

The Role of the Judiciary in Promoting Environmental Governance and the Rule of Law

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INTRODUCTION: FUNDAMENTALS OF THE RULE OF LAW

The Rule of Law is eloquently symbolized in the image of the blindfolded maiden holding aloft evenly balanced scales. The blindfold and the scales signify the very essence of the Rule of Law: that all parties are equal before the law and that justice must be dispensed without fear or favor, in an even-handed way.

Legal historians have amply demonstrated the intrinsic linkage between legal developments and the historical settings in which they take place. The concept of the Rule of Law is no exception. It is grounded in the ideas of justice, fairness, and inclusiveness discussed by Aristotle; in the rules of war addressed in the ancient Indian epics Mahabharata and Ramayana; in the foundations of religious thought such as the Ten Commandments and the Dharma Chakra; and in seminal historical documents such as the Magna Carta, which embodied the principle that government itself is bound to abide by the law. Since then, philosophers and jurists from all corners of the world have molded the philosophical underpinnings and judicial content of the Rule of Law. Today, the Rule of Law is the foundation of good governance. This requires adherence to constitutional supremacy, recognition that government and the governed are equal before the law, acknowledgment that government itself is limited by the law and cannot engage in any arbitrary exercise of power, and recognition that individuals are endowed with certain inalienable rights that cannot be denied even by legitimately constituted governments.

Concepts of the role of the judiciary and the limits of its functions are similarly anchored in the fertile western intellectual thought of the seventeenth and eighteenth centuries and have been depicted in the writings of Count Montesquieu, who in 1748 wrote, "There is no liberty, if the judicial power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with all the violence of an oppressor." Modern constitutionalism is firmly anchored in this concept of the separation of powers.

Another fundamental notion that is intimately connected with these principles is the rights of the individual, which is eloquently expressed in the American Declaration of Independence. It states that all men are created equal and that among their inalienable rights are the "rights to life, liberty and the pursuit of happiness."

Soon after these words were written, the State of Massachusetts adopted its Constitution, which reinforced the notion of individual rights and established the link between the concept of the Rule of Law and the separation of powers: "In the government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men."

These rights of the individual are today expressed as Human Rights. They were initially set out in the Universal Declaration of Human Rights, which itself is mankind's response to the unparalleled horrors of complete and widespread denial of human dignity and life, which took place during one of the darkest chapters of human history.

Today, the Rule of Law is comprised of an intricate chain of fundamental ideas, which include equality before the law; equal treatment before the law for government and the governed; the independence of the judiciary; transparency, consistency, and accountability in the administration of law; and the notions of equity, justice and fairness. Like all chains, the Rule of Law is only as strong as its weakest link.

THE MINDSET OF THE JUDICIARY

Governance is the process of decision-making. It is the sum of the many ways in which individuals and institutions manage their common affairs. It is undergirded by fundamental notions of inclusiveness, transparency and accountability, which themselves are ways of realizing the ideals of democracy, justice and fairness.

As described by the recent report "Decisions for the Earth," which was developed by UNDP, UNEP, the World Bank and the World Resources Institute, studies of environmental governance address how decisions concerning the environment are made and who participates in the decision making process. The Report aptly links the process and the participants by stating: "how we decide and who gets to decide, often determines what we decide."

The environment transcends sectors and mediums to encompass intangibles such as culture, values, life styles, and consumption patterns. It is a dimension of almost every human activity. The interconnectivity and interdependence of all these components of the environment have far reaching implications for judicial thinking and decision making and, consequently, for the development of environmental jurisprudence. Even those cases that are not specifically identified as "environmental" often have implications for ecosystem protection. Narrowly-defined cases may impact a wider community—a nation, a region, or even the whole world.

The broad spectrum of issues encompassed by the term "environmental governance" is detailed in the report by UNDP, UNEP, World Bank, and World Resources Institute, which identifies seven broad elements of environmental governance:

1. Institutions and Laws:
 - Who makes and enforces the rules for using natural resources?
 - What are the rules and the penalties for breaking them?
 - Who resolves disputes?
2. Participation Rights and Representation:
 - How can the public influence or contest the rules over natural resources?
 - Who represents those who use or depend on natural resources when decisions on these resources are made?
3. Authority Level:
 - At what level or scale - local, regional, national, international - does the authority over resources reside?
4. Accountability and Transparency:
 - How do those who control and manage natural resources answer for their decisions, and to whom?
 - How open to scrutiny is the decision-making process?
5. Property Rights and Tenure:
 - Who owns a natural resource or has the legal right to control it?
6. Markets and Financial Flows:
 - How do financial practices, economic policies, and market behavior influence authority over natural resources?
7. Science and Risk:
 - How are ecological and social sciences incorporated into decisions on natural resource use to reduce risks to people and ecosystems and identify new opportunities?

