

# IUGNAEL COLLOQUIUM 2013

Co-Hosted by the University of Waikato  
and University of New England

COLLOQUIUM HANDBOOK



The colloquium is proudly supported by the New Zealand Law Foundation.

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# WELCOME MESSAGE FROM THE ORGANISING COMMITTEE

The theme He Tapuwae: footprints left on the land, speaks of a journey into new territory. This message applies not only to the content of the colloquium but also to how it has been organised. For the first time, hosting the Colloquium is a partnership between law schools in two countries. We hope that this Colloquium will demonstrate that collegiality and sharing resources makes more things possible than can be achieved alone.

We are particularly heartened that we have been able to bring together environmental law academics and practitioners from all parts of the world, and especially that we have been able to put a clear focus upon the interests of those who are less powerful, especially those who will be impacted by climate change. Sadly, prominent among these people are indigenous people, and the Colloquium features a number of papers that will bring their issues of native peoples to the forefront of our attention. We are confident that our ambition that this Colloquium will help 'speak truth to power' has at least been partly satisfied, but we know that what happens as a result is more important than what is said at this event.

Our hope that this Colloquium delivers fresh jurisprudential, doctrinal, institutional and tactical insights, and indicates practical mechanisms for the delivery of resilience to vulnerable communities, animals and ecosystems, seems likely to be realised. We thank everyone who is participating in this event and who will contribute to making it a success, and we look forward to sharing this experience with you.

*Amanda Kennedy, Paul Martin, Robert Joseph, Sadeq Bigdeli, and Trevor Daya-Winterbottom.*

# MESSAGES FROM HOST UNIVERSITY DEAN'S



## From Prof Bradford Morse

*Dean: Te Piringa – Faculty of Law  
University of Waikato*



THE UNIVERSITY OF  
**WAIKATO**  
*Te Whare Wānanga o Waikato*

Nau mai. Haere mai. Welcome to beautiful Hamilton and the University of Waikato - Te Whare Wānanga o Waikato. All of us at Te Piringa – Faculty of Law are delighted to welcome the 200+ participants to the 11<sup>th</sup> Annual Colloquium of the IUCN Academy of Environmental Law from across Aotearoa New Zealand and around the world. Our Name, "Te Piringa," translates as "the coming together of people" given to the Law Faculty by the late Te Arikunui Dame Te Atairangikaahu, the Maori Queen in 1991. Thus, our name itself reflects the nature of our gathering – as we travel from all directions to learn from, and share with, each other for the betterment of all.

This is the first time the Colloquium has been in NZ so this will likely be the first visit for many of you as well. We truly hope you have a stimulating and intellectually challenging, along with tremendously enjoyable, experience during the five days of pre-conference workshops and colloquium programmes. Please do not hesitate to ask any of the staff, or over 40 law student volunteers, to assist in any way to make your experience as positive as possible. Our goal is naturally to make this one of the very best conferences you have ever attended. We also hope that you will forge the beginning of what become longstanding relationships over the coming days and that you will pay us a return visit in the future, particularly after our new building opens in 2015. We have an extraordinary line-up of speakers for this event as well as a diverse array of evening plans.

*I hope that you have an exceptional week, that you have a chance to see more of this amazing country and that we see you again in the future.*



## From Prof Michael Stuckey

*Head, School of Law  
University of New England*



The University of New England School of Law is proud to be a co-host, with the University of Waikato, for the 2013 IUCN Academy of Environmental Law international Colloquium. The dual emphasis upon environmental and social justice issues is particularly important to us, as Australia's largest rurally-based law school. As many would realise, rural communities are intrinsically dependent upon natural resources, and unfortunately tend to have a higher proportion of people (particularly Aboriginal citizens) suffering social and economic exclusion than urban centres.

These are issues that we take to heart. We have placed rural environmental and social justice issues at the centre of our scholarly commitment, with our Australian Centre for Agriculture and Law evolving as a major centre for research and postgraduate teaching in this space. Its purposeful trans-disciplinary and engaged approach has enabled it to make a unique and growing contribution to natural resource governance reform. The online International Journal of Rural Law and Policy is a more recent initiative, intended to bring scholarly attention to the non-urban challenges of sustainability and social justice.

The innovation of co-hosting this major event is, we think, a model that others may consider. Hosting an event as significant as this Colloquium is a major challenge for any law school and by sharing the load, it becomes possible. We expect that this approach might allow law schools which are not confident in their own stand-alone ability, to jointly host future Colloquiums.

I wish all of the participants in this important event all the very best, in what is an important event for the legal community and for society more broadly.

