



# A PLANET UNDER SIEGE

The Role of Environmental Courts and the Global Judicial Institute for the Environment

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September 4, 2016 11:00am – 1:00pm

*IUCN World Conservation Congress Workshop #10286  
Hawai'i Convention Center, Room 319B*

## ***Introduction***

The most important legal issues facing judges globally are climate change and loss of biological diversity. The combination of these two phenomena represents a drastic diminution of planetary ecological integrity. In the context of the potentially destabilizing effects of global temperature rise beyond 2 degrees Celsius, judicial institutions applying the environmental rule of law will face decision-making challenges of unprecedented gravity.

The expertise and independence required to effectively apply the environmental rule of law in the Anthropocene era can be supplied by environmental courts and tribunals, as well as the Global Judicial Institute for the Environment (GJIE). The GJIE, launched in April 2016 at the 1st IUCN World Congress on Environmental Law, is an organization designed to support the role of courts and tribunals in applying and enforcing environmental laws and in promoting the intent of the environmental rule of law and to achieve the fair distribution of environmental benefits and burdens.

This workshop will consider the manner in which the GJIE and judicial institutions may equip judges for their critical role in addressing the impending unprecedented challenges of climate change and biological degradation.

11:00

## **Opening, IUCN and Judges**

**ANTONIO HERMAN BENJAMIN** (JUSTICE, NATIONAL HIGH COURT OF BRAZIL, AND CHAIR, WCEL)

11:15

## **Keynote Address**

**VICTORIA TAULI-CORPUZ** (UNITED NATIONS SPECIAL RAPPORTEUR ON THE RIGHTS OF INDIGENOUS PEOPLES), *INDIGENOUS PEOPLES, NATURE AND LAW*

CHAIR: **SIMON STUART** (CHAIR, IUCN SPECIES SURVIVAL COMMISSION)

11:30

## **Judges and the Ethical Foundations of Environmental Law**

11:50

CHAIR: **JENNY GRUENBERGER PÉREZ** (IUCN COUNCILOR, BOLIVIA)

### **SPEAKERS:**

**KLAUS BOSSELMANN** (PROFESSOR, UNIVERSITY OF AUCKLAND FACULTY OF LAW, NEW ZEALAND), *COURTS AND THE ENVIRONMENT: ECOLOGICAL SUSTAINABILITY AS AN ADJUDICATORY NORM*

*Reviewing international and national environmental cases and recent literature, it is possible to define sustainability as an adjudicatory norm (as opposed to a merely abstract reference). At the core of this investigation is the concept of integrity of ecological systems referred to in numerous international documents. Ecological integrity can be described as an emerging fundamental legal norm or grundnorm.*

**BRENDAN MACKEY** (PROFESSOR, GRIFFITH UNIVERSITY, AUSTRALIA), *ETHICS FOR ENVIRONMENTAL LAW: LESSONS FROM THE EARTH CHARTER*

*The climate and biodiversity crises raise hitherto unconsidered dimensions of justice as their impacts and consequences aggregate and reverberate across national boundaries and generations. The Earth Charter presents an expansive and comprehensive re-envisioning of 'the community' for whom we are morally responsible, with implications for how we interpret established legal obligations such as duty of care.*

11:50

## **Judges and Ecological Crisis: Climate Change and Biodiversity Loss**

12:30

*This panel will include perspectives on the need for a stronger ecological foundation for environmental law and on the role of judicial institutions in addressing legal and ecological challenges associated with climate change and biodiversity loss*

### **CO-CHAIRS:**

**ÁNGELA ANDRADE** (DEPUTY-CHAIR, IUCN COMMISSION ON ECOSYSTEM MANAGEMENT – CEM, AND ENVIRONMENTAL POLICY DIRECTOR, CONSERVATION INTERNATIONAL, COLOMBIA)

**AMBASSADOR MASAHIKO HORIE** (IUCN COUNCILOR, JAPAN)

### **SPEAKERS:**

**ELIZABETH MREMA** (DIRECTOR, UNEP DIVISION OF ENVIRONMENTAL LAW AND CONVENTIONS), *UNEP AND JUDGES*

*This presentation discusses the 2030 Agenda for Sustainable Development and the Sustainable Development Goals, which provides a unique opportunity to ensure that sustainable development is based on the rule of law, and affords all people equality in terms of environmental protection. Going forward we need to support and increase the capacity of all those critical to implementing environmental rule of law and 'making law work'. This includes in particular courts and other tribunals, law enforcement agencies, auditing institutions and other stakeholders at the national, sub-regional, regional and international levels*

**AMY FRAENKEL** (WCEL MEMBER AND HEAD OF DIVISION, SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY), *THE ROLE OF LAW IN 'MAINSTREAMING' BIODIVERSITY TO ACHIEVE THE OBJECTIVES OF THE STRATEGIC PLAN FOR BIODIVERSITY 2011-2020 AND THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT*

*This presentation will focus on the need to align laws and governmental institutions to ensure that biodiversity and ecosystem services it underpins are effectively considered in decision making, as well as*

relevant potential outcomes at the upcoming thirteenth Conference of the Parties of the Convention on Biological Diversity.

**MICHELLE LIM** (LECTURER, GRIFFITH LAW SCHOOL AND CHAIR, WCEL EARLY CAREER GROUP), *ENVIRONMENTAL LAW FUTURES IN THE ANTHROPOCENE*

*This presentation explores the uncertainties and challenges of the Anthropocene and the opportunities for re-imagining sustainable futures for environmental law. It discusses the crucial role that the emerging generation must play in shaping sustainable and desirable environmental law futures.*

**SEBASTIAN MABILE** (WCEL MEMBER AND CHAIR, ENVIRONMENT AND POLICY COMMISSION, FRENCH IUCN NATIONAL COMMITTEE), *PRINCIPLES OF ENVIRONMENTAL LAW: 24 YEARS AFTER RIO*

*This presentation reviews, 24 years after the Rio Conference, new Environmental Law principles, such as non-regression principle, and their transplant into national legal regimes, with a focus on the French Law.*

12:30  
12:45

### Discussion

12:45  
13:00

### Keynote Address

**CHAIR: JOHN ROBINSON** (IUCN VICE PRESIDENT, WILDLIFE CONSERVATION SOCIETY)

**BRADNEE CHAMBERS** (WCEL MEMBER AND EXECUTIVE SECRETARY, SECRETARIAT OF THE CONVENTION ON MIGRATORY SPECIES), *ISSUES, CHALLENGES, AND OPPORTUNITIES FOR MIGRATORY WILDLIFE: A LEGAL PERSPECTIVE*

*This presentation will discuss some of the critical issues facing the international legal framework for migratory animals and seek to find solutions and outcomes that could lead to strengthening the framework for conserving and sustainably using wildlife for now and future generations.*

13:00

### Closing

**BEN BOER** (WCEL DEPUTY CHAIR, DISTINGUISHED PROFESSOR, WUHAN UNIVERSITY AND EMERITUS PROFESSOR, UNIVERSITY OF SYDNEY)

**GENERAL RAPPORTEUR: NICHOLAS BRYNER** (FELLOW, EMMETT INSTITUTE ON CLIMATE CHANGE AND THE ENVIRONMENT, UCLA SCHOOL OF LAW)

Organized by:



World Commission  
on Environmental Law

Commission Mondiale de  
Droit de l'Environnement | Comisión Mundial  
de Derecho Ambiental

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Planet at the crossroads

[www.iucnworldconservationcongress.org](http://www.iucnworldconservationcongress.org)  
1-10 September 2016, Hawai'i