

GLOBAL SYMPOSIUM ON “JUDICIARY AND THE ENVIRONMENT: ADJUDICATING OUR FUTURE”

August 23-24, 2018
Organization of American States
Main Building, Washington, D.C.

This high-level Global Symposium is organized by the Global Judicial Institute on the Environment (GJIE), the World Commission on Environmental Law (WCEL) of the International Union for the Conservation of Nature (IUCN), the General Secretariat of the Organization of American States (OAS), UN Environment, and the Environmental Law Institute (ELI), among other key partners. This invitation-only two-day event brings together invited U.S. State Chief Justices and other distinguished Judges from the United States, and from OAS and UN member States, as well as selected academics and other leading experts and observers with the purpose of identifying emerging trends and exchanging experiences in support of the role of the judiciary in addressing environmental challenges to multidimensional security as well as in the continuous advancement of the environmental rule of law and strengthening democracy.

Inter-American Democratic Charter

“Article 15-The exercise of democracy promotes the preservation and good stewardship of the environment. It is essential that the states of the Hemisphere implement policies and strategies to protect the environment, including application of various treaties and conventions, to achieve sustainable development for the benefit of future generations.”

Format and methodology: The Symposium begins with welcome remarks by a representative of the partner institutions followed by keynote addresses from the OAS Secretary General and the President of the Conference of Chief Justices of the United States. Following the keynotes, four high-level interactive sessions will take place over two days:

- **Environmental Rule of Law: Emerging Principles and Trends**
The objective of this panel is to shed light on recent developments and efforts in the Americas and beyond to consolidate supporting principles of the Environmental Rule of Law. Highlights will include presentation of initiatives such as the World Declaration on the Environmental Rule of Law, the Brasilia Declaration of Judges on Water Justice, and the proposed Global Pact on the Environment among others. Discussions will also emphasize the role of courts

as democratic institutions in developing the environmental rule of law while addressing environmental challenges of our time, seizing opportunities to develop specialized expertise in courts, and trends in the establishment of special courts and tribunals.

- **Climate Change, Pollution, and Judicial Remedies**

Recent climate-related jurisprudence will be discussed in this panel and speakers will focus on questions addressed by the judiciary in recent cases, including implications for security, intergenerational equity and the rights of future generations. Analytical dialogue on the linkages between pollution and climate change, and the recent commitment at the UN level for a pollution-free world, will take place.

- **Water Justice and Ecosystems**

This panel's discussion will draw on the Brasilia Declaration of Judges on Water Justice launched at the 8th World Water Forum. The exchange will include reflection on leading cases on ecosystem resilience and its role in water security and the enjoyment of rights. Use of the ecosystem approach in judicial decisions will also be addressed.

- **Science Convergence in the Courtroom**

Discussion on emerging trends regarding rules of evidence, case law, and best practices regarding the role that science plays in environmental cases as well as the handling of scientific evidence in environmental adjudication will be presented in this panel. Issues such as causality and uncertainty in judicial decisions related to water, ecosystems, and climate will be addressed.

Each session will have up two co-chairs and four speakers who will provide brief (5-8 minute) presentations to kick off the interactive discussion among panelists and invitees on the session topics. The co-chairs will moderate the discussion among panelist, take questions from invitees, and make closing remarks.

A final high-level discussion on the role of the judiciary in advancing the Environmental Rule of Law, presented by the organizing partners and leading experts, will identify resulting key messages from the Symposium dialogue and lead up to the closing remarks.

Key messages resulting from this Symposium will be presented to the President of the Conference of Chief Justices and to the Interim Governing Committee of the Global Judicial Institute on the Environment for their consideration and incorporation into their respective deliberative processes and planning of future events.

PROGRAMME

Day 1: Hall of the Americas

8:45 am-9:15 am - Registration (OAS Hall of Heroes)

9:15 am-9:30 am - Welcome remarks on behalf of partner institutions

Mr. Scott Fulton, President, Environmental Law Institute

*Associate Dean & Professor Denise Antolini, William S. Richardson School of Law,
University of Hawaii, Deputy Chair IUCN-WCEL*

*Honorable Michael D. Wilson, Associate Justice Supreme Court of Hawaii; Interim
Governing Committee of the GJIE*

Arnold Kreilhuber, Deputy Director, Law Division, UN Environment, Nairobi

*Farah Diva Urrutia, Secretary of Multidimensional Security, General Secretariat of the
Organization of American States*

9:30 am-10:15 am -Opening & Keynote Addresses

Introduction: *Claudia S. de Windt, Secretariat for Multidimensional Security, General
Secretariat of the Organization of American States*

Keynote: *Honorable Paul Reiber, Chief Justice, Supreme Court of Vermont, President
of the Conference of Chief Justices of the United States*

Keynote: *H.E. Luis Almagro, Secretary General of the Organization of American States*

10:15 am - 10:30 am - Coffee Break

10:30 am - 12:30 pm - Session 1. Environmental Rule of Law: Emerging Principles and Trends

Chair: *Associate Dean & Professor Denise Antolini, William S. Richardson School of Law, University of Hawaii, Deputy Chair IUCN-WCEL and Mr. John Pendergrass, Vice-president, Environmental Law Institute*

Panelists:

