



## PROGRAM

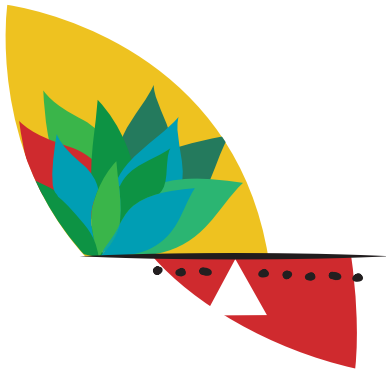
1<sup>st</sup> IUCN

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# World Environmental Law Congress

Congrès Mondial de Droit de l'Environnement | Congreso Mundial de Derecho Ambiental

RIO DE JANEIRO – APRIL 27th-29th, 2016



# 2016 WORLD ENVIRONMENTAL LAW CONGRESS

## Environmental Rule of Law, Justice and Planetary Sustainability

Under the auspices of IUCN and in collaboration with UNEP

Organized by the Brazilian Association of Judges (AMB), the Supreme Court of the State of Rio de Janeiro, the Brazilian National Judicial School (ENM), and the Association of Judges of the State of Rio de Janeiro (AMAERJ)

In cooperation with the Organization of American States (OAS), the International Association of Judges (IAJ), the Asian Development Bank (ADB), the Global Legislators Organisation for a Balanced Environment (GLOBE), the International Network for Environmental Compliance and Enforcement (INECE), the Environment Committee of the Iberian-Latin American Summit of Chief Justices, the European Union Forum of Judges for the Environment and the Office of the Attorney General of the State of Rio de Janeiro

**Knowledge Partner:** FGV Projetos – Getúlio Vargas Foundation, Brazil

## Wednesday, April 27

### **9:00 - 13:30** WCEL Global Colloquium of Early Career Environmental Law Experts: *Legal tools for sustainable futures in the Anthropocene*

Office of the Attorney General of State of Rio de Janeiro

**Co-Chairs:** Nicholas Bryner (George Washington University Law School, USA) & Michelle Lim (Griffith Law School, Griffith University, Australia)

The inaugural World Commission on Environmental Law (WCEL) Global Colloquium of Early Career Environmental Law Experts will develop a roadmap for sustainable futures by the emerging generation of environmental law scholars and practitioners who will be faced with addressing the challenges of the Anthropocene. Emerging environmental law scholars and practitioners will highlight the challenges and opportunities for environmental law in their particular area of expertise. The Colloquium will provide a platform for the emerging generation of WCEL members and Young Professionals from the other five IUCN Commissions to identify the legal tools and governance transformations required for shaping sustainable futures.

The starting point of the Colloquium is the WCEL's Early Career Group (ECG)'s publication: *Charting Environmental Law Futures in the Anthropocene*. In this publication, ECG members from around the globe discuss contemporary and future challenges and develop recommendations for how environmental law may address these challenges. The Colloquium is also informed by a parallel WCEL process which is drafting a Congress Declaration on the Environmental Rule of Law.

The Colloquium will include presentations from contributors to *Charting Environmental Law Futures in the Anthropocene*, as well as other Early Career environmental law experts. This will be complemented by discussion, drawing on the key ideas identified in the presentations, and a process for synthesizing and outlining essential legal principles for shaping sustainable futures. The outcomes of the Colloquium will be presented at the 4<sup>th</sup> Plenary Session on the final day of the Congress (Friday 29 April 2016). The principles identified will be integrated into the Congress Declaration.

### **9:00 - 9:15** Opening Address

Inger Andersen (Director-General, IUCN) and Justice Antonio Herman Benjamin (STJ)

### **9:15 - 11:15** 1<sup>st</sup> Session: Speed Presentations and Preliminary Mapping

3-5 minute presentations by Early-Career experts. This includes presentations that will be made in person, through video conferencing facilities, and/or pre-recorded videos. Presentations will set out environmental and legal challenges for sustainable futures as well as mechanisms for addressing those issues. Speakers will be encouraged to identify the key legal principle or principles underlying effective responses to the challenges highlighted in each presentation. Connections and synergies across the presentations will be mapped on butcher's paper throughout the first session.

### **11:15 - 10:25** Coffee/Tea Break

## **11:25 - 12:10 2<sup>nd</sup> Session: Small group discussions (this session is only open to Early Career Participants)**

**Coordinators (in alphabetical order):** Katelijin Van Hende (Environmental Law Center, Bonn), Pablo Lorenzetti (Law for a Green Planet Institute, Argentina), Ezequiel Santagada (IDEA, Paraguay), Maria Muavesi (IUCN Regional Office, Fiji), and Lydia Solobodian (Environmental Law Center, Bonn)

Small groups will be formed around key themes. These themes will be extracted from the submissions to the Colloquium, *Charting Environmental Law Futures in the Anthropocene* and the most recent draft of the Congress Declaration. Core groups and group facilitators will be formed based on submissions from presenters and contributors to the ECG publication. Discussions across these groups will commence prior to the Colloquium focused on three key questions. Non-presenter participants will be welcome to join a group on the day.

## **12:10 - 13:20 3<sup>rd</sup> Session: Plenary: Charting Future Directions**

Colloquium participants will come together in plenary to present their findings from small group discussions and synthesize this work as a statement of key principles for legal frameworks that shape sustainable futures. The statement will be presented on the final day of the Congress and will also feed into the development of the Congress Declaration.

## **13:20 - 13:30 Colloquium closing, Professor Ben Boer (Deputy-Chair, WCEL)**

## **13:30 - 16:30 Pre-Congress Dialogue, Capacity Building Program on the Environmental Rule of Law: Addressing the Challenges of the Judiciary in Protecting our Common Home**

This dialogue session will focus on presenting the Inter-American Judicial Capacity Building Program on the Environmental Rule of Law. The session will bring together judges and experts from the Americas and beyond to share their progress in advancing through their decisions the concept of environmental rule of law and an ethic of the vulnerable, including the planet. Issues within the Judicial Capacity Building Program will be discussed including the conceptual framework of environmental law, substantive and procedural rights, assessing environmental damage and liability, the role of judges in environmental decision making and judgement enforcement. The main objective of this dialogue is to shed light on the challenges the Judicial Capacity Program aims to address from the national to the global level.

