

IUCN – The World Conservation Union
UNEP - United Nations Environment Programme
OECD – Organization for Economic Co-operation and Development
European Environmental Law Association
Italian Environmental Law Association
ICEF – International Court of the Environment Foundation

in collaboration with
Italian Council of the Judiciary

Symposium on Environmental Law for Judges

JOHANNESBURG SUMMIT NEXT STEPS:
*The Role of the Judiciary in the Implementation and Enforcement
of Environmental Law*

Rome
Italian Council of the Judiciary
Friday 9 & Saturday 10 May, 2003

In co-operation with
Council of Europe
European Commission

And

The Cousteau Society
Centre International de Droit Comparé
de l'Environnement
Biopolitics International Organisation
International Court of Environmental
Arbitration and Conciliation

Italian Constitutional Court
Italian Supreme Court
Italian Council of State
Italian Ministry for Foreign Affairs
Italian Ministry of Justice

With grants from the

Italian Ministry of Environment

And

Provincia di Perugia
Ordine degli Avvocati di Bari

Friday, 9 May 2003

8:30 a.m. – 9:30 a.m. **Registration**

9:30 a.m. – 10:30 a.m. **INAUGURAL SESSION**

Chair: Hon. Justice Giovanni **Conso**, former President, Italian Constitutional Court; former Minister of Justice; Honorary President, ICEF, Rome, Italy

Welcoming addresses:

Virginio **Rognoni**, Vice President, Italian Council of the Judiciary, Rome, Italy

and

Altero **Matteoli**, Italian Minister of Environment

General Introduction

An overview of “*The Main Issues related to the Implementation and the Enforcement of Environmental Law after Johannesburg*”

- Nicolas A. **Robinson**, Chair, Commission on Environmental Law, IUCN; Pace University School of Law, New York, USA
- Lal **Kurukulasuriya**, Chief, Environmental Law Branch, UNEP, Nairobi, Kenya: “*UNEP Programme for the Implementation of the Outcome of the Global Judges’ Symposium*”
- Pavel **Suian**, Senior Legal Officer, UNEP, Geneva, Switzerland
- Kenneth **Ruffing**, Acting Director, Environment Directorate, OECD, Paris, France: “*Implementing Environmental “Soft Law” : Some OECD perspectives*”.

10:30 a.m. – 10:45 a.m. *Coffee-break*

10:45 a.m. – 1:00 p.m. **1 SESSION**

Round Table: “The Principles of the Human Right to the Environment: The Role of the Judiciary”

Chair: Hon. Justice Guy **Canivet**, President, French Supreme Court of Cassation, Paris, France

Opening address: Hon. Justice Nicola **Marvulli**, President, Italian Supreme Court of Cassation, Rome, Italy

Introduction:

Giovanni **Cordini**, University of Pavia, Italy

“*The Human Right to Environment in the Charter of Fundamental Rights of the European Union*”

Debate

Participants are kindly requested to summarise the key points of their contribution within max 10 minutes. Those who have submitted a written contribution will be first acknowledged by the chair (see attached list of contributors).

The Round table will focus on:

- suggestions on the modalities for training of Judges and other legal stakeholders for promoting more effective implementation and enforcement of the procedural aspects of the human right to the environment: information, participation and access at international, regional and national level;
- suggestions on the development of substantive aspects of the human right to environment: content, standard, connection with economic, social and cultural rights, experience of justiciability and applicability in Courts of Law.

1:00 p.m. – 2:30 p.m. Luncheon-break

2:00 p.m. – 2:30 p.m. Informal meeting for European judges (during lunch time)

2:30 p.m. – 5:00 p.m. II SESSION

Round Table: “The Role of the Judiciary in Implementing and Enforcing Environmental Law”

Chair: Hon. Justice Paul L. **Stein**, Justice, Supreme Court of NSW, Australia

Opening address: Hon. Justice Mario **Schinaia**, Council of State, Rome, Italy

Introductions:

- Georges **Kremlis**, Head, Environmental Division, European Commission, Brussels, Belgium
- Umberto **Leanza**, Ministry for Foreign Affairs, Rome, Italy
“The Centre for Prevention and Management of Environmental Conflicts - The Ecological Protection Zone in the Mediterranean Sea: Two Italian Initiatives”
- Corrado **Clini**, Director, Italian Ministry of Environment

Debate

Participants are kindly requested to summarise the key points of their contribution within 10 minutes. Those who have submitted a written contribution will be first acknowledged by the chair (see attached list of contributors).

