



**IUCN Academy of
Environmental Law**

5th

**WORLDWIDE COLLOQUIUM
OF THE IUCN ACADEMY OF
ENVIRONMENTAL LAW**

**Rio+15:
A Legal Critique of Ecologically
Sustainable Development**



PROGRAM

Events on May 31 take place in Rio de Janeiro.

On June 1, buses will depart from the Hotel Gloria in Rio de Janeiro for Paraty at 7:30 a.m. The address is Rua do Russel 632, Rio De Janeiro. Telephone: + 55 21 2555 7272.

Please take a taxi to the Hotel Gloria in time to catch the bus if you are not staying there.

Buses will return to Rio de Janeiro on June 5 at 17:30. Participants must advise Ms. Kelen Meregali whether they will take the buses or make independent arrangements for their return (participants may contact Paraty Tours: 24-33711327).

Conference lunches are provided on Saturday, Sunday, Monday and Tuesday.

Participants should change foreign currencies before leaving Rio de Janeiro.

If you have any problem, you may call Kelen Meregali at +55 11 81812379 or Daisy Engelberg at +55 11 83829831.

Thursday, May 31

- 09:00 11:00** Collegium Meeting for representatives of IUCN Academy Member Institutions
Venue: Visitor's Center of the Botanic Gardens (Jardim Botânico, Address: Rua Jardim Botânico, 920).
- 12:00** Lunch at Couve-Flor Restaurant (participants' own expense).
- 14:00 16:00** Governing Council Meeting
Venue: Visitor's Center of the Botanic Gardens (Jardim Botânico, Address: Rua Jardim Botânico, 920)
- 15:00 16:30** Guided tour (in English) of the Botanic Gardens for all participants: meet at the Visitor's Centre.
- 17:00** Opening Ceremony: including representatives of the IUCN Environmental Law Programme, the United Nations Environment Programme, Universities and the Rio de Janeiro Botanic Gardens
Welcome: **Julia Marton-Lefèvre** (Director General, IUCN, by video)
Chair: **Nicholas Robinson** (Chair, IUCN Academy of Environmental Law)
Venue: Solar da Imperatriz (Jardim Botânico, Address: Rua Pacheco Leão, 2040, Horto Botanic Garden)
- 18:00** **Opening Reception**
Venue: Solar da Imperatriz

Friday, June 1

7:30 Departure to Paraty from Hotel Gloria (Address: Rua do Russel, 632; four-hour bus trip)

12:00 Arrival and check-in at the hotels in Paraty

12:30 Lunch at Paraty (participants' own expense)

Venue: Armazém do Cais Restaurant (Address: Praça da Bandeira, 1)

14:00 16:30 City Walking Tour of Paraty, beginning from the restaurant Armazém do Cais

13:00 - 17:45 In addition, there will be a UNEP/IUCN Academy Review Meeting for the Compliance and Enforcement Curriculum Project, for Colloquium participants involved in that initiative

Venue for UNEP/IUCN Academy meeting: Pousada do Sandi (Address: Rua Largo do Rosário, 1)

16:00 17:45 Registration Desk opens at Pousada do Sandi

18:00 Academic Opening

Message of United Nations Secretary-General, **Ban Ki-moon** on "Conservation and sustainable use of biodiversity essential for adapting to climate change".

Introduction to the 5th Colloquium: Antonio Herman Benjamin (Brazil)

Welcome remarks: Professor **Guilherme José Purvin de Figueiredo** (President, Brazilian Association of Environmental Law Professors)

Chair: Ben Boer (Co-Director, IUCN Academy of Environmental Law)

Venue: Museum of Sacred Art (Address: Museu de Arte Sacra de Paraty, Largo de Santa Rita)

18:30 First IUCN Academy Distinguished Lecture for 2007: **Nicholas Robinson** (USA)
Environmental Law 15 Years after Rio: A Critical Appraisal



