ABSTRACT

Since its landmark 1996 Nuclear Weapons Advisory Opinion and the 1997 Gabčíkovo-Nagymaros Judgment on the Merits, the International Court of Justice (ICJ) has been consistently receptive to adjudicating the environmental and transboundary duties of States, often with a view to both establishing the breach of international environmental treaty obligations, as well as to develop principles of international environmental customary law. In a consistent thread of contentious cases since 1996, the ICJ has progressively developed rules on jurisdiction, standing and erga omnes duties, provisional measures, evidentiary rules, ultimating reaching findings of States' international responsibility for breach of international environmental norms, most recently in the 2014 Whaling in the Antarctic case. Despite this progressiveness, the ICJ has remained remarkably conservative in designing reparations after determining States' responsibilities for environmental damage, confining the same to declaratory relief and compensation. This seminar will probe and invite discussion on how to reimagine "other means of reparations" within the terms of the Articles of State Responsibility and the Court's competences under its Statute and Rules of Procedure. Using the 2011 Provisional Measures Order in Costa Rica v. Nicaragua as an example, the seminar will examine whether the Court's mandate to grant reparations for breach could contemplate remediation orders, adoption of mitigation and adaptation strategies, joint environmental monitoring, management, public reporting and community involvement, as possible forms of inter-State environmental cooperation.

ABOUT THE SPEAKER

Dr. Diane A. Desierto is Professor for International Law, International Economic Law, International Investment and Commercial Arbitration, ASEAN Law, International Human Rights and Humanitarian Law in ASEAN at the University of Hawaii William S. Richardson School of Law; Co-Director of the ASEAN Law & Integration Center (ALIC); and Adjunct Fellow of the East-West Center. A doctoral alumna of Yale Law School and former Yale Law Clerk to Judges Bruno Simma and Bernardo Sepulveda-Amor at the International Court of Justice, Dr. Desierto now serves as a Member of the Scientific Advisory Board of the European Journal of International Law, Associate Editor for the Asian Yearbook of International Law, Experts' Group Team Leader for Oxford Investment Claims; and forthcoming Director of Studies for the Hague Academy of International Law. Among various books and articles, Dr. Desierto recently published Public Policy in International Economic Law: The ICESCR in Trade, Finance, and Investment (Oxford University Press, 2015).

REGISTRATION

Registration is complimentary and accepted on a first-come-first-served basis. Kindly note that only light refreshment will be served. Please register early to avoid disappointment. For enquiries, please contact Ms Shirley Mak at Tel: 6516 6246. Please click here or scan the QR code to register.

Closing Date: Monday, 30 March 2015