



## IUCNAEL Colloquium 2016

### Side Events

#### MONDAY, June 20

09:00 – **Teaching Workshop** *Auditorium 4, Domus*  
11:00 Teaching Experiences *Academica (DA)*  
*Sophie Riley*  
*Lynda Collins*  
*Volker Mauerhofer*  
*Michael Pappas*  
Contact Persons: Sophie Riley and  
Maria Marques Banque

11:00 – **Break** *Frokostkjelleren*  
11:30

11:30 – **Teaching Workshop Continued** *Auditorium 4, DA*  
13:00 Clinical Legal Education  
*Jennifer McKay*  
*Wu Yu*  
*Evan Hamman*  
*Maria Marquès Banque*

13:00 – **Lunch** *Frokostkjelleren*  
14:00

14:00 – **Side Event** *Auditorium 4, DA*  
16:00 Legal Aspects of Sustainable Development  
Contact Person: Volker Mauerhofer

18:00 **Optional Social Programme**  
Available tours and sightseeing organized by the Oslo Guide Bureau <http://osloguidebureau.no/english/category/iucn-conference/>

09:00 – **Side Event** *Forskningsparken*  
13:00  
UNESCO/NIVA Seminar: The effects of  
fragmented environmental law on  
sustainable development - Marine  
perspectives *Oslo Science Park,  
Gaustadalléen 21*  
Contact Person:  
Froukje Maria Platjouw



**TUESDAY, June 21**

09:00-11:00	<b>Research Workshop</b>  <i>Methods of non-doctrinal research in environmental law</i>  <i>Professor Elizabeth Kirk - Multi-disciplinary teams in environmental law.</i> <i>Professor Don Hine – Applying behavioural science methods to environmental law.</i> <i>Professor Michael Faure – Institutional research and environmental law.</i> <i>Professor Paul Martin – Systems methodologies applied to environmental law research.</i>  Contact Person: Paul Martin	<i>Auditorium 4, DA</i>
11:00-11:30	<b>Break</b>	<i>Frokostkjelleren</i>
11:30-12:45	<b>Research Workshop Continued</b>	<i>Auditorium 4, DA</i>
12:45 – 13:15	<b>Book Launch</b> Edgar Elgar Publishing	<i>Foyer, DA</i>
13:00-14:00	<b>Lunch</b>	<i>Frokostkjelleren</i>
14.00-16.00	<b>Side event</b>	<i>Auditorium 4, DA</i>

10:00-16:00	<b>Side event</b>  International Forum for Environmental Judges  <i>George Pring, Emeritus Professor</i> <i>Justice Satanter Kumar, Chairperson National Green Tribunal India</i> <i>Justice Brian Preston, Chief Judge, Land and Environment Courts of New South Wales</i> <i>Justice Antonio Benjamin, Superior Court of Justice, Brazil</i> <i>Justice Samson Okong’o, Environment and Land Court of Kenya</i> <i>Judge Merideth Wright, Vermont Environmental Court, USA</i> <i>Judge Richard Jones, Planning and Environment Court of Queensland</i> <i>Jan Darpö, Professor, Uppsala Univeristy</i> <i>Ben Boer, Professor and Wu Yu, Assistant Professor, Research Institute of Environmental Law, Wuhan University</i> <i>Ceri Warnock, Associate Professor, University of Otago</i> <i>Judge Laurie Newhook, Principal Environmental Judge, Environmental Court of New Zealand</i>  Contact Persons: Laurence Newhook and Ceri Warnock  Sponsored by Centre for International Governance Innovation (CIGI)	<i>Stallen, Professorboligen</i>
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From Environmental Law to Ecological Law

*Professor Klaus Bosselmann, University of  
Auckland*

*Professor Massimiliano Montini, University  
of Sienna*

Contact Person: Klaus Bosselmann

16:00- **Break with Book Launch** *Frokostkjelleren*  
16:30 Elgar Encyclopedia of Environmental Law Series: Climate Change Law

16:30- **Research Committee Meeting** *Auditorium 6,*  
18:30 *DA*

**Teaching Committee Meeting** *Auditorium 4,*  
*DA*

**Side event** *Gamle Festsal, DA*

Limiting dangerous climate change– The Emerging  
Importance of Domestic Courts and Human Rights  
Tribunals– Especially after Paris

*Roger Cox, Attorney, The Netherlands*  
*Honorary Syed Mansoor Ali Shah, Judge, Lahore High  
Court Green Bench*  
*Andrea Rodgers, Attorney, Our Children’s Trust plaintiffs*  
*Zelda dT Soriano, Attorney, Philippines*

Contact Person: David Estrin

Sponsored by Centre for International Governance  
Innovation (CIGI)

***This event is open to the public***

18:00 **Optional Social Programme**  
Available tours and sightseeing organized by the Oslo Guide Bureau <http://osloguidebureau.no/english/category/iucn-conference/>