Manabu Mabe - Mokichi Okada Collection



Saturday, June 2

08:30 10:30 PLENARY SESSION I - The concept of ecologically sustainable development: ethical, ecological, social, cultural, economic and legal dimensions

Chair: Jamie Benidickson (Co-Director, IUCN Academy of Environmental Law)

Venue: Museum of Sacred Art

John Boyd (The Philippines)

Sustainable development highlights: from Gro Harlem Brundtland in 1987 to the World Bank in 2007

Iwona Rummel-Bulska (UNEP)

The principle of sustainable development

Werner Scholtz (South Africa)

Ecological sustainability and equity

José Juste (Spain)

The implications of the principle of sustainable development in international environmental law

Charles Okidi (Kenya)

Progress in capacity-building in environmental law in African universities

Adrián de Garay Sánchez & Miriam Alfie Cohen (Mexico)

A new environmental policy: risk and the precautionary principle

Pio Manoa (Fiji)

Pacific Small Island Development States and the implementation of Ecological Sustainable Development

Signing ceremony for 6th IUCN Academy of Environmental Law Colloquium in Mexico City, 2008

10:30

Morning Tea



11:00 12:30 Three concurrent panels (I, II and III)



Panel I - Biodiversity

Chair: Guilherme José Purvin de Figueiredo (Brazil)

Venue: Forum de Paraty

Felicity Heffernan (New Zealand)

International protection of endangered wildlife to ensure their survival

Alexander Patterson (South Africa)

Contracting public support for biodiversity conservation: a South African perspective

Colin Crawford (USA)

Brazil's conservation units law in comparative context

Amber Prasad Pant (Nepal)

Role of local and indigenous communities in the conservation of biodiversity and traditional knowledge in Nepal

Jonathan Verschuuren (The Netherlands)

Legal pluralism, co-operative governance, and international law. The case of transboundary wetlands under the Ramsar Convention: keep the lawyers out!



Panel II - Water & Sanitation

Chair: Alejandro Iza (IUCN Environmental Law Center, Bonn)

Venue: Museum of Sacred Art

Yves Le Bouthillier (Canada)

The human right to water

Koh Kheng Lian (Singapore)

Protection of the quality and supply of freshwater resources: integrated approaches to management of water resources and the Singapore model

Flavia Loures and Joseph Dellapenna (Brazil and USA)

A critical analysis of the international law commission's draft articles on the law of transboundary aquifers and aquifer systems in light of the Rio Declaration and Agenda 21

Andréas Krell (Brazil)

Critical analysis of the new Brazilian legislation on sanitation

Joaquim Shiraishi Neto (Brazil)

The Water Resources Act: "new" forms of privatization of water

Owen McIntyre (Ireland)

Sustainable development and the utilisation and environmental protection of shared international freshwater resources: the role of equity



Panel III - Role of the Judiciary (A)

Chair: Ricardo Lorenzetti (Chief Justice of Argentina)

Venue: Pousada do Sandi

Antonio Herman Benjamin (Brazil)

Ecologically sustainable development and the role of the judiciary

Peter Biscoe (Australia)

Ecologically sustainable development: legislation and cases in New South Wales

Robert Kibugi (Kenya)

Enhanced access to environmental justice in Kenya: assessing the role of judicial institutions

Lal Kurukulasuriya (Sri Lanka)

Role of the judiciary in promoting environmental protection and sustainable development through the rule of law

Rafael B. González (Costa Rica)

Problems for sustainable justice in environmental cases in Costa Rica

12:30

Lunch

14:00 -16:00 Two concurrent panels (IV and V)



Panel IV - Role of the Judiciary (B)

Chair: Koh Kheng Lian (Singapore)

Venue: Pousada do Sandi

Fernanda Cavedon & Ricardo Vieira (Brazil)

Environmental justice as a new perspective on environmental law fifteen years after Rio: contributions to a law of sustainability

Louis Kotzé (South Africa)

Judicial intervention in constitutional environmental governance: how is South Africa doing?

