



V. 22 February 2019

2019 JUDICIAL COLLOQUIUM

SDG16: ROLE OF JUDICIARY IN PROMOTING THE RULE OF LAW IN ENVIRONMENTAL MATTERS

27-28 February 2019

Geneva, Palais des Nations, Salle VII

PRELIMINARY PROGRAMME

WEDNESDAY, 27 FEBRUARY 2019

I. INAUGURAL SESSION

Welcoming remarks:

Mr. Marco Keiner, Director, Environment Division, United Nations Economic Commission for Europe

Ms. Sylvie Motard, Acting Director and Europe Regional Representative for Europe Regional Office, United Nations Environment Programme

10:00 – 11:00

Justice Antonio Benjamin, Chair of the IUCN World Commission on Environmental Law and Judge of the National High Court of Brazil (video-message)

Justice Luc Lavrysen, Chair of the Colloquium, President of the European Union Forum of Judges for the Environment and Judge of the Constitutional Court of Belgium

Keynote address:

*Ms. Eleanor V.E. Sharpston, Advocate General, Court of Justice of the European Union
The CJEU's recent case-law on access to justice in environmental matters – helping to wedge the door open*

Moderator: *Mr. Jan Darpo, Chair of the Aarhus Convention Task Force on Access to Justice*





11:00 – 18:00

(1 p.m. -
group photo)

II. PROMOTING EFFECTIVE ACCESS TO JUSTICE AND THE RULE OF LAW FOR THE ENVIRONMENT AND FOR SUSTAINABLE DEVELOPMENT

(A) Justice in Environmental matters and Sustainable Development Goals

- i. *Toward the Global Recognition of the Right to a Healthy and Sustainable Environment*
Mr. David Boyd, Special Rapporteur on Human Rights and the Environment (video message)
Ms. Soo Young Hwang, Human Rights Officer, Office of the High Commissioner for Human Rights, Special Procedures
- ii. *Environmental Constitutionalism: linking Sustainable Development, Environment and Human Rights*
Mr. James May, Professor of Law, Widener University – Delaware Law School, USA
- iii. *The Aarhus Convention and the role of courts in interpreting and applying environmental constitutional provisions*
Justice Miroslav Gavalec, Judge, Supreme Court, Slovakia

(B) Delivering effective access to justice to all: the Aarhus Convention

- i. *Enabling the public to effectively challenge administrative decision-making in environmental matters in court*
Mr. Jan Darpo, Chair of the Aarhus Convention Task Force on Access to Justice
Justice Oleksandr Prokopenko, Judge, Supreme Court, Ukraine
- ii. *Effective judicial review (scope of review, timeliness, injunctive relief, remedies, costs)*
Justice Marc Clement, Judge, Administrative Court of Lyon, France
The Honourable Mr Justice Dove, High Court Judge, United Kingdom
- iii. *Prevention of persecution and harassment (e.g. strategic lawsuits against public participation, awarding unreasonable costs)*
Justice Ksenija Dimec, Judge, County Court of Rijeka, Croatia

Lead Discussant: Mr. Louis Kotze, Professor of Law, University of Lincoln, United Kingdom

C) Use of international law in environmental adjudication: linkages between the Aarhus Convention and other UNECE multilateral environmental agreements

- i. *Espoo Convention and SEA Protocol – Ms. Elena Santer, secretary to the Implementation Committee under the Convention and the Protocol, UNECE*
- ii. *Air Convention – Ms. Albenia Karadjova, secretary to the Convention, UNECE*
- iii. *Water Convention – Mr. Martins Paporinskis, member of the Convention's Implementation Committee*
- iv. *Protocol on Water and Health - Ms. Zsuzsanna Kocsis-Kupper, member of the Protocol's Compliance Committee*
- v. *Industrial Accidents Convention – Ms. Claudia Kamke, Environmental Affairs Officer, Convention's Secretariat, UNECE*

Lead discussant: Ms. Erin Daly, Professor of Law, Widener University – Delaware Law School, USA



THURSDAY, 28 FEBRUARY 2019

10:00 – 13:00

II. PROMOTING EFFECTIVE ACCESS TO JUSTICE AND THE RULE OF LAW FOR THE ENVIRONMENT AND FOR SUSTAINABLE DEVELOPMENT (continued)

(D) Tools to support effective judicial review

- i. *Specialized tribunals and specialization of judges in environmental law*
Justice Anders Bengtsson, Judge, Land and Environment Court Växjö, Sweden, and member of the Association of European Administrative Judges
Ms. Nanna Magnadóttir, Chair and Head of the Secretariat, Environmental and Natural Resource Board of Appeal, Iceland
Justice Fatima Mrdovic, Judge, Supreme Court of the Federation of Bosnia and Herzegovina, Bosnia and Herzegovina
- ii. *Use of independent expertise in environmental matters by courts and other independent review bodies*
Mr. Gijs Hoevenaars, Lawyer and Technical Secretary, Commission for Environmental Assessment, the Netherlands
- iii. *Other tools to strengthen effectiveness*
Open discussion

Lead discussant: *Mr. Jan Darpo, Chair of the Convention's Task Force on Access to Justice*

III. PROMOTING JUDICIAL COOPERATION

The session will focus on taking stock of recent developments of cooperation among the judiciary. After the introductory presentation, participants will be invited to discuss in break-out groups the opportunities for furthering cooperation at the global, ECE regional and sub-regional levels with reporting back to the plenary.

Introduction - Justice Beibut Shermukhametov, Judge, Supreme Court, Kazakhstan

Lead discussant: *Ms. Erin Daly, Professor of Law, Widener University – Delaware Law School, USA*

IV. CLOSING: KEY OUTCOMES AND NEXT STEPS

Justice Luc Lavrysen, Chair of the Colloquium
Mr. Jan Darpo, Chair of the Aarhus Convention Task Force on Access to Justice