The Round Table will focus on:

- suggestions on the implementation of the International Conventions

4:00 p.m. – 4:15 p.m. *Coffee-break*

4:15 p.m. – 5:00 p.m. **Debate**

5:00 p.m. – 6:00 p.m.

Meeting of the Judiciary Working Party of IUCN's Commission on Environmental Law

9:00 p.m.

Dinner Reception

Saturday, 10 May 2003

9:00 a.m. – 1:30 p.m. **III SESSION**

Round Table: “The Role of the Judiciary in Implementing and Enforcing Domestic, Regional and International Environmental Law: Next Steps Towards More Effective Information and Training”

Chair and introduction: Lord Justice of Appeal Robert **Carnwath**, RCJ, London, United Kingdom

Opening address: Hon. Justice Riccardo **Chieppa**, President, Italian Constitutional Court, Rome, Italy

Debate

Participants are kindly requested to summarise the key points of their contribution within max 10 minutes. Those who have submitted a written contribution will be first acknowledged by the chair (see attached list of contributors).

11:00 a.m. – 11:15 a.m. *Coffee-break*

11:15 a.m. – 1:00 p.m. **Debate**

1:00 p.m. – 1:30 p.m.

Conclusions and final recommendation:

- Hon. Justice Arthur **Chaskalson**, Chief Justice, South African Constitutional Court, South Africa;
- Lal **Kurukulasuriya**, Chief, Environmental Law Branch, UNEP, Nairobi, Kenya;
- Nicolas A. **Robinson**, Chair, Commission on Environmental Law, IUCN, New York, USA;
- Andrew **Waite**, President, European Environmental Law Association, London, United Kingdom;
- Hon. Justice Amedeo **Postiglione**, Italian Supreme Court of Cassation, Rome; Director, ICEF, Rome, Italy.

1:30 p.m.

Luncheon break

PAPERS AND CONTRIBUTIONS

INAUGURAL SESSION

General introductions:

“UNEP’s Role in Strengthening the Capacity of Judges and other Legal Stakeholders in the Field of Environmental Law”

Lal **Kurukulasuriya**, Chief, Environmental Law Branch, UNEP, Nairobi, Kenya

“Environmental Law and the OECD”

Kenneth **Ruffing**, Acting Director, Environment Directorate, OECD, Paris, France

I SESSION

“The Juridical Principles Grounding the Preservation of the Environment from Rio de Janeiro to Johannesburg: a Comparative Study”

Giovanni **Cordini**, University of Pavia, Italy

“Environmental Rights as Part of Fundamental Rights: the Leadership of the Judiciary in Pakistan”

Parvez **Hassan**, Senior Partner, Hassan & Hassan (Advocates), Lahore, Pakistan; President, Pakistan Environmental Lawyers Association

“The Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters”

Giorgio **Recchia**, University of Rome, Italy

“Les études d’impact transfrontières: essai d’étude comparée”

Michel **Prieur**, University of Limoges, France

“Water as Human Right?”