**Venue:** Supreme Court of the State of Rio de Janeiro

**Coordinators:** Arnold Kreilhuber (UNEP, Nairobi) and Claudia de Windt (OAS, Washington DC)

**Dialogue Participants:** The Honorable Justice Ricardo Luis Lorenzetti (Chief Justice, Supreme Court of Justice of Argentina), The Honorable Justice Antonio Herman Benjamin (National High Court of Brazil – STJ), The Honorable Justice Sergio Muñoz (Supreme Court of Justice of Chile), The Right Honorable Lord Robert Carnwath of Notting Hill (Supreme Court of the United Kingdom), The Honorable Justice Claudio Dell’Orto (State Supreme Court of Rio de Janeiro and director, National Judicial School – ENM/AMB), The Honorable Justice Eladio Lecey (National Judicial School – ENM/AMB), The Honorable Justice Elton Leme (State Supreme Court of Rio de Janeiro)

# Opening of the 1<sup>st</sup> IUCN World Environmental Law Congress

## **17:00 - 18:45 Opening and Welcoming Remarks**

**Chair:** Justice Luiz Fernando Ribeiro de Carvalho (Chief Justice of the State of Rio de Janeiro)

## **18:45 - 19:45 Keynote Opening Addresses**

**Chair:** Ambassador Liliana Ayalde (Embassy of the United States of America in Brazil)

**Keynote Speakers:** Thomas Lovejoy (Professor, George Mason University, and Senior Fellow at the United Nations Foundation) and Bradnee Chambers (Executive Secretary, Convention on Migratory Species)

## **19:45 - 20:15 Recognizing the 50<sup>th</sup> Anniversary of the Red List of Threatened Species: Launch of the Golden Lion Tamarin Commemorative Stamp**

**Chair:** AMB

**Speakers:** Giovanni Queiroz (President, Brazil Postal Service-ECT), Simon Stuart (Chair, SSC), Thomas Lovejoy (Professor, George Mason University, and Senior Fellow at the United Nations Foundation), and Luís Paulo Ferraz (Executive-Secretary, Golden Lion Tamarin Association, Brazil)

With the Special Participation of Ademar Faria Coimbra Filho (Brazilian biologist and primatologist, a pioneer in the conservation of the Golden Lion Tamarin)

## **20:15 - 22:00 Cocktail Reception**

# Thursday, April 28

## 9:00 - 9:45 Keynote Addresses

Justice Ricardo Lorenzetti (Chief Justice, Supreme Court of Argentina), *Judges and the Environment*

Justice Shen Deyong (Deputy-Chief Justice, People's Supreme Court, China), *The Role of Judges in the Protection of the Environment in China*

**Chair:** Judge Cristina Crespo (President, International Association of Judges)

## 9:45 - 10:00 Presentation of WCEL Awards

Lifetime Achievement in Environmental Law & Policy to: Wolfgang Burhenne and (*posthumously*) Dr. Francoise Burhenne-Guilmin [presented by Dr. Parvez Hassan & Prof. Nicholas Robinson]

Lifetime Achievement in Environmental Leadership to: Chief Raoni, Kayapó People, Brazil, presented by Inger Andersen (IUCN Director General)

**Chair:** Sheila Abed (Minister of Justice and Labor of Paraguay)

## 10:00 - 10:45 1<sup>st</sup> Plenary Session, *Looking Ahead: Lessons from the Past for the Anthropocene*

**Chair:** Cesar Cunha Campos (Diretor, FGV Projetos)

**Speakers:** Elizabeth Mrema (Director, UNEP Division of Environmental Law and Conventions, Nairobi); Nicholas Robinson (Professor, Pace University, USA, and WCEL Chair Emeritus)

Panelists for this session will engage in a conversation reflecting on the events, principles, laws and programs that gave rise to environmental law around the world, and discussing the forces that shape environmental law today and into the future. The discussants will probe how environmental norms became central to socio-economic growth, as foundations for sustainable development, and how to understand and respond to on-going resistance to those norms. Systemic trends in environmental law will be examined, including the emergence of new principles and practices, and the drivers of societal transformation toward environmental sustainability.

## 10:45 - 11:15 Coffee/Tea Break

## 11:15 - 12:30 2<sup>nd</sup> Plenary Session, *The Future of Environmentalism*

**Co-Chairs:** Suzana Padua (President, IPE – Institute for Ecological Research, Brazil) and Malik Amin Aslam Khan (IUCN Councilor and Chair, Green Growth Initiative in KPK Province, Pakistan)

**Speakers** (in alphabetical order): Inger Andersen (Director, IUCN); Marina Grossi (President, CEBDS – Brazilian Business Council for Sustainable Development); Yolanda Kakabadse (President, WWF International); David Kopenawa (Leader of the Yanomami people, Brazil)

**Session Rapporteur:** WCEL

This session will be a dialogue among speakers from various environmental backgrounds that are working for societal change and to promote conservation and planetary sustainability. Panelists will be asked to set out a vision for environmentalism for the next two decades, both in terms of their organization as well as their personal experiences and views. They will also discuss the role that science can play in strengthening environmentalism and environmental state governance.

## 12:30 - 14:30 Lunch

## 14:30 - 16:30 Simultaneous Interactive Sessions I – *Planetary Challenges*

These sessions are designed to facilitate an integrated approach, with participation of environmental law scholars, scientists, ethicists, economists and other experts. Conveners and key speakers for each session will prepare papers in advance that describe the relevant planetary challenge and offer an assessment of the current state of environmental law, policy, and jurisprudence in the field. Outcomes from these sessions will be integrated into the overall Congress objectives of assessing the current state of environmental law, building on opportunities and formulating concrete recommendations for reform.

