the natural environment.[18] This bias reflects the historical foundations of international law, which developed primarily to regulate relations between states – the principal organising structure of human political communities – rather than to address the needs or rights of non-human entities.

Crucially, this marginalisation is not only normative, but also structural: the environment has historically been categorised as *res* – a legal object rather than a subject – whether as private property (*res privatae*) or part of the global commons (*res communis*). Even when framed as a "common good", nature remains positioned within legal frameworks as something to be managed or stewarded for human benefit. This conceptual architecture entrenches the exclusion of nature from legal subjecthood and remains a critical barrier to its recognition as a legal person. It is precisely this paradigm that proposals for nature's personhood seek to challenge by repositioning the environment as a legal subject entitled to protection, dignity and respect rather than as a passive object or resource governed solely by human interests.

The case for nature's personhood

The proposition that nature should be recognised as a legal person directly challenges the entrenched legal architecture of international law. Rather than accepting the natural environment's status as a passive object of law, this perspective seeks to reframe nature as a legal subject that possesses rights, agency and legal standing in its own right. This idea has deep intellectual roots: in a now-classic intervention, Christopher Stone famously asked whether trees and other natural entities should have standing under law.[19] His work provided an early conceptual foundation for thinking about nature not merely as property (*res*), but as a legal subject entitled to recognition and protection.

Advocates of this approach contend that recognising the legal personhood of nature would mark a fundamental shift in the conceptual underpinnings of international law, moving beyond anthropocentric paradigms toward an ecocentric jurisprudence. In doing so, it would not only redress the structural exclusion of non-human entities from legal consideration, but also offer a transformative normative foundation for environmental governance – one that affirms the intrinsic value of ecosystems, natural entities and the biosphere as a whole.

Granting legal status to nature could provide a powerful legal tool for the enforcement of environmental protections and accountability for harming the natural world.

Several reasons have been advanced to justify this legal paradigm shift.[20] Firstly, existing legal frameworks tend to prioritise human interests over the health of ecosystems. Recognising the legal personhood of nature could help to rebalance this relationship, giving ecological considerations legal weight alongside human needs. Secondly, the intrinsic value of nature and the rights of ecosystems, species, and natural entities to survive and thrive exist independently of their instrumental value to humans. Legal personhood thus provides a means of acknowledging this inherent worth within our legal systems. Thirdly, there is an urgent need for more robust legal mechanisms to address environmental degradation and biodiversity loss. Granting legal status to nature could provide a powerful legal tool for the enforcement of environmental protections and accountability for harming the natural world. Finally, all life forms on Earth are inherently interconnected. Recognising the legal personhood of nature and its essential role in supporting life on the planet compels us to adopt practices that support a more equitable and resilient future for all beings, human and non-human alike.

Indeed, in a more radical departure, some advocate for a paradigm shift that reimagines human personhood as an integral component of a broader "naturehood".[21] This perspective challenges the binary distinction between humans and nature, advocating for a holistic understanding that recognises human life as inseparable from the natural world. Notably, this view has been echoed in a recent report of the United Nations (UN) Secretary-General, which called for a potential paradigm shift in which "law and economics must be nested within Nature, as should all institutions of human society".[22] Such rethinking of the human-nature relationship may pave the way for more transformative approaches to environmental governance, prompting a fundamental reconsideration of humankind's place and legal responsibilities within the natural world.

Case studies and precedents: advancing legal personhood for the natural world

The debate about granting legal personhood to nature is not merely theoretical: it has increasingly taken concrete form in legal developments across the globe. A growing number of legislative and jurisprudential acts[23] subtly or explicitly signal recognition of the intrinsic value, inherent rights, or legal identities[24] of specific natural elements and, in some instances, nature itself. From national constitutional provisions to statutory reforms and court rulings, these legal developments often draw on indigenous ontologies and customary legal traditions[25] that conceive of natural entities as living beings with inherent worth. These perspectives are influencing a shift towards more inclusive and ecologically sensitive forms of environmental governance.

