



Widener University
Delaware Law School



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

JUDICIAL WORKSHOP: ENVIRONMENTAL RIGHTS

15 April, 2016

North-West University (Potchefstroom, South Africa) and Delaware Law School (Wilmington, United States) welcome you to The Judicial Workshop on Environmental Rights, sponsored by the United Nations Environment Programme (UNEP). The Workshop will take place at the University of Pretoria, Law Building (Hatfield Campus), Moot Court Room.

Workshop Goals:

- (1) To provide both practical and theoretical grounding in the implementation of environmental rights
- (2) To serve as the springboard for the development of training materials that will be available for judges at all levels, globally.

Approach & Materials:

The Workshop will be a moderated round-table discussion for all participants. Reading materials will be available electronically on 7 April 2016 and print materials will be available in print at the Workshop.

PROGRAMME

Breakfast at City Lodge Hotel 8:00-8:30

Transportation to University of Pretoria Campus from hotel 8:30-9:00

Introduction & Programme Overview 9:00-9:30

Session I: The Role of Judges in Protecting the Environment 9:30- 11:00

The role of judges in protecting the environment, considering separation of powers, standing to sue, environmental rule of law, and the relationship between environmental and other rights, etc.

Break with refreshments 11:00-11:15

Session II: Interpretation and Application of Environmental Rights Provisions 11:15-1:00

Interpretation and application of environmental rights provisions in international, regional, and constitutional law, with particular attention to how the various layers interrelate with and complement one another.

Lunch. 1:00-2:00

Keynote Address: **John H. Knox, United Nations Special Rapporteur on Human Rights and the Environment.**

Session III: Remedies and Enforcement of Environmental Rights 2:00-3:30

Remedies and enforcement, including the judicial role in coordinating with other branches of government, allocation of costs, etc.

Break with refreshments 3:30-4 :00

Session IV: Next Steps: Developing New Training Materials 4:00-5:15

This session will focus specifically on the development of new judicial training and educational materials on issues of judicial concern relating to all facets of the implementation of environmental rights.

Dinner at Koi Restaurant at 19:00 within 5 minute walking distance from hotel. Meet in Lobby at 18:40.

MATERIALS

General Reading

1. Report of the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, (Mapping Report) John H. Knox
2. Vindicating Fundamental Environmental Rights: Judicial Acceptance of Constitutionally Entrenched Environmental Rights, Oregon Review of International Law, Vol. 11, p. 365, 2009, James R. May & Erin Daly
3. Bibliography
4. Selected Environmental Rights Provisions

Session I: The Role of Judges in Protecting the Environment

9:30-11:00

The role of judges in protecting the environment, considering such issues as separation of powers, standing to sue, environmental rule of law, and the relationship between environmental and other rights.

- High Court of Uganda at Kampala, *Advocates Coalition for Development and Environment v. Attorney General*, Miscellaneous Cause No. 0100 of 2004.
- Pennsylvania Supreme Court, *Robinson Township v. Commonwealth*, 623 Pa. 564 (Pa. 2013).

Session II: Interpretation and Application of Environmental Rights Provisions

11:15-1:00

Interpretation and application of environmental rights provisions in international, regional, and constitutional law, with particular attention to how the various layers interrelate with and complement one another.

- Supreme Court of the Republic of the Philippines, *Juan Antonio, Anna Rosario and Jose Alfonso, all surnamed OPOSA, minors, & Others v. The Honorable Fulgencio S. FACTORAN, Jr., in his capacity as the Secretary of the Department of Environment and Natural Resources, and The Honorable Eriberto U. Rosario, Presiding Judge of the RTC, Makati, Branch 66*, July 30, 1993.
- Constitutional Court of South Africa, *Fuel Retailers Association of Southern Africa v. Director-General Environmental Management, Department of Agriculture, Conservation and Environment, Mpumalanga Province, & Others*, Case CCT 67/06, 7 June 2007.

- Lahore High Court, Pakistan, *Ashgar Leghari v. Federation of Pakistan*, Case No: W.P. No. 25501/2015, 4 September 2015.
- European Court of Human Rights, *Case of Fadeyeva v. Russia*, (Application no. 55723/00), 9 June 2005

Lunch.

1:00-2:00

Keynote Address: **John H. Knox, UN Special Rapporteur for Human Rights and the Environment.**

Session III: Remedies and Enforcement of Environmental Rights

2:00-3:30

Remedies and enforcement, including the judicial role in coordinating with other branches of government, allocation of costs, etc.

- African Commission on Human and Peoples' Rights, *Social and Economic Rights Action Center and the Center for Economic and Social Rights v. Nigeria* (2001) Comm. No. 155/96.
- Supreme Court of Argentina, *Beatriz Silvia Mendoza and others v. National State of Argentina*, July 8, 2008.
- Supreme Court of India, *M.C. Mehta v. Union of India & Others*, 18 March 2004.

Session IV: Next Steps: Developing New Training Materials

4:00-5:15

This session will focus specifically on the development of new judicial training and educational materials on issues of judicial concern relating to all facets of the implementation of environmental rights.