Muhammed Tawfiq Ladan (Nigeria)

A critical appraisal of judicial attitudes towards environmental litigation and access to environmental justice in Nigeria

Consuelo Yoshida (Brazil)

The contribution of judges to the effectiveness of environmental protection under Brazilian law

Imran Akram (Pakistan)

Environment and the role of the judiciary: problems of developing economies



Panel V - Dispute Settlements, Compliance and Enforcement of Ecologically Sustainable Development Law

Chair: Jorge Caillaux (Peru)

Venue: Forum de Paraty

Karen Morrow (United Kingdom)

The public, the courts and participation in environmental decision-making in the UK

Lye Lin Heng (Singapore)

Public participation in ecologically sustainable development in South-East Asia

José Rubens Morato Leite & Délton Winter de Carvalho (Brazil)

Brazilian jurisprudence in a risk society: a new approach?

Loretta Feris (South Africa)

Constitutional environmental rights: an under-utilised resource

Iwona Rummel-Bulska (UNEP)

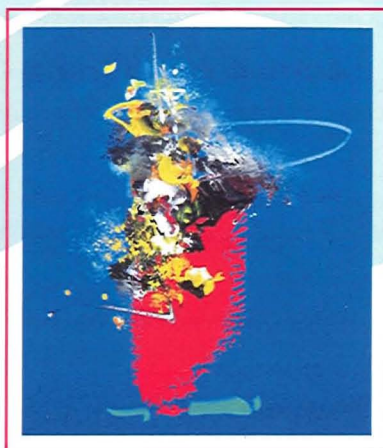
Dispute avoidance and dispute settlement in International Environmental Law

16:00 18:30 Meeting on Academy Research Program

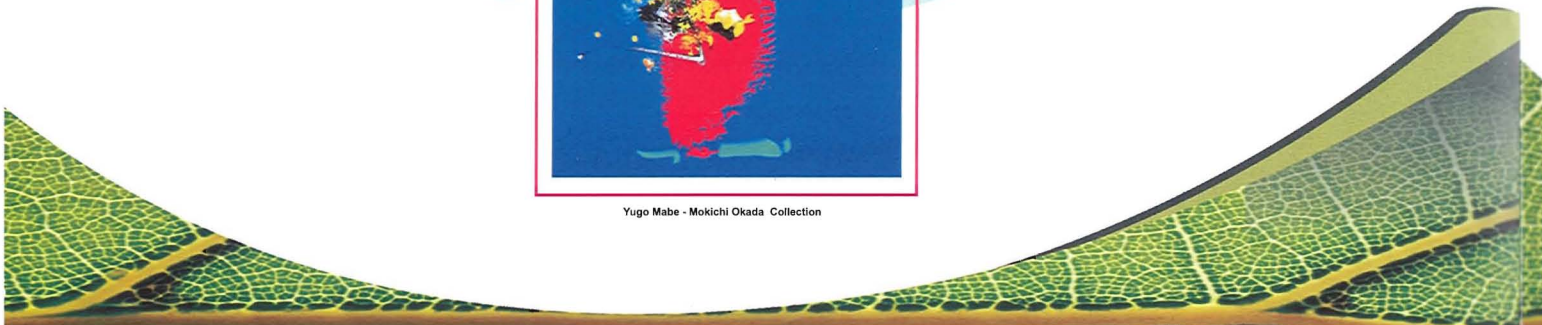
Chair: Yves Le Bouthillier (Canada)

Venue: Pousada do Sandi

18:30 Adjourn



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Sunday, June 3

8:00 Briefing on Paraty Bay Field Trip

Venue to be announced

8:30 16:00 Paraty Bay Field trip

17:30 19:30 Workshop on Governance for Sustainability

Venue: Pousada do Sandi

This workshop will be led by **Ricardo Libel Waldman** (Brasil), **Klaus Bosselmann** (New Zealand) and **Iwona Rummel-Bulska** (UNEP)

