

Economic Commission for Europe

Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context

Fifth session

Geneva, 20–23 June 2011

Item 4 of the provisional agenda

Seminar on 20 years of law and practice under the Convention

Information on seminar on 20 years of law and practice under the Convention

**To be held at the Palais des Nations, Geneva, on Tuesday, 21 June 2011,
starting at 3 p.m.¹**

I. Provisional programme

Opening of the seminar, Neil Craik.

Panel 1: The Espoo Convention's Relationship to Public International and European Law

Developments in International Law of EIA and their Relation to the Espoo Convention, Alan Boyle.

Relationship between the Espoo Convention and the Aarhus Convention, Jonas Ebbesson.

Implementation of and Compliance with the Espoo Convention and Kiev Protocol in the European Union, Simon Marsden.

Panel 2: Legal Developments within the Espoo Convention

The Protocol on SEA: a matter of good governance?, Jan De Mulder.

The Legal Status of Subsidiary Body Rulings and 'Guidance' Documents, Neil Craik (presenter) and Timo Koivurova.

Legal challenges of the application of Espoo Convention in post-Soviet OVOS/expertiza systems, Jerzy Jendroska.

Conclusion

¹ Exact timing to be confirmed. The seminar will be held within the fifth session of the Meeting of the Parties to the Convention.

II. Speaker biographies

Neil Craik²



Neil Craik, BA (Hons.) (McGill), LLB (Dalhousie), LLM (Edinburgh), SJD (Toronto), is the Director of the School of Environment, Enterprise and Development at the University of Waterloo. Professor Craik's teaching and research interests are broadly in the areas of public and regulatory law, with a focus on international environmental law, domestic and comparative environmental law, and environmental governance. Professor Craik is the author of three books, including *The International Law of Environmental Impact Assessment: Process, Substance and Integration* (Cambridge, 2008). Prior to his current appointment at the University of Waterloo, Professor Craik taught at the University of New Brunswick's Faculty of Law (2004–2009) and practiced environmental law and municipal law in both the public and private sectors in Ontario (1993–2001). Professor Craik is a member of the Law Society of Upper Canada.

Alan Boyle³



Alan Boyle specialises in Public International Law. Educated at Oxford University, he has also taught at the University of London (Queen Mary College); University of Texas Law School; William and Mary College Law School, Virginia; the University of Paris (Paris II & X), and LUISS in Rome. He was General Editor of the *International and Comparative Law Quarterly* from 1998 until 2006. He is a barrister and practises occasionally in the International Court of Justice and other international tribunals, most recently in the *Pulp Mills Case* (ICJ, 2006-9) and the *Aerial Spraying Case* (ICJ, 2008-). His research interests include international environmental law, the law of the sea, the law of treaties, international law-making and the settlement of international disputes. He welcomes enquiries from students interested in undertaking an M.Phil or Ph.D in any of these fields.

Jonas Ebbesson⁴



Jonas Ebbesson is Professor of Environmental Law at Stockholm University, Director of the Stockholm Environmental Law and Policy Centre, and Researcher at Stockholm Resilience Centre. Since 2005, Mr. Ebbesson serves on the Aarhus Convention Compliance Committee. His research and writings cover various international, EU and transnational dimensions of environmental law, including legal aspects on public interests, public participation and access to justice in environmental law; transnational corporate responsibility; justice in environmental law; and the impact of law for social-ecological resilience. He was the co-editor of the book "Environmental Law and Justice in

² Based on biography at <http://www.environment.uwaterloo.ca/business/about/NeilCraik.html>.

³ Biography at http://www.law.ed.ac.uk/staff/alanboyle_25.aspx.

⁴ Based on biography at <http://www.unece.org/env/pp/ccMembership.htm>.

Context” (CUP, 2009), and has served as an advisor on various environmental law journals. Mr. Ebbesson has acted as consultant for various governmental, non-governmental and intergovernmental bodies, including UNEP and UNECE, OSCE and the Nordic Council.

