



PACE LAW SCHOOL
30th Anniversary

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TOWARD MORE EFFECTIVE
IMPLEMENTATION OF
ENVIRONMENTAL LAW

Enforcement and Compliance

4TH

**4th IUCN
Academy of
Environmental Law
Colloquium**

COLLOQUIUM PROGRAM

IUCN Academy of Environmental Law Colloquium

**16-20 October 2006
Pace University School of Law**

INECE



IUCN
The World Conservation Union

Colloquium Program

Sunday, 15 October 2006	
14.00-16.30 Venue: Hotel- John Jay Suite	IUCN Academy Governing Board meeting
14.00-17.00 Venue: Hotel- John Carrere Suite	Meeting of Central American delegates
18.00-19.30 Venue: Hotel- Hudson Room	Opening Reception
Monday, 16 October 2006	
<p><i>All sessions on October 16-18 are at the New York State Judicial Institute located on the campus of Pace University School of Law, 78 North Broadway, White Plains, New York.</i></p> <p>Book and literature exhibits on October 16-18—JI 2nd floor lobby</p>	
07.30-09.00 Venue: JI Foyer- 1 st Floor	Colloquium registration and coffee/tea
09.00-10.00 Venue: JI Auditorium	<p>Opening Ceremonies</p> <p>Moderator: Professor Nicholas Robinson, Chair of the IUCN Academy of Environmental Law</p> <p>Welcome by Dean Stephen J. Friedman, Pace University School of Law</p> <p>Message from Kofi A. Annan, United Nations Secretary General</p> <p>Greetings from Henk Ruessink, Netherlands Ministry of the Housing, Spatial Planning and the Environment, on behalf of INECE</p> <p>Greetings from Sheila Abed, Chair, Commission on Environmental Law, International Union for the Conservation of Nature</p> <p>Greetings from John Garrison on behalf of the United States Agency for International Development</p> <p>Invitation from Dr. Adrian de Garay Sánchez, Vice Chancellor of the Universidad Autonoma Metropolitana, Azcapotzalco, Mexico</p>
10.00-10.30 Venue: JI Auditorium	Opening Address: Dr. Iwona Rummel-Bulska , Chief of the Environmental Law Unit, UNEP (Nairobi)
10.30-11.00	Coffee/Tea Break
11.00-12.30 Venue: JI Auditorium	Theme I: Setting the Stage – Dialogue on the Role of Environmental Compliance as an Important Foundation for Rule of Law, Good Governance and Sustainable Development

	<p>Discussion Leader: Andrew Revkin, New York Times</p> <p>Participants:</p> <p>Professor Steven Rockefeller, Professor Emeritus of Religion, Middlebury College</p> <p>Catherine McCabe, Principal Deputy Assistant Administrator, U.S. EPA Office of Enforcement and Compliance Assurance</p> <p>Grethel Aguilar Rojas, Vice Chair of the Mesoamerica, IUCN Commission on Environmental Law (Costa Rica)</p> <p>Professor Emmanuel Quansah, Dean, Department of Law, Botswana University</p>
<p>12.30-13.45</p> <p>Venue: JI Omni Room-3rd floor</p>	<p>Luncheon</p>
<p>13.45-15.30</p> <p>Venue: JI Auditorium</p>	<p>Setting the Stage, Continued</p> <p>Discussion Leader: Durwood Zaelke, Executive Director, INECE</p> <p>Professor Robert Percival, University of Maryland (USA)—The Role of Regulatory Programs</p> <p>Charles Di Leva, Environmental Counsel, World Bank</p> <p>Gustavo Alanis-Ortega, President, Centro Mexicano de Derecho Ambiental (Mexico)—The Public Role in Enforcement and Compliance</p> <p>Prague Statement Film</p>
<p>15.30-16.00</p>	<p>Coffee/Tea Break</p>
<p>16.00-17.30</p> <p>Venue: JI Auditorium</p>	<p>Theme II: Motivating Behavior – Compliance and Beyond</p> <p>Workshop Sessions I: Environmental Compliance and Enforcement Approaches that Rely on a Variety of Behavioral Motivations (command and control, economics, cultural norms, values)</p> <p>1. The Role and Value of Criminal Enforcement</p> <p>Chair: Professor Susan Mandiberg, Lewis & Clark School of Law</p> <ul style="list-style-type: none"> • Professor Heinrich Winter, University of Groningen—Enforcement and Compliance Instruments: Comparing Criminal and Administrative Sanctioning in the Netherlands (Netherlands) • Professor Felicity Heffernan—Making Improvements in Criminal Environmental Enforcement for Conservation and Wildlife Protection in New Zealand (New Zealand)