Monday, June 4

8:30 10:30 Plenary Session II - Energy & Climate Change (A)

Chair: Charles Okidi (Kenya)

Venue: Museum of Sacred Art

Rowena Cantley-Smith & Kurt Deketelaere (Australia & Belgium)

Demanding less to save more: reducing greenhouse gas emissions by changing energy supply and use

Rob Fowler (Australia)

Emissions reduction legislation: a global survey

Andrew Waite (United Kingdom)

The Climate Change Bill in the United Kingdom

Willemien du Plessis (South Africa)

Environmental regulation of ecologically sustainable cross-border gas transfer: challenges in Southern Africa

Yanti Fristikawati (Indonesia)

The use of nuclear energy in Indonesia

Melissa Powers (USA)

Beyond cap and trade: embracing technology-based standards as a way to develop an effective, efficient, equitable, and enforceable climate change law

10:30

Morning Tea

11:00 12:30 Plenary session III - Energy & Climate Change (B)

Chair: Jamie Benidickson (Co-Director, IUCN Academy of Environmental Law)

Venue: Museum of Sacred Art

David R. Hodas (USA)
Climate change and sustainable energy

Emmanuel Kasimbazi (Uganda)
Legal approaches to implementing the Kyoto Protocol: an assessment of critical issues and challenges to combating climate change in Uganda

Solange Teles da Silva & Carolina Dutra (Brazil)
The limits and the potentialities of biofuels as an alternative for sustainable development: the Climate Change Convention and Biological Diversity Convention

Karen Bubna-Litic (Australia)
A critique of ecologically sustainable development: case study of Australia's legal responses to climate change since Rio

Javier de Cendra de Barragán (The Netherlands)
Keeping distributional impacts low while making the transition to a low carbon economy in EC climate change policy: what role for legal principles?

12:30 Lunch

14:30 16:00 Two concurrent panels (VI and VII)



Panel VI - Forests

Chair: Muhammed Tawfiq Ladan (Nigeria)

Venue: Forum de Paraty

Bambang H. Mulyono (Indonesia)
Multi-institutional approaches to limiting deforestation

Jose Augusto Fontoura Costa, Solange Teles da Silva & Fernanda Sola (Brazil)
The perspectives of the Amazonian treaty as an instrument of harmonization of the environmental legislation in the Amazonian region

Patryck de Araujo Ayala & Carlos Teodoro Irigaray (Brazil)
Deforestation in the Amazon: The lack of enforcement in the command and control environmental policy and the challenges for environmental governance in Brazil

Romulo Silveira da Rocha Sampaio (Brazil)
Forest and forestry project activities under the Clean Development Mechanism: challenges & perspectives for subsequent commitment periods



Panel VII - Civil Liability for Environmental Damage

Chair: Claudia Lima Marques (Brazil)

Venue: Forum de Paraty

José Juan González (Mexico)

Towards a new theory of environmental liability without proof of damage: the case of Latin America

Branca Martins da Cruz (Portugal)

Environmental responsibility under the 2004/35/CE Liability Directive in European Law

Arlindo Daibert (Brazil)

The assessment of diffuse damages in environmental torts as an Imperative to ensure sustainability

Iwona Rummel-Bulska (UNEP)

Liability for environmental damage

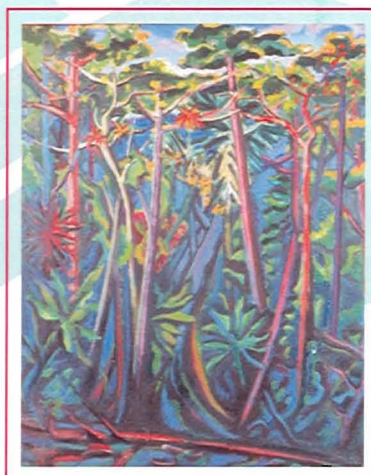
16:00 - 18:30 Meeting on the Development of the Academy's Teaching and Capacity-Building Program

