

**3<sup>RD</sup> IUCN World Conservation Congress  
Bangkok, Thailand  
16-17 November 2004**

**IUCN Commission on Environmental Law: Judiciary Day\***

**JUDGES AND THE RULE OF LAW - CREATING THE LINKS  
ENVIRONMENT, HUMAN RIGHTS AND POVERTY**

**16 November**

**Session 1**

**15.00-17.15    The Rule of Law and the Judiciary: A Review of Global Initiatives**

Welcome by the Hon Justice Paul Stein AM QC, Australia

Chair: Hon. Justice Luc Lavrysen, Arbitration and Constitutional Court,  
Belgium

Presentations from:

UNEP, Dr. Manjit Iqbal, Thailand

UNDP, Dr. Alvaro Umana, Costa Rica

The World Bank Institute, Dr. Adriana Bianchi, Argentina

FAO – Food and Agriculture Organisation, Kerstin Mechlem, Germany

The World Bank, Charles Di Leva, USA

Environmental Law Institute, John A. Pendergrass, USA

Law for a Green Planet, Prof. Antonio Benjamin, Brazil

Ecopravo Lviv, Prof. Dr. Svitlana Kravchenko, Ukraine

International Court of the Environment Foundation, Deirdre Excell Pirro, Italy

INECE, Kenneth Markowitz, USA

IUCN – The World Conservation Union, John Scanlon, Australia

**17.15-17.45    Floor Discussion**

**17.45-17.55    Wrap up/Conclusions: Dr. Parvez Hassan, Pakistan**

**18.05-19.30    IUCN Commission on Environmental Law Judiciary Day Reception**

Introduction by Hon. Justice Ulf Bjallas, Environmental Court of Appeal,  
Sweden

**Keynote address: Judges: Human Rights, Environment and Poverty.**

Professor Robyn Stein, Deputy Chairperson of the South African Water Tribunal,  
South Africa

**17 November\*\***

**Session 2**

- 08.25-8.30** Welcome and recognition of sponsors, by IUCN Commission on Environmental Law Chair, Prof. Nicholas A. Robinson, U.S.A
- 08.30-08.40** Message from UNEP Deputy Executive Director, Shafqat Kakakhel representing UNEP Executive Director Dr. Klaus Toepfer.
- 08.40-08.50** Greetings from IUCN Director General, Achim Steiner
- 08.50-09.00** Host Country Welcome by the Honorable Justice Supachai Poo-Ngam, President of the Supreme Court of Thailand.
- 09.00-09.30** **Keynote address: Judges: the final arbiter?**
- Why Judges are essential to the rule of law and environmental protection.**
- Address by The Hon Paul Stein AM QC, former judge of the NSW Land, and Environment Court and the Court of Appeal, Australia and Chair of the IUCN CEL Specialist Group on the Judiciary.
- 09.30-10.30** **Panel One: Is judicial activism a proper role for the courts?**
- The role of the courts in the development and implementation of environmental law – comparative analysis and debate.**
- Introduction by Rt. Hon. Lord Justice Robert Carnwath, U.K.
- Session Chair: Hon. Justice D.M. Dharmadhikari, India
- Panelists: Hon. Justice Vladimir Passos de Freitas, Brazil  
Hon. Justice Sheikh Riaz Ahmed, Pakistan  
Hon. Justice Amedeo Postiglione, Director of Supreme Court of Cassation, Italy
- The Justices will be invited to address the session for 10 minutes each on the role of the courts in their country or region with emphasis on likely developments over the next decade.
- 10.30-10.50** Floor Discussion
- 10.50-11.05** **Coffee**

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\* Please note that due to security arrangements being put into place for the arrival of the Queen of Thailand, the afternoon sessions on 17<sup>th</sup> November may need to be rescheduled for the evening.

### Session 3

**11.05-12.05 Panel Two: Where does the broader community fit in?**

**The role of the public in pursuing environmental litigation.**

Introduction by Hon. Justice Charles Gonthier, Canada

Session Chair: Justice Mohammad Fazlul Karim, Bangladesh

Panelists:

Prof. Svitlana Kravchenko, Ukraine

Prof. Antonio Oposa, Philippines

Prof. MC Mehta, India

Prof. Antonio H. Benjamin, Brazil

The Panelists will be invited to address the session for 10 minutes each on critical aspects of public interest litigation in their country or region with emphasis on priorities and desired outcomes over the next decade.

**12.05-12.30** Floor Discussion

**12.30-13.30** **Lunch**

Lunch for members of the IUCN Commission on Environmental Law Specialist Group on the Judiciary, sponsors and invited guests.

### Session 4

**13.30-14.00** **Keynote address: The ethics of judging.**

Address by Rt. Hon. Lord Justice Robert Carnwath, U.K. Joint paper by the Rt. Hon. Lord Woolf, Lord Chief Justice of England and Wales and Lord Justice Robert Carnwath.

**14.00-15.15** **Panel Three: No resources no justice?**

**The need for judicial capacity building.**

Introduction by Hon. Justice Luc Lavrysen, Belgium

Session Chair: Professor Robyn Stein, Deputy Chairperson of the South African Water Tribunal, South Africa.

Panelists: Hon. Justice Adel Omar Sherif, Deputy Chief Justice of Supreme Constitutional Court, Egypt  
Judge Bambang Mulyono, Singaraja District Court, Indonesia  
Hon. Justice Charles D Gonthier, Former Judge, Supreme Court of Canada

The Justices will be invited to address the session for 10 minutes each on critical aspects of judicial capacity building in their country or region with emphasis on priorities and desired outcomes over the next decade.

### **Session 5**

#### **15.15-16.00 Interactive session: What do you think?**

##### **Challenges for the next decade.**

Session Moderator: Chair: The Hon Justice Paul Stein AM QC, Australia.

All Justices and other participants will be invited to contribute.

#### **16.00-16.10 Closing Remarks**

Expression of thanks to Host Country, participating judges, sponsors and others by Prof. Nicholas Robinson.

### **Official Opening of the 3rd IUCN World Conservation Congress**

The IUCN Environmental Law Programme wishes to express its sincere thanks to the following organizations for sponsoring Judiciary Day:

**United Nations Environment Programme**

**United Nations Development Programme**

**The World Bank Institute**

**The Coca Cola Company**

The IUCN Environmental Law Programme also wishes to express its thanks to **Bayer Crop Science** for supporting Session 1 on 16<sup>th</sup> November.

IUCN CEL Judiciary Specialist Group  
IUCN Environmental Law Centre, Bonn\*\*  
**IUCN Environmental Law Programme**

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\*\* With thanks to the IUCN Bangladesh Office and the IUCN Regional Environmental Law Programme Asia for their assistance with participants from Bangladesh and Thailand