Some states have taken significant steps in acknowledging the rights of nature, potentially marking a preliminary movement towards the recognition of the legal personhood of nature.

Some states have taken significant steps in acknowledging the rights of nature, potentially marking a preliminary movement towards the recognition of the legal personhood of nature. A notable example is Ecuador, which in 2008 became the first state to enshrine the rights of nature in its constitution by ratifying amendments that granted the environment "the right to integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes".[26] Moreover, it established universal jurisdiction to individuals, states and other entities to enforce this right.[27] This development, which has since been incorporated in numerous Ecuadorian laws and policies,[28] reflected a deep environmental sensibility and cultural reverence for *la Pacha mama* (the Andean goddess Mother Earth) that had been gathering strength in that country's government for several years.[29] Similarly, in neighbouring Bolivia, sustained indigenous advocacy led to the adoption of a distinctive "ethnodevelopment" agenda, including the adoption in 2010 and 2012 of legal statutes to establish and give operational effect to specific rights to which Mother Earth is entitled throughout that country – namely, the rights to exist, persist, and be respected.[30] Ecuador and Bolivia were also instrumental in the 2010 proclamation of the Universal Declaration for the Rights of Mother Earth, article 2 of which articulates a bold list of "inherent rights" of Mother Earth.[31] However, while these developments represent an important normative shift, they have stopped short of formally conferring legal personhood on nature.

In other jurisdictions the legal shift toward recognising nature as a subject of law has been more pronounced. In 2014, New Zealand recognised the Te Urewera forest as a legal person, marking the first instance in the world of a non-human natural entity being granted legal personality.[32] In 2017, New Zealand also conferred legal personhood on the Whanganui River,[33] thereby resolving the country's longest-running litigation over indigenous land claims.[34] This legal recognition reflects the worldview of the Māori, which conceives of natural entities as possessing a living essence and intrinsic spiritual significance,[35] and granted the river the same legal rights and responsibilities as a human being[36] "with all the corresponding rights, duties and liabilities of a legal person".[37] Similarly, in 2016, Colombia's Constitutional Court recognised the Atrato River as a legal subject, affirming its rights to protection, restoration and preservation.[38]

Challenges and perspectives in transitioning to international recognition

Despite these notable legal developments at the local and national levels, states at the international level remain reluctant to integrate nature's legal personhood into binding legal instruments, at least in any collective or systemic sense.[39] Most notably, the formal language adopted in UN resolutions and reports tends to imply a general responsibility for humanity to preserve the "health and integrity of nature",[40] but stops short of explicitly endorsing nature's rights or recognising its legal personhood. One of the most prominent institutional expressions of this normative framing is the Harmony with Nature programme – the UN's flagship initiative for promoting a "holistic and integrated"[41] approach to environmental governance – where "human rights go hand in hand with the rights of Nature".[42] This initiative illustrates both the potential and limitations of current institutional approaches: while it introduces ecocentric language into UN discourse and gestures toward the recognition of nature's rights, it remains embedded in a sustainable development framework that ultimately subordinates nature's interests to human developmental goals. By approaching nature in terms of the guiding principles and operational logic of sustainable development, UN member states continue to frame nature's value in instrumental terms rather than advocating directly for its intrinsic rights or legal personhood. Indeed, the goals of the programme are explicitly stated as promoting "sustainable development *through* harmony with nature".[43] As such, the initiative reflects the broader tension in the international legal order between the rhetorical embrace of ecological principles and the enduring dominance of anthropocentric governance paradigms.