Simon Marsden⁵



Simon specialises in environmental impact assessment (EIA) and the law, notably strategic environmental assessment (SEA) and transboundary EIA. His PhD was entitled 'Legislative environmental assessment: An evaluation of procedure and context with reference to Canada and the Netherlands'. Simon joined Flinders Law School (Australia) as an Associate Professor in Law in January 2010 from the Faculty of Law, Chinese University of Hong Kong, where he was an Associate Professor (2007-2010). After qualifying as a solicitor in England (1993) and legal practitioner in Tasmania (1993), he completed an LLM in Scotland (1994) and PhD in Tasmania (1999).

Thereafter, he began an academic career in Ireland (National University of Ireland, Galway, 2000) and England (University of Exeter, 2000-2001). He was appointed legal advisor at the Environment Agency of England and Wales (Thames Region and Head Office, 2001-2003), and gave advice on site contamination, conservation and access to information in particular. He then returned to Australia, delivering many courses offshore in Hong Kong (University of South Australia, 2003-2007).

Jan De Mulder⁶



Jan De Mulder has a degree in Law (LLM, 1984, University of Ghent) and obtained postgraduate degrees in Development Studies (1988, University of Ghent) and Human Ecology and Environmental Impact Assessment (1995, Free University of Brussels). From 1994 to 2006 he was a legal counsel with the Environment Administration of the region of Flanders (Belgium) and closely involved in European and international environmental policy developments. From 2004 to 2006 he was also chairman of the Meeting of the Signatories to the Protocol on SEA. From 2002 until 2006 he was a part-time researcher with the Maritime Institute of the Department of

Public International Law at the University of Ghent. His research concerned the legal aspects of emissions trading as a climate policy tool. Since 2006 he is international policy advisor of the Public Governance Department of the Flemish government and as such also counsel with the Permanent Representation of the Flemish Government to the EU. He is still engaged with the University of Ghent and publishes regularly on national and international environmental policy and public governance issues.

⁵ Biography at <http://www.flinders.edu.au/people/simon.marsden>.

⁶ Based on biography at http://www.maritieminstituut.be/main.cgi?s_id=392&lang=en

Timo Koivurova⁷

Timo Koivurova is Research Professor, Director of the Northern Institute for Environmental and Minority Law, Arctic Centre/University of Lapland. Timo Koivurova has specialized in various aspects of international law applicable in the Arctic and Antarctic region. In 2002, Koivurova's doctoral dissertation "Environmental impact assessment in the Arctic: a Study of International Legal Norms" was published by Ashgate. Increasingly, his research work addresses the interplay between different levels of environmental law, legal status of indigenous peoples, law of the sea in the Arctic waters, integrated maritime policy in the EU, the role of law in mitigating/adapting to climate change, the function and role of the Arctic Council in view of its future challenges and the possibilities for an Arctic treaty. He has been involved as an expert in several international processes globally and in the Arctic region. Professor Koivurova has been and is involved in many international research projects. He was a co-leader of a global research project on the theory and practise of transboundary environmental impact assessment, the outcome of this research project now being published

Jerzy Jendroska⁸

Jerzy Jendroska is the Managing Partner of Jendroska Jerzmanski Bar & Partners, which is an environmental law firm based in Poland; and Adjunct Professor of European and International Law at Opole University, and of Environmental Law at Wroclaw University. He has been heavily involved in a number of international negotiations, including serving as the Vice-Chair of the SEA Protocol negotiations (2001-2003) and Aarhus Convention negotiations (1996-1998), as the Secretary to the Aarhus Convention (1998-1999) and as the vice-Chair (1999-2002) and later the Chair (2002-2003) of the Aarhus Convention Bureau. He currently serves as an arbitrator at the Permanent Court of Arbitrage in The Hague (since 2002) and as a member of the Implementation Committee of the Espoo Convention (since 2004) and Aarhus Compliance Committee (since 2005). He has authored or edited 29 books and more than 250 articles on environmental law. Mr. Jendroska obtained his Master of Laws from Wroclaw University and Ph.D. from the Institute of Law at the Polish Academy of Sciences in Warsaw. He also received a Diploma in International Law from the Vienna University Summer School.

⁷ Biography at http://www.arcticcentre.org/InEnglish/CONTACTS/Staff/Koivurova,_Timo.iw3.

⁸ Based on biography at <http://www.unece.org/env/pp/ccMembership.htm>