



# ZAKLJUČNO POROČILO

## FIRST CONTEMPORARY CHALLENGES OF INTERNATIONAL ENVIRONMENTAL LAW CONFERENCE

Pravna fakulteta  
Univerza v Ljubljani

28. in 29. junij 2012



## Uvod

V četrtek in petek 28. in 29. junija 2012 je na Pravni fakulteti Univerze v Ljubljani, pod organizacijskim vodstvom doc. dr. Vasilke Sancin, potekala Prva konferenca o sodobnih izzivih mednarodnega okoljskega prava (*First Contemporary Challenges of International Environmental Law Conference*). Oblikovana je bila kot interdisciplinarno srečanje, ki je povežalo znanstvenike s posameznih naravoslovnih in tehničnih področij z mednarodnopravnimi strokovnjaki v skupni razpravi in iskanju tehtnih zamisli o novih mednarodnopravnih rešitvah. Konferenca je ocenila tudi izide Konference Združenih narodov o trajnostnem razvoju, ki je potekala 20. – 22. junija 2012 v Riu de Janeiru (Rio+20).

Konferenco je odprl predsednik Republike Slovenije **dr. Danilo Türk**, uvodno predavanje pa je imela profesorica **dr. Lučka Kajfež Bogataj** (članica IPCC in sodobitnica Nobelove nagrade za mir leta 2007). Kot osrednji gost je svoja spoznanja predstavil profesor **dr. Philippe Sands**, svetovna avtoriteta za področje mednarodnega okoljskega prava.

V okviru konference je izšla tudi knjiga v angleškem jeziku z naslovom **International Environmental Law: Contemporary Concerns and Challenges** (urednica dr. Vasilka Sancin).



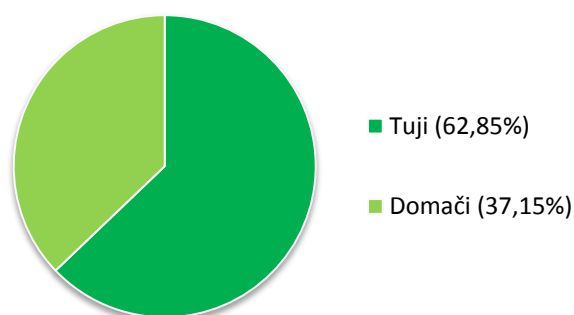
## Udeleženci

Na konferenci je sodelovalo 85 udeležencev iz različnih delov sveta (Anglije, Avstrije, Češke, Črne gore, Finske, Francije, Hrvaške, Irske, Italije, Južne Afrike, Kameruna, Kanade, Kitajske, Latvije, Nemčije, Nigerije, Nizozemske, Poljske, Turčije, ZDA in Slovenije).

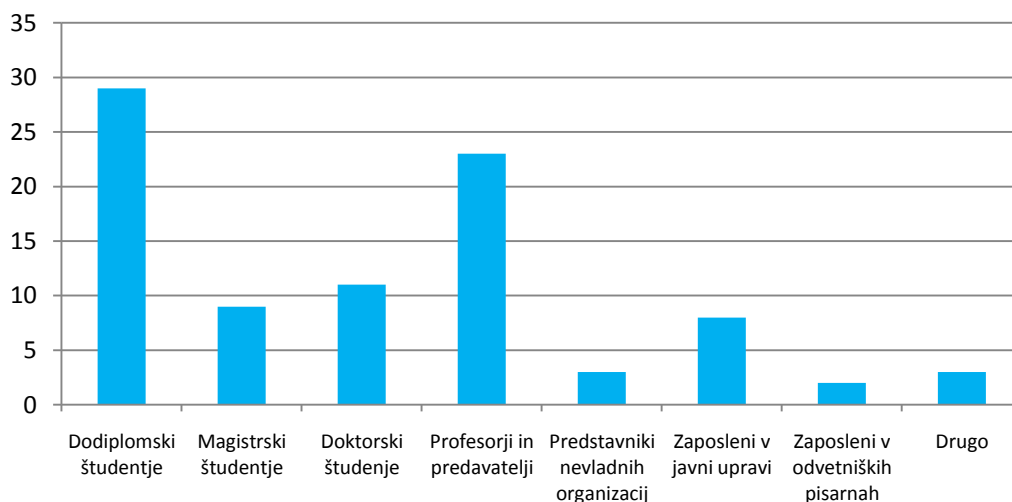
Svoje referate je v tematskih panelih predstavilo 29 referentov, poleg tega pa je bilo izvedenih tudi 6 predstavitev plakatov.