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A close examination of UN reports and resolutions in this area reveals a deeper structural challenge: advancing the universal legal recognition of nature's personhood will require moving beyond sustainable development paradigms and embedding nature's rights more fundamentally in the architecture of international law. The reluctance of states to embrace this shift stems not merely from political hesitancy, but from foundational tensions in the legal order itself. Chief among these is the principle of state sovereignty – a core tenet of international law that is often in tension with the transboundary and interconnected nature of ecological systems. The concept of legal personhood for nature implies rights and responsibilities that transcend state boundaries, thereby challenging existing jurisdictional frameworks and the prevailing conception of legal authority.

Compounding this structural constraint is the absence of a shared conceptual framework among states for defining or representing nature in legal systems. Divergent political priorities, economic interests and philosophical traditions contribute to a lack of consensus on how nature ought to be situated in international law, making the multilateral endorsement of ecocentric legal approaches particularly difficult to achieve.

Integrating nature's legal personhood into the international legal order therefore requires more than institutional reform: it demands a profound reinterpretation of legal categories and normative assumptions. While the shift toward a nature-centric governance paradigm is conceptually compelling, it must contend with entrenched interests, doctrinal inertia and the complex realities of global governance. Even if formal recognition were achieved, enforcement would remain a formidable challenge, particularly in a legal landscape shaped by asymmetrical power dynamics and limited mechanisms for transboundary environmental accountability.[44]

Toward a more inclusive legal order for nature

Normative reinterpretation in existing legal frameworks

A first pathway toward the legal recognition of nature in international law lies not in an immediate structural overhaul, but in the principled reinterpretation of existing legal concepts and frameworks. The idea of legal personhood need not emerge from scratch; rather, it can be seen as an extension of the inherent adaptability of legal systems in response to evolving community values and governance needs. As the ICJ has observed, "the subjects of law in any legal system are not necessarily identical in their nature or in the extent of their rights, and their nature depends upon the needs of the community".[45] This statement underscores an important point: legal subjecthood is not fixed, but historically contingent and capable of being expanded to accommodate emerging normative concerns.

The idea of legal personhood need not emerge from scratch.

Several foundational principles in international law already provide fertile ground for such reinterpretation. Concepts such as the common heritage of humankind, intergenerational equity and the precautionary principle offer avenues for reframing the human-nature relationship beyond a purely instrumental logic. These principles can be harnessed to advance a more inclusive legal conception in which nature's value is not limited to its utility, but acknowledged as integral to the integrity of legal order itself. Importantly, these reinterpretations do not require the abandonment of the existing legal architecture, but rather its recalibration through more expansive readings of key legal norms.

Moreover, reinterpretation efforts could be reinforced by drawing from broader developments in international legal thought, including the increasing emphasis on environmental integrity, ecological connectivity and planetary boundaries. While these concepts have not yet displaced the anthropocentric assumptions at the core of international law, they are slowly permeating legal discourse and may provide the normative scaffolding for a future expansion of legal subjecthood to include nature. The task, then, is to cultivate interpretive practices that legitimise such shifts and anchor them in the existing grammar of international law, even as they open space for more transformative legal possibilities.

Ultimately, the trajectory of human rights law offers a useful parallel: efforts to expand legal subjecthood have historically faced significant resistance, particularly when the recognition of inherent rights was seen to clash with state sovereignty or economic priorities.[46] The recognition of nature's rights is likely to follow a similar path, characterised by normative evolution, institutional experimentation and political contestation. Even the most promising legal pathways remain constrained by the structural features of the international legal order, which continues to be shaped by state-centric and anthropocentric assumptions. A more inclusive legal order for nature will therefore depend not only on doctrinal or institutional reform, but also on a deeper shift in the conceptual foundations of international law itself.

Incremental measures and institutional pathways

While the structural transformation of international law may be a long-term aspiration, immediate and concrete measures already exist that can help to advance a more inclusive legal order for nature. These incremental steps do not require a wholesale reimagining of the international system, but rather make use of existing legal mechanisms, institutional frameworks

and interpretive tools to begin shifting the normative foundations of environmental governance.