These elements reveal that environmental governance does not exclusively involve decisions made by governments. The series of questions raised above demonstrates a much more diffuse level of responsibility for global environmental governance.

The environment is a dimension of almost every human activity, perhaps even of every human decision. These range in significance from the simple act of dropping a ticket in the street to the complex activities involved in major development projects. The more one reflects on the root causes of environmental pollution and natural resources depletion, the conclusion is inescapable that the

“mindset” in which human decisions are made—from the simplest to the most complex—is the key to properly understanding those decisions. This is equally true for judicial decision making.

Having been privileged to steer UNEP’s Judges Programme for the past eight years and participated in well over twenty-five major judicial symposia, meetings and workshops at national, regional and global levels, I have observed the message of the necessity of a shift in the mindset of judicial thinking running through the entire process. The Programme has recognized that more laws are not needed and more institutions are not required. Rather, the application of existing laws within existing institutions by applying a new mindset will elevate environmental considerations into the collective judicial consciousness.

Environmental implications need to be raised to the forefront of judicial decision making, even though the pleadings or issues on hand may not explicitly address environmental cases. This must be recognized as fundamental to the notion of justice, the notion of the Rule of Law, and the notion of governance. The Chief Justice of the Philippines, Hon. Justice Hilario G. Davide Jr., referring to a fundamental right to a balanced and healthful ecology, remarked in the celebrated Full Bench decision of the Supreme Court of the Philippines in the *Oposa v. Factoran* case:

“As matter of fact, these basic rights need not even be written in the Constitution for they are assumed to exist from the inception of humankind. If they are now explicitly mentioned in the fundamental charter, it is because of the well-founded fear of its framers that unless the rights to a balanced and healthful ecology and to health are mandated as State policies by the Constitution itself, thereby highlighting their continuing importance and imposing upon the State a solemn obligation to preserve the first and protect and advance the second, the day would not be too far when all else would be lost not only for the present generation, but also for those to come—generations which stand to inherit nothing but parched earth incapable of sustaining life.”

Throughout the nineteenth and much of the twentieth centuries, a strong sense of conservatism pervaded judicial thinking relating to the Rule of Law and the role of the judiciary. This conservatism has been occasionally interspersed by lonely voices of more liberal minded judges, who have viewed their role as not merely to interpret the black and white of the word of the law, but to do so but doing so by applying a sense of justice, fairness, and equity.

Two hundred years ago, in 1803, one of these men of vision, Chief Justice Marshall of the United States of America, stated: “It is emphatically the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule.” More recently, Lord Woolf, The Lord Chief Justice of England and Wales, underscored the transformation that has taken place regarding the role of the judiciary and the process of judicial decision making. In a keynote address at the Thirteenth Commonwealth Law Conference held in Melbourne, Australia, in April of this year, he explained

“Just as the common law has been evolving with increasing rapidity, so has the role of the common law judge. The judge's responsibility for delivering justice is no longer largely confined to presiding over a trial and acting as arbiter between the conflicting positions of the claimant and the defendant or the prosecution and the defence. The role of the judiciary, individually and collectively, is to be proactive in the delivery of justice. To take on new responsibilities, so as to contribute to the quality of justice. At the forefront of these new responsibilities is achieving access to justice for those within the judge's jurisdiction.”

Lord Woolf demonstrated the crucial links among the Rule of Law, the Role of the Judiciary, and the Principles of Governance. One of the fundamental pillars of governance is access to justice.

Some commentators have characterized this proactivism in the delivery of justice as “judicial activism.” The Honourable Justice B.N. Kirpal, a former Chief Justice of India, vigorously denied this contention at UNEP's South Asian Chief Justice Symposium on the Role of the Judiciary in Promoting the Rule of Law in the Area of Sustainable Development, which was held in Colombo, Sri Lanka, in July 1997. He said:

“The judiciary has, in the recent times had to give directions which may give the impression to some people that it is an encroachment on a field demarcated for others. The label of judicial activism is given for this process by them. Nothing can be further from the truth. The directions which have been issued in various cases have the effect, in the nature of continuous mandamus, of directing the authorities and the industries to discharge duties and fulfil obligations as contained in the laws.”