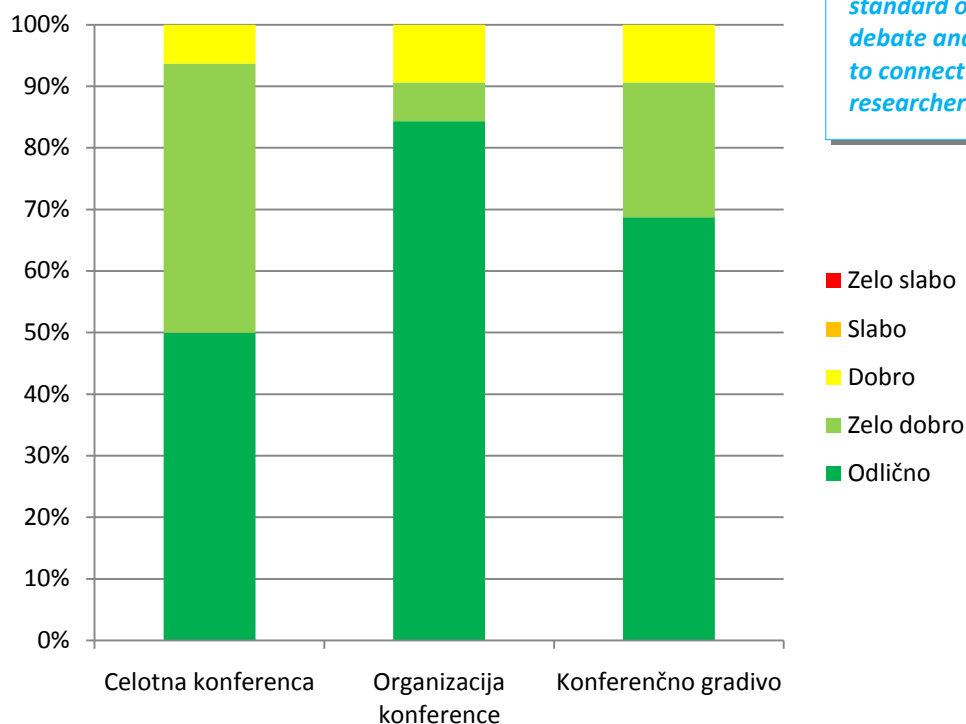
Referenti na konferenci



Profil udeležencev



## Splošno mnenje o konferenci

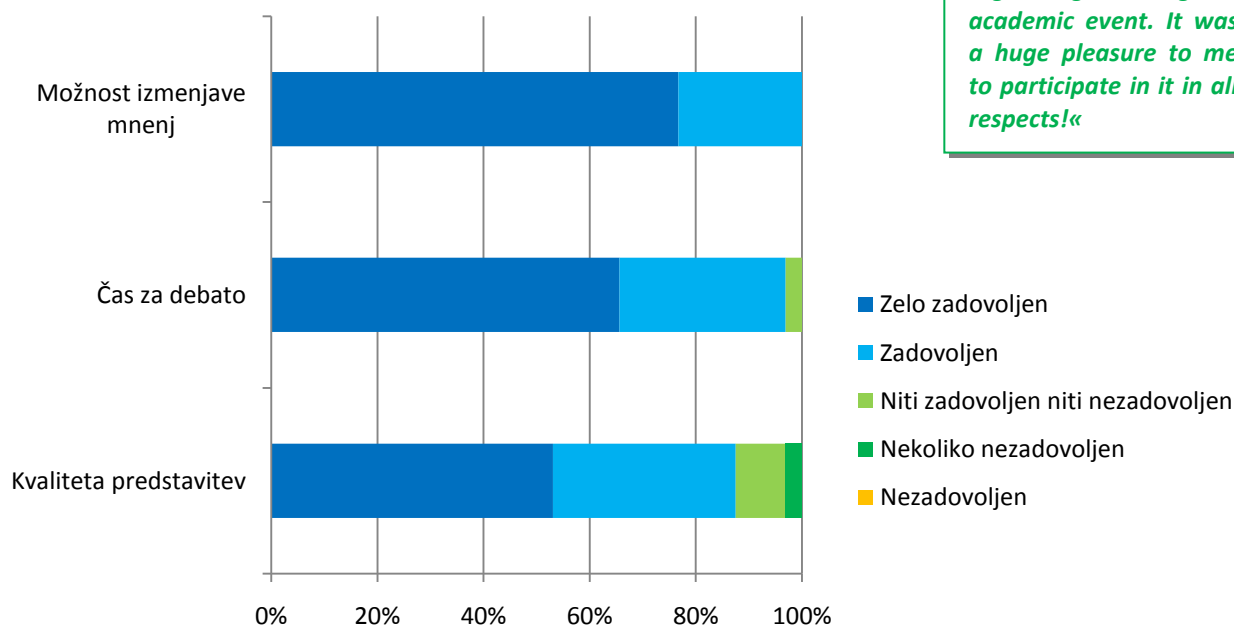


*»I found the conference tremendously interactive, highly engaging, a very high standard of publications and debate and a great opportunity to connect with other researchers in the field.«*

## Predstavljene teme po panelih

1. Panel: Environmental Challenges from the Perspective of Science
  - The laws of nature also apply to human society
  - Seeing the forest beyond the trees: balancing wood production and ecosystem services
  - Ecosystem Approach for Sustainable Use of Coastal and Marine Resources
2. Panel: Human Rights, Peace and Security and the Environment
  - New perspectives on connecting human rights and international law
  - State responsibility for climate change-induced human rights violations
  - Peace operations and the protection of the environment
3. Panel: Legal Perceptions of Outer Space Protection, Biodiversity and Forests
  - Environmental Protection in Outer Space: the Problem of Space Debris
  - Beyond the precautionary principle: limiting the impacts of biotechnology in agriculture through cultural heritage protection
  - Forests: Does state sovereignty hinder their protection at the international level?
4. Panel: Transnational Corporations, Indigenous Peoples, Climate Refugees and International Environmental Law
  - Corporate obligations under the right to a healthy living environment

- Revisiting the elusive nature of indigenous peoples' rights under international environmental law