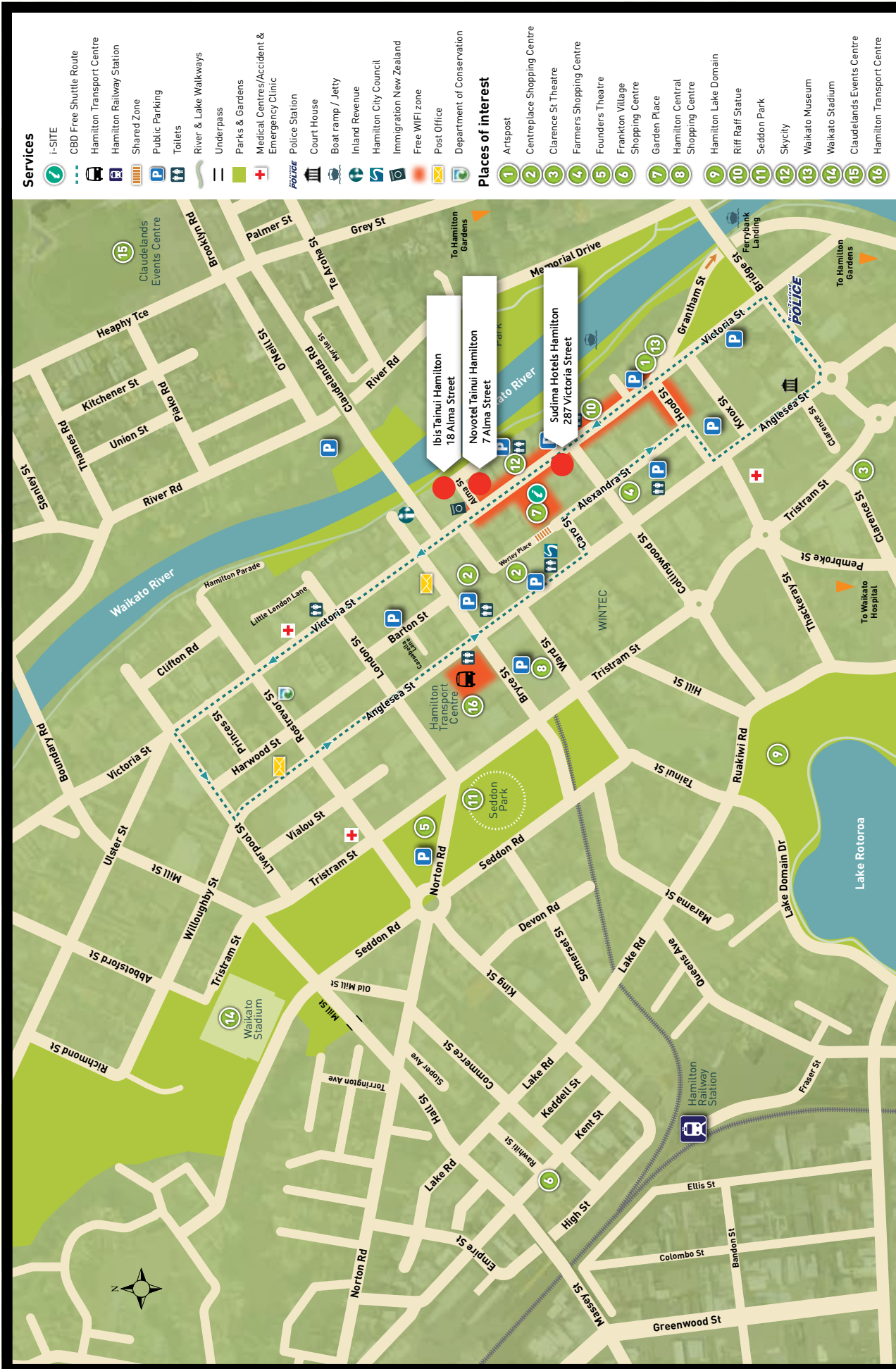
School of Law: <http://www.une.edu.au/law>

Australian Centre for Agriculture and Law: <http://www.une.edu.au/aglaw>

International Journal of Rural Law and Policy: <http://eprint.lib.uts.edu.au/journals/index.php/ijrlp>

## KEY LOGISTICS AND SUPPORT INFORMATION

Colloquium venue	S Block, University of Waikato, Hamilton, New Zealand
Colloquium queries	Registration Desk located at Level 1 Foyer S Block between 8:30am & 5:00pm daily
Internet access	You can access 3G internet with cell phone network providers Telecom, Vodafone and 2 degrees. You will need to purchase a SIM card, which usually cost \$10-\$30 dollars (2 degrees are \$10). On the University of Waikato campus there is an internet service called Lightwire- this is a paid service and requires you to sign up at <a href="http://www.lightwire.co.nz">www.lightwire.co.nz</a> Hamilton CBD has free Wi-Fi.
Hotels	Novotel & Ibis on Alma Street, Sudima on Victoria Street
Area code	0064 Country code & 07 Waikato Region code ( <i>when calling from a country other than NZ please remove the 0 i.e. 0064 7... this also applies when calling cell phone number in NZ which always start with 0</i> )
Academy Secretariat	Winnie Carruth, <a href="mailto:iucnael@uottawa.ca">iucnael@uottawa.ca</a>
Colloquium program and organisation	Trevor Daya-Winterbottom: <a href="mailto:trevordw@waikato.ac.nz">trevordw@waikato.ac.nz</a> ,
University security	4444 with office located opposite Law Faculty
Medical services	24 hour medical care: Anglesea A & E Cnr of Anglesea & Thackery Street, Hamilton City Phone: 858 0800
Hospital services	Waikato Hospital Ph: 839 8899
Police	Emergency calls 111 or Police Station Phone: 858 6200 and it is located on Bridge Street
Accommodation & airport transfer bookings and changes	Orbit 0800 225 337
Airline enquiries	Orbit 0800 225 337



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Call us on 0800 HAMILTON or visit our i-SITE [www.visithamilton.co.nz](http://www.visithamilton.co.nz) Garden Place Hamilton



[www.visithamilton.co.nz](http://www.visithamilton.co.nz)

**hamilton**



# TRAVEL

Shuttle from Auckland International Airport: Orbit 0800

## Driving Times

From Auckland International Airport: Travel Southeast on SH1 to Hamilton. Keep right at the fork and continue to follow Te Rapa Rd. Slight left onto Victoria St follow that until you reach the CBD of Hamilton. Times to Hamilton from

- Auckland International Airport: 1 hour 40 minutes

From Hamilton Airport: The Hamilton CBD is only 15km (a 20 minute drive) from Hamilton Airport. A taxi will cost you approximately \$20.

Travel North for 300 metres and take the first left towards Airport Road. At the roundabout, take the 1st exit onto Cambridge Rd/Devine Rd. Take the State Highway 1 ramp to Hamilton. Merge onto Cambridge Rd (SH 1) and continue for 5.8 km. At the roundabout, take the 2nd exit onto Cobham Road (SH 1) and continue along Cobham Road for 3 km. At the roundabout, take the 3rd exit and stay on Cobham Road for 180m. At the next roundabout, take the 2nd exit onto Bridge St and continue for 270m. Turn left onto Victoria St and that will bring you to the CBD of Hamilton.

