

WORKSHOP
LEGAL STRATEGIES FOR EJO's
(Environmental Justice Organisations)

13-14 novembre

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URBAN CENTRE
Niccolò Odero, 13 – Rome

Wednesday 13 November 2013

MORNING (h.9-12)

DEFINITIONS

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|---------------|---|
| 09.00-09.15 | Introduction
<i>(Lucie Greyl - CDCA)</i> |
| 09.15 – 10.15 | Elements for reconceptualizing the international legal system <i>(URV)</i>
Limitations of the sustainable development paradigm
Legal debates on the transformation of the international legal order <ul style="list-style-type: none">○ Transcivilizational approaches**○ Third World approaches**○ Constitutionalism** <i>(Jordi Jaria i Manzano, URV)</i> |
| 10.15 – 11.15 | The Environmental Crime <ul style="list-style-type: none">○ Definition○ Environmental crime and companies liabilities○ Environmental crime as a crime against humanity○ Penal environmental right <i>(Fiscal Antonio Gomez - CDCA)</i> |
| 11.15 – 12.00 | Debate and contribution by EJOs |
| 12.00 – 13.00 | Lunch break |

AFTERNOON (h.13-16)

METHODOLOGICAL EXERCICES:

“Building legal and institutional strategies to tackle environmental crime”

13.00 – 13.20	Strategies for legal (re)action against environmental injustice before the courts of the country where abuses take place <i>(Antonio Cardesa Salzmann, URV)</i>
13.20 – 13.40	Strategies for legal action against environmental injustice before courts in third countries <i>(Antonio Cardesa Salzmann, URV)</i>
13.40 – 14.00	Strategies for legal action against environmental injustice before international courts (with special emphasis on international judicial mechanisms for the protection of human rights <i>(Antoni Pigrau, URV)</i>
14.00 – 14.20	Strategies for the protection and defense against the harassment of environmental defenders <i>(Susana Borràs, URV)</i>
14.20 – 15.00	Building legal strategies with local communities at penal level <i>(Gustavo Gomez, CDCA)</i>
15.00 – 16.00	Debate

Thursday 14 November 2013

MORNING (h.9.30-12.30)

Common Workshop WP8/9

Evaluations and proofs in legal actions

Objective: To explore the interface between the legal processes and methods for the valuation of liabilities in environmental justice cases. This entails, at least two different aspects in relation to the needs, approaches and methodologies to be discussed:

- the valuation of liabilities as a matter of proof (i.e. estimating the severity of a damage through the elicitation of the values involved),
- the valuation of liability for the purpose of compensation (understood in broad way, involving e.g. restoration, non-recurrence, etc.)

9.30 – 9.35	Introduction <i>Lucie Greyl CDCA</i>
9.35 – 9.55	Damage and valuation of liabilities in the literature and in extrajudicial contexts <i>(Beatriz Rodriguez Labajos, Autonomous University of Barcelona Coffee Break)</i>
9.55 – 10.15	Methods of evaluation to identify responsibilities and compensations in 4 cases from Latin America and Africa

(Rosmerlin Estupinan Silva, Sciences Po Clinique)

10.15 – 10.35 Difficulties and complexities of scientific and technical evidence in support of environmental claims in international litigation

(Antonio Cardesa Salzmann, URV)

10.35 – 10.55 Evaluation and proof recollection: civil society engagement perspectives

(Gustavo Gomez, CDCA)

10.55 – 11.15 Coffee Break

11.15 – 12.30 Debate

Open questions for the debate:

- Monetary valuation in a forensic context may be a legitimate way to attain environmental justice. However, most valuation methods rely on the same principles (e.g. methodological individualism, the dictatorship of consumer) than the societal drivers of environmental injustice. What are the 'acceptable' methods of valuation for EJOs in the context of an environmental justice court case? When can they be applied along the course of a EJ court case? Evaluation for who?

- How to push non-monetary valuation of liabilities within the mainstream legal frameworks? Which standards could be proposed from an environmental justice perspective?

- Valuation in the context of compensation and liabilities involves dimensions like moral compensation, rehabilitation, restoration, non-recurrence of the damage.. What is the role of monetary valuation in each dimension? What are the acceptable methods or advisable standards that could be proposed from an environmental justice perspective?

AFTERNOON (h.14-17.30)

PRACTICAL EXERCICES:

“developing regional and international denounces”

14.00 – 14.15 Presentation of the exercise: fill in denounces at regional and international level

(Fiscal Antonio Gomez - CDCA)

14. 15 – 17.30 Work in small groups with the support of URV and CDCA legal teams