## IUCN AEL Colloquium 2016

### WEDNESDAY, June 22

09:00 – **Opening Ceremony**

10:00 Chair: *Christina Voigt*, Professor, University of Oslo, PluriCourts

*Aula, Domus Media  
(DM)*

*Vidar Helgesen*, Minister of Climate and Environment, Norway  
*Dag Michalsen*, Dean, Faculty of Law, University of Oslo  
*Yves Le Bouthillier*, IUCNAEL Secretariat, University of Ottawa  
*Nilufer Oral*, Chair IUCNAEL

*Video Introduction to the IUCN Academy of Environmental Law*

10:00 – **Plenary session**

11:00 Chair: *Koh Kheng Lian*, National University of Singapore

*Aula, DM*

*Aage-Thor Falkanger*, The Parliamentary Ombudsmann, Norway  
*Nicholas A. Robinson*, Pace University School of Law  
*Justice Brian J. Preston*, Land and Environment Court of New South Wales  
*Alejandro Iza*, Head of the Environmental Law Programme

11:00 – **Group Photo**

11:10

*Steps outside Aula,  
DM*

11:00 – **Break**

11:30

*Frokostkjelleren*

11:30 – **Breakout Session 1**

13:00



### **Environmental Protection and Human Rights Approaches**

Chair: Linda Malone

*Tom Kerns*, “An International Tribunal on the Human Rights Impacts of Fracking: Its Structure, Groundings and Purposes”

*Sumudu Atapattu* “Adjudicating Climate Change: How useful is the human rights framework?”

*Marie-Catherine Petersman* “Environmental Protection and Human Rights: When Friends Become Foes – Conflict-Management of the CJEU”

*Evadne Grant* “Resolving environmental disputes in Human Rights Courts: Problems and Prospects”

*Jing Zhang* “Right to Health and Nature Conservation – A Study on Selective Cases”

Auditorium 4, DA

### **Climate Change and Courts 1**

Chair: Justine Bell-James

*Kurt Winter* “The Paris Agreement: new legal avenues to support a transboundary harm claim on the basis of climate change”

*Joyce Melcar Tan*, *Antonio La Viña*, *Cecille Therese Guiao*, *Railla Veronica Puno*, “International and Domestic Law on Climate Change: Compliance Issues from a Developing Country Perspective”

*Antonio Oposa* “Climate Justice for Future Generations”

*Massimiliano Montini*, “How to resolve climate change related "internal environmental conflicts"”

Auditorium 5, DA

### **Environmental Adjudication in International Courts**

Chair: Willemien Du Plessis

*Ruby Moynihan* “The relevance of international courts and tribunals to cross-fertilization and environmental protection in international law on transboundary water cooperation”

*Jorge Cabrera Medaglia* “Sustainable Development Principles and Implications for the international sustainable development law in the International Court of Justice decision in Costa Rica v. Nicaragua cases”

*Andrew Lowenstein* “The Adjudication of Claims Concerning Environmental Impact Assessment Before International Courts and Tribunals”

*Ana Carla Vasco de Toledo*, *Luis Fernando Cabral*, “Environmental international law and the greening of the international court of justice on Gabickovo/Nagymaros”

Theologisk  
Eksamenssal, DA

### **The Environment in Domestic Courts**

Chair: Helle Tegner Anker

*Holly C. Jonas* “The Rising Green Tide: Charting the development of an environmental court in Sabah, Malaysian Borneo”

*Domenikco Amirante*, “Environmental Judges in comparative perspective: Lessons to learn from the National Green

Auditorium 6, DA



Tribunal of India”

*Ana Maria Nusdeo, Carlos Alberto Salles, “Environment and litigation: Prospects and limits from the Brazilian experience”*

*Godwin Dzah, “Environmental Rule of Law, Environmental Justice and the Courts in Ghana”*

### **Environmental Rule of Law**

Chair: Jamie Bendickson

*Niko Soininen, “Rule of Law and Judicial Obligation to Give Reasons in Environmental Disputes”*

*Zen Makuch, “Environmental Constitutionalism, Rights and the Environmental Rule of Law”*

*Rafael Gonzales Ballar, Title TBC*

*Klaus Bosselmann, “The Environment In Court: Ecological sustainability as an adjudicatory norm”*

*Rosa Manzo “Building the Environmental Rule of Law: Equity as a Constitutional Environmental Principle”*

### **The Courts’ Role in Sustainable Development**

Chair: Susana Borrás

*Robert Kibugi, “Environmental Jurisprudence in Kenya: Reviewing how special courts apply law and the constitution to protect norms of sustainable development”*

*Kazuki Hagiwara, “Good faith and sustainable development in international law”*

*John A. Boyd, “Natural and anthropogenic disasters in Court: protection and recovery of the environment, including the atmosphere and climate change”*