For instance, states and international institutions can promote the adoption of soft law instruments that articulate the rights of nature or incorporate ecocentric principles into environmental agreements. Declarations, resolutions, and guidelines, although non-binding, can serve as normative precedents that influence treaty interpretation, institutional mandates, and judicial reasoning. Similarly, guardianship models, whereby legal representatives act on behalf of natural entities in legal and administrative proceedings, offer an immediate mechanism to extend standing and procedural protection to ecosystems and species in existing legal structures.

There is also significant scope for procedural innovation at the institutional level. UN bodies such as the UN Environment Programme, Human Rights Council, and General Assembly can expand mandates, pilot model laws, and create spaces for transdisciplinary dialogue that foreground ecological interdependence. Initiatives like the Harmony with Nature programme can be strengthened through greater integration with treaty-based institutions and regional environmental mechanisms, helping to build coherence across governance levels. In parallel, the General Assembly could invite the International Law Commission (ILC) to undertake a study on the codification and progressive development of legal principles concerning the rights or legal status of nature. Such a study would provide an authoritative basis for further reflection and norm-building in the international legal system, and would help to clarify how international law might evolve to accommodate ecocentric and relational legal concepts.

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These measures, while modest in scope, provide important entry points for legal and normative evolution. They allow for experimentation, build political momentum and help institutionalise new interpretive possibilities. In doing so, they lay the groundwork for the gradual realignment of international legal order toward one in which nature is no longer a peripheral object, but a participant entitled to recognition, respect and protection under law.

Drawing parallels with the evolution of human rights law, the recognition of nature's rights in international law is poised to encounter similar conflicts, where the inherent value of natural entities could clash with state interests and economic development goals.[47] The current architecture of international law, predicated on state-centric and anthropocentric principles, appears ill-equipped to accommodate the holistic and ecocentric approach required for the effective recognition and enforcement of nature's rights.

Conclusion and future prospects

Behind the calls for the legal recognition of nature in international law lies a single transformative idea: that human beings, as a species, must overcome anthropocentrism and fundamentally reform their relationship with the natural world to ensure a more just and sustainable future for all inhabitants of the planet – human and non-human alike. This idea champions not merely a philosophical or ethical reorientation, but a profound legal shift, not only in international environmental law, but across the wider architecture of global legal governance. It also demands that such transformation be accompanied by robust legal recognition and enforcement mechanisms.

However, the foregoing analysis illustrates that without a fundamental reinterpretation of the principles underpinning international law – particularly the meaning and scope of sovereignty – the integration of nature's legal personhood into the existing international order remains a daunting – and perhaps unfeasible – aspiration. The path toward the recognition of nature's inherent rights and personhood demands a paradigm shift that may exceed the current capacities and political will of the international community. This underscores the profound dilemma at the heart of efforts to better integrate nature into international law. It raises a difficult but necessary question: if the legal personhood of nature is so unlikely, why pursue it at all?

The challenge is not only to expand the law, but to expand the imagination of the purpose of law itself.

The answer lies not in the certainty of immediate transformation, but in the value of normative direction. Legal change has never been solely a matter of feasibility; it is also about shaping the conceptual boundaries of what is imaginable and setting the trajectory of political and institutional evolution. To rephrase legal scholar Antonio Gramsci, we may be pessimists in our legal analysis, but we must remain optimists in our normative imagination.[48] As with earlier expansions of legal subjecthood – to enslaved persons, women, stateless people, and eventually to non-state actors and future generations – the process begins with intellectual and normative groundwork. The call for nature's personhood, even if not imminently realisable, plays a vital role in unsettling prevailing legal assumptions, expanding interpretive possibilities, and forging new spaces for dialogue across legal traditions, institutions, and epistemologies.

As this SSA has shown, while systemic transformation may be a long-term goal, there are nonetheless meaningful and actionable measures that states and institutions can adopt now. From guardianship models and soft law instruments to procedural innovation and potential ILC codification efforts, there are viable pathways through which the legal recognition of nature can begin to take form. These measures do not replace the need for deeper structural change, but demonstrate that progress is possible – even within the existing contours of the international legal order.