## **1a. Ethics, Rights, and Responsibilities in Environmental Rule of Law: The Place of States, Indigenous Peoples, and Business & Financial Institutions**

**Conveners:** WCEL Specialist Group on Ethics and IUCN CEESP

**Chair:** Sidnei Gonzalez (FGV Projetos)

**Keynote Speaker:** Eckard Reh binder (Professor, Frankfurt University, Germany)

**Speakers (in alphabetical order):** Brendan Mackey (Professor, The Australian National University), Catherine Iorns Magallanes (Professor, Victoria University, Wellington, New Zealand), Jordi Jaria I Manzano (CEDAT- Universitat Rovira i Virgili, Tarragona, Catalonia, Spain), Agnès Michelot (Professor, Université de La Rochelle, and President, Société Française pour le Droit de l'Environnement, France), Danielle de Andrade Moreira (Professor, Catholic University, Rio de Janeiro), and Ethan G. Shenkman (Deputy General Counsel, U.S. Environmental Protection Agency)

**Session Rapporteurs:** WCEL

The session is intended to cover a range of areas related to theory, application, and challenges in articulating a comprehensive, democratic and fair vision of environmental law. Presentations and discussion will be organized around fundamental ethical principles underlying environmental law; sustainability and law; ecological and social/cultural resilience; concerns of indigenous and local communities; rights of nature, role and responsibilities of financial institutions, etc. The session will also include discussion on the recognition of customary law in addressing environmental issues. The panel will explore the status and implications of the UN Declaration on the Rights of Indigenous Peoples with respect to sustainable development, including the application of the principle of free, prior, and informed consent.

## **1b. Biodiversity and Marine Ecosystems: Oceans, Coral Reefs, and Coastal Areas**

**Convener:** WCEL Specialist Group on Oceans, Coasts, and Coral Reefs

**Co-Chairs:** Nilufer Oral (Professor, Istanbul Bilgi University, Turkey, and Chair, IUCN Academy of Environmental Law) and David VanderZwaag (Professor, Schulich School of Law, Marine & Environmental Law Institute, Canada)

**Introduction to the theme:** Jorge Caillaux (President, Peruvian Environmental Law Society/Sociedad Peruana de Derecho Ambiental)

**Keynote Speaker:** Antonio Paulo Cachapuz de Medeiros (Judge, International Tribunal for the Law of the Sea, and former Chief Legal Advisor, Ministry of Foreign Affairs of Brazil)

**Speakers:** Denise E. Antolini (Professor, University of Hawaii School of Law), David Freestone (Sargasso Sea Commission), Kristina Gjerde (IUCN Marine Program High Seas Policy Advisor), Carina Costa de Oliveira (Professor, University of Brasília, Brazil), Monique Cheker de Souza (Federal Environmental Public Prosecutor, Brazil), and Davor Vidas (Fridtjof Nansens Institute, Norway)

**Session Rapporteur:** WCEL

This panel would be coordinated by the WCEL Specialist Group on Oceans, Coasts and Coral Reefs, in collaboration with the UNEP Regional Seas Programme and the IUCN Biodiversity Beyond National Jurisdiction Working Group.

Oceans cover 70% of the earth's surface with some 90% of the world population living within 100 kilometers of the coast and is a key source of food for much of the world. However, the health of the oceans and marine life are under multiple threats including climate change, ocean acidification, and marine pollution. The session will explore the latest law and policy research on meeting challenges for the conservation of oceans, coasts, and coral reefs, including the role of marine protected areas, regional seas, and the 1982 United Nations Convention on the Law of the Sea.

## **1c. Soils, Biodiversity and Forest Ecosystems (Part I)**

**Conveners:** WCEL, SSC, CEM, and WCPA

**Chair:** Lena Bretas (Head, Environment Department, Embassy of Germany in Brazil)

**Keynote Speaker:** Claudio Maretti (President, Chico Mendes Institute – Brazilian Protected Area Agency)

**Speakers (in alphabetical order):** Grethel Aguilar (Lawyer, Regional Director, IUCN), Rosa Lemos (CEO, Brazilian Biodiversity Fund – FUNBIO), Jessica Owley (University of Buffalo, USA), Carole Saint-Laurent (Deputy-Director, IUCN Forest and Climate Change Programme), Pedro Solano (Director, Peruvian Environmental Law Society/Sociedad Peruana de Derecho Ambiental), and Marcos Terena (Leader of Brazilian Indigenous Peoples)

**Session Rapporteur:** WCEL

The session will focus on legal frameworks for the protection and sustainable management of forest ecosystems and biodiversity, including protected areas. The panel will discuss legal and policy challenges such as land tenure and rights of communities in protected forest areas; integration of forest management policies into climate change mitigation and adaptation strategies, among other issues.

The panel will also explore the relationship between species and ecosystem assessments (the IUCN Red List of Ecosystems, as well as the IUCN Red List of Species, national lists, etc.) and national law. The intent is to debate the legal "consequences" or implications of scientific assessments of ecosystems and species, in order to understand how to translate them into implementation of laws and policies. The panel will also focus on the particular challenges for the legal protection of Red Listed ecosystems and Red Listed species in transboundary contexts.