### **Courts and Environmental Activism**

Chair: Anél du Plessis

*Mahito Shindo, “Environmental ombudsman: its role in the system of review on the appropriateness of administrative environmental decision-making”*

*An Cliquet, “Activism in the courtroom: judges telling governments to act now!”*

*Jenny Hall, “The impact of South African courts on environmental decision-making”*

*Laurel Besco, “Green Economy Literacy for Judges”*

Auditorium 14,  
Domus Bibliotheca  
(DB)

Stallen,  
Professorboligen

Loft,  
Professorboligen

13:00 – **Lunch**  
14:00

Frokostkjelleren

14:00 – **Breakout Session 2**  
15:30



### **The Relationship between Indigenous Rights and the Environment**

Chair: Jan Glazewski

*Rachel Pepper, Lauren Butterly, "Are Courts Colour Blind to Country? Indigenous Rights, Environmental Law, and the Australian Judicial System"*

*Miguel E. de Araujo, Renata Meda, "The conflict between the implementation of environmental protected areas and maintenance of traditional populations from the perspective of Brazilian courts"*

*Natalia Stoianoff, "Resolving disputes over custodianship of traditional ecological knowledge"*

*Kylie Lingard, Marcia Leuzinger, "The contribution of courts to the recognition of indigenous and local people's rights in natural environments: lessons from Brazil and Australia"*

*Carla Sbert, "Amparos by Indigenous Communities against Mining Concessions in Mexico: Implications for a Transition to Ecological Law"*

Auditorium 4, DA

### **Climate Change and Courts 2**

Chair: Carmen G. Gonzalez

*Randall S. Abate, "Atmospheric Trust Litigation in the United States: Pipe Dream or Pipeline to Justice for Future Generations?"*

*Jaqueline Hand, "Attacking Climate Change Through Strategic Public Trust Litigation"*

*Rosemary Lyster, "Climate science, economic rationalism and the Courts"*

*Susana Borràs Pentinat, "Seeking justice in times of climate change crisis? Civil Society at the crossroads"*

*Darren Prum, Kathryn Kisska-Schulze, "The environmentally conscious skies: did the European Union's game of brinkmanship lead to a viable global plan for emissions trading in aviation?"*

Auditorium 5, DA

### **Experiences from Environmental Courts**

Chair: Massimiliano Montini

*Denise Antolino, "The New Hawaii Environmental Court: Building the Enforcement Toolkit for Fisheries and Coral Reef Violations"*

*Anders Bengtsson "Swedish Environmental Courts – specialized civil and administrative courts"*

*Balraj Sidhu, "Quest for "Greening Justice": A Case of National Green Tribunal in India (NGT)"*

*Laurence John Newhook, "Effectiveness and legitimacy of dispute resolution in the New Zealand Environment Court, proposals for policy change, scope for improvement, and potential obstacles"*

*Robert Percival, "The Top Judicial Decisions in the History of Global Environmental Law"*

Theologisk  
Eksamenssal, DA

Auditorium 6, DA



### **Environmental Principles**

Chair: Tianbao Qin

*Solange Teles da Silva, Fernanda Salgueiro Borges, Mauricio Duarte, Carolina Dutra*, “Marine protected areas and the effectiveness of the precautionary principle: the contribution of Brazilian Courts”

*David VanderZwaag*, “The Precautionary Approach in Canadian Courts and Tribunals: Progressions and Depressions”

*Kleoniki Pouikli*, “Towards an extended version of the "Polluter Pays Principle" in the light of the CJEU Case Law regarding Environmental Liability”

### **Recent Developments in Environmental Litigation**

Chair: Jordi Jaria I Manzano

*Bahram Amanollahil*, “Environmental protection in Iranian courts”

*Jose Leite, Marina Venancio*, “Environmental protection in Brazil's superior court of justice: highlights of the national jurisprudence”

*Yinan Tu*, “Chinese air pollution cases and public support for environmental courts”

*Xhezair Zaganjori*, “The role of the courts in national and international environmental law”

*Catherine McGrath*, “International Application of Market Share Liability”

*Auditorium 14, DB*

### **Access to Justice Around the World**

Chair: Michael Kidd

*Lee Paddock*, “Citizen Pathways into Courts to Address Sustainability Challenges: What we can learn from the United States Experience”

*Nora Ho Tu Nam*, “Inviting civil society to the table: the case of the African Commission”

*Willemien du Plessis*, “Legal privilege, freedom of expression and the public interest in the protection of the environment: a legal conundrum in South Africa?”