- Climate refugees: The emergence of gaps and new challenges for international law
- 5. Panel: Formation and Implementation of International Environmental Agreements
  - The due diligence principle in international law and its relevance for climate change law
  - The integrating of multilateral environmental agreements: Herding cats or building bridges?
  - Surveying Emissions Trading Through a Multi-Level Governance Lens
- 6. Panel: Environmental Concerns of Global Economy: A Legal Appraisal
  - Environmental Protection and Patent Law
  - The Confluence of Investments and Environmental Protection and the States Obligations under International Law: can we really Prioritize Parallel Standards in the Practice of International Law?
  - Green economy and environmental law: a mismatch and why bother?
  - Energy saving and energy efficiency: an unsustainable confusion
- 7. Panel: International Adjudication and the Environment
  - Creating an international environmental court – how distant a possibility?
  - The place of sustainable development in investor-state arbitration: extending the protected interests?
  - Policies underlying conflict of law choices in environmental law
- 8. Panel: Domestic Legislations and the Environment
  - Case Law of the Constitutional Court of Slovenia and the Protection of the Environment
  - Right to Property v. Environmental Protection: A Montenegro Perspective
  - The Right to Environment in Turkish Law and Jurisprudence
  - International Liability and Redress for Genetically Modified Organisms and Challenge for China's Biosafety Regulation



