

Workshop Series
Biodiversity Litigation: Building a Comparative Legal Agenda
December 2021 - March 2022 - June 2022

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In 2020, the interconnections between human beings, other species, and the overall ecological balance of the planet were made painfully clear by the emergence and spread of the covid-19 pandemic. At the same time, the UN Biodiversity Conference in Kunming, China was repeatedly rescheduled, which inevitably sheds a shadow of pessimism on the hope of producing a framework capable of inverting the current trends by top-level diplomacy.¹

The speed of the pandemic and the slow pace of international interventions concerning social and biological diversity bring back to the fore the role of national and sub-national legal instruments in addressing one of the most pressing challenges of contemporary times. But also of non-state actors. Inspired by some recent positive developments in climate change litigation, we ask if similar encouraging trends can also be found in a parallel, yet currently ignored track: **biodiversity litigation**.

In the fight for climate change adaptation and mitigation, regional and domestic judges are increasingly contributing to **counterbalance the discrepancy between states' international commitments and their lackluster implementation**. Indeed, regional and domestic courts (often triggered by youth organizations and civil society organizations) have become important mechanisms of putting international agreements into action, but also ways of going beyond what countries have agreed in the international arena. Is the same happening or could it happen in the area of biodiversity litigation? What are the premises, purposes and processes behind biodiversity litigation? Who are the actors and what are their arguments? Academic research in this area must be urgently expanded.

In order to better appreciate the multiplicity of the idea and the variety of legal strategies, we adopt a **broad definition of biodiversity litigation** as any legal dispute at the national, regional, or international level that concerns the conservation, sustainable use, reclaim, access, and benefit-sharing of genetic resources, species, ecosystems and the ecological relations between humans and nature. Indeed, being aware of the interconnection between human and nonhuman beings, we acknowledge that **biodiversity litigation is both about the loss of social and biological diversity and the fight for its regeneration**.

We invite scholars and practitioners to join us to further explore the practical and theoretical dimensions of this new trend of litigation. The main goals, a first of its kind, are to **map ongoing litigations**, to understand the **legal and policy dynamic behind them**, the **legislative and jurisprudential evolution** in different contexts, the **actors involved**, and

¹ CBD, 2018, Decision 14/34, Comprehensive and participatory process for the preparation of the post-2020 global biodiversity framework.

the complexity of their strategies, so as to increase knowledge on how **national and local biodiversity litigation relate with international biodiversity law, what are common threads, elements of convergence, and future trends in litigation for social and biological diversity**. In this context, the forthcoming collective volume edited by Guillaume Futhazar, Sandrine Maljean-Dubois, and Jona Razzaque (Oxford University Press, 2022) will act as a term of reference and benchmark for our conversation.

In order to expand contemporary knowledge and strengthen international academic cooperation on biodiversity litigation, The Law & Development Research Group at the Faculty of Law and the Institute of Development Policy at the University of Antwerp will host **three international online workshops on biodiversity litigation characterized both by geographical focus and transversal reflections**. Each workshop will last for 3 hours and host up to six presentations.

- **European biodiversity litigations:** The first workshop will be focused on the European jurisdictions and will be held on 13 December 2021. Guillaume Futhazar (Max-Planck Institute), Lucas Dermenghem (Green Law Advocats), Paul Stookes (Richard Buxton Solicitors), and Charles-Hubert Born (UCLouvain) have already agreed to join as panelists, and they will cover France, the UK, and the EU framework. Three more presentations are thus sought.
- **Biodiversity litigation in the Global South:** The second workshop will focus on biodiversity litigation in the Global South and will be held on 11 March 2022. Six presentations are sought.
- **Building a transnational research agenda on Biodiversity Litigation:** The third workshop will be an opportunity to bring together the participants and topics of the previous conversations and will be held on 10 June 2022. Rather than presentations, this workshop will be organized as a round-table of all participants (speakers and participants) to the previous presentations.

We welcome short papers' abstracts from scholars and practitioners who have an interest/experience in biodiversity litigation at the EU level or in the Global South. Please kindly **submit a 400-word proposal and affiliation details via e-mail to Dr. Mingzhe Zhu: mingzhe.zhu@uantwerpen.be**

Deadline for submissions

For the EU panel, the deadline for submissions is **31 October 2021** and the decision will be announced by November 15th.

For the Global South panel, the deadline for submissions is **15 January 2022**.

Participation form:

If you are interested in attending **as a participant** you can sign in via this [form](#) by the day before the workshops and you will receive an email with the link to the platform.

This workshop series is organized by the Law and Development Research Group (University of Antwerp) and the Institute of Development Policy (University of Antwerp) in collaboration with Max Planck Institute for comparative public law and international law (Germany), Aix-Marseille University (France), and Environmental Law and Sustainability Research Group at Bristol Law School, UWE Bristol (UK).



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