Environmental Law Conference in Oslo, Norway, 9.-11. May 2012

“Rule of Law for Nature”

Basic Issues and New Developments in Environmental Law

The year 2012 marks a number of watershed points in international environmental affairs: The 40th anniversary of the adoption of the Stockholm Declaration, the 30th anniversary of the UN World Charter for Nature and the UN Convention on the Law of the Sea, the 25th anniversary of the Brundtland Report, and the 20th anniversary of both the Rio Declaration, Agenda 21, and the UNCED Conventions: the Framework Convention on Climate Change and the Convention on Biological Diversity.

In June 2012 world leaders will gather once again in Rio de Janeiro for the Earth Summit 2012 to secure renewed political commitment to the global agenda of sustainable development.

This is an appropriate point in time for reflection on the legal status of nature, how environmental goods and services are valued and taken into account in decision-making, and the implications of the rule of law in this respect.

While the rule of law generally is used with regard to citizens’ rights, this conference aims to explore the application of the rule of law to environmental protection, and its implications. How can the legal protection of the natural environment be strengthened? This also opens for reflections on the temporal and geographical extension of the rule of law.

The conference aims at analysing these basic issues of international and national environmental law and looking at new trends in this area of law.
PROGRAMME

Wednesday, 9 May

Place: Gamle festsal, Domus Academica, University of Oslo, Karl Johans gt. 47

9.00-10.00 Registration, coffee

10.00 -11.00 Welcome and opening session

Welcome by Hans Christian Bugge, Professor of Environmental Law, University of Oslo

Opening speech by Heidi Sørensen, State secretary, Ministry of the Environment

11.00-12.15 Keynotes

Edith Brown Weiss, Professor, Georgetown University, USA

Klaus Bosselmann, Professor, University of Auckland, New Zealand

Nicholas Robinson, Professor, Pace University Law School, USA

12.15-13.15 Lunch

13.15-17.00 Session 1 Fundamental issues in environmental law (plenary)

13.15-13.45 Towards an Environmental Rule of Law, Bruce Pardy, Professor, Queen’s University, Kingston, Canada

13.45-14.15 Ecological Proportionality – a Principle of Social Norms and the Law? Gerd Winter, Professor, University of Bremen, Germany

14.15-14.45 Hot, Cruel, and Legal: A Look at Industrial Agriculture in the U.S. & Brazil and the Rhetoric of Cost/Benefit Analysis David Cassuto, Professor, Pace University Law School, USA

14.45-15.15 Break

15.15-15.45 A Right of ‘Non-use’ for Nature Jan G. Laitos, John A. Carver, Jr. Professor, University of Denver, USA

15.45-16.15 The Rule of Nature's Law Cormac Cullinan, Director, Cullinan & Associates, South Africa


16.45-17.00 Closing.
Thursday 10 May

Place: Edderkoppen Theatre and Scandic Hotel, St.Olavs plass 4

09.00-12.30  Morning sessions: Three parallel sessions

Session 2  Ecosystem services and the ecosystem approach

The Ecosystem Approach – General Issues

09.00-09.30  The Consistent Appreciation of Ecosystems in Modern Environmental Law
Froukje Maria Platjouw, PhD student, University of Oslo, Norway

09.30-10.00  Legitimacy, Accountability and Equity as Prerequisites in the Regulatory Frameworks for Ecosys-
tems Services
Thoko Kaima, Dr. and Rosalind Malcolm, Professor, University of Surrey, UK

10.00-10.30  General International Legal Principle of Ecosystem Restoration
Anastasia Telesetsky, Associate professor, University of Idaho, USA

10.30-11.00  Break

The Ecosystem Approach - Water and the Marine Environment

11.00-11.30  Law as if Ecology Mattered: Ecosystem Services Approaches to Regulation of the Marine Environment
Karen Morrow, Professor, Swansea University, UK

11.30- 12.00  Refocusing on the Watershed: Integrating an Ecosystem Approach within Water Supply and Access Arrangements
Rebecca Bates, Lecturer, Brunel University, UK