<p>Venue: JI 05</p>	<ul style="list-style-type: none"> • Professor Jeffrey Miller, Pace University School of Law • Professor Michael G. Faure, Maastricht University—Towards a New Model of Criminalization of Environmental Pollution (Netherlands) <p>2. The Role and Value of Regulatory Compliance (Concurrent)</p> <p>Chair: John Cruden, Chief of the Environmental Enforcement Section, U.S. Department of Justice- Federal Civil Enforcement Law (USA)</p> <ul style="list-style-type: none"> • Martin Pomeroy, Environment Canada (Canada) • Professor Rosemary Lyster, Sydney Law School—The Role of Law versus Policy in Achieving Environmental Results: The Mekong River Agreement Experience (Australia) • Professor Richard Webster, Rutgers Law School—Federal Environmental Enforcement. Is Less More? (USA) • Professor Robert L. Glicksman, University of Kansas—The Relative Effectiveness of Different Government Interventions on Environmental Performance Regulated by the Clean Water Act (USA)
<p>Venue: JI 105</p>	<p>3. The Role and Value of Economic Instruments (Concurrent)</p> <p>Chair: Rafael González Ballar (Costa Rica)</p> <ul style="list-style-type: none"> • Professor Loretta Feris, University of Pretoria—The Effectiveness of Financial Provisions in the Enforcement of Environmental Law: South Africa as a Case Study (South Africa) • Quach Manh Hong—Application of Economic Instruments into Environmental Protection in Vietnam (Viet Nam) • Professor Lesley McAllister, University of San Diego Law School—Beyond Playing “Banker”: The Role of the Regulatory Agency in Emissions Trading (USA) • Dr. Marjan Peeters, Maastricht University—The Enforcement of Greenhouse Gas Emissions Trading in Europe (Netherlands)
<p>Venue: VC Room</p>	<p>4. The Role and Value of Corporate Social Responsibility (Concurrent)</p> <p>Chair: Leslie Carothers, President of the Environmental Law Institute (USA)</p> <ul style="list-style-type: none"> • Alan Leibowitz, director of Environment, Health, Safety and Security, ITT Corp. (USA) • Hiroko Muraki-Gottlieb, IBM (USA) • Professor Benjamin Richardson, Osgoode Hall Law School—Socially Responsible Investment as a Means of Promoting Corporate Environmental Responsibility (Canada)
<p>Venue: JI 205</p>	<p>5. The Role of Culture and Custom (Concurrent)</p> <p>Chair: Professor David Hodas, Widener University School of Law (USA)</p> <ul style="list-style-type: none"> • Professor Albert Mumma, University of Nairobi—The Place of Culture in the Enforcement of Environmental and Natural Resources Laws: The Case of Kenya (Kenya)