## Colloquium Bus

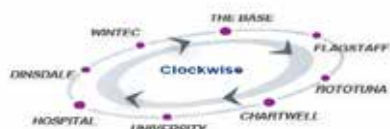
The Organising committee have scheduled Leisure Tour bus service for Monday – Friday. The bus/s will depart from outside the Novotel Tainui Hotel on Alma Street at 8:00am and drive you to the University of Waikato. Once there it is only a short stroll to S Block and then make your way to Level 1.

The buses will depart at the end of the day's programme leaving from the pick-up point at the back of the University shops where you disembarked in the a.m. and returning to Alma Street. Refer to the Colloquium Programme for departure times.

## HAMILTON LOCAL TRANSPORT

### Free Hamilton City Centre Bus

The most convenient way to get around the central business district (CBD) and it's free! It leaves every 10 minutes Monday to Friday, 7am to 6pm, Saturday, 9am to 1pm and travels in a one way loop from the Knox Street car park, north along Victoria Street, Liverpool Street and then south along Anglesea Street, into Caro Street, Alexandra Street, Hood Street, Anglesea Street and then Bridge Street.



The Orbiter runs a circuit connecting some of the key locations in Hamilton, including Waikato University. You can choose between the Clockwise and Anti-clockwise route, depending on where you want to go.

Buses come approximately every 15 minutes. For more information visit

[www.busit.co.nz/Hamilton-routes/Orbiter/](http://www.busit.co.nz/Hamilton-routes/Orbiter/)

Fares: Adult cash fares are \$3.30, or \$2.40 with a BUSIT card. One hour free travel- Purchase a single one way ticket on any Hamilton urban bus and get unlimited free

## Hamilton Taxis

- Dial a Cab 0800 342 522 transfers onto another urban bus within one hour of the original ticket purchase time. Remember to hold onto your ticket to redeem your free transfers.
- Hamilton Taxis 0800 477 477
- Red Cabs Ltd 839 3939

# ACCOMMODATION

## Colloquium Bus

The Organising committee have scheduled Leisure Tour bus service for Monday – Friday. The bus/s will depart from outside the Novotel Tainui Hotel on Alma Street at 8:00am and drive you to the University of Waikato. Once there it is only a short stroll to S Block and then make your way to Level 1.

The buses will depart at the end of the day's programme leaving from the pick-up point at the back of the University shops where you disembarked in the a.m. and returning to Alma Street. Refer to the days Colloquium programme for departure times.

## Ibis Tainui Hamilton

18 Alma Street

HAMILTON, NEW ZEALAND

Tel: (+64)7/8599200 / Fax: (+64)7/8599201

<http://ibishotel.ibis.com/gb/hotel-6690-ibis-hamilton-tainui/index.shtml>

## Novotel Tainui Hamilton

7 Alma Street

HAMILTON, NEW ZEALAND

Tel: (+64)7/ 8381366 / Fax: (+64)7/ 838 1367

<http://www.novotel.com/gb/hotel-2159-novotel-hamilton-tainui/index.shtml>

## Sudima Hotels Hamilton

287 Victoria Street

HAMILTON, NEW ZEALAND

Tel: (+64)7/ 8381366 / Fax: (+64)7/ 838 1367

<http://www.sudimahotels.com/hamilton/>

## Hamilton Taxis

- Dial a Cab 0800 342 522 transfers onto another urban bus within one hour of the original ticket purchase time. Remember to hold onto your ticket to redeem your free transfers.
- Hamilton Taxis 0800 477 477
- Red Cabs Ltd 839 3939

# OTHER IMPORTANT TRAVEL INFORMATION

## Medical Insurance

If you are from the United Kingdom or Australia, you will get the same immediate medical coverage as a New Zealand citizen or resident, thanks to our reciprocal health agreements. All visitors get limited medical coverage for personal injury through accident under the taxpayer-funded Accident Compensation Scheme (ACC).

However, it is strongly recommended that you have your own comprehensive medical insurance.

## Customs – restricted and prohibited goods

A PDF of 'items to declare' has been attached. For more detailed information on what items must be declared at NZ customs please visit <http://www.biosecurity.govt.nz/enter/declare>

It's best not to bring any food, animals, animal products or plant products with you to the country. Not all of these are prohibited, but it's easier for you not to bring them. Some items – such as meat, fruit, and honey – are not allowed at all.

## DRIVING IN NEW ZEALAND

### International Driving Licences and Permits

You can legally drive in New Zealand for up to 12 months if you have either a current driver's licence from your home country or an International Driving Permit (IDP). In New Zealand all drivers, including visitors from other countries, must carry their licence or permit at all times when driving. You will only be able to drive the same types of vehicles you are licensed to drive in your home country. The common legal age to rent a car in New Zealand is 21 years.

Make sure your driver's licence is current. If your licence is not in English, you must bring an English translation with you or obtain an IDP. Contact your local automobile club for further details about obtaining a translation or an IDP.

Although New Zealand is a relatively small country it can take many hours to drive between cities and other destinations of interest. Even when distances are short, hilly or winding terrain or narrow secondary roads can slow your journey. Overestimate your journey times to ensure you have time to stop and enjoy the view.

- Always drive on the left-hand-side of the road and give way to your right.
- Always keep on or below the legal speed limits indicated on road signs. The maximum speed on any open road is 100km/h. The maximum speed in urban areas is 50km/h. Adjust your speed as conditions demand.
- When traffic lights are red you must stop. When traffic lights are amber you must stop unless you are so close to the intersection it is unsafe to do so.
- Do not pass other cars where there are double yellow lines - these indicate that it's too dangerous to overtake.
- Drivers and passengers must wear seat belts or child restraints at all times, in both front and rear seats.
- Do not drink and drive. Driving under the influence of alcohol or drugs is a crime in New Zealand and strictly enforced by police, with severe penalties for offenders.
- Signposting follows standard international symbols and all distances are in kilometres (km).