## 1d. Biodiversity and Environmental Crime

**Conveners:** CITES, CMS, UNEP, SSC, WCPA and WCEL

**Co-Chairs:** Simon Stuart (Chair, IUCN SSC) and Bradnee Chambers (Executive Secretary, Convention on Migratory Species)

**Speakers:** Ana Rúbia Torres de Carvalho (Environmental Public Prosecutor, Brazil), John G. Robinson (Wildlife Conservation Society, USA), Koh Kheng Lian (Professor, University of Singapore), Thalia Palacios (Environmental Public Prosecutor, Panama), Juan Carlos Vasquez (CITES Secretariat)

The session will focus on the UN General Assembly Resolution on Tackling Illicit Trafficking in Wildlife adopted on 30 July 2015. The Resolution expresses concern that illicit trafficking in protected species of wild fauna and flora is an increasingly sophisticated form of transnational organized crime that poses a threat to health and safety, security, good governance and the sustainable development of States. It recognizes the legal framework provided by and the important role of CITES and the importance of other biodiversity-related international conventions. It reaffirms the effectiveness of, and the legal framework provided by, the UN Convention Against Transnational Organized Crime and the UN Convention Against Corruption. It also recognizes the role of the International Consortium on Combating Wildlife Crime (ICWC) in providing technical assistance to States in combating illegal trade in wildlife. The session will also refer to SDG Goal 15, Target 15.7, which states "take urgent action to end poaching and trafficking of protected species of flora and fauna and address both demand and supply of illegal wildlife products".

## 1e. Biodiversity, Freshwater Ecosystems, and Water Security

**Conveners:** Organization of American States; WCEL Specialist Group on Water and Wetlands; IUCN Environmental Law Centre

**Co-Chairs:** Miguel Pellerano (IUCN Council) and Mamadou Diallo (Secretary-General, Senegalese Friends of Nature Association, Dakar)

**Speakers:** Carl Bruch (Environmental Law Institute, Washington, DC), Max Campos (Organization of the American States), Alejandro Iza (Director, Environmental Law Center, Bonn), Luis Fernando Macias (President, Colombian Environmental Law Institute), Owen McIntyre (Professor, School of Law, University College Cork, Ireland), and Fernando Walcacer (Professor, Catholic University of Rio de Janeiro)

The WCEL Water and Wetlands Specialist Group will coordinate this session, together with the IUCN's Water Programme and the Secretariat of the Ramsar Convention.

The discussion will address legal issues related to water scarcity and security, including human rights concerns and the degradation of freshwater ecosystem biodiversity.

## 16:30 - 17:00 Coffee/Tea Break

## 17:00 - 19:00 Simultaneous Interactive Sessions II – *Legal Opportunities and Priorities*

*These sessions are intended to bring together diverse groups of stakeholders to describe areas of opportunity and priorities for legal systems to enhance the environmental rule of law and actively respond to local and global challenges.*

## 2a. Principles of Environmental Law for the Anthropocene in Light of the Sustainable Development Goals

**Conveners:** WCEL and UNEP

**Co-Chairs:** Sheila Abed (Minister of Justice and Labor, Paraguay) and Ben Boer (Professor Wuhan University, and Deputy-Chair, WCEL)

**Keynote Speakers:** Michael Bothe (Professor Emeritus, Johann Wolfgang Goethe University, Frankfurt) and Robert Percival (Professor, University of Maryland School of Law)

**Speakers (in alphabetical order):** Emilie Chevalier (Professor, Université de Limoges), Arnold Kreilhuber (UNEP, Nairobi), Sébastien Mabile (Chair, Environment Committee, IUCN France), and Constanza Martinez (IUCN HQ), *Environmental Rule of Law and SDGs*;

**Session Rapporteur:** WCEL

This Session will address the development, application and status of legal principles vital for effective environmental protection and sustainable development in the age of the Anthropocene. It will explore how recognition of some form of the right to a healthy environment in a majority of national constitutions and legal frameworks are shaping trends in jurisprudence across nations, and how the courts are elaborating new principles of law, including non-regression, precaution, *in dubio pro natura*, ecological function of property rights, and resilience. The panel will reflect on the changing roles that law is providing to serve in enabling human society to adapt to emerging environmental conditions.

The session will also consider the legal dimensions of the Sustainable Development Goals, including how to integrate them into laws, policies and legal principles at national and local levels. This encompasses discussion of the overarching importance of the environmental rule of law to the implementation of goals for environmental, cultural, social, and economic sustainability. The Panel will explore how legal and regulatory institutions at local and national levels - including courts, as well as systems for public participation, access to information and to justice, effective enforcement, and independent auditing - can ensure the success of Sustainable Development Goals and strengthen environmental law principles.

## 2b. Climate Change, Energy and the Oslo Principles: Adjudicating the Future

**Conveners:** WCEL Specialist Group on Climate Change & Energy

**Chair:** Ambassador José Antônio Marcondes de Carvalho (Chief Environment Negotiator of Brazil)

**Keynote Speaker:** Suzana Khan Ribeiro (President, Brazilian Panel on Climate Change, and professor, Federal University of Rio de Janeiro)

**Speakers (in alphabetical order):** Taholo Kami (IUCN Oceania Regional Director, Fiji), David Hunter (Professor, American University, USA), José Rubens Morato Leite (Professor, Federal University of Santa Catarina, Brazil), Jaap Spier (Professor, Maastricht University and Advocate General of the Supreme Court of the Netherlands), Spencer Thomas (Ambassador and Special Envoy for Climate Change, Granada; Vice-Chair of the Bureau of IPBES) and Christina Voigt (Professor, University of Oslo, Norway)

**Session Rapporteur:** WCEL

The panel will be coordinated by the WCEL Energy and Climate Change Specialist Group, working in collaboration with the IUCN Climate Change Task Force and the IUCN Secretariat.

This session is intended to address the implications of the international climate negotiations (particularly in light of the Paris Agreement in 2015). It will draw on the latest research, especially on the relationship of law and policy to the challenge of transitioning to and increasing access to sources of sustainable energy. It will also discuss how traditional environmental law instruments (such as environmental impact assessment, environmental and urban planning) adapt to challenges brought by climate change.