Chair: Rob Fowler

Venue: Pousada do Sandi

18:30

Adjourn



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Tuesday, June 5

8:30 10:00 Two concurrent panels (VIII and IX)



Panel VIII - Environment, Indigenous Peoples & Human Rights

Chair: Yves Le Bouthillier (Canada)

Venue: Pousada do Sandi

Ben Richardson (Canada)
Protecting indigenous peoples through responsible financing

Jacqueline Hand (USA)
Climate change and Indian tribes

Serguei Aily Franco de Camargo, Fernando Antonio de Carvalho Dantas, Marco Aurélio de Carvalho Martins & Andrei Sicsú de Souza (Brazil)
Protection of traditional knowledge in Amazonia to promote sustainable development



Panel IX - Ecological Ethics

Chair: Lye Lin Heng (Singapore)

Venue: Pousada do Sandi

David Favre (USA)
An animal ethical context v. the sustainable use of wildlife

David N. Cassuto (USA)
Industrial agriculture and the ecology of ethics

Mekete Bekele Tekle (Ethiopia)
Plant breeders' and farmers' rights under Ethiopian law





Panel X - Achieving Ecologically Sustainable Development in Cities and Local Communities

Chair: José Rubens Morato Leite (Brazil)

Venue: Museum of Sacred Art

Anél Du Plessis (South Africa)

Local Agenda 21+ 15: a rights-based approach to sustainable communities in the North and South

Ivett Montelongo Buenavista (Mexico)

Sustainability through new environmental law in megacities: the case of Mexico City

Debra Hasson (New Zealand)

Financial and development contributions to create sustainable cities in New Zealand

10:00

Morning Tea

10:30

Two concurrent panels (XI and XII)



Panel XI - Marine & Coastal Environment

Chair: Andreas Krell (Brazil)

Venue: Forum de Paraty

Greg Rose (Australia)

Legal frameworks for integrated marine environmental management

Ann Powers (USA)

The environmental impacts of mariculture

Laode M. Syarif (Indonesia)

Managing the last remains of Indonesian fish

Marcelo Nogueira Camargos & Solange Teles da Silva (Brazil)

An analysis of mangrove swamp legal protection in Brazil in the light of ecologically sustainable development



Panel XII - Trade & Environment

Chair: Paula Caldwell (Canadian Consul, São Paulo)

Venue: Pousada do Sandi

Nicola Lugaresi (Italy)

Principle 16 of the Rio Declaration on environment and development and the role of the market in the protection of the environment

Navamin Chatarayamontri (Thailand)

Since Rio: sustainable ecotourism in trade in service regime

Pavel Chakraborty (India)

Liberalization of trade in environmental goods: some conceptual & practical issues; a case study from India

Vladimir Garcia Magalhães (Brazil)

Implementing disclosure of origin requirements in intellectual property applications on the intellectual property law system

José Marcos Domingues (Brazil)

Global warming and environmental taxation on fuel and vehicles: green budget discipline in Brazil

12:30 Lunch

14:00 - 15:30 **Plenary Session VI - Toward the Next Generation of Environmental Law: a panel discussion**

Chair: Antonio Herman Benjamin (Brazil)

15:30 16:30 **Venue:** Museum of Sacred Art

This panel discussion will be commenced by short statements by **Carl Bruch**, **Ben Boer** & **Prue Taylor** (USA, Australia & New Zealand) with comment invited from the colloquium participants.