Refer to the [NZ Transport Agency website](http://www.nzta.govt.nz) for country wide information on New Zealand roads, road rules and vehicle safety: [www.nzta.govt.nz](http://www.nzta.govt.nz).

## Car Rental Companies

### Thrifty

[www.thrifty.co.nz](http://www.thrifty.co.nz)

Freephone: 0800 73 7070

### NZ Rent a Car

[www.nzrentacar.co.nz](http://www.nzrentacar.co.nz)

Freephone: 0800 800 956

### Waikato Car Rentals

[www.waikatocarrentals.co.nz](http://www.waikatocarrentals.co.nz)

Free phone: 0800 15 44 44

## WEATHER & CLOTHING

### Hamilton

New Zealand weather can be unpredictable, and may change several times within one day. In Hamilton you can expect morning frosts, fog, rain and wind so do ensure you pack some warm clothes and wet weather gear. We also have some lovely nice days when the fog lifts.

## GENERAL INFORMATION

- Momento cafe: Wednesday 26 and Thursday 27 June: 5.00pm-7.00pm.
- ASB bank: Wednesday 26 and Thursday 27 June: 5.00pm-7.00pm.
- Opus bar: Wednesday 26 June 5.00pm-7.00pm, and Thursday 27 June: 5.00pm-10.00pm.

# COLLOQUIUM PROGRAMME

Colloquium Programme and Breakout Session Schedule up to date as at 17 June; see Colloquium website <http://iucnacademy2013.org.nz/#> for latest versions

## Outline IUCN programme: June 2013

### **11<sup>th</sup> IUCN Academy of Environmental Law Colloquium 2013**

#### **Sunday 23 June**

Delegates: Transfers from Auckland International Airport to Hamilton & hotel check in

Information desk at Novotel for delegates: Organising Committee: 2.00pm-4.00pm

#### **Monday 24 June**

Delegates: Transfers from Auckland International Airport to Hamilton & hotel check in

Teaching workshop & Colloquium registration

*Teaching workshop theme: Information and communication technologies in Environmental Law teaching*

8.00am	Buses depart from hotels to campus
8.30am-9.00am	Registration: workshops and colloquium
9.00am-10.30am	Workshop: see Colloquium website for details
10.30am - 11.00am	Break
11.00am-12.00pm	Workshop: see Colloquium website for details
12.00pm-1.00pm	Lunch
1.00pm-2.00pm	Workshop: see Colloquium website for details
2.00pm-2.30pm	Break
2.30pm-4.00pm	Workshop: see Colloquium website for details
4.00pm-6.00pm	Teaching committee meeting
6.15pm	Buses depart from campus to hotels
7.00pm-9.00pm	Victoria Street restaurant options

Venue: S Block: Rooms: S1.04, SB Foyer.

## Tuesday 25 June

Delegates: Transfers from Auckland International Airport to Hamilton & hotel check in

Research workshop, Colloquium registration, Powhiri (formal Maori welcome), and Welcome reception

*Research workshop theme: Towards a Jurisprudence of Implementation in Environmental Law*

8.00am	Buses depart from hotels to campus
8.30am-9.00am	Registration: workshops and Colloquium
9.00am-10.30am	Workshop: see Colloquium website for details
10.30am - 11.00am	Break
11.00am-12.00pm	Workshop: see Colloquium website for details
12.00pm-1.00pm	Lunch
1.00pm-2.00pm	Workshop: see Colloquium website for details
2.00pm-2.30pm	Break
2.30pm-4.00pm	Workshop: see Colloquium website for details
4.00pm-6.00pm	Research committee meeting
6.15pm	Buses depart from campus to Waikato Museum
6.45pm-7.30pm	Powhiri (formal Maori welcome)  Venue: Waikato Museum
7.30pm-9.00pm	Welcome reception  Venue: Waikato Museum

Venue: S Block: Rooms: S1.04, SB Foyer.

## Wednesday 26 June

### Colloquium

8.00am	Buses depart from hotels to campus
8.30am-9.00am	Registration: Colloquium
9.00am-9.30am	Opening session  <i>Venue:</i> S Block: Room: S1.04
9.40am-11.00am	Plenary session 1: Justice and the environment  Convener: Professor Lye Lin Heng, National University of Singapore & Deputy-Chair, IUCN Academy of Environmental Law  Speakers: Professor Klaus Bosselmann, University of Auckland Professor Alexander Gillespie, University of Waikato Professor Lee Godden, University of Melbourne  <i>Venue:</i> S Block: Room: S1.04
11.00am-11.30am	Break and group photo  <i>Venue:</i> S Block: SB Foyer
11.30am-12.30pm	Plenary session 2: Indigenous justice and the environment  Convener: Professor Nilufer Oral, Istanbul Bilgi University & Chair, IUCN Academy of Environmental Law  Speakers: Johnnie Asernon, Southern Cross University Professor Donna Craig, University of Western Sydney Valmaine Toki, University of Waikato & Vice Chair, United Nations Permanent Forum on Indigenous Issues  <i>Venue:</i> S Block: Room: S1.04
12.30pm- 1.30pm	Lunch  <i>Venue:</i> S Block: SB Foyer
1.30pm- 3.00pm	Breakout sessions: see Colloquium website for details  <i>Venue:</i> S Block: Rooms: SG.01, SG.02, SG.03
3.00pm-3.30pm	Break  <i>Venue:</i> S Block: SB Foyer