John **Scanlon**, Head, IUCN Environmental Law Programme; Director, IUCN Environmental Law Centre, Bonn, Germany

“Access to Justice in International Environmental Law for Individuals and NGOs: Efficacious Enforcement by the Permanent Court of Arbitration”

Alfred **Rest**, University of Cologne, Germany

“International Responsibility/Liability for Environmental Damage”

Sergio **Marchisio**, Director, Institute of International Juridical Studies, Italian National Research Council, Rome, Italy

“Bios Rights: The Needed Dimension for the Protection of Human Rights and the Environment”

Agni **Vlavianos-Arvanitis**, President and Founder, Biopolitics International Organisation, Greece

“The Right to an Adequate Environment and the Right to its Protection: towards sustainable development”

▪ Demetrio **Loperena**, Secretary General Assistant, International Court of Environmental Arbitration and Conciliation, San Sebastian, Spain

- Javier **Ezeizabarrena Saenz**, Legal Adviser, International Court of Environmental Arbitration and Conciliation, San Sebastian, Spain

II SESSION

“The Centre for Prevention and Management of Environmental Conflicts - The Ecological Protection Zone in the Mediterranean Sea: Two Italian Initiatives”

Umberto **Leanza**, Ministry of Foreign Affairs, Rome, Italy

“The Legal Meaning of Sustainability”

Michael **Decleris**, Council of State, Greece

“The Protection of the Mediterranean and Black Sea ”

- Mario **Pavan**, University of Pavia, Former Minister of Environment, Italy
- Jean **Jaubert**, University of Nice, France

“Protection of the Baltic Sea by Finnish Law and International Agreement”

Hon. Justice Jan **Eklund**, Judge, Administrative Court, Finland

“The Implementation of the Convention for the Protection of Alps”

Andreas **Gotz**, Director, Cipro International, Liechtenstein

“Principles of Environmental Policy as a Legal Basis for Judicial Decisions: the example of the precautionary principle”

Stefano **Grassi**, University of Florence, Italy

“Developing National Enforcement Programs for Pesticide Regulatory Requirements and Pesticide-related International Agreements”

Marcia E. **Mulkey**, INECE, West Chester, PA, USA

III SESSION

“La Cour Internationale de Justice et le Droit International de l’Environnement”

Hon. Justice Gilbert **Guillaume**, President, International Court of Justice, The Hague, the Netherlands

“Environmental law in the UK Courts”

Lord Justice of Appeal Robert **Carnwath**, RCJ, London, United Kingdom

“Environmental Jurisprudence in the United States: Some reflections”

Hon. Justice Scott C. **Fulton**, Environmental Appeals Board, US EPA, Washington, D.C., USA

“The Right to a Safe Environment in the Case-law of the European Court of Human Rights”

Hon. Justice Antonella **Mularoni**, European Court of Human Rights, Strasbourg, France

“Le Droit Communautaire de l’Environnement et en Particulier les Directives “Oiseaux” et “Habitats” dans la Jurisprudence de la Cour”

Hon. Justice Claus **Gulmann**, Court of Justice of the European Communities, Luxembourg

“The Implementation of the European Landscape Convention”

Maguelonne **Dejeant-Pons**, Council of Europe, Strasbourg, France

“The Judiciary Power and the Environmental Law in Brazil”

Hon. Justice Vladimir **Passos de Freitas**, Federal Judge, Court of Appeal, 4th region, Bahia, Brazil

“Legal Reforms Necessary for the Good Governance of Natural Resources and Sustainable Development”

Graciela, Dolores and Eduardo **Pigretti**, University of Buenos Aires, Argentina

“L’expérience par la création au sein du Conseil d’Etat Hellénique d’une formation spécialisée sur le droit de l’environnement”

Hon. Justice Constantinos **Menoudakos**, Vice President, Council of State, Athens, Greece

“Environmental Law and Administrative Courts in Finland”

Hon. Justice Kari **Kusiniemi**, The Supreme Administrative Court of Finland, Helsinki, Finland

“Creating networks of inquiry into sustainable development law?”

Marie-Claire **Cordonier Segger**, Director, Centre for International Sustainable Development Law

Are there any Lessons for Europe in the Experience of the Land and Environment Court in Australia?

Hon. Justice Paul L. **Stein**, Supreme Court of NSW, Australia

“Ecological offence in the 1995 Spanish Penal Code – Its Content and practical application”

Hon Justice Mirem **Nekane San Miguel**, Supreme Court of the Basque Country, Bilbao, Spain