*Eloamaka Okonkwo*, “Assessing the Role of the Courts in Enhancing Access to Environmental Justice in Nigeria”

*Koh Kheng-Lian*, "The Environment in Court and Questions of Legitimacy - Promotion of UN Post-2015, SDG 16: 'Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective accountable and inclusive institutions at all levels.' The Role of ASEAN"

*Stallen,  
Professorboligen*

### **Broader Human Interest in the Environment**

Chair: Elizabeth Kirk

*Erin Daly*, “Environmental Dignity Rights in Constitutional Tribunals”

*Dina Townsend*, “The human/environment relationship and its impact on the legal reasoning of courts”

*Loft,  
Professorboligen*





*Saskia Vermeylen*, “Ecology and Law in the Anthropocene: Examining how the wholeness of the Earth is being protected in national and regional courts”

*Trevor Daya-Winterbottom*, “The legitimate role of rights based approaches to Environmental Conflict Resolution: a trans-national New Zealand perspective”

15:30 – **Break**  
16:00

*Frokostkjelleren*

16:00 – **Breakout Session 3**  
17:30

**The Role of International Investment Arbitration in Environmental Protection**

*Auditorium 4, DA*

Chair: Louis J. Kotze

*Malcolm Langford, Daniel Behn, Ole Kristian Fauchald*, “The greening of investment treaty arbitration: the role of arbitrators”

*Chrysa Alexandraki*, “Strengthening accountability in climate finance. An agenda for change.”

*Maksim Usynin*, “The fall of Icarus: How States attract renewable energy investment claims”

*Jason J. Czarnecki*, “Green Public Procurement: Promoting Environmental Interests in the USA and EU”

*James Prest*, “Litigation over the Solar Energy Revolution”

**Issues of Legitimacy**

*Auditorium 5, DA*

Chair: Luc Lavrysen

*Svitlana Romanko*, “The main features and perspectives of judicial protection of environmental rights in Ukraine according to Principle 10 of Rio Declaration on environment and development”

*Brian Preston, Amanda Kennedy, Paul Martin*, “Bridging the gap between aspiration and outcomes: The role of the court in ensuring ecologically sustainable development”

*Alicja Sikora*, “Principle of high environmental protection as a yardstick for judicial review of EU measures before EU Courts”

*Delphine Misonne*, “The Court of Justice of the European Union and its Contribution to Promote a High level of Environmental Protection”

*Elizabeth Gachenga*, “The legitimate role of human rights courts in environmental disputes and environmental courts in human rights claims: the Kenyan experience”



### **Legal Tools in Environmental Courts**

Chair: Yves Le Bouthillier

*Nicola Pain, Rachel Pepper, "Restorative justice for environmental crime"*

*Yanti Fristikawati, "Alternative Dispute Resolution of Environmental cases in Indonesia"*

*Justine Bendel, "Preventive protection of the environment through provisional measures procedures: an instance for judicial creativity"*

*Pierre Cloutier de Repentigny, "Curial Deference in Canadian Environmental Law – In Search of a New Approach"*

*Daniel Bosworth, "The Standards Governing the Admission of Expert Witness Testimony and the Role that Expert Witnesses Play in Environmental Cases Globally"*

*Theologisk  
Eksamenssal, DA*

### **Studies of Access to Justice in EU Member States**

Chair: Jolene Lin

*Wolfgang Koeck, "Access to Justice in Environmental Matters in Germany. The judgment of the Federal Administrative Court from 5 September 2013: a milestone for the development of environmental legal protection"*

*Emilie Chevalier, "Environmental protection stopped at the court's door? The example of French administrative case-law"*

*Zaneta Mikosa, "Access to justice in environmental matters through Actio popularis in Latvia"*

*Katja Rath, "EU secondary legislation and international agreements – the withdrawal of the ECJ from international environmental law"*

*Auditorium 6, DA*

### **Wildlife and Species Protection**

Chair: Frank Maes

*Jonathan Liljeblad, "Jurisdictional Issues in Myanmar Court Prosecution of Wildlife Crimes under the Convention on International Trade of Endangered Species (CITES)"*

*Sophie Riley, "Wildlife in Court: Lessons from Australia on Legal and Ethical Gaps in Controlling Problem Wildlife"*

*Melanie Murcott, "Setting aside South Africa's rhino horn trade moratorium: consequence of the proceduralisation of environmental rights cases?"*

*Ashleigh Dore, Tracy-Lynn Humby, "Upping the ante: the use of private prosecution to target wildlife offences in South Africa"*

*Auditorium 14, DB*

### **Corporate Environmental Accountability / Trade and the environment**

Chair: Volker Mauerhofer

*Wei-Chung Lin, "Insights from the Compliance Advisor Ombudsman (CAO)"*

*Bingyu Liu, "Multinationals' Environmental Accountability and the Rule of Law: Adjudicating the Future through*

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Professorboligen*



International Law”

*Maria Augusta Leon Moreta*, “The Challenge of Bringing to Justice Transnational Corporations for Environmental damages : Case of Study Texaco Oil Company and Chevron vs Lago Agrio”

*Christiane Derani, Arthur Dalmarco*, “Silent implications of US-Tuna II: how a shift in the relationship between international trade and environmental law might affect the perception and behavior of market agents”