<p>Venue: A202</p>	<ul style="list-style-type: none"> • Professor Jacqueline Hand, University of Detroit Mercy School of Law—Protecting the World’s Largest Body of Fresh Water: The Often Overlooked Role of Indian Tribes’ Co-Management of the Great Lakes • Professors Donna Craig and Professor Michael Jeffery, Macquarie University—The Recognition and Enforcement of Indigenous Customary Law in Environmental Regimes and Natural Resources (Australia) • Professor Victoria Sutton, Texas Tech University School of Law—Compliance and Enforcement of Coral Reef Protection Laws in South Pacific Indigenous Nations <p>6. Other Means of Driving Compliance (Concurrent)</p> <p>Chair: Paul Gavrel, Justice Canada</p> <ul style="list-style-type: none"> • Professor Paul Stretesky, Colorado State University, and Professor Michael Lynch, University of South Florida—Does Self-Policing Improve Environmental Compliance? (USA) • Professor William Andreen, University of Alabama—Motivating Enforcement: Institutional Culture and the Clean Water Act (USA) • Professor Luo Ji, Wuhan University—Environmental Dispute Resolution in the Peoples Republic of China: An Analysis of its Tendencies and Effectiveness (China) • Professor Joseph Siegel, U.S. EPA—Alternative Dispute Resolution in Environmental Enforcement Cases: A Call for Enhanced Assessment and Greater Use (US)
<p>18.00-19.00</p> <p>Venue: JI Foyer-1st Floor</p>	<p>Reception honoring INECE for its nearly two decades of leadership in international environmental compliance and enforcement--Remarks by Henk Ruessink and Catherine McCabe</p>
<p>19.15-21.00</p> <p>Venue: JI Omni Room and Auditorium</p>	<p>Dinner and Keynote Address by Sheila Abed, Chair, IUCN Commission on Environmental Law (Paraguay)</p>
<p>Tuesday, 17 October 2006</p>	
<p>08.00-09.00</p> <p>Venue: JI 105</p>	<p>IUCN Academy of Environmental Law Research Discussion convened by Professor Jan H. Jans</p>
<p>09.00-12.45</p> <p>Venue: JI Auditorium</p>	<p>Theme III: Implementation of Multilateral Environmental Agreements</p> <p>Moderator: Professor Ben Boer, International Director, IUCN Academy of Environmental Law</p>
<p>09.00-09.45</p> <p>Venue: JI Auditorium</p>	<p>Video Message from Achim Steiner, Executive Director, United Nations Environment Programme</p>

	<p>Keynote Address: Iwona Rummel-Bulska, Chief of the Environmental Law Unit, UNEP (Nairobi)—The Public’s Role in Environmental Compliance and Enforcement</p>
<p>09.45-10.45</p> <p>Venue: JI Auditorium</p>	<p>MEA Compliance and Enforcement Panel</p> <p>Chair: Professor Ben Boer</p> <ul style="list-style-type: none"> • Elizabeth Mrema, Senior Legal Officer and Chief MEAs, Support & Cooperation Branch—Facilitating International Cooperation (UNEP) • Professor Wang Xi, Shanghai Jiao Tong University- Solution to Compensation for Transboundary Pollution Damage – A Case Study on the Songhua River Pollution Accident (China) • Maria Socorro Manguiat, Secretariat, United Nations Framework Convention on Climate Change
<p>10.45-11.15</p>	<p>Coffee/Tea Break</p>
<p>11.15-12.45</p> <p>Venue: JI Auditorium</p> <p>Venue: JI 105</p> <p>Venue: JI 105</p>	<p>Workshop Sessions II: International Cooperative Efforts</p> <p>1. Capacity Building and Assistance</p> <p>Chair: Joanne Fox-Przeworski, former Director for North American, UNEP; former Coordinator for Sustainable Development OECD</p> <ul style="list-style-type: none"> • Professor Patricia Kameri-Mbote, University of Nairobi • Professor Qun Du, Wuhan University--Environmental Public Participation in China: A new force to Environmental Law Compliance and Enforcement (China) • Jawad Hassan—Capacity Building and Assistance: Pakistan Case Study (Pakistan) • Professor Robert Fowler, School of Natural & Built Environments, University of South Australia and Professor Laode M. Syarif, Faculty of Law, University of Hasanuddin, Indonesia—Forest Loss in Indonesia--Beyond Command and Control <p>2. Innovative Measures to Improve Compliance with MEAs (Concurrent)</p> <p>Chair: Professor Tseming Yang, Vermont Law School</p> <ul style="list-style-type: none"> • Carl Bruch, Environmental Law Institute, and Elizabeth Mrema, UNEP—Improving Compliance and Enforcement on International Environmental Agreements through Synergetic Implementation • Professor Svitlana Kravchenko, University of Oregon Law School— Given the a Voice in MEA Compliance Mechanisms (Ukraine) • Yoshihide Hirao, Assistant Director, Environmental Management Bureau, Japanese Ministry of the Environment <p>3. Translating MEAs into Domestic Law (Concurrent)</p> <p>Chair: Professor Sanford Gaines, University of Houston Law School</p>

