GLOBAL ENVIRONMENTAL LITIGATION

With a view to contributing to the definition of a global litigation strategy for claimants acting on behalf of indigenous peoples in relation to environmental issues, the course anayzes the relative merits of the various types of available proceedings, following a list of relevant issues.

Chapter 1 provides a general overview of the available procedural options, exploring both environmental litigation and human rights litigation at international and national levels but also ADR, and comparing their relative merits in terms of accessibility, publicity, efficiency.

Chapter 2 deals more specifically with the jurisdiction of courts, and the admissibility of claims, analyzing the main rules on both issues at international and national level, in order to clarify the students' view on the accessibility of each forum (international and domestic / binding and non binding): Who is the claimant? Who is the defendant? Where are located the main elements of the case? Is there a time-limit applying? Are there rules having an impact on the admissibility of the case (exhaustion of domestic remedies, ne bis in idem, forum non conveniens...).

Chapter 3 focuses on procedure-related issues. It deals notably with questions related to the taking of evidence, interim measures, costs, default parties.

Chapter 4 considers the outcomes of the various proceedings, usually a court decision or a party settlement. It compares the "enforceability" of each type of outcomes (decisions of supranational courts, judgments of domestic courts; arbitral awards; ADR settlements; NCP statements) based on different criteria, notably: sovereign immunity from execution; available remedies and sanctions; scope (personal and territorial) of the outcome; review procedures and enforcement mechanisms.

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Chapter 1

A Mapping of the Available Dispute Settlement Mechanisms

Outline of the chapter
Slide presentation for the chapter

Chapter 2

Jurisdiction and Admissibility

Outline of the chapter
Slide presentation for the chapter

Chapter 3

Procedure-Related Issues

Outline of the chapter
Slide presentation for the chapter

Chapter 4

The Outcomes of the Proceedings:
Judgments and Settlements

Outline of the chapter
Slide presentation for the chapter