3.30pm-5.00pm	Breakout sessions: see Colloquium website for details <i>Venue:</i> S Block: Rooms: SG.01, SG.02, SG.03
7.00pm-8.00pm	Reception & Distinguished Scholar lecture  Convener: Professor Bradford Morse, University of Waikato  Distinguished Scholar: Mas Achmad Santosa, Deputy Minister/Deputy Head President's Delivery Unit for Development Monitoring & Oversight, Republic of Indonesia  <i>Venue:</i> S Block: Rooms: S1.04, SB Foyer
8.00pm-10.00pm	Taste of Waikato & wine tasting  <i>Venue:</i> S Block: SB Foyer
10.15pm	Buses depart from campus to hotels

*Optional: Editorial Committee meeting 5.00pm-7.00pm*

## Thursday 27 June

### Colloquium

8.00am	Buses depart from hotels to campus
8.30am-9.00am	Registration: Colloquium
9.00am-11.00am	Plenary session 3: Vulnerable communities & climate change  Convener: Professor Paul Martin, University of New England  Speakers: Dr Justin Rose, Environmental Law and Policy Adviser, Government of the Federated States of Micronesia; Iqbal Kabir, Bangladesh Environmental Law Association; Professor Eric Kwa, University of Papua New Guinea; Dr Marie-Claire Cordonier Segger, University of Cambridge & International Development Law Organisation; Professor David Hodas, Widener University;  <i>Venue:</i> S Block: Room: S1.04
11.00am-11.30am	Break  <i>Venue:</i> S Block: SB Foyer
11.30am-12.30pm	Breakout sessions: see Colloquium website for details  <i>Venue:</i> S Block: Rooms: S1.01, S1.02, S1.03, S1.04, S1.05
12.30pm- 1.00pm	Lunch  <i>Venue:</i> S Block: SB Foyer
1.00pm-1.50pm	Collegium  <i>Venue:</i> S Block: Room: S1.04
2.00pm- 3.00pm	Breakout sessions: see Colloquium website for details  <i>Venue:</i> S Block: Rooms: S1.01, S1.02, S1.03, S1.04, S1.05
3.00pm-3.30pm	Break  <i>Venue:</i> S Block: SB Foyer
3.30pm-5.00pm	Breakout sessions: see Colloquium website for details  <i>Venue:</i> S Block: Rooms: S1.01, S1.02, S1.03, S1.04, S1.05
5.00pm-7.00pm	Graduate Student Forum  <i>Venue:</i> S Block: Room: S1.04
7.00pm-10.00pm	Colloquium Dinner  Entertainment by Pacific Law Students Association, Faculty of Law, University of Waikato  <i>Venue:</i> The Academy of Performing Arts
10.15pm	Buses depart from campus to hotels

## Friday 28 June

### Colloquium

8.00am	Buses depart from hotels to campus
8.30am-9.00am	Registration
9.00am-11.00am	<p>Plenary session 4: Access to environmental justice</p> <p>Conveners: Professor Nicholas Robinson, Pace University, New York Judge Laurie Newhook, NZ Environment Court</p> <p>Speakers: Justice Brian Preston, Chief Judge NSW Land and Environment Court Lord Carnwath, UK Supreme Court (video link) Justice Swatanter Kumar, Chairperson, National Green Tribunal, India Justice Susan Glazebrook, NZ Supreme Court</p> <p><i>Venue:</i> S Block: Room: S1.04</p>
11.00am-11.30am	<p>Break</p> <p><i>Venue:</i> S Block: SB Foyer</p>
11.30am-12.30pm	<p>Breakout sessions: see Colloquium website for details</p> <p><i>Venue:</i> S Block: Rooms: S1.01, S1.02, S1.03, S1.04, S1.05</p>
12.30pm- 1.30pm	<p>Lunch</p> <p><i>Venue:</i> S Block: SB Foyer</p>
1.30pm- 3.00pm	<p>Breakout sessions: see Colloquium website for details</p> <p><i>Venue:</i> S Block: Rooms: S1.01, S1.02, S1.03, S1.04, S1.05</p>
3.00pm-3.30pm	<p>Break</p> <p><i>Venue:</i> S Block: SB Foyer</p>
3.30pm-5.00pm	<p>Plenary session 5: Looking to the future</p> <p>Convener: Adjunct Professor Rob Fowler, University of South Australia &amp; Immediate Past-Chair, IUCN Academy of Environmental Law</p> <p>Speaker: Professor Ben Boer, University of Sydney Global Environmental Restoration: The Role of Environmental Law</p> <p>Colloquium closing Tarragona 2014</p> <p><i>Venue:</i> S Block: Room: S1.04</p>

5.15pm	Buses depart from campus to hotels
7.00pm-10.00pm	Antarctica global warming BBQ & film presentation Faculty of Science and Engineering, University of Waikato
	<i>Venue:</i> Sky City Function Centre

**Saturday 29 June**

Buses depart from hotels at 8.30am for Field trip and Auckland International Airport 2.00pm

Field Trip in the Waikato & Auckland regions: Heritage & Vines: Rangiriri Pa & Historic Battle Site, and Villa Maria Wine Estate

**Sunday 30 June**

Rest, travel to Australia, or depart for home

**Monday 1 July – Friday 5 July**

University of New England, NSW, Australia

Post-colloquium symposium & workshops

Field trips

# COLLOQUIUM BREAKOUT SESSION SCHEDULE

Wednesday 26 June – 1.30am-3.00pm

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## Breakout session 1: Environmental Justice

**Catherine IORNS**

Achieving Indigenous and Environmental Justice Through Implementing Indigenous Cosmologies in Settler State Legal Systems

**Michael KIDD**

Water licensing as part of land reform in South Africa?

**Susan Lea SMITH**

Nature Abhors a Vacuum: the Environmental Injustice of US Military Bases Abroad

**Christian CAUBET**

A Two-Speeds Gear-Box for Environmental Law Implementation: Virtual Law and Human Rights for Indigenous Peoples vs. Resources real Appropriation for Markets Stakeholders?