12.00-12.30  Law, Aquatic Ecosystems and Sustainable Fishery
Anna Christiernsson, Research fellow, and Gabriel Michanek, Professor, Uppsala University, Sweden

Session 3  New Principles in International Environmental Law

Thinking afresh: New ideas and innovative concepts

09.00-09.30  Arguing Global Environmental Constitutionalism
Louis J. Kotzé, Professor, North West University, South Africa
09.30-10.00  Responsibility to Protect and the Environment  
Lotta Viikari, Professor, University of Lapland, Finland

10.00-10.30  Reconciling the Role of Law for Global Environmental Problems: Issue Linkage & Polycentrism  
Andrew Long, Associate Professor, Florida Coastal School of Law, USA

10.30-11.00  Break

Dynamic Principles /Established Principles Revisited

11.00-11.30  Exploring the Boundaries of common but differentiated responsibilities  
James Harrison, Lecturer, Edinburgh School of Law, UK

11.30-12.00  The Principles of Integration and Environmental Integrity  
Christina Voigt, Associate Professor, University of Oslo, Norway

12.00-12.30  Outsourcing Pressure – Private Implementation of International Environmental law in the European Context  
Christina Verones, PhD candidate, Graduate Institute of International and Development Studies, Geneva, Switzerland

Session 4  New Approaches in Environmental Decision-making

09.00-09.30  Approaches to Globalising Procedural and Participatory Rights in Environmental Matters  
Jonas Ebbesson, Professor, Stockholm University, Sweden

09.30-10.00  Lessons Learned in the Legal Representation of the Interests and Rights of Future Generations  
Sébastien Duyck, PhD candidate, University of Lapland, Finland

10.00-10.30  Meeting the Challenges of Natural Resource Management through Public Participation  
Rizwana Yusuf, Barrister and Director, Institute of Hazrat Mohammad SAW, Bangladesh

10.30-11.00  Break

11.00-11.30  Towards a New Instrument for Promoting Sustainability Beyond the EIA and the SIA: the Holistic Impact Assessment (HIA),  
Massimiliano Montini, Professor, University of Siena, Italy

11.30-12.00  Counting Nature and the Nature of Counting  
Natasha Affolder, Associate Professor, University of British Columbia, Canada

12.00-12.30  An Environmental Perspective on Administrative Enforcement Law  
Annika Nilsson, Post doctor, Stockholm University, Sweden

12.30-13.30  Lunch in the Edderkoppen Theatre
### Session 5  Protection of the Marine Environment

**13.30-14.00**  
*The Law of the Sea for an Anthropocene Epoch?*  
Davor Vidas, Professor, The Fridtjof Nansen Institute, Norway

**14.00-14.30**  
*UNCLOS Thirty Years On: A Furtherance or Obstacle to the Protection of the Marine Biodiversity?*  
Tore Henriksen, Professor, University of Tromso, Norway

**14.30-15.00**  
*UNCLOS Thirty Years On: A South Pacific Perspective*  
Kerry Tetzlaff, Lecturer, University of the South Pacific

**15.00-15.30**  
**Break**

**15.30-16.00**  
*Protecting the Deep: Conceptions of Risk and the Regulation of Uncertainty in Protecting Marine Biodiversity in Areas beyond National Jurisdiction*  
Rosemary Rayfuse, Professor, University of New South Wales, Australia

**16.00-16.30**  
*International Law and the Protection of the Global Commons*  
Bettina Boschen, PhD Fellow, Utrecht University, the Netherlands

**16.30-17.00**  
*Conserving Biodiversity in the Global Marine Commons: Developing Environmental Impact Assessment and Strategic Environmental Assessment Frameworks for Marine Areas beyond National Jurisdiction*  
Robin Warner, Associate Professor, University of Wollongong, Australia

**17.00-17.30**  
*The International Regulation of Deep-Sea Fisheries on the High Seas: How can the Legal Protection of the Natural Environment be Strengthened?*  
Yoshinobu Takei, Research Associate, Utrecht University, the Netherlands

