

New article on a global legal framework for transnational civil litigation in environmental matters

Former Secretary General of the Hague Conference on Private International Law (HCCH), Hans van Loon, has just published a very interesting article on “Principles and building blocks for a global legal framework for transnational civil litigation in environmental matters” in the *Uniform Law Review*, Vol. 23, Issue 2, June 2018, pp. 298-318. An abstract is available at <https://doi.org/10.1093/ulr/uny020>.

He suggests a number of basic structural components - building blocks - for a global legal framework for transnational civil litigation in environmental matters such as: jurisdiction, applicable law, recognition and enforcement, and judicial and administrative communication and co-operation (pp. 316-318).

Of particular note is the reference to Article 5(1)(j) of the Hague Draft Convention on the Judgments Project, which provides that a judgment is eligible for recognition and enforcement if one of the following requirements is met -

(j) the judgment ruled on a non-contractual obligation arising from death, physical injury, damage to or loss of tangible property, and the act or omission directly causing such harm occurred in the State of origin, irrespective of where that harm occurred.

The author notes the possible challenges that may arise when the harmful event occurred elsewhere (neither in the defendant’s home - Art. 5(1)(a) of the Draft Convention - , nor in the State of Origin where the act or omission directly causing such harm occurred, see p. 315) and makes recommendations. For more information on this provision and its narrow scope, please refer to the Preliminary Explanatory Report of the Judgments Convention (paragraph 162bis, pp. 34-35).