Therefore, it is clearly evident that notions of Governance and the Rule of Law are intrinsically intertwined and that the Judiciary—as the final arbiter in human affairs—has both the responsibility and the duty to dispense justice with due regard to both the Rule of Law and the rules of good governance.

Environmental jurisprudence, especially over the past three or four decades, provides illuminating evidence of the rise of proactive judicial engagement in resolving disputes that require delicate balancing of competing and compelling interests. For example, judges have attempted to balance promoting the well-being of people and alleviating poverty and preserving the integrity of the environment and advancing the imperatives of economic development. Some illuminating, detailed examples are presented later in this paper.

Because environmental law is a comparatively new branch of law, the judiciary is positioned to actively influence the law's normative development. As Judge Christopher G. Weeramantry, the former Vice-President of the International Court of Justice, stated in the UNEP Judges Handbook on Environmental Law, “It is often the judiciary that gives shape and direction to new concepts and procedures incorporated in national legislation. As more such situations come before judges, these

individual decisions initiate trends, which give the newly emerging discipline of environmental law, as has put it, the requisite conceptual framework and momentum for its development.”

Recent jurisprudence and the pronouncements made by Chief Justices and other senior judges from around the world demonstrate that there is an increasing willingness among judges to carry out their functions in a proactive manner within the constitutional limitations of the separation of powers. In doing so, they seek to reconcile the series of compelling and conflicting interests in order to achieve a perceptive and sensitive equilibrium. Their decisions will balance the wider social, economic, and environmental interests that deliver justice within the framework of the Rule of Law. By providing judicial recognition to the set of emerging concepts, norms, and principles that comprise environmental law, these judiciaries are playing a primary role in strengthening environmental governance.

JUDICIARIES AND SUSTAINABLE DEVELOPMENT

Courts also have played a crucial role in advancing the Principles contained in the Stockholm and Rio Declarations. They have produced numerous decisions that have contributed to balancing environmental and developmental considerations, promoting natural resources conservation and sustainable use, achieving equity and justice, and, overall, implementing the goals of sustainable development.

The principle of sustainable development has been discussed by the International Court of Justice, in the Hungary- Slovak Republic case on the Gabčíkovo-Nagymaros Project. At the national level, judiciaries throughout the world have made significant contributions to the progressive development of this body of law. The following is a brief overview of these legal developments.

- Continuous mandamus in the corpus of international and national law; invocation of the extraordinary jurisdiction of the Supreme Court in environmental matters; public participation, including substantive and procedural matters relating to public interest litigation (*MC Mehta v Union of India & Ors*, AIR 1988 Supreme Court 1037; *Rural Litigation and Entitlement Kendera v State of UP*, AIR 1988 SC 2187; *The Environmental Foundation Limited & Ors v The Attorney General & Ors*, Supreme Court of Sri Lanka SC, Application No 128/91);
- Limits of the concepts of “aggrieved person” and “locus standi” in regard to environmental damage (*Dr Mohiuddin Farooque v Bangladesh*, Represented by the Secretary, Ministry of Irrigation, *Water Resources & Flood Control & Ors*: 48 DLR 1996, Supreme Court of Bangladesh);
- Interpretation of the Right to Life in Constitutions as including the right to a healthy environment in which the right to life itself may be enjoyed; inter-generational and intra-generational equity; court commissions to ascertain facts and an authoritative assessment of

- the scientific and technical aspects of environment and development issues; (*MC Mehta v Kamal Nath & Ors*, Supreme Court of India (1997) Supreme Court Cases 388; *Juan Antonio Oposa and Others V. The Honourable Fulgencio S. Factoran and another*, G.R.No: 101083, Supreme Court of the Philippines)
- Public's right to information; obligation for continuous environmental impact assessment (*Kajing Tubfk & Ors v Ekran BHD & Ors*, Originating Summons No. 55 (21 June 1995) High Court Kuala Lumpur; *Movement Social de Petit Camp/Valentina v Ministry of the Environment and Quality of Life*, Mauritius Environment Appeal Tribunal (Cause No. 2/94);
 - Application of the public trust doctrine in regard to natural resources and the environment (*MC Mehta v Kamal Nath & Ors*, Supreme Court of India (1997) Supreme Court Cases 388); corporate responsibility and liability (*Charan Lal Sahu v Union of India* (Bhopal Case II) AIR 1990 Supreme Court 1480);
 - Approaches to judicial reasoning in environmental matters and the importance of promoting public awareness and environmental education at secondary and tertiary levels (*MC Mehta v Union of India & Ors*, Supreme Court of India, Writ Petition Civil No 860 of 1991).