The speakers will also analyze the Oslo Principles and the guidance that they may provide to the judiciary when deciding difficult climate-change cases. The main objective is to assess whether the Oslo Principles – drawing on human rights, international law, environmental law, tort law and private law – constitute a coherent and morally plausible interpretation of the relevant legislation, precedents and *opinio juris*.

## 2c. Environmental Compliance and Enforcement: International, Regional and National Perspectives

**Conveners:** WCEL Specialist Group on Compliance and Enforcement

**Co-Chair:** Ken Markowitz

**Keynote Speaker:** John Cruden (US Department of Justice)

**Speakers:** Irum Ahsan (Counsel, ADB), Silvia Cappelli (former President, Latin American Network of Environmental Public Prosecutors), Gustavo Alanis (Centro Mexicano de Derecho Ambiental), Scott Fulton (President, Environmental Law Institute, USA), Luis Fernando Barreto Junior (President, Brazilian Association of Environmental Public Prosecutors), Leonardo Castro Maia (Head of the Environmental Public Prosecutor Office of the Doce River Basin), Ruth Morcillo (Anti-Corruption Prosecutor, Panamá), Claudia S. de Windt (Organization of American States)

**Session Rapporteur:** WCEL

This panel will be coordinated by the WCEL Specialist Group on Compliance and Enforcement, in collaboration with UNEP, OAS, the International Network for Environmental Compliance and Enforcement (INECE), environmental prosecutors, and representatives from litigation-oriented environmental law centers.

This objective of the session is to discuss suggestions and recommendations for a more effective implementation, compliance, and enforcement of environmental law at every level, as well as the need to strengthen elements of the environmental compliance and enforcement cycle. It will take its cue from the UNEP Fourth Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme IV) (UNEP/GC/25/INF/15), particularly Part I.A., which focuses on implementation, compliance, and enforcement.

## 2d. Soils, Biodiversity and Forest Ecosystems (Part II)

**Convener:** WCEL Specialist Group on Sustainable Soils and Desertification

**Chair:** Larissa Velano (Deputy-Rector, Unifenas, Brazil)

**Keynote Speakers:** Thelma Krug (Vice-president, IPCC, scientist, National Institute for Space Research, and National Director for Combating Deforestation, Ministry of Environment, Brazil) and Piet Wit (Chair, IUCN CEM)

**Speakers:** Ian Hannam (Chair, WCEL Specialist Group on Sustainable Soils and Desertification), Irene Heuser (Deputy-Chair, WCEL Specialist Group on Sustainable Soils and Desertification, Germany), Victor Hugo Inchausty (IUCN South America Regional Director), Aban Marker-Kabraji (IUCN Asia Regional Director), and Patrícia Faga Iglecias Lemos (Secretary of the Environment, State of São Paulo, and Professor, University of São Paulo Law School)

**Session Rapporteur:** WCEL

The session will address the legal dimensions of conservation and protection of soil, as well as ecosystem threats due to land use change, unsustainable land use practices, and desertification. A primary aspect of the session will be on translation into effective legal frameworks of the proposed Sustainable Development Goal 15: 'Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss'. This will be discussed both in terms of the UNCCD in light of UNCCD COP12, as well as achieving land degradation neutrality more broadly. It will also address the legal issues involving food security as an issue of human rights, environment and development, the right to food, the effects of climate change (especially in the light of the 2015 Paris Agreement) and take into account the revised World Soil Charter 2014.

## Friday, April 29

### 9:00 - 13:00 Simultaneous Interactive Sessions III – *Legal Institutions and Environmental Law*

*These sessions will provide a forum for each set of stakeholders—judges, prosecutors, legislators, agencies, public interest attorneys, and financial institutions—to convene a discussion on common issues and priorities. The intent is to promote the sharing of experiences, build networks, and identify good practices in responding to the challenges addressed throughout the Congress.*

#### **3a. Roundtable: Judges and Environmental Rule of Law – A Global Dialogue (by invitation only)**

**Venue:** Supreme Court of the State of Rio de Janeiro

**Chairs:** Hon. Justice Antonio Herman Benjamin (National High Court of Brazil)

**Discussants (in alphabetical order by last name):** Hon. Justice Rafael Asenjo (Chief Justice, Environmental Court, Chile), Lady Justice Vedalini Bhadain (President, Environment and Land Use Appeal Tribunal), Hon. Justice Ricardo Torres de Carvalho (President, Environmental Law Chamber, State Supreme Court, São Paulo), Lord Justice Robert Carnwath (Supreme Court of the United Kingdom), Hon. Justice Michael Hantke Domas (Chief Justice, Third Environment Court, Chile), Hon. Justice Eloy Espinosa-Saldaña (Constitutional Court of Peru), Hon. Justice Cândido Alfredo Silva Leal Júnior (Federal Court of Appeals, 4<sup>th</sup> Circuit, Brazil), Hon. Justice Swatanter Kumar (Supreme Court of India and Chairperson, National Green Tribunal), Hon. Justice Luc Lavrysen (Constitutional Court, Belgium, and chair, European Union Forum of Judges for the Environment), Hon. Justice Elton Leme (State Supreme Court, Rio de Janeiro), Hon. Justice Magdangal M. de Leon (Court of Appeals, The Philippines), Hon. Justice Ricardo Lorenzetti (Chief Justice, Argentina), Hon. Justice Sergio Muñoz (Former Chief Justice of Chile), Hon. Justice Ragnhild Noer (Supreme Court of Norway), Justice Claudio Dell’Orto (State Supreme Court, Rio de Janeiro, and Director, National Judicial School – ENM/AMB), Hon. Lady Justice Pauline Nyamweya (High Court of Kenya), Hon. Justice Samson Okongo (President, Land and Environment Court, Kenya), Hon. Justice Nicola Pain (Land and Environment Court, New South Wales, Australia), Hon. Justice Brian Preston (Chief Judge, Land and Environment Court New South Wales), Hon. Justice Isabelle Silva (Council of State/Conseil d’État, France), Hon. Justice Syed Mansoor Ali Shah (High Court of Lahore, Pakistan), Hon. Justice Marga Tessler (Federal Court of Appeals, 4<sup>th</sup> Circuit, Brazil), Hon. Justice Dr. Emmanuel Ugirashebuja (Chief Justice, East African Court of Justice, Arusha, Tanzania), Hon. Justice Michael D. Wilson (Supreme Court of Hawaii)