*»Thank you so much for organizing such a great academic event. It was a huge pleasure to me to participate in it in all respects!«*

## Predstavitve plakatov



Teme:

1. Climate Change and Financial Markets; Agreeing to Disagree on Standards?
2. Can an Ecofeminist Theory Give a Different Perspective on Where to Move Forward for International Environmental Law and Security?
3. The Ecological Citizen: Ecological Duties and Responsibilities
4. A Legal Guide to the Rights of Peoples
5. Principles of International Environmental Law: A Case Study of Carbon Capture and Storage
6. Tackling Transboundary Environmental Harm – Opportunity for Cross-fertilization of International Environmental Law and Human Rights Law?



## Knjiga

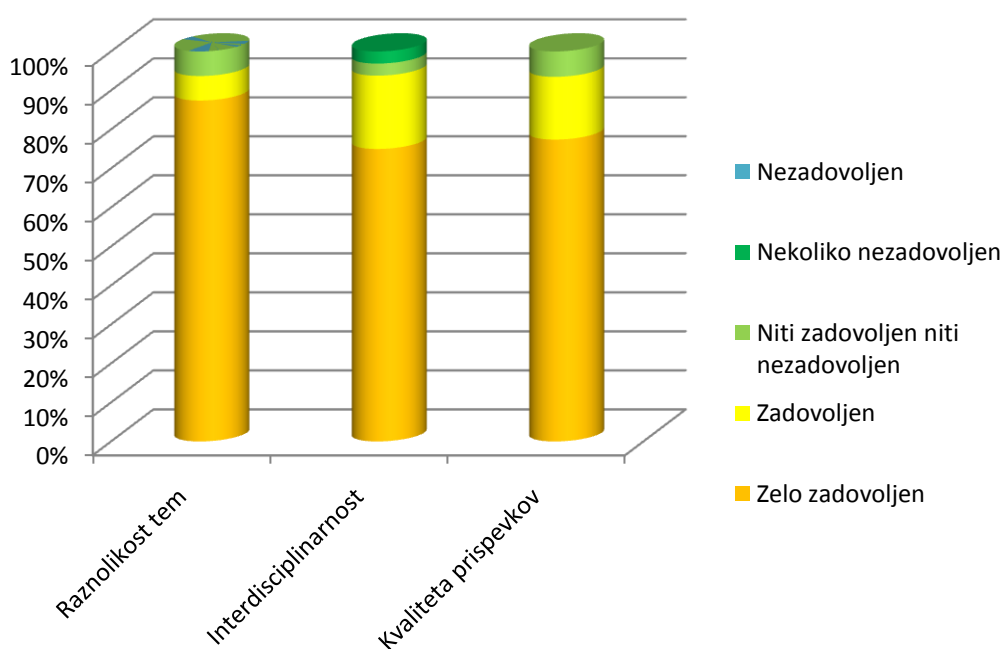
### **INTERNATIONAL ENVIRONMENTAL LAW: CONTEMPORARY CONCERNS AND CHALLENGES** Papers presented at the First Contemporary Challenges of International Environmental Law Conference, Ljubljana

Urednica: dr. Vasilka Sancin

Spremna beseda: Predsednik Republike Slovenije dr. Danilo Türk



*»To have the book at the start of the conference is truly astonishing and everyone involved in the editing and production should be highly congratulated. All the conference delegates that I spoke to would have been happy to see the book within 8 months of the conference, let alone on the first day! If there was a category for "Availability of the book at the conference" you would need a new category of "Absolutely thrilled and astonished"!«*



## Zaključki konference

Predsednik Republike Slovenije dr. Danilo Türk je izrazil **razočaranje nad izidom konference Rio+20**. Poudaril je, da besedilo sklepnega dokumenta konference Rio+20, imenovano *The Future We Want*, vsebuje zgolj izraze polne aspiracij, **brez jasno določenih in začrtanih ciljev in obveznosti držav za odpravo revščine po svetu in dostop do trajnostnih in učinkovitih virov energije**.