*Jessica Owley*, “When New Governance Enters the Courthouse: Judicial Interpretation of Environmental Contracts”

17:30 – **Break**  
18:00

*Frokostkjelleren*

18:00 – **Distinguished Speaker and Guest of Honour: Jørgen Randers, Professor, Norwegian Business School**  
19:00 **“The 2052 forecast. Implications for Environmental Law”**  
Chair: Inge Lorange Backer

*Gamle Festsal*

*Forty years after he coauthored "The Limits to Growth", Jorgen Randers wrote "2052 - A Global Forecast for the Next Forty Years" which describe the most likely development towards 2052 assuming there is no huge-scale, extra-ordinary action. Randers will discuss how extra-ordinary action through law-making could help improve human well-being towards 2052.*

20:00 **Reception**

*Oslo City Hall*

## THURSDAY, June 23

09:00 – **Plenary session**  
11:00 Chair: *Laurence John Newhook*, Environment Court of New Zealand

*Gamle Festsal*

*Melissa K. Scanlan*, Vermont Law School, “The Role of the Courts in Guarding Against Privatization of Important Public Environmental Resources”

*David Hodas*, Widener University, “U.S. Climate Change Adjudication: The epic journey from a petition for rulemaking to national greenhouse gas regulation”

*Jane Dwasi*, National Environment Tribunal, Kenya, “Environmental governance for the common good through dispute resolution : The example of Net, Kenya”

*Lisa Chamberlain*, The University of Witwatersrand, “Beyond litigation: the need for creativity in the quest for the



realization of environmental rights”

*Merideth Wright*, Environmental Law Institute, “Towards a Compendium of Remedies for Judges to Order in Environmental Cases”

*Christina Pak*, Legal Counsel of Asian Development Bank, “Strengthening the Capacity of the Asian Judiciary and Academia in Environmental Law.”

11:00 – **Break**

11:30

*Frokostkjelleren*

11:30 – **Breakout Session 4**

13:00

**Constitutional Theory and the Environment**

Chair: Paul Martin

*Louis J. Kotze*, “South Africa's environmental in court: a 20 year retrospective”

*James May*, “The Environment in Court Environmental protection in national and international courts, tribunals, and compliance mechanisms : Constitutionalized sustainability in Courts”

*Paula Galbiatti Silvera*, “Dialogue between courts: The transconstitutionalism theory on the protection of the environment”

*Jordi Jaria I Manzano*, “Plural constitutionalism and environmental justice - the role of the courts”

*Auditorium 4, DA*

**Climate Change and Courts 3**

Chair: Marjan Peeters

*Melissa Powers*, “Standing and Climate Change: Recovering Lost Ground in the Fight to Obtain Access to the Court”

*Diogo Andreola Serraglio, Heline Sivini Ferreira, Rullyan Mendes*, “Activity of the Brazilian judiciary in the Amazon and Cerrado Biomes aimed at combating global warning”

*Otto Spijkers*, “The Urgenda case, a successful example of public interest litigation for the protection of the environment?”

*Sharon Mascher*, “Canadian Courts and Climate Change: Rising to the Challenge”

*Michael H. Dworkin*, “Success at Scale: Judicial and Administrative Reviews of Three Key Decisions ”

*Auditorium 5, DA*

**Cultural and Environmental Heritage**

Chair: LeRoy Paddock

*Stefan Gruber*, “The role of courts, standing and public participation in cultural heritage protection in Asia”

*Lucas Lixinski*, “Enforcing and Implementing International Heritage Law: Judicial Perceptions of the Environmental and

*Theologisk  
Eksamenssal, DA*



Cultural Goals of Heritage in Tension with Community Aspirations”

*Evan Hamman*, “A toothless tiger? Issues of non-compliance with the World Heritage Convention: The influence of non-state actors and the threat of the List of World Heritage in Danger”

*Maria Papaioannou*, “Cultural Environmental before regional human rights courts”

### **Non-Environmental Avenues to Environmental Outcomes**

Chair : Jose Leite

*Murombo Tumai, Munyuki Isaac*, “The effectiveness of plea and sentence agreements in environmental enforcement in South Africa”

*Philippa England*, “How do Australian courts deal with planning appeals involving development on flood prone land?”