<p>Venue: JI 205</p>	<ul style="list-style-type: none"> • Professor Abdul Haseeb Ansari, Role of Public Participation in Environment Impact Assessment Law in Malaysia and its Enforcement (Malaysia) • Professor Nicholas A. Robinson, Pace University School of Law—Environmental Impact Assessment in International Practice (USA) • Professor Mingde Cao, Southwest University of Political Science and Law, Chongqing (China) • Heline Sivini Ferreira—Environmental Impact Assessment, Genetically Modified Organisms and the Fundamental Right to the Ecologically Balanced Environment: The Brazilian Experience (Brazil) <p>4. The Role of Ethics in Compliance and Enforcement (Concurrent)</p> <p>Chair: Robert Goldstein, Hudson River Program Director, Hudson Riverkeeper</p> <ul style="list-style-type: none"> • Professor Klaus Bosselmann—The Environmental Jurisprudence of International Tribunals: Making Sustainability Count (New Zealand) • Professor Onkar Nath Tiwari, St. Andrew’s College—Identifying the Role of Religion and Value in Environmental Governance: Indian Perspective (India) • Dr. Laura Westra, President, Global Ecological Integrity Project
<p>18.00-19.00 Venue: JI Foyer-1st floor</p>	<p>Reception honoring the memory of Elpidio “Jojo” de la Victoria, dedicated Philippine conservationist, with remarks by Anthony (Tony) Oposa</p>
<p>19.00-21.00 Venue: JI Omni Room and Auditorium</p>	<p>Dinner and Address: Tony Oposa, “Citizen Leadership in Environmental Law Enforcement” – A Philippines Case Study</p>
<p>Wednesday, 18 October 2006</p>	
<p>07.45-08.45 Venue: JI 105</p>	<p>IUCN Academy of Environmental Law Teaching and Capacity Building Discussion convened by Professor Robert Fowler</p>
<p>09.00-12.30 Venue: JI Auditorium</p>	<p>Theme V: Strengthening Environmental Governance</p> <p>Moderator: Professor Lee Paddock, Director of Environmental Law Programs, Pace University School of Law</p>
<p>09.00-09.30 Venue: JI Auditorium</p>	<p>Opening Address: Granta Nakayama, Assistant Administrator, U.S. EPA, Office of Enforcement and Compliance Assurance</p>
<p>09.30-10.45 Venue: JI Auditorium</p>	<p>Measuring Progress</p> <p>Chair: Kenneth Markowitz, INECE</p>

<p>Venue: JI 205</p>	<p>Remediation: A Legal Reflection on the Legacy and Future of the Mining Industry in South Africa (South Africa)</p> <ul style="list-style-type: none"> • Professor Itzhak E. Kornfeld, General Counsel, Oasys Environmental Solutions—Urban Sprawl and Endangered Species: Plowing Under the Endangered Species Act--Recommendation for Legislation and Enforcement (USA) <p>4. Forestry (Concurrent)</p> <p>Chair: Professor Victor Tafur, Pace University School of Law and Hudson Riverkeeper (Colombia)</p> <ul style="list-style-type: none"> • Professor Mekete Bekele Tekle, Addis Ababa University—Compliance and Enforcement Problems of Ethiopian Forest Protection Laws (Ethiopia) • Brenda Brito and Paulo Barreto—Enforcement Against Illegal Logging in the Amazon (Brazil) • Professor Christopher F. Tamasang, University of Yaounde II—Legislation for Forest Management in the Central African Sub-region: What Prospects for Effective Implementation (Cameroon)
<p>Venue: VC Room</p>	<p>5. Innovative Approaches to Environmental Compliance and Enforcement—Panel 2 (Concurrent)</p> <p>Chair: Yves Corriveau, Justice Canada</p> <ul style="list-style-type: none"> • Professors Jan H. Jans and Kars de Graaf, University of Groningen—Liability of Public Authorities in Cases of Non-Enforcement of Environmental Standards (Netherlands) • Professor Irma Russell, University of Tulsa Law School—The Use of the Contract Doctrine of Third Party Beneficiary as a Way of Enforcement (USA) • Professors Mary A. Kaidonis and Natalie P. Stoianoff, University of Wollongong—Legislation, Citizens’ Rights and International Forums: A Case Study of a Developing Country (Australia) • Professor Kurt Deketelaere—Criminal Enforcement of European Community Environmental Law (Belgium)
<p>Venue: C201</p>	<p>6. Judicial Sentencing Workshop</p> <p>A demonstration of an innovative software program designed to facilitate consistent sentencing for environmental offenders led by Justice Brian Preston</p>
<p>18.00-19.00</p> <p>Venue: Remarks- JI Auditorium, Reception-JI Foyer 1st Floor</p>	<p>Reception honoring Pace University’s Centennial and its commitment to the environment with remarks by Pace University President David Caputo</p>
<p>19.00-21.00</p> <p>Venue: JI Omni Room and Auditorium</p>	<p>Dinner and Address by M.C. Mehta, “Building the Norms for Judicial Enforcement,” introduced by Professor Karl Coplan</p>