**Allison GEDULD**

Revisiting Environmental Justice in the South African “Developmental” State

## Breakout session 2: Re-imagining Law

**Louis KOTZE**

Global Environmental Law for the Anthropocene

**Robert PERCIVAL**

Reimagining The Role Of Civil Society In Environmental Governance

**Elodie LE GAL**

Re-imagining the Law for achieving sustainability: Why do it? How can we do it? What are some key institutional challenges?

**Nicholas ROBINSON**

Evolving Environmental Law Into the Anthropocene Epoch

**Markus GEHRING**

TBA

## Breakout session 3: Air, Ozone, Climate etc

**Kerryn BRENT**

Solar Radiation Management Geoengineering and Liability For Damage To The Global Atmospheric Commons

**Stephen KNIGHT-LENIHAN**

Local Government and Climate Change Mitigation: The New Zealand Experiment

**Saiful KARIM**

Climate Change and IMO Technical and Operational Measures for Reduction of Emissions of Greenhouse Gas from Ships

**Anastasia TELESETSKY**

The “Other” Carbon: Legal Strategies to Reduce Black Carbon as Climate Mitigation

**Andréia Mendonça AGOSTINI and Diogo Andreola SERRAGLIO**

The national policy on climate change: An analysis of the measures adopted by Brazil in fighting global warming

# COLLOQUIUM BREAKOUT SESSION SCHEDULE CONT'D

Wednesday 26 June – 3.30am-5.00pm

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## Breakout session 4: Visions of Protection

**Yanti FRISTIKAWATI**

Environmental Protection from Radioactive Waste Management in Indonesia

**Linda TE AHO**

Pursuing environmental justice from mountain to river – a local journey

**William PIERMATTEI**

BOUNTY HUNTERS WANTED: The U.S. False Claims Act as a model for environmental standard enforcement

**Richard OTTINGER**

Environmental Governance: Assessing the Roles of Regulators, Enterprises & “Third Parties” in Protection of the Hudson River Valley by IPPEP Model

**Olugbenga OKE-SAMUEL**

Reinventing Legislation for Effective Control of Gas Emission in Nigeria and South Africa

## Breakout session 5: Rights based Approaches

**Yong ZHOU**

“The Great Leap” of Developing Hydropower for Environmental Protection vs. Rights of Indigenous People and Minorities in Southwest China

**Maria LUNDBERG**

The regional national autonomy and the implementation of the the principle of free, prior and informed consent in China

**Loretta FERIS**

A Customary Right to Fish when Fish is Sparse? Managing Conflicting Claims between Customary Rights and Environmental Rights

**Donato GUALTIERI**

Preserving biodiversity, granting food security: a rights-based approach for indigenous peoples’ protection under international law

**Elizabeth GACHENGA**

Customary Law Systems for Water Governance and the Human Rights Based Approach to Water: A Case of the Marakwet of Kenya

## Breakout session 6: The Environmental and the Political

**Daniel SHEPHERD**

Keep it quiet: the Resource Management Act and noise

**Robyn BARTEL**

Taking a De-Binarized Values Approach to Reconciling the Environment vs Economy Debate: Lessons from Climate Change Litigation in NSW Australia

**Madhvi MEHTA**

Legal Challenges & Solutions: Implementation of Environmental Law for protection of city forests

**Elaine HSIAO**

Coercive Conservation for Peace?: Environmental Sovereignty and Insecurity in the Borderlands

**Michael JEFFERY**

A Commentary on the Politics of Environmental Protection: Recent Lessons from Australia, the US and China

# COLLOQUIUM BREAKOUT SESSION SCHEDULE CONT'D

**Thursday 27 June – 11.30am-12.30pm**

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## **Breakout session 7: Environmental Justice**

**Jacqueline WILLIAMS**

Credit makers and credit takers: issues of equity in Australian Government natural resource governance programs

**Victor SANCHO**

Seeking an effective access to environmental justice within the Spanish legal system

**Haifeng DENG**

Energy policy and strategies for Climate Change and Security in China

## **Breakout session 8: Oceans and Marine**

**Michelle MEARES**

Dump and Dive – is it lawful to use the ocean as a dumping ground for old warships?

**Gregory ROSE**

Universal Jurisdiction against Marine Environmental Crime

**Nengye LIU**

The European Union and Polar Shipping, What Contribution can be Made?

## **Breakout session 9: Natural Hazards**

**Justine BELL**

Retreat from retreat – the backward evolution of sea-level rise policy in Australia

**Phillippa ENGLAND**

Too much too soon? On the waxing and waning of climate change adaptation law

**Bridget LEWIS**

Addressing Vulnerability to Natural Disasters in the Pacific: International, Regional and National Regulatory Frameworks for Disaster Management

## **Breakout session 10: Re-imagining Law**

**Robert MAKGILL**

The ITLOS Advisory Opinion on Deep Seabed Mining: Implications and Consequences for Exploration and Development in the Pacific

**Robin WARNER**

Plumbing the Depths: Implementing EIA in the Deep Seabed Mining Sector

**Cymie PAYNE**

Erga Omnes: The collective responsibility to protect marine resources

## **Breakout session 11: The Environmental and the Political**

**Paulo ALMEIDA**

Payments environmental services (PES) and governance in the regulation of carbon emissions in Brazil

**Mark PERRY**

Redefining Zero-Crop Crisis

**Benjamin GUSSEN**

On the problem of scale: Democracy, sustainability and country size

## **Breakout session 12: Freshwater Resources; Energy and Resource Allocation**

**James PREST**

The Evolution of Feed-in Tariffs and other Incentives within Renewable Energy Law

**Robert OWINO**

Fouling Adam's Eden: The Absence of Legal Restraint to Resource Exploitation in the Lake Victoria.