*Anél du Plessis*, “Courts, municipal authority and the pursuit of sustainable cities: Reflections from South Africa”

*Ivett Montelongo*, “Complexity of Environmental Law Cases in Mexican Courts”

Auditorium 6, DA

### **Citizen Involvement and Public Interest**

Chair: Heather McLeod-Kilmurray

*Yuhong Zhao*, “Environmental adjudication in China - development in environmental courts and public interest litigation”

*Kars de Graaf, Albert Marseille*, “Evaluating the effectiveness of environmental litigation by NGOs in the Netherlands. Normative observations and empirical data on judicial review”

*Jolene Lin*, “Urgenda v the Netherlands - the Potential and Limitations of Climate Litigation”

*Everaldo Lamprea, Angela Maria Paez, Catalina Vallejo*, “Collective environmental litigation in Colombia: An empirical study”

*Barbara Pozzo*, “Liability for environmental harm and legal standing issues: a comparative law perspective”

Auditorium 14, DB

### **Specialist Environmental Courts**

Chair: Laurence John Newhook

*Ceri Warnock*, “Reconceptualising Specialist Environment Courts and Tribunals”

*David Grinlinton*, “Integrating Sustainability into the Judicial Process: The Role of Specialist Environment Courts”

*Tracy Hester*, “Does environmental law develop differently in specialized tribunals such as India's”

*Helle Tegner Anker*, “Pros and cons of administrative environmental tribunals – Danish experiences”

*Rafael Asenjo*, “Development and experience of the first three years of the Environmental Court of Santiago Chile”

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Professorboligen

### **Fire**

Chair: David VanderZwaag

Loft,  
Professorboligen



*Idowu Adegbite, "Decades of litigating gas flaring in Nigeria"*

*Nadia Astriani, "Environmental litigation in Indonesia: Forest fire case"*

*Cynthia Xinhong Wang, "Suing the incinerators in Chinese court"*

13:00 – **Lunch**  
14:00

*Frokostkjelleren*

14:00 – **Breakout Session 5**  
15:30

**Non-Compliance Mechanisms in the Montreal Protocol and Aarhus Convention**

*Auditorium 5, DA*

Chair: Petra Humlickova

*Anna Huggins, "A Teleological Nexus: Global Administrative Law and the Rule of Law in the Montreal Protocol's Compliance System"*

*Zerrin Savasan, "Compliance mechanisms under multilateral environmental agreements: case of Montreal protocol"*

*Emily Barritt, "The Adjudicative 'Web' of the Aarhus Convention"*

**Human Rights and the Environment in the African Context**

*Auditorium 4, DA*

Chair: Amber Prasad Pant

*Oliver Windridge, "Survival in the 21st century: the protection of peoples, their land and environment at the African Commission and African Court on Human and Peoples' Rights"*

*Moustapha Fall, "The Environmental right's protection before the African Courts of justice: ECOWAS Court of Justice, East African Court of Justice"*

*Taiwo Odumosu, "Trends in Nigeria and attitudes of courts to cases on environment"*

*David Takacs, "South Africa and the human right to water: Equity, ecology and the public trust doctrine"*

**Joint Session: International Environmental Courts and Armed Conflicts**

*Theologisk  
Eksamenssal, DA*

Chair: Jaqueline Hand

*Amado Tolentino, "International Environmental Adjudication: Strengthen Existing Institutions/Processes or Create a World Court for Environmental Protection?"*

*Bharat Desai, "Do we need an International Environmental Court?"*

*Tara Smith, "International Criminal Prosecutions for Environmental damage caused during armed conflicts"*

*Edwin Novoa, Natalia Orduz, "Is traditional justice in developing countries an opportunity to protect the environment harmed by armed conflicts."*



**The Environment and the Law of the Sea**

Chair: Melissa Powers

*Renan Caseiro de Almeida, Valesca Raizer Borges Moschen, "Civil Liability and Repairs of Environmental Damages Caused by Pollution of the Sea with Oil – Perspectives of Courts in Brazil and the International Tribunal for Law of the Sea"*  
*Xiaoyi Jiang, "Marine Environment and Adjudication of the International Tribunal for the Law of the Sea (ITLOS)"*  
*Laura Lallier, "Back to the future. Seabed Dispute Chamber's advisory opinion: what contributions to seabed mining legislation five years later?"*  
*Linda Malone, "Reconciling the Antarctica Treaty Regime with the UN Law of the Sea Convention"*

Auditorium 6, DA

**Compliance with International Environmental Law**

Chair: Alexander M. Solntsev

*Jennifer Dubrulle, "Not a paper tiger, but a wild lynx: the evolving potential of the (non-)compliance mechanisms of the Bern Convention on European Wildlife Conservation"*  
*Hendrik Schoukens, "Environmental democracy before the EU courts after the rulings of 13 January 2015: between pathological stubbornness and irrational optimism?"*  
*Mariolina Eliantonio, "The environment before the EU courts: a Tale of Uneasy Bedfellows"*  
*Gor Movsisyan, "The impact on domestic legal systems of compliance mechanisms under multilateral environmental treaties"*

Auditorium 14, DB

**Water Regulation**

Chair: Sophie Riley

*Rebecca Bates, "Water Services and the WTO: An exploration of future disputes"*  
*Tiina Paloniitty, "The Weser Case of the European Court of Justice- The Role of Formalism in meeting the Sustainability Goals"*  
*Nicholas Schroeck, "Multijurisdictional response to Lake Erie Algae: International, Federal, State and Provincial legal strategies for combating nutrient pollution in the Great Lakes"*