The following is intended to provide a flavour of the manner in which judges around the world have given judicial recognition to the Principles of the Rio Declaration on Environment and Development.

Principle 2: Sovereignty and obligation to ensure that activities within the jurisdiction of one state do not cause damage to the environment of other state

In 1997 the International Court of Justice (ICJ) prevented Hungary from suspending and abandoning the works of the Gabčíkovo-Nagymaros Barrage System. In issuing its opinion, the ICJ stated that the “existence of the general obligation of States to ensure that activities within their jurisdiction and control respect the environment of other States or of areas beyond national control is now part of the corpus of international law relating to the environment.” (International Court of Justice, 1997 General List No. 92, 25 September 1997, Case Concerning The Gabčíkovo-Nagymaros Project)

Principle 3: Inter-generational equity

In forbidding limestone mining operations in the Himalayan foothills, the Supreme Court of India took into account the interests of future generations in the unique legacy of the Himalayan ecosystem, requested them by past generations. (*Rural Litigation and Entitlement Kendera V. State Of U.P.*, Air 1988 Sc 2187)

Similarly, the need to “defend and improve the human environment for present and future generations” was considered by the Court in ordering the closure of several tanneries, despite the unemployment resulting from such an order. (*M.C. Mehta V. Union of India and others*, Air 1988 Supreme Court 1037)

Likewise, the Philippines' judiciary agreed to afford legal standing to a group of petitioners that sued on behalf of future generations. The Court determined that every generation has a responsibility to the next to preserve nature for the full and healthful enjoyment of its ecology. (*Juan Antonio Oposa and Others V. The Honourable Fulgencio S. Factoran and another*, G.R.No: 101083, Supreme Court)

Access to information

In South Africa, applicants were granted the right to require information on how the construction of a development project in an area in which they intended to build a holiday house would affect the environment. (*Van Huyssteen & Others v Minister of Environmental Affairs & Tourism & Others* 1996 (1) SA 283 (c))

Uganda's judiciary stated that every citizen has a right of access to information in the possession of the State. (*Greenwatch Limited v Attorney General And Uganda Electricity Transmission Company Ltd*, HTC-00-CV-MC-0139 of 2001, High Court of Uganda at Kampala)

From a different perspective, the Ukrainian judiciary stated that an applicant for a project with environmental consequences should announce the findings of the state environmental expert body on the proposed project through the mass media. (*Joint Stock Company "Okean" Ministry of Environmental Protection and Nuclear Safety of Ukraine*, Case No. 1/47 1997)

The Supreme Court of India, in response to a petitioner's request for issuing a court directive on the importance of public information in environmental matters, called on cinemas and video parlours to project environmental messages and films about environmental issues and requested that radio companies make programs on environment and pollution. (*M.C. Mehta V. Union of India and others*, Supreme Court Of India, Writ Petition (Civil) No. 860 of 1991)

Public participation

In Chile, the judiciary upheld the standing of a party that challenged the validity of a resolution that admitted the technical viability of a project that—according to the same resolution—did not fulfill the requirements for its environmental viability. (*Antonio Horvath Kiss and others v National Commission for the Environment*, Supreme Court March 19 1997)

The Supreme Court of Bangladesh granted legal standing to the representative of an environmental association that challenged the implementation of a flood control plan. The original court had dismissed the petition by establishing that the petitioner was not an “aggrieved person” within the meaning of the Constitution. However, on appeal, standing was granted by treating the association as a “person aggrieved” within the meaning the Constitution “because the cause it bona fide espouses, both in respect of fundamental rights and constitutional remedies, is a cause of an indeterminate

number of people in respect of a subject matter of great public concern.” (*Dr. Mohiuddin Farooque V. Bangladesh, Represented by The Secretary, Ministry of Irrigation, Water Resources & Flood Control and others*; 48 DLR 1996, Supreme Court of Bangladesh, Appellate Division (Civil))