Ena nujnih sprememb za učinkovitejšo vključitev držav in nosilcev odločanja v pogajanja o okolju, ki jo je omenil dr. Türk, je **institucionalna reforma**, ki bi zagotovila višjo stopnjo institucionalne skladnosti s politično strukturo na mednarodni ravni ter tako pritegnila nosilce odločanja k pogajanju in sprejemu mednarodnih pravnih aktov. Po besedah dr. Türka, bi **regulacija na mednarodni ravni postavila jasnejše obveznosti in okvire delovanja za države, podjetja ter druge akterje**, kar bi bilo predvsem **pozitivno za razvoj »zelene ekonomije«**. Ob tem je dr. Türk predstavil potrebo po **vključitvi etike v politično voljo in procese odločanja** ter potrebo po **dvigu človeškega dostojanstva** in stopnje spoštovanja pravnih norm, ki varujejo to dostojanstvo.



Podobno ugotovitev o **nujnosti sprememb na ravni vrednot družbe** je predstavila tudi dr. Lučka Kajfež Bogataj. Kot je poudarila, strokovna spoznanja kažejo, da bomo **z načinom življenja in izrabe naravnih virov že kmalu presegli regenerativno sposobnost narave**. Dr. Kajfež Bogatajeva je pojasnila, da je **družbena blaginja mogoča tudi brez gospodarske rasti** ter da je nastopil čas za novo makro-ekonomijo, ki podpira trajnostni razvoj. Za doseg tega pa so potrebne predvsem kulture spremembe, kot se je izrazila referentka. Kulturne spremembe v smislu

preoblikovanja našega skupnega razumevanja vrednot, ki bodo morale temeljiti bolj na moralnih in etičnih vrednotah ter enotnem razumevanju družbe. Le z enotnim razumevanje družbe in skupnosti bomo lahko uspešno reševali najtežje skupne probleme varovanja okolja, je še opozorila dr. Kajfež Bogatajeva.

Prav tako je profesor dr. Philippe Sands z razočaranje ugotovil, da **od prve konference Združenih narodov o trajnostnem razvoju v Riu de Janeiru leta 1982 mednarodna skupnost na področju varstva okolja ni uspela doseči večjega napredka**, predvsem pa ne sprememb v ravnanju držav. Poudaril je, da **sistem oblikovanja pravno zavezujočih norm mednarodnega okoljskega prava ne deluje**, prav tako pa je **mednarodni**





**sodni sistem nepripravljen sprejeti ustreznih odločitev**, ki bi lahko vplivale na spremembe v ravnanju držav.

V svojem razmišljanju je dr. Sands **razvoj mednarodnega okoljskega prava povezal z razvojem prava človekovih pravic**. Izrazil je upanje, da ne bo šele naravna katastrofa velikih in grozovitih razsežnosti države prepričala v spremembo ravnanja, kot so to na področju prava človekovih pravic povzročile šele grozovitosti v republikah nekdanje Jugoslavije in Ruandi.

O nujnosti sprememb ravnanja posameznikov, gospodarskih subjektov in držav so se strinjali tudi vsi drugi referenti in udeleženci konference.



### Pomen konference

First Contemporary Challenges of International Environmental Law Conference postavlja pomemben kamen v mozaik razvoja mednarodnega okoljskega prava. Kot se je izrazil dr. Sands predstavlja konferenca novo platformo za naslavljanje okoljskih vprašanj. Poudaril pa je tudi, da se bo ob pozitivnih vtisih s konference v Ljubljani mednarodno okoljsko pravo razvijalo v pravo smer.