**Scientific Advisory Committee:** Elizabeth Mrema (UNEP), Nicholas Robinson (Professor, Pace University), Wolfgang Burhenne (WCEL Chair Emeritus), Parvez Hassan (WCEL Chair Emeritus), Sheila Abed (WCEL Chair Emeritus), Ben Boer (WCEL), Scott Fulton (Environmental Law Institute), Michael Bothe (Professor Emeritus, Johann Wolfgang Goethe University, Frankfurt), Charles di Leva (World Bank) and Claudia de Windt (Organization of American States)

**Session Rapporteur:** WCEL/UNEP/OAS

The session on judges and environmental rule of law will include two consecutive roundtables, both with the same participants, coordinated by the leaders of the Global Judicial Institute for the Environment Initiative, together with the Brazilian Association of Judges, the Supreme Court of Rio de Janeiro, the International Association of Judges, the Organization of American States, the UNEP International Advisory Council for Environmental Justice, the EU Forum of Judges for the Environment, the Asian Judges Network on Environment and the Asian Development Bank.

Roundtable I will explore judicial innovations and developments in environmental law in the past few years, and give an overview of the emerging principles adopted by judges around the world with regard to environmental matters. Following this discussion, Roundtable II will focus on innovative procedural rules for courts to ensure access to justice in environmental matters, standards of assessing environmental liability, and other issues faced by the judiciary, highlighting specific examples and jurisprudence from courts around the world.

#### **3b. Environmental Litigation: Environmental Public Prosecutors, Environmental Agencies Legal Counsel, and Public Interest Litigators – A Global Dialogue**

**Venue:** Office of the Attorney General

**Conveners:** WCEL Specialist Group on Compliance & Enforcement, INECE, Latin American Network of Environmental Public Prosecutors, European Union Forum of Environmental Public Prosecutors, Organization of American States, U.S. Department of Justice and Brazilian Association of Environmental Public Prosecutors (ABRAMPA)

**Co-Chairs:** John Cruden (U.S. Department of Justice) and Silvia Cappelli (Former Executive-Coordinator, Latin American Network of Environmental Public Prosecutors)

**Speakers (in alphabetical order):** Gustavo Alanis (President, CEMDA - Mexican Environmental Law Center), Maria Amparo Alban (Former president, Ecuadorian Environmental Law Institute), Mauro O’ de Almeida (General Counsel, Ministry of the Environment, Brazil), John Bonine (Professor, University of Oregon School of Law), Néstor Cafferatta (Professor, Argentina), Marcelo Cousillas (General Counsel, Ministry of Housing, Land and Environment, Uruguay), Lorena Fernandez (Environmental Public Prosecutor, Honduras), Guilherme José Purvin de Figueiredo (State Attorney, São Paulo, and President, Brazilian Association of Environmental Law Professors), Marcus Pereira Leal (Head, Environmental Protection Division, Office of the Attorney General of the State of Rio de Janeiro), Ken Markowitz (INECE), Blas



Mathias Michienzi (Environmental Public Prosecutor, Argentina, and Executive-Coordinator, Latin American Network of Environmental Public Prosecutors), Thalia Palacios (Environmental Public Prosecutor, Panamá), Gisele Porto (Federal Environmental Public Prosecutor, Rio de Janeiro), Patrícia de Amorim Rêgo (former Attorney General of the State of Acre), Pedro Solano (SPDA - Peruvian Environmental Law Society)

**Rapporteur:** WCEL

This session will be divided into two panels. Its purpose is to have a dialogue between environmental public prosecutors, legal counsel of environmental protection agencies and public interest litigators. It will provide a forum for environmental litigators to exchange experiences and discuss various approaches taken around the world to strengthen environmental rule of law through effective enforcement, including criminal prosecution and civil enforcement actions.

A variety of public environmental litigation issues will be explored, ranging from government initiatives to non-government and individual actions taken to enforce environmental legislation. It would also identify the challenges restricting effective public interest litigation and confirm the need at all levels for support of public interest litigation and advocacy. Issues for discussion could include public interest litigation and Rio Principle 10 (rights to participation, access to information, and access to justice), as well as human rights concerns (freedom of expression of environmental advocacy groups; state and private retaliation and violence against environmental advocates).

### **3c. Legislators, Government Agencies, Civil Society and the Environmental Rule of Law**

**Venue:** Room 'Orgao Especial' on 10th floor, Supreme Court building

**Conveners:** GLOBE, UNEP, WCEL, Senate of Brazil and State Assembly of Rio de Janeiro

**Co-Chairs:** Senator Jorge Viana (Vice-President of the Senate of Brazil), Senator Alejandro Encinas Rodriguez (President of GLOBE International, Mexico) and Malini Mehra (GLOBE)

**Session Rapporteur:** GLOBE/UNEP

In collaboration with GLOBE and UNEP, this session will provide a forum for legislators and policymakers to assess legislative deficiencies related to environmental law and discuss opportunities for drafting legal frameworks that promote ecological sustainability. The discussion will draw on efforts to identify new needs and to define emerging legal and policy frameworks, such as the 2004 Earth Charter, the 2015 Draft International Covenant on Environment and Development and as well as regional and national initiatives.