**Maria Lucia BRZEZINSKI**

Water management: possible parameters for different experiences

## **Thursday 27 June – 2.00pm-3.00pm**

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## **Breakout session 13: Procedural Obligations**

**Wolfgang KÖCK**

Requirements for public participation in European law – a milestone for strengthening procedural rights in Germany

**Jacqueline HAND**

Environmental Justice and the Duty to Consult

**Nepolina CHHETRI**

Intra- and intergovernmental inconsistencies in the evaluation of scientific data used for regulatory decision-making: A case study on trichloroethylene in the United States and the European Union

## **Breakout session 14: Re-imagining Law**

**Zhao HUIYU**

Reimagining the Role of Civil Society In Environmental Governance

**Michael FORSYTH**

An Evolving Role for the Behavioural Sciences in Natural Resource Governance

**Tiina KORVELA**

Taking Aims Seriously – How Legal Ecology Affects Judicial Decision-Making

## **Breakout session 15: Environmental Justice**

**Christopher CHAULK**

Checking 21st Colonialism: Holding Corporations Liable for Transnational Environmental Harm

**Paul GOVIND**

A new perspective on justice – capability justice and the international climate regime

**Emma LEES**

Remediation of contaminated land- the polluter pays principle and stewardship

## **Breakout session 16: Re-imagining Law**

**Andrew LAWSON**

Mix 'n' Match: Is there synergy between private and public governance to manage environmental impacts on farms?

**Odile LIMTUNG**

The Regulation of Organic Food Products in South Africa

**Nicola WHEEN**

Treaty of Waitangi Settlements and Environmental Governance and Management in New Zealand

## **Breakout session 17: Oceans and Marine**

**Jiayu BAI**

Marine Invasive Species Threat alongside China's Coast and Its Institutions' Challenge

**Michael LAU**

Achieving equity in the fishing industry: The fate of traditional fishers in the context of the Policy for the Small Scale Fisheries Sector in South Africa and the National Development Plan

**Vladimir MAGALHAES**

The Retrocession in the Legal Protection of Mangroves in Brazil

## **Breakout session 18: Property Rights and Sustainability**

**Keiji AKUTSU**

Biodiversity Management in Australia and New Zealand: Institutional Practice of Resourcefulness

**Thomas GIBBONS**

Covenants as Deregulation

**Katie POPE**

Managed aquifer recharge using alternative water sources in Western Australia: a property rights perspective

## **Thursday 27 June – 3.30pm-5.00pm**

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## **Breakout session 19: Risk and Resilience**

**Paul MARTIN**

Frontiers of environmental risk governance: some legal dimensions

**Jeffery MCGEE**

Writing The Fine Print: Climate Risk Insurance For Pacific Island States

**Michael DWORKIN**

Our Energy Trilemma: Deciding From the Bench When Imperatives Conflicted

**Mauricio DOS SANTOS**

The Impacts of Brazilian New Forest Code on Coastal Zone Protection

**Robert KIBUGI**

Law and Institutions: Inquiry into Legal Interventions for Mainstreaming Climate Change Resilience and Disaster Risk Reduction in Kenya

## **Breakout session 20: Flora, Fauna and Biodiversity**

**Jamie BENIDICKSON**

The Rainy River Sturgeon Fishery Restoration

**Alexander PATERSON**

Connectivity Conservation Law through the Lens of the Greater Cederberg Biodiversity Corridor

**Lye LIN-HENG**

The Regulation of Trade in Endangered Species in SEAsia

**Marie BROWN**

Panacea or Placebo? Analysing the implementation of ecological compensation in New Zealand

## **Breakout session 21: The Environmental and the Political**

**Marcilynn BURKE**

The 3 Rs of Hydraulic Fracturing Regulation on Federal Public Lands: Reframing, Refraining, and Refocusing

**Tanya HOWARD**

Institutionalising community engagement in environmental governance: why consider a legal 'duty to consult'?

**Anél DU PLESSIS and Reece ALBERTS**

Climate Resilient Development at the Coalface of South Africa's Continuing Co-Environmental Governance Challenge

**Katherine O'KONSKI**

Reforming Fossil Fuel Subsidies: A Political and Environmental Conundrum

**Amanda KENNEDY**

Re-imagining the law as an actor in land use conflicts

## **Breakout session 22: Rights based Approaches**

**Joel COLON-RIOS**

The Rights of Nature in Ecuador: Theory and Practice

**Miao HE**

The Balance between Property Rights and Nature Conservation in European Jurisprudence: Lessons for Protected Areas Conservation in China

**Andrew ERUETI**

Indians are essential: how should we frame indigenous rights?

**Carmen GONZALEZ**

Environmental Justice, Human Rights, and the North-South Divide

## **Breakout session 23: Environmental Justice**

**Eustachio VOZA**

Enhancing natural resources in Italian parks: experiences of participatory sustainable development

**Javier DE CENDRA**

Interactions between climate change instruments in EU climate change policy: reducing optimality or promoting solidarity?

**Liana Lima DA SILVA**

International Standards of Biodiversity Conservation: Forest Certification Involved Traditional Communities In The State of Amazonas, Brazil

**Elizabeth McKINNON**

Environmental justice, toxic waste dumping and the experience of pollution regulation – a community lawyer's perspective

**Theo Mares DE SOUZA**

Traditional Populations and Conservation Units in Brazil. Can we match the conservation of biodiversity and socio-biodiversity?

**Friday 28 June –11.30am-12.30pm**

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**Breakout session 24: Risk and Resilience**

Tracy HUMBY

Resilience and precarity: The value of resilience theory for developing countries

Kheng-Lian KOH

Adaptation to Climate Change and Building Resilient Cities: the ASEAN Context

Ceri WARNOCK

Juridical assessment of environmental risk

**Breakout session 25: Property Rights and Sustainability**

Ben FRANCE-HUDSON

NZ ETS – No Private Property Rights in the Atmosphere

Anel TERBLANCHE

Rural African Women Within The South African Communal Land Reform Context: A Food Security Perspective

Ann BROWER

Property rights in ecosystem services

**Breakout session 26: Re-imagining Law**

Nicolai NYLAND

Sustainable development as a duty for states to protect the environment

Jolene LIN

What is transnational environmental law?