Tudi drugi udeleženci konference so imeli pozitivne misli o konferenci:

*»It was a great academic and personal pleasure to participate in the conference and I so much enjoyed it in all respects. Thank you so much for the invitation and such a great organization.«*

*»I really enjoyed the event – I don't think I have enjoyed a conference so much in a very long time – and found it to be an excellent opportunity to discuss new ideas and meet new friends and colleagues. I would like to thank you, and your excellent team of students for all your kindnesses and for making us all feel so welcome in Ljubljana.«*

*»I truly cannot thank the organising team of the conference enough. It was a wonderful event and I enjoyed every minute of it. Oddly, there is no major forum for discussion on International Environmental Law - it is usually tacked on as a panel in major international law conferences, such as ASIL, ESIL, etc, and the tiny number of speaking slots available are usually taken by professors with the very highest public profile, often recycling their greatest hits. This event was truly inclusive and had representation at virtually every level of the career structure - from academics of the global standing of Philippe Sands and Mirjam Škrk to people currently establishing a solid reputation in the field, to PhD students presenting strong research ideas and talented LLM students about to move to the next level of scholarship. This event has the very real potential to become a leading conference for International Environmental Law in Europe (as well as attracting non-Europeans) and I very much hope that it will. I have certainly already told many of my contacts to give serious thought to attending in 2014. There really is very little that I can suggest to you to improve on the event. I would like to record my thanks especially to Vasilka and Maša for their exceptional organisation of the event, and to the helpful volunteer students who also played a key role in its success. I have not enjoyed a conference as much for a very long time and can't wait for 2014!«*



*»It was a great opportunity to talk to an audience up to date in the environmental field which can be difficult to find at more general conferences especially concerning an update from different States. It helped to confirm or dispel research ideas which had formed in isolation and could be teased out during the sessions and social occasions.«*

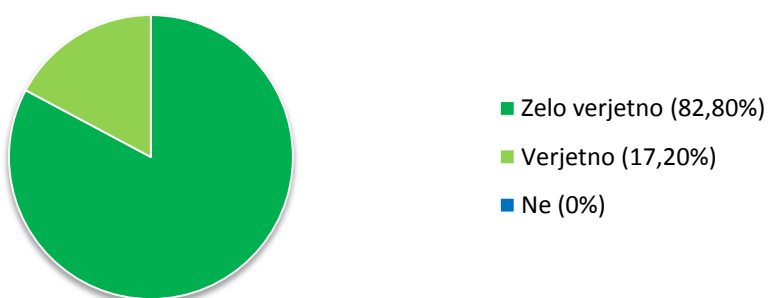
*»Like most people, I came away from the conference extremely happy and brimming with new ideas. I also gained an insight into jurisdictions that do not often receive great attention in conferences or the (largely UK-dominated) environmental literature. It was also helpful to have some focus on the region of Slovenia and it's neighbours. The conference also widened my network of friends and contacts in the field and already some positive discussions have been had about potential collaborations.«*

*»It was a great experience to me and allowed me to identify other possible problems which I will need to focus on in my own research. It was very stimulating intellectually and a wonderful opportunity to meet academics working in this field.«*

## Second Contemporary Challenges of International Environmental Law Conference

Naslednja konferenca o sodobnih izzivih mednarodnega okoljskega prava bo potekala **junija 2014**.

Verjetnost udeležbe na **Drugi konferenci o sodobnih izzivih mednarodnega okoljskega prava** ter priporočilo udeležbe ostalim kolegom



## Zahvala donatorjem in sponzorjem konference

Organizacija konference, vključno z izdajo knjige, ne bi bila mogoča brez podpore naših sponzorjev in donatorjev, ki se jim iskreno zahvaljujemo.



Utrinki s konference