#### **9:00 - 9:30 Opening Session**

Hon. Jorge Picciani (President, State Assembly of Rio de Janeiro), Senator Alejandro Encinas Rodriguez (President of GLOBE International, Mexico), Inger Andersen (Director General, IUCN), State Representative Thiago Pampolha (Chair, Environment Committee, State Assembly of Rio de Janeiro) and Senator Jorge Viana (Brazil)

#### **9:30 - 10:00 Keynote Address**

Izabella Teixeira (Minister of the Environment of Brazil), *Forests and Climate Change*

**Chair:** Ambassador Aud Marit Wiig (Embassy of Norway in Brazil)

#### **10:00 - 10:45 Session 1: Examining the linkages between legislative design and implementation in the context of the Environmental Rule of Law**

**Chair:** GLOBE

Hon. Senator Loren Legarda (Chair, Senate Committee on Climate Change, GLOBE Philippines), Hon. David McGuinty (MP and President, GLOBE Canada), Hitoshi Ushijima (Professor, Chuo University, Japan)

**Followed by:** Interactive dialogue between panel participants

#### **10:45 - 11:00 Coffee Break**

#### **11:00 - 12:15 Session 2 Towards more effective environmental governance – Opportunities for law-makers and the enforcement community**

**Chair:** Malik Amin Aslam Khan (IUCN Councilor and Chair, Green Growth Initiative in KPK Province, Pakistan)

Hon. Caroline Lucas (MP, GLOBE UK, UK House of Commons), Hon. Simon Edem Asimah (MP GLOBE Ghana), Hon. Vanessa Grazziotin (Senator, Federal Senate, Brazil), Senator Laura Rojas (GLOBE Mexico), Hon. Sarney Filho (member of the House of Representatives and former Minister of the Environment, Brazil)

**Followed by:** Dialogue with legislators and public and private environmental enforcers

#### **12:15 - 12:45 Keynote Address**

Marina Silva (former Senator and Minister of the Environment, Brazil)

**Chair:** Ambassador Josef Smets (Embassy of Belgium in Brazil)

**12:45 - 13:15** Concluding session: Towards a common action agenda for better environmental law making and enforcement

**13:15** Closing

**13:15 - 14:30** Lunch

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**15:00 - 15:40** 3<sup>rd</sup> Plenary Session, *International Law, human rights and biodiversity*

**Chair:** AMB

**Keynote Speakers:** Parvez Hassan (Chair Emeritus, WCEL, Pakistan), *The Role of the developing countries in the Development of International Environmental Law*, Jorge E. Vinuales (Harold Samuel Professor of Law and Environmental Policy, University of Cambridge University, United Kingdom), *The Rio Declaration after a quarter of a century*

**Session Rapporteur:** UNEP

**15:40 - 16:00** 4<sup>th</sup> Plenary Session, *The Future of Environmental Law (addresses from WCEL Early Career Group representatives)*

**Chair:** Jorge Caillaux (President, Peruvian Environmental Law Society/Sociedad Peruana de Derecho Ambiental)

**Speakers:** Michelle Lim (Griffith University, Australia) and Nicholas Bryner (George Washington University Law School, USA)

**Session Rapporteur:** WCEL

**16:00 - 16:20** Summary Report (outcomes and recommendations of simultaneous sessions) and Conclusions: draft *World Declaration on Environmental Rule of Law*

**Chair:** AMB

**Speakers:** Ben Boer (WCEL Deputy Chair) and Elizabeth Mrema (UNEP Division of Environmental Law and Conventions)

The basic elements of the *World Declaration on Environmental Rule of Law* will be drafted before the Congress begins. A working group will incorporate input from plenary sessions, panels, and discussions during the Congress, and will finalize the Declaration within a few weeks after the close of the Congress.

**16:20 - 16:40** Coffee/Tea Break

**16:40 - 17:00** Presentation of the Title of Honorary Citizen of Rio de Janeiro and the Tiradentes Medal, the highest award bestowed by the State, to Achim Steiner

**Presented by:** Representative Jorge Picciani (President, Rio de Janeiro State Assembly)

**17:00 - 17:50** Legal, Economic and Social Implementation Challenges of Sustainable Development Goals: Perspectives from Different Parts of the World

**Chair:** Celina Borges Torrealba Carpi (Ethos Institute and Network of Brazilian Women for Sustainability)

**Keynote Speakers:** Izabella Teixeira (Minister of the Environment of Brazil), *Forests and Climate Change* and Nestor Mendez (Assistant Secretary-General, Organization of American States), *Environmental Rule of Law: Institutional Strengthening for Sustainable Development in the Americas*

**17:50 - 18:00** Invitation to the IUCN Academy of Environmental Law Colloquium in Oslo

**Speakers:** Nilufer Oral (Professor and Chair, IUCN Academy of Environmental Law) and Christina Voigt (Professor, University of Oslo)

**18:00 - 18:45** Closing Session

**Chair:** AMB

**Introduction:** Sheila Abed (former Minister of Justice of Paraguay) and Parvez Hassan (Chair Emeritus, WCEL)

**Keynote speaker:** Achim Steiner (UNEP Executive Director), *Challenges and Opportunities for Environmental Protection*

**18:45** Closing of the 1<sup>st</sup> IUCN World Environmental Law Congress

**Chair:** Justice Luiz Fernando Ribeiro de Carvalho (Chief Justice of the State of Rio de Janeiro)

**20:00 - 23:00** Cocktail Reception and Cultural Show

# Saturday, April 30

## Two Post-Congress Events

### 9:00 - 12:00 Global meeting of *Environmental Law Centers and Journals*

**Venue:** Supreme Court of the State of Rio de Janeiro

**Organizing Committee:** Environmental Law Institute; Law for a Green Planet Institute; Elizabeth Fisher (Journal of Environmental Law); Tim Stephens (Asia Pacific Journal of Environmental Law); Columbia Law School Sabin Center for Climate Change Law; IUCN Environmental Law Centre