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15:30 – **Break**  
15:45

Frokostkjelleren

15:45 – **IUCN AEL Collegium**  
17:00

Auditorium 4

16.00-  
18.30

**Global Judicial Institute for the Environment**  
Invited participants only

Juridisk  
Eksamenssal



Contact Person: Antonio Herman Benjamin

17:00 – **Graduate Student Forum**  
18:30

*Stallen,  
Professorboligen*

19:00 **Colloquium Dinner**

*Lofoten Fiskerestaurant*

**FRIDAY, June 24**

09:00 – **Plenary session**

*Gamle Festsal*

11:00 Chair: Nicholas A. Robinson, Pace University School of Law

*Jacqueline Peel*, Melbourne Law School, and *Hari Osofsky*, University of Minnesota Law School, “Climate Change Litigation as a Mitigation Tool: A Comparative Assessment of Impact and Effectiveness in the United States, Australia, and Europe”  
*Farhana Yamin*, University College London, “The Role of Lawyers in Speeding Up Climate Action pre-2020: 4 Suggestions to Shift Tracks and Create New Collaborations in Support of the Paris Agreement”  
*Christina Voigt*, University of Oslo, PluriCourts, “The Paris Agreement and domestic courts”  
*Beate Sjøfjell*, University of Oslo, “Environmental Integration as a Road to Sustainability? The Court of Justice of the European Union and the Environmental Integration Rule in Article 11 TFEU”  
*Mahesh Chandra Mehta*, MC Mehta Environmental Foundation

*Antonio Oposa* “Presentation of the next Colloquium”

11:00 – **Break**  
11:30

*Frokostkjelleren*

11:30 – **Breakout Sessions 6**  
13:00

**Green Judges and Judicial Activism**

*Auditorium 5, DA*

Chair: Dina Townsend

*Lynda Collins*, “The role of Canadian courts in environmental protection: towards a new vision of sustainable stewardship”  
*José Juan González Marquez*, “Contribution of judiciary to development and implementation of environmental law in Mexico”





*Tushar TKanti Saha, "Judicial Creativity protecting the Environment through Public Interest Litigation (PIL) in Indian Jurisprudence"*

*Stellina Jolly, "Procedural and substantive innovations propounded by Indian judiciary in protecting environment: A legal analysis"*

*Nawneet Vibhaw, "From green bench to green tribunal: The plight of environmental courts in India"*

### **Transnational Environmental Crimes**

**Chair: Jaqueline Peel**

*Yetty Komalsari Dewi, Anbar Jayadi, "Enhancing corporate responsibilities to fulfill the rights to clean environment: A lesson learned from Indonesian court"*

*Luciano Butti, "The Cost Of Environmental Protection Under International And High Courts Scrutiny Worldwide"*

*Maria Marques Banque, Antoni Pignatelli, "Bringing transnational environmental crimes to Court in Spain"*

*Daniel Iglesias, Antoni Pignatelli, "Measuring the feasibility of civil litigation and criminal prosecution against EU-based multinational corporations for environmental damage abroad."*

*Jan Glazewski, "United States v Bengis: a court victory for wildlife law"*

*Theologisk  
Eksamenssal, DA*

### **Science and Uncertainty in Litigation**

**Chair: Atsuko Hirose**

*Volker Mauerhofer, "Dealing with Ignorance and Uncertainty: Decision Making by the Court of Justice of the European Union on the example of biodiversity conservation"*

*Nertila Kuraj, "REACHing for scientific expertise? An analytic account of the CJEU approach to highly technical cases under the European chemicals law"*

*Marjan Peeters, "Climate Science in the Courtroom: About the power to decide climate change law"*

*Tracey R. Kanhangra, "Scientific Uncertainties: A nightmare To Environmental Law Adjudicators"*

*Auditorium 6, DA*

### **Comparisons between Domestic Courts**

**Chair: Klaus Bosselmann**

*Jennifer McKay, "Lessons learned from water resources litigation in domestic legal systems- The case of the Environment Resources and Development court in South Australia"*

*Nikolai Kichigin, Olesandra Chornous, "Protection of Environmental Rights in Courts in Russia, Kazakhstan, and Ukraine"*

*Ria Guidone, "A Review of Environmental Courts and Tribunals: for CSOs and the judiciary"*

*Zhuoxian Zhang, "What Chinese Courts Could Learn From the U.S.: The Approach of Public Interest Litigation under China's New Environmental Protection Law"*

*Auditorium 14, DB*



**Environmental Cases and Constitutional Courts**

Chair: Hans Christian Bugge

*Marina Venâncio, Giulia Mancini Pinheiro, "Disastrous Events and State Civil Liability for omissive conducts in Brazil's Superior Court of Justice case-law"*

