

JUDICIAL WORKSHOP ON ENVIRONMENTAL RIGHTS

FRIDAY, APRIL 15, 2016

**Moot Court Room, Law Building, Hatfield Campus
University of Pretoria**

Welcome

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). Additional support provided by the University of Pretoria.

Workshop Goals:

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

Background Materials:

(Case decisions associated with each session indicated below. All material is available at: <http://delawarelaw.widener.edu/prospective-students/jd-program/jd-academics/signature-programs/environmental-law/judicial-workshop-on-environmental-rights-in-pretoria/>)

1. Global Environmental Constitutionalism (James R. May & Erin Daly, 2015)
2. 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, 2015)
3. 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
4. Bibliography of additional reference sources
5. Selected Environmental Rights Provisions
6. Participant List

PROGRAM SCHEDULE (As of April 13, 2016)

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

8:30 – 9:00: Transportation to University of Pretoria Campus

9:00 – 9:30: Introduction & Programme Overview

9:30 – 11:00: Session I: The Role of Judges in Protecting the Environment (Facilitator: Professor Louis Kotzé)

This session will engage views about justiciability and the role of judges in protecting the environment, including separation of powers, political questions, standing to sue, environmental rule of law, and the relationship between environmental and other rights.

Discussion Materials:

- *Advocates Coalition for Development and Environment v. Attorney General* (High Court of Uganda at Kampala, 2004)
- *Robinson Township v. Commonwealth of Pennsylvania* (Supreme Court of Pennsylvania, 2013)

11:00 – 11:15: Refreshment Break

11:15 – 1:00: Session II: Interpretation and Application of Environmental Rights Provisions (Facilitator: Professor Loretta Feris)

This session will explore 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.

Materials:

- *Oposa Minors v. Factoran* (Supreme Court of the Republic of the Philippines, 1993)
- *Fuel Retailers Association of Southern Africa v. Director, General Environmental Management, et al.* Constitutional Court of South Africa (2007)
- Lahore High Court, Pakistan, *Ashgar Leghari v. Federation of Pakistan*, Case No: W.P. No. 25501/2015, 4 September 2015
- *Fadeyeva v. Russia*, European Court of Human Rights, 2005)

1:00 – 2:00: Lunch

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

2:00-3:30: Session III: Remedies and Enforcement of Environmental Rights (Facilitator: Professor Melanie Murcott)

This session will consider issues in designing remedies and ensuring enforcement, including judicial role in inter-branch coordination, allocation of costs, injunctions, and assessing and assigning attorney fees and costs.

Materials:

- *Social and Economic Rights Action Center et al. v. Nigeria* (African Commission on Human and Peoples' Rights, 2001)
- *Beatriz Silvia Mendoza et al. v. Argentina* (Supreme Court of Argentina, 2008)
- *M.C. Mehta v. Union of India et al.* (Supreme Court of India, 2004)

3:30-4:00: Refreshment Break

4:00 – 5:15: Session IV: Next Steps: Developing New Judicial Training Materials (Facilitators: Professors Erin Daly and James R. May)

This culminating session will invite ideas and input for the development of new judicial training and educational materials on issues of judicial interest relating to implementing environmental rights.

5:15 – 5:30: Closing Remarks and Adjournment

6:45: Meet in Hotel Lobby. Reservations at Koi Restaurant, few minutes walk from hotel.

Workshop Planning Committee:

Erin Daly, Widener University Delaware Law School
Loretta Feris, University of Cape Town
John Knox, Special Rapporteur for Human Rights and the Environment; Wake Forest University
Louis Kotzé, North-West University
James R. May, Widener University Delaware Law School
Melanie Murcott, University of Pretoria
Ramin Pejan, Earth Justice

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