Since IUCN established the first environmental law centre in 1970, in Bonn, Germany, over 200 specialized centers and institutes have been established to advance environmental law through cutting-edge research, publication of journals, capacity building, and other programs. Early centers included the Environmental Law Institute in Washington, DC, and the Environmental Law Center at the Institute of State and Law of the Russian Academy of Sciences in the USSR. Soon thereafter, the Law for a Green Planet Institute (Planeta Verde) launched its annual conference on environmental law in Brazil, and the first law review in South America. In 1981, at Wuhan University in China, the Research Institute on Environmental Law (REIL) was established, and the Center for Environmental Legal Studies at Pace University Law School began its work. By 1989, these groups were joined by the Center for International Environmental Law (CIEL) in Washington, DC, and the Foundation for International Environmental Law Development (FIELD) in London. At the Faculté de Droit et des Sciences Économique de Limoges, a research centre and post-graduate degree in environmental law were launched in the 1970s. The International Center for Comparative Environmental Law was launched within the Interdisciplinary Research Centre on Environmental Law in Planning & Urban Studies (CRIDEAU).

Other pioneering ventures include the Australian Centre at Macquarie University, Foundation for Environmental and Natural Resources Law (FARN) in Buenos Aires, Argentina, the Mexican Center for Environmental Law (CEMDA), the Indonesian Centre for Environmental Law (Jakarta), CASELAP at the University of Nairobi, Peruvian Society for Environmental Law (SPDA) in Peru, the WWF Environmental Law Centre in New Delhi, the University of Morocco Law Faculty Environmental Law Center, in Calgary, British Columbia and Ottawa, in Cologne and Frankfurt Universities and the Asia-Pacific Centre for Environmental Law in Singapore, and many more (Costa Rica, Japan, S. Korea, S. Africa, Sweden, Denmark, Netherlands, etc.). Today, virtually every region has specialized environmental law capacity through such centers.

This colloquium will share, compare and critique the research agendas for those centers, examine how they collaborate together, and discuss proposals for establishing a consortium of these centers to work with WCEL to support the progressive development and proper implementation of environmental law and promote the environmental rule of law at international and national levels. The colloquium will include four panels, with the following topics:

**(a) Environmental law reviews and journals.** Many of the environmental law centers mentioned above, as well as other environmental networks and organizations, such as ICEL, publish scholarly and professional law reviews and journals. This panel will assess the contributions made by such journals in both advancing legal scholarship and building capacity of environmental law practitioners, and how journals' content and impact can be enhanced through comparative law cooperation at a regional level. Participants will also discuss challenges, such as publishing in the electronic age; providing access to audiences that may have limited access to electronic forms of publication; serving the needs of readers from multiple countries; and providing content in multiple languages.

**(b) Conceptual development of environmental law.** Discuss the work of environmental law centers with regard to the conceptual development of environmental law, a hallmark of IUCN's

Environmental Law Programme, including support for emerging principles of environmental law and for effective implementation, compliance and enforcement. Additional substantive issues for discussion may include environmental law centers' work on environmental human rights issues, including access rights under Rio Principle 10 (right to participation, access to information, and access to justice); freedom of expression on environmental issues; state and private violence against environmental advocates; and substantive environmental rights issues, such as implementation of the human right to water.

**(c) Electronic tools for environmental law research and knowledge sharing.** *Opportunities for* expanding the reach of ECOLEX and other electronic tools to build a global, virtual alliance of all collaborating centers and institutes that enables comparative law research and sharing of good practices in development and implementation of environmental law.

**(d) Sustainable Development Goals.** Define the special role of environmental law centers in attaining the UN Sustainable Development Goals, including strategies related to the funding and resources available to do so.

The colloquium will be an opportunity for environmental law centers to share experiences, best practices, and lessons learned. Part of the colloquium may also be devoted to discussion of practical issues, such as engagement of some centers in public interest environmental litigation; fundraising; development and sharing of informational resources; strategic planning; and the need for support at the national, regional, and international level for the work of environmental law centers and other action in the public interest.

**Chairs:** Scott Fulton (Environmental Law Institute) and Alejandro Iza (IUCN Environmental Law Center)

**Speakers:** Elizabeth Fisher (Professor, Oxford University; Journal of Environmental Law; by video link), John Pendergrass (ELI), Pedro Solano (Sociedad Peruana de Derecho Ambiental), Gustavo Alanis (Centro Mexicano de Derecho Ambiental), APCEL – Asia Pacific Centre for Environmental Law, (National University of Singapore), Nestor Cafferata (Revista Argentina de Derecho Ambiental), Sílvia Cappelli (Revista Brasileira de Direito Ambiental), etc

**9:00 – 12:00** First Meeting of the *Global Judicial Institute for the Environment*  
(by invitation only)

**Venue:** Supreme Court of the State of Rio de Janeiro (Auditório do Tribunal Pleno, 10º Andar)

**Organizing Committee:** WCEL, UNEP, IAJ and OAS

The Global Judicial Institute for the Environment is being established as a new autonomous international organization to work with national courts and national judicial institutes to assist in advancing their capacity to handle environmental law cases. It will work in partnership with national court systems, and their administrative offices, to organize the programs that judges wish to have provided. The Institute will be governed by a committee of judges and judicial institute representatives, and selected environmental law experts, nominated by appropriate international authorities, that the judges will confirm. This new Global Judicial Institute for the Environment thus will be run by judges and for judges, so that their independence and autonomy will be respected.

The first meeting of the Global Judicial Institute for the Environment will introduce the Institute to judges from around the globe and will serve as an organizing session for the Institute. The organizing committee will explain the preliminary work leading to this first meeting, the proposed structure of the Institute, its mission, and the proposed plan of work. Environmental law experts and those who have worked with judges will outline the types of programs and resources that may be made available through the Institute. Judges will be asked to elect an initial governing body representative of all regions of the world and all legal systems.





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