H.E. Ricardo Lorenzetti, Chief Justice of Argentina, OAS Goodwill Ambassador for Environmental Justice, Interim Governing Committee - GJIE

H.E. Ragnhild Noer, Justice, Supreme Court of Norway, Interim Governing Committee – GJIE

Honorable Zheng Xuelin, Chief Judge of the Environmental Tribunal of the Supreme People's Court, Beijing, China

Honorable Ronald Boyd Robie, Associate Justice, Court of Appeal, Third Appellate District, California

12:30 pm - 2:30 pm - Lunch (Patio)

2:30 pm - 4:30 pm - Session 2. Climate Change, Pollution, and Judicial Remedies

Co-Chairs: *Professor Durwood Zaelke, founder and President of the Institute for Governance & Sustainable Development (IGSD) and Professor Michael B. Gerrard, Andrew Sabin Professor of Professional Practice, Columbia Law School, New York*

Honorable Madam Justice Michelle Weekes, High Court of Barbados, Interim Governing Committee of the GJIE

H.E. Luis Armando Tolosa Villabona, Justice, Supreme Court of Colombia

Honorable Michael D. Wilson, Associate Justice, Supreme Court of Hawaii; Interim Governing Committee of the GJIE

4:30 pm - Keynote Address

Introduction: *Scott Fulton, President, Environmental Law Institute, Washington, D.C.*

Keynote: *Dr. Sylvia Alice Earle, Explorer in Residence, National Geographic, President and Chairperson of Mission Blue, California*

5:30 pm - Reception & Tour (Art Museum of the Americas)

Day 2: Hall of the Americas

9:00 am - Keynote Address

Introduction: *Associate Dean & Professor Denise Antolini, William S. Richardson School of Law, University of Hawaii, Deputy Chair IUCN-WCEL*

Keynote: *Dr. Thomas Lovejoy, Senior Fellow, United Nations Foundation, Professor, Environmental Science and Policy Department, George Mason University, Virginia*

9:45 am - 11:15 am - Session 3. Water Justice and Ecosystems

Co-Chairs: *H.E. Michael Hantke, Chief Justice, Third Environmental Court, Chile and Arnold Kreilhuber, Deputy Director, Law Division, UN Environment, Nairobi*

H.E. Samuel Lizama, Chief Justice, Second Instance Environmental Chamber, El Salvador

Honorable Jenny Rivera, Senior Associate Judge of the Court of Appeals, State of New York

H.E. Justice Emmanuel Ugirashebuja, President, East African Court of Justice, Tanzania, Interim Governing Committee - GJIE

H.E. Alfredo Gutierrez Ortiz-Mena, Minister, Supreme Court of Mexico, OAS Goodwill Ambassador for Environmental Justice

11:15 am - 11:30 am - Coffee Break

11:30 am - 12:30 pm - Session 4. Science Convergence in the Courtroom

Co-Chairs: *Honorable Jeffrey P. Crabtree, Environmental Court Judge, First Circuit Court, Hawaii State Judiciary and Professor David Hunter, Director, Environmental Law Program, American University, Washington College of Law, Washington, D.C.*

H.E. Maria Eugenia Sandoval Gouet, Justice, Supreme Court of Chile

H.E. Fruzsina Bögös, Judge, Budapest-Capital Administrative and Labour Court Hungary, Secretary General of EU Forum of Judges on the Environment

Honorable Kathie A. Stein, Judge, Environmental Appeals Board, U.S. Environmental Protection Agency

12:30 pm - 2:30 pm – Lunch (Patio)

2:30 pm - 3:30 pm - Presentation of GJIE Judicial Portal

Chair: *H.E. Antonio Benjamin, Minister, National High Court of Brazil, OAS Goodwill Ambassador for Environmental Justice, Chair IUCN-WCEL, Interim Governing Committee - GJIE*

Ms. Eva Duer, Legal Officer and Team Leader, MEA-Knowledge Management Law Division, UN Environment, Geneva, Switzerland

3:30pm - 4:30 pm – High-Level Panel: The Role of the Judiciary in Advancing the Environmental Rule of Law

Co-Chair: *Honorable Mark E. Recktenwald, Chief Justice, Supreme Court of Hawaii and Professor Nicholas Robinson, Elizabeth Haub School of Law, Pace University.*

Arnold Kreilhuber, Deputy Director, Law Division, UN Environment, Nairobi

Claudia S. de Windt, Secretariat for Multidimensional Security, General Secretariat of the Organization of American States

Sheila Abed, Chair Emeritus IUCN-WCEL, Former Minister of Justice and Chair of EBY, Paraguay

H.E. Antonio Benjamin, Minister, National High Court of Brazil, OAS Goodwill Ambassador for Environmental Justice, Chair IUCN-WCEL, Interim Governing Committee -GJIE

4:30 pm – Closing Remarks on behalf of the GJIE

H.E. Antonio Benjamin, Minister, National High Court of Brazil, OAS Goodwill Ambassador for Environmental Justice, Chair IUCN-WCEL, Interim Governing Committee -GJIE

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Symposium Organizing Committee:

Denise Antolini, Antonio H. Benjamin, Claudia S. de Windt, Scott Fulton, Arnold Kreilhuber, Michael Wilson