*Michael Kidd, "Access to justice in environmental cases in South Africa"*

*Yves Le Bouthillier, "Environmental law at the Supreme Court of Canada"*

*Alexander M. Solntsev, "The role of the constitutional court of the Russian Federation in the development of environmental law"*

Stallen,  
Professorboligen

**Side Event: European Environmental Law Forum Panel, An Ever Lonelier Court in an Ever Closer Union**

*Lorenzo Squintani, University of Groningen/Managing Board EELF*

*Luc Lavrysen, University of Gent/Judge Belgian Constitutional Court*

*Jurian Langer, University of Groningen*

Contact Person: Lorenzo Squintani

Auditorium 4, DA

13:00 – **Lunch**

14:00

Frokostkjelleren

14:00 – **Breakout Sessions 7**

15:30

**Class and Public Action**

Chair: Amanda Kennedy

*Cristy Clark, "The politics of public interest environmental litigation: lawfare in Australia"*

*Brieanah Schwartz, "Should the environment have standing? Justice for the environment in international courts"*

*Guy Jules Kounga, "The nature of the environmental procedure and litigation in Cameroon"*

*Alena Kodolova Vladimirovna, "Environmental class actions in the Russian Federation: problems and perspectives"*

Auditorium 4, DA

**Climate Change and Courts 4**

Chair: Farhana Yamin

*Endrius Cocciolo, "Climate Change and Energy Transition Before the Courts: Challenging Legal Categories"*

*Lawrence Watters, "Recent decisions and emerging jurisprudence in US courts in Climate Change"*

*Md. Akhtaruzzaman, "National judicial approaches to address loss and damage resulting from climate change"*

*Justine Bell-James, Sean Ryan, "Climate change litigation in Queensland, Australia: a case study in incrementalism"*

Auditorium 5, DA



*Bjørn-Oliver Magsig* "Solidarity as the mainspring of state responsibility for climate change: towards an Advisory Opinion from the International Court of Justice"

### **International Environmental Law in Domestic Courts**

Chair: [Rafael Gonzales Ballar](#)

*M. Yao-Ming Hsu*, "Role of international environmental law in Taiwan courts: voluntary implementation of a non-contracting party"

*Musa Shongwe*, "The direct applicability of international environmental law in national courts: lessons from Southern African Jurisprudence"

*Antônio Carlos Diniz Murta, Elcio Nacur Rezende*, "The Mariana tragedy in Brazil and the role of the judiciary power before the Brazilian domestic and international environmental degradation. The conflict between the Brazilian State and Federal Jurisdictions and International Law"

*Pantelina Emmanouilidou*, "The environment in the Greek Supreme Court"

*Theologisk  
Eksamenssal, DA*

### **Human Rights and the Environment in Domestic Courts**

Chair: [Evadne Grant](#)

*Tokuma Daba Amogne*, "Judicial Enforcement of Environmental Rights in Ethiopia"

*Grazia Scocca*, "A human right to a healthy environment: how far?"

*Theo Marés de Souza*, "The teachings of a landmark ruling by the Brazilian Supreme Court about indigenous land"

*Carmen G. Gonzalez*, "Environmental Racism, U.S. Courts, and International Tribunals"

*Auditorium 6, DA*

### **Domestic Environmental Jurisprudence**

Chair: [Yanti Fristikawati](#)

*Heather McLeod-Kilmurray*, "The Shield of "Indeterminate" Liability: Tearing Down Policy Barriers to Negligence in Environmental Cases"

*Rachel Jones, Joss Douglas*, "How courts deal with purpose provisions in environmental law in Queensland legislation"

*Jared Sousa*, "The Achilles Heel of U.S. Environmental Regulation?"

*Manuel Solis*, "Human Rights, Energy Access and Legal Redress: Perspectives on the Role of the Philippine Supreme Court"

*Indrani Sarma*, "The Supreme Court and Forest Conservation in India"

*Stallen,  
Professorboligen*

15:30 – **Break**  
16:00

*Frokostkjelleren*



16:00 – **Plenary Session**  
16:30 **Chair:** Nilufer Oral, Chair IUCN AEL

*Aula, DM*

*Oran Young*, University of California, Santa Barbara, "Would an International Environmental Court Be a Progressive Force?"

*Antonio Herman Benjamin*, High Court of Justice of Brazil, Title TBC

*Aula, DM*

16:30 – **Closing Statements**  
17:00 **Chair:** Nilufer Oral, Chair IUCN AEL

*Nicholas A. Robinson*, Pace University School of Law

*Jamie Benidickson*, IUNCAEL Secretariat, University of Ottawa

*Christina Voigt*, *PluriCourts*, University of Oslo

18:00 – **Field Trip – Boat trip on the Oslo Fjord**  
21:00 The Boat leaves at 18:00 sharp.