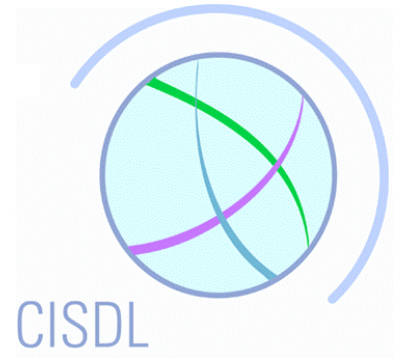


<b>CISDL Doc. #:</b> R3-	<b>Session:</b> Plenary Roundtable Three
<b>Date &amp; Time:</b> 2002-06-13 15h30	<b>Speaker:</b> Mr. Ezeizabarrena:
<b>Rapporteur:</b> [S. Saha]	<b>Language:</b> English



## **Plenary Roundtable Three: Transparency, Participation and Access to Justice in ISDL Montreal, 13 June 2002**

### **Mr Ezeizabarrena:**

There is a need for international alternative settlement of environmental disputes

Existing mechanism for protecting environmental rights

Existing mechanisms:

International Court of Justice

International Tribunal for Law of the Sea

Court of Justice of the European Communities

European Court of Human Rights (e.g see Heathrow case ) [*Powell and Rayner v UK (1990)*]

World Trade Organisation Dispute Settlement Body and Appellate Body

However, there is a need for international arbitration and conciliation in environment which would [involve] specific environmental arguments and technical points— a specialist approach. Some examples:

The Permanent Court of Arbitration has issued environmental arbitration rules  
1995 International Court of Environmental Arbitration and Conciliation (ICEAC)  
was formed. [A Private International Organisation for the settlement of disputes]  
where the issuance of consultative opinions includes preventative action.

There are a number of interesting cases that should be looked at. For example:

The Protection of the Meridian frog case ( the Haritzalde case) This case passed through domestic courts and the consultative opinion was relied on by the domestic courts as they had been paralysed by the issue.