Linda MALONE

The Overlooked Deficiencies in Climate Change Law: Seeking a Framework of Global Pragmatism and State Responsibility

**Breakout session 27: Oceans and Marine**

Frank MAES

The EU and GHG emissions from shipping: making law by breaking law?

David VANDERZWAAG

Climate Change and the Future of Arctic Ocean Governance: Edging Forward in a Sea of Challenges

Kenneth PALMER

Environmental Management of Oil and Gas Activities in the EEZ of New Zealand

**Breakout session 28: The Environmental and the Political**

Laely NURHIDAYAH

Reducing Emissions From Deforestation And Forest Degradation (REDD)+ Program And Its Implication On Forest Fire Reduction Effort: Case Study in Central Kalimantan Indonesia

Wanida PHROMLAH

REDD+ implementation in Thailand – legal and institutional challenges

Wayne GUMLEY

Has Environmental Impact Assessment (EIA) Lost Credibility? Recent concerns from Australia and Canada.

## Friday 28 June –1.30am-3.00pm

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### Breakout session 29: Environmental Justice

Noor MOHAMMAD

The Role of the Pahang Local Government for Promoting Environmental Justice Towards the Orang Asli in Pahang: A Case Study

Carine DAVID

The role of constitutional and supreme courts in determining the scope of the right to a healthy environment – A comparative approach

Kangle ZHANG

Public Participation in the Evolution of Beijing PM2.5 Gauge

Aitana De La Varga PASTOR

Territory and environmental justice: the making-decision process

Thiti WAIKAVEE

Covenantal Governance at Community Level: A Case Study

### Breakout session 30: Re-imagining Law

Bjorn-Oliver MAGSIG

Pushing the boundaries: Rethinking international law in light of the common concern for water security

Michelle MALONEY

Ecological limits, Planetary Boundaries and Earth Jurisprudence

Melissa POWERS

The Rise of Renewables: Completing the Transition to Renewable Power

Meinhard DOELLE

Putting the Train of Environmental Protection on the Right Tracks: Nova Scotia's Experiment in Using Law to Strengthen Environmental Law

Elizabeth KIRK

Process or Form? Re-imagining the Production of Normativity in Legal Systems

### Breakout session 31: Indigenous Wisdoms

Sophie RILEY

'Buffalo Belong Here, as Long as he Doesn't Do Too Much Damage': Indigenous Perspectives on the Place of Alien Species in Australia

Mattiu DICKSON

Nga Tapuwae o Tangaroa – Tangaroa's Foot-Print

Angela THOMSON

Civil Society Actors and Environmental Governance: A Trusteeship Council of Religious Leaders for Climate Change

Natalie Stoianoff

Indigenous Ecological Knowledge and Natural Resource Management: Recognition, Engagement, Preservation

Kylie LINGARD

Indigenous knowledge interests and the law in the commercialisation of native plants: a new approach to an old problem

## **Breakout session 32: Freshwater Resources**

**Poh-Ling TAN**

Providing environmental justice in freshwater resources for Australian First Nations

**Jacinta RURU**

Indigenous Peoples' Legal Rights and Interests in Water: The Aotearoa New Zealand Experience

**Amber PANT**

A Legal and Policy Frameworks on Nepal's River Water: Domestic and Bilateral Perspectives

**Ruby MOYNIHAN**

Climate proofing legal frameworks in transboundary river basins: Strengthening effectiveness and synergies in multi-layered regimes

**Amelia KEENE**

Consensus federalism: a comparative analysis of freshwater regulation in New Zealand and the United States

## **Breakout session 33: Climate and Displacement**

**Hilary JACOBS**

The ICCPR's Inter-State Complaint Mechanism: Potential Lifesaver for Drowning Island Nations?

**Vernon RIVE**

New Zealand responses to climate change displacement in the South Pacific

**Sadeq BIGDELI**

A Divided Panel in WTO's First Climate Change-related Dispute: towards a pluralist reading of the WTO Agreement?

**Allison SANTACREU**

Planning for Disaster: Reforming development patterns to accommodate rising sea levels and climate change

**Greg SEVERINSEN**

Climate Change Considerations under the Resource Management Act: a Barrier to CCS Deployment in New Zealand?



**12<sup>th</sup> IUCNAEL COLLOQUIUM 2014**  
HOSTED BY UNIVERSITAT ROVIRA I VIRGILI  
TARRAGONA, CATALONIA, SPAIN  
JUNE 30 - JULY 5

We will meet on the shores of the Mediterranean, where medieval trade fuelled the beginning of the process of capitalist accumulation, setting the ground for our current social metabolism. This is also the place where many of humankind's deepest interrogations found a soil to grow.

The members of the IUCN Academy of Environmental Law will gather in the historic and beautiful city of Tarragona in 2014 to look critically at key issues raised by the energy crisis and the environment. The first IUCNAEL Colloquium was centred on energy issues as well. Ten years have passed since that meeting in Shanghai. New questions have arisen; old questions require more nuanced answers.

The possible oil peak, the problems regarding biofuels, climate change and greenhouse effect, environmental and social effects of big hydroelectric plants, uranium mining, nuclear energy after the Fukushima incident, competition for resources, the implications of tidal power and so on ...

The search for safe and sustainable sources of energy is one of the fundamental problems of humankind today. At the same time, ensuring energy supply is causing environmental degradation and social disruption. Development, environmental justice and preservation of life on our planet earth come together when energy issues are considered.

For this reason, we have chosen energy as the overall organizing theme of the 2014 IUCNAEL Colloquium. Paper abstracts focused on the Colloquium theme are invited for submission by **Saturday 1 March 2014**. More information will soon be available on the 2014 Colloquium webpage.