### Session 6  Perspectives from Developing Countries

**13.30-14.00**  
*Traditional Norms and Environmental Law - the Sub-Saharan African Case Study*  
Chinweze Chizoba, Director, Chemtek Associates, Nigeria, Jideani Chukwuemeka, Chief Executive Officer, Ethics & Corporate Compliance Institute Nigeri, and Gwen Abiola-Oloke, Chief Executive Officer, Continental Bank-Benin, Benin

**14.00-14.30**  
*Actualising the Ecosystem’s Approach in Biodiversity Legislation – South Africa’s Contemporary Experimentation*  
Alexander Paterson, Associate Professor, University of Cape Town, South Africa

**14.30-15.00**  
*Environment, Financialization and Legal Authority*
Session 7  Environmental Protection in Corporate and Trade Law

Greening Corporate Behaviour and Investment

13.30-14.00 Sustainability Rating from the Legal Perspective
Gudula Deipenbrock, Professor, Hochschule für Technik und Wirtschaft, Berlin, Germany

14.00-14.30 Taking Nature Seriously: Taming Corporate Profiteering by Guidelines and Principles
Surya Deva, Associate Professor, City University of Hong Kong, China

14.30-15.00 Environmental Sustainability through Sustainable Company Law: Company Law's Contribution to the Rule of Law for Nature
Beate Sjåfjell, Professor, University of Oslo, Norway

15.00-15.30 Break

Using Market and Trade for Environmental Ends

15.30-16.00 Trade and Market Measures to Combat IUU Fishing: International and Regional Development and the Impacts on China's Fisheries Law
Qin He, Research fellow, Ghent University, Belgium

16.00-16.30 Environmental Goods and Services: Coherency in International Trade Law
Francesco Sindico, Lecturer in International Law, University of Dundee, UK.

16.30-17.00 Regulating the GHG Emissions and Biodiversity by Sustainability Criteria
Ellen Margrethe Basse, Professor, Aarhus University, Denmark

17.00-17.30 The impact of environmental corporate social responsibility policies on climate related border tax adjustments
Anita Halvorssen, Adjunct Professor, University of Denver, USA and Ottavio Quirico, Dr., European University Institute, Italy

17.30-18.30 Reception in the Edderkoppen Theatre
Friday 11 May

Place: Edderkoppen Theatre

09.00-12.00  Session 8 Rights and Ethics in Environmental Protection (plenary)

09.00-09.30  Recognizing Waterway Rights in Law – A Path to Water Sustainability
Linda Sheehan, Executive Director, Earth Law Centre, California, USA

09.30-10.00  The Rights of Future Generations of People in South Africa’s Strategic Approach of ‘Climate Resilient Development’
Anel du Plessis, Associate Professor, North West University, South Africa

10.00-10.30  Climate Change and Human Rights. Principles, Practice and Protection
Edward Cameron, Director, International Climate Initiative, World Resources Institute, USA

11.30-11.00  Break

11.00-11.30  The Public Trust Doctrine: Where Ecology Meets Natural Resources Law and Policy
Mary Turnipseed, Research fellow, University of California, USA

11.30-12.00  Strengthening the Legal Protection of Essential Ecosystems for the Benefit of Future Generations: An Indigenous Perspective from Aotearoa New Zealand
Linda Te Aho, Senior lecturer, University of Waikato, New Zealand

12.00-13.00  Lunch

13.00-15.00  Session 9 Panel discussion:”Rule of Law for Nature”: The Road Forward

Introduction and panel chair: Hans Christian Bugge, Professor, University of Oslo

The Panel will identify and discuss important ideas and progressive proposals made at the conference. All conference participants are invited to contribute.

The Panel members will be chosen during the conference.

15.00  Closing of the Conference.
The conference is organised by the Natural Resources Law Group at the Faculty of Law, University of Oslo, chaired by professor Hans Christian Bugge.

Conference Web Page

The Natural Resources Law Group
University of Oslo
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N-0130 Oslo

Deadline for Registration:
April 15th 2012