



UiO : **PluriCourts**
University of Oslo



14th Annual Colloquium of the IUCN Academy of Environmental Law, Oslo, 2016

The Environment in Court

**Environmental protection in national and international courts,
tribunals, and compliance mechanisms**

Call for Abstracts

PluriCourts, Center of Excellence for the Study of the Legitimacy of International Courts and Tribunals at the University of Oslo, will host the 14th Annual Colloquium of the IUCN Academy of Environmental Law, **20-25 June 2016**.

We are currently inviting abstract submissions for presentations at the 2016 Oslo Colloquium by **15 January 2016**.

The theme of the Colloquium is “The Environment in Court - Environmental protection in national and international courts, tribunals, and compliance mechanisms”. This broad topic seeks to address procedural and substantive aspects of environmental adjudication, both in national, regional and international courts, tribunals as well as non-compliance mechanisms of multilateral environmental treaties. In the context of the Sustainable Development Goals (SDGs), Principle 10 of the Rio Declaration as well as the Aarhus Convention, the idea of strengthening of an environmental rule of law through access to justice has gathered considerable momentum

The main questions to be explored by this colloquium relate to what the role is, should be and could be for the judiciary in promoting environmentally sustainable development? What progresses and advances have been made in protecting the environment through courts and which obstacles exist to enhancing effective environmental adjudication? The colloquium attempts to address these issues along various, crossing “axes”: national and international adjudication, procedural and substantive legal issues, comparisons of different legal systems, and the relationships between policy and law, input and outcome, *lex lata* and *lex ferenda*, law and ethics, effectiveness and equity.

This Colloquium takes litigation of environmental disputes (and disputes with environmental aspects) before courts as a starting point for discussions. Its ultimate goal is to deliberate the effectiveness and legitimacy of existing national and international adjudication as well as to discuss further feasible and effective avenues for dealing with environmental disputes.



Abstracts are invited to focus on the Colloquium theme and to address one of the following seven subject clusters (the topics are indicating particular interest areas, but are not exhaustive):

1. General questions of legitimacy

- Contribution of courts to the development and implementation of environmental law
- Role of international environmental law in international and national courts
- Feasibility of an environmental rule of law in light of SDG 16
- Need for more/less judicialization in the environmental field
- Legitimacy and effectiveness of non-compliance mechanisms in MEAs

2. Procedural and formal issues

- Should environmental courts be part of an administrative, civil or criminal court system?
- Which procedural and/or substantive issues work in favour of environmental cases – and which hamper courts' effectiveness in dealing with such cases?
- Do judges have sufficient competence with regard to the nature (e.g. complexity, uncertainty) of environmental law cases?
- Public interest environmental litigation in national and/or international courts

3. Comparisons

3.1. *Between different legal systems:*

- Could a significant difference be drawn between courts in developed and developing countries dealing with environmental disputes?
- Which lessons can be learned from different parts of the world?

3.2. *Between national and international law:*

- Could domestic remedies be taken as a model for international adjudication?
- Can domestic courts “learn” from international courts? What is the influence of international courts with regard to national environmental laws?

3.3. *Between different international courts/tribunals:*

- What can be learned from other bodies of law for which specialized adjudicatory bodies have been created?

4. Cross-cutting topic areas

- The legitimate role(s) of human rights courts in environmental disputes
- Protection of the environment and the (overdrawn) risk of fragmentation



- Business and the environment in Court: corporate freedoms, enhanced State control of private actors, free trade interests and environmental protection
- Trade, biosecurity and exhaustible natural resources in Court
- Oceans and the environment in Court: adjudicatory regulation of fisheries and underwater mineral and biogenetic resources

5. Protection of a “Wider” Environment

- Natural and anthropogenic disasters in Court: protection and recovery of the environment, including the atmosphere & climate change
- Culture and environment in Court: including indigenous cultures, mixed cultures and the cultures of law
- Peace and the environment in Court
- Environment and development in Court
- Environmental adjudication between law and policy and ethics

6. Lessons learned

- Lessons learned from environmental litigation in domestic legal systems
- The role and effectiveness of non-compliance mechanisms in MEAs

7. How to move ahead?

- The feasibility, possible added-value or backlashes of an international environmental court
- Suggestions for increasing the effectiveness of environmental adjudication

Instructions for the Submission of Abstracts

- Abstracts and papers must be written in English, complete with title, author(s)'s name(s), and institutional affiliation.
- Abstracts should contain the aim of the paper, main points and a brief conclusion (400 words, maximum).
- Please include 3-5 keywords, separated by commas.
- Abstracts should not contain tables, graphs, drawings, etc.

Timeline

- Abstract should be submitted by **15 January 2016** online at iucnael2016@jus.uio.no.
- Abstracts will be reviewed on a rolling basis, as received, with a final decision to be provided by **15 March 2016**.
- After acceptance of the abstract, Colloquium presenters are encouraged to submit papers by **30 April 2016**.
- The Academy will publish an edited and peer-reviewed collection of selected papers following the colloquium.

Contact: Professor Dr. Christina Voigt, University of Oslo, PluriCourts coordinator, environmental law (christina.voigt@jus.uio.no)