The recognition of nature's legal personhood thus invites us to think beyond the protection of individual animals or species. It calls for a more expansive and inclusive legal imagination – one that acknowledges the rights, agency, and relational value of ecosystems, natural elements, and planetary systems. Rivers, forests, mountains, oceans and atmospheric systems are not merely resources to be governed, but living entities that play constitutive roles in sustaining the conditions for life on Earth. The pursuit of a more inclusive legal order for nature therefore demands not only legal innovation, but also a deeper ontological and ethical shift in how international law conceptualises its subjects. In this broader vision, non-human entities are not peripheral objects of human concern, but co-participants in the global legal order that are deserving of recognition, respect and protection in the fabric of international law. The challenge is not only to expand the law, but to expand the imagination of the purpose of law itself.

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20 See, in particular, individual state perspectives expressed during international dialogues on Earth jurisprudence, summarised in Guterres, 2022. See also the background briefings on emerging law and policy, http://www.harmonywithnatureun.org.

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38 Colombia, Corte Constitucional, Sentencia T–622/16, Acción de Tutela Interpuesta por el Centro de Estudios para la Justicia Social "Tierra Digna" en Representación del Consejo Comunitario Mayor de la Organisación Popular Campesina del Alto Atrato (Cocomopoca), el Consejo Comunitario Mayor de la Asociación Campesina Integral del Atrato (Cocomacia), la Asociación de Consejos Comunitarios del Bajo Atrato (Asocoba), el Foro Inter-étnico Solidaridad Chocó (FISCH) y otros, Bogotá, DC, 10 November 2016. See I. Vargas-Chaves et al., "Recognizing the Rights of Nature in Colombia: The Atrato River Case", *Revista Jurídicas*, Vol.17(1), 2020, pp.13-41.

39 Maffei, 2022, p.210. The present author acknowledges that the increasing polarisation of international relations and the erosion of multilateralism

present significant challenges to implementing ecocentric legal reforms. As global consensus weakens, the multilateral frameworks that could support the legal recognition of nature's personhood face greater fragmentation. The decline in cooperative international action on environmental governance makes the realisation of such legal changes more difficult, because the interests of powerful states often clash, leaving limited space for collective progress on environmental protection.

40 UN General Assembly, Harmony with Nature, A/RES/77/169, 14 December 2022, para.16.

41 Ibid., para. 8.

42 Ibid., p.1.

43 Ibid., para. 2; emphasis added.

44 On this point, it is noteworthy that in March 2017, the Indian Supreme Court overturned a decision of a national court to recognise the Ganges and Yamuna rivers as legal persons due to the transnational characteristics of these entities. See S. Divan and A. Rosencranz, *Environmental Law and Policy in India: Cases and Materials*, Oxford University Press, 2022, p.221.

45 ICJ, 1949, n. 16.

46 A quintessential example of such struggle is the ongoing challenge to address normative conflicts between international humanitarian law (the laws of armed conflict) and international human rights law, particularly in the context of non-international armed conflicts; e.g. see M. Milanović, "Norm Conflicts, International Humanitarian Law, and Human Rights Law", in O. Ben-Naftali (ed.), *International Humanitarian Law and International Human Rights Law*, Collected Courses of the Academy of European Law, Oxford University Press, 2011.

47 Ibid.

48 A. Gramsci, *Letters from Prison*, trans. L. Lawner, Quartet Books,1979, p.250: "I'm a pessimist because of intelligence, but an optimist because of will".

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Geneva Centre for Security Policy
Maison de la paix
Chemin Eugène-Rigot 2D
P.O. Box 1295
1211 Geneva 1
Switzerland
Tel: + 41 22 730 96 00
Contact: www.gcsp.ch/contact
www.gcsp.ch

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