Chair: Antonio Herman Benjamin (Brazil)

Venue: Museum of Sacred Art

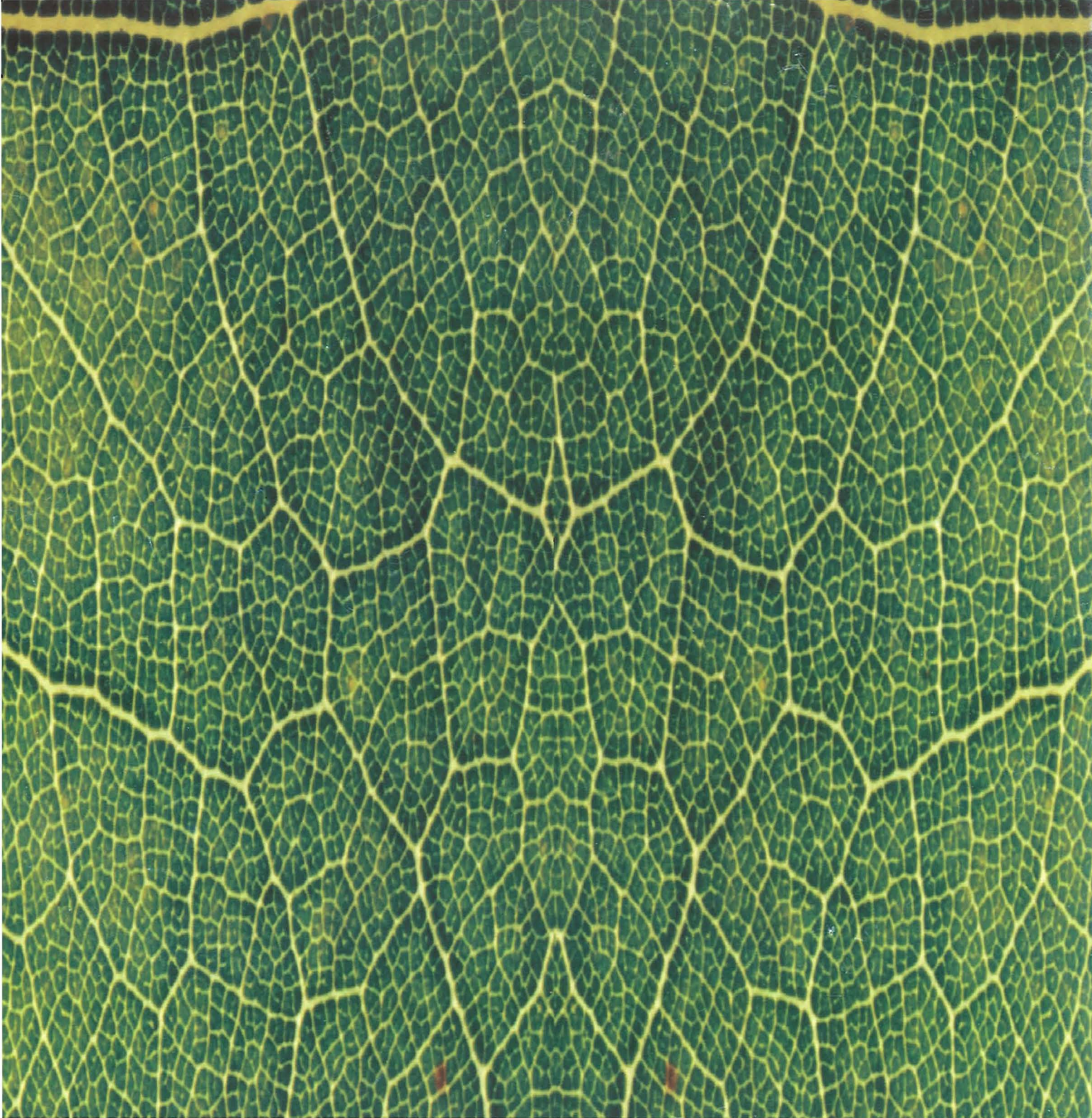
Second IUCN Academy Distinguished Lecture for 2007

Nicholas Robinson (USA)

Achieving ecologically sustainable development through environmental law: the challenge of the next decade

16:30 Close of the 2007 Colloquium

17:30 Buses to Rio de Janeiro depart



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