Thursday, 19 October 2006	
09.00-10.00	IUCN Academy of Environmental Law business meeting for Representatives of Universities to the Academy convenes at the Renaissance Hotel
10.00-10.30	Orientation Presentation for Field Trip at Renaissance Hotel—Robert Goldstein, Hudson River Program Director, Hudson Riverkeeper
10.30	Buses Leave for Field Trip—Narrated cruise aboard the River Rose on the spectacular Hudson River through the only fjord in North America, past West Point and major sites in Revolutionary War and Storm King Mountain, the area that was the subject of one of the first environmental law cases in United States; see up close the only river with an endowed foundation (Hudson River Foundation), its own defender Riverkeeper, its own law firm (the Pace Environmental Litigation Clinic), its own planning and advocacy body (Scenic Hudson), and now the first statutory Greenway in the USA (water trail, bicycle trails and hiking trails). The cruise will coincide with the early stages of the fall leaf color season along the Hudson River. Commentators will include Professor Nicholas Robinson; Melissa Everett , Executive Director of Sustainable Hudson; and Robert Goldstein , Hudson River Program Director, Hudson Riverkeeper.
16.30-17.00	Depart River Rose for Vassar College
18.00-20.00	Dinner at Vassar College in Poughkeepsie followed by a discussion on the role of law in protecting the Hudson River with Professor Nicholas Robinson and Ned Sullivan , President of Scenic Hudson
Friday, 20 October 2006	
All sessions at the United Nations Headquarters, NYC	
07.30	Buses leave from the Westchester Renaissance Hotel for the United Nations in New York City
09.00-9.45	Clear Security check at Visitors Entrance to the United Nations, 46 th Street at 1 st Avenue, Manhattan (4 blocks walk from Grand Central Terminal)
10.00	Plenary Convenes in UN Conference Room
10.00-10.45	Co-Chairs: Professor Ben Boer and Ambassador Bhagwat Singh , Permanent Representative to the UN of Asia African Legal Consultative Organization Welcome by H.E. Nicolas Michel , Under-Secretary-General for Legal Affairs and United Nations Legal Counsel
10.45-11.45	Looking Forward: The Importance of Environmental Compliance to Sustainable Development Panel Discussion chaired by Professor Kurt Deketelaere , University of Leuven (Belgium) with Justice Antonio Benjamin Herman (Brazil) and Professor Daniel Esty , Yale Law School (Invited)
11.45-12.30	Closing Address

12.30-13.15	<p>Concluding Remarks</p> <p>Thanks to Pace University for 4th Colloquium by Prof. Jamie Benidickson Invitation to the 5th Colloquium in Brazil by Prof. Antonio Benjamin Closing of Colloquium by Prof. Nicholas A. Robinson, Academy Chair</p>
13.15	<p>Adjourn Colloquium ends; lunch on your own</p>
15.00-17.00	<p>Academy Collegium Convenes</p> <p>Business Meeting of IUCN Academy of Environmental Law (for representatives of member universities) to convene at the Pace University Midtown Center, 8th floor, Fred French Building, 5th Avenue and 46th Street (551 5th Avenue, Manhattan) (Entrance on 46th Street)</p> <p>The agenda for the formal Meeting of the Collegium of the IUCN Academy, the governing body of the Academy, includes reports of the Chair and Director, establishment of Operating Committees, including nominating committee for elections in 2007; review of accounts, and such other business that the members may raise.</p>