Likewise, the Supreme Court of Nepal granted standing to a petitioner who complained that the construction of a building on the banks of Rani Pokhari destroyed the beauty of a historical and archaeological site and sought orders to stop the construction as well as demolish all the structures already constructed. The court held that 1) it was an obligation of the Nepalese government to apply the commitments it made under The Convention for the Protection of the World Cultural and Natural Heritage 1972 and 2) every individual was entitled to show concern for public property and “public rights” in terms of Art 88(2) of the Constitution of the Kingdom of Nepal of 1990. (*Prakash Mani Sharma and others on behalf of Pro Public V. Honorable Prime Minister Girija Prasad Koirala and others*, 312 NRL 1997, Supreme Court of Nepal)

Principle 15: Precautionary Principle

In a recent decision, Argentina’s judiciary ordered the temporary suspension of a project that sought to build an electricity grid above a human settlement. By finding support within Argentina’s environmental legal framework and other international instruments, this decision ordered the defendant to present a report on the probable negative effects that the resulting electromagnetic fields could have on human health, as well as how they could be prevented. (*Asociación Coordinadora de Usuarios, Consumidores y Contribuyentes V. ENRE - EDESUR, Camara Federal de Apelaciones de La Plata, Sala 2a, July 8, 2003*)

In a similar case, the Supreme Court of Pakistan accepted the need to apply the precautionary principle and appointed a commissioner to study the likelihood of adverse effects of a proposed electricity grid on local residents. (*Ms. Shehla Zia And Others V. Wapda*, Human Rights Case No: 15-K of 1992, Supreme Court)

A Colombian administrative tribunal called on the national government to end spraying over illicit drug crops until scientific studies on the effects of the chemicals used on human health were carried out. (*Claudia Sampedro y Héctor A. Suárez v Ministry of the Environment and Direction of Stupefacient Substances*, Administrative Tribunal of Cundinamarca, June 13 2003)

When confronted with an action that sought to stop industries from discharging untreated effluent into agricultural fields, the Supreme Court of India called upon the government to create an authority that would address polluting industries. After announcing that the precautionary principle had become an international customary law, the Court recommended that the announced authority consider this principle. (*Vellore Citizens Welfare Forum V. Union of India*, Supreme Court of India, Air 1996 Sc 2715)

Australia's judiciary has explicitly recognized the binding force of the precautionary principle. The Land and Environment Court of New South Wales stated that the lack of full scientific certainty should not be used as a reason for postponing measures that avoid potential threats. (*Leach V. National Parks And Wildlife Service And Shoalhaven City Council*, Land and Environment Court of New South Wales, 81 Lgera 270 (1993))

When asked to deny the construction of a power station because of its negative impact on the Earth's atmosphere (greenhouse effect), a magistrates' court in Australia held that the precautionary principle does not give a special preference to the consideration of greenhouse impacts above development projects that demonstrate the capacity to address environmental concerns. (*Greenpeace Australia Ltd V. Redbank Power Company Pty. Ltd. and Singleton Council*, Land and Environment Court of New South Wales, 86 Lgera 143 (1994))

Principle 16: Polluter Pays

The polluter pays principle has been recognized within the jurisdiction of the Supreme Court of India, which has held that "along with the precautionary principle- the polluter pays principle is a part of customary international law." (*Vellore Citizens Welfare Forum V. Union of India*, Supreme Court of India, Air 1996 Sc 2715)

Following similar reasoning, the Supreme Court of India held a company liable for the diversion of a stream and ordered payment of compensation to restore damages to the environment, invoking the Polluter Pays Principle. (*I M.C. Mehta V. Kamal Nath and others*, Supreme Court of India, (1997)1 Supreme Court Cases 388)

Summaries of some three hundred judgements in environment-related cases may be found in the UNEP Consolidated Compendium of Summaries of Environment-Related Cases, which is currently being published. The Compendium also will be available at the UNEP website: <http://www.roap.unep.org>

UNEP'S CONTRIBUTION TO THE RISE OF JUDICIAL ENGAGEMENT IN PROMOTING ENVIRONMENTAL GOVERNANCE

Over 120 senior Judges from over 60 countries around the world—including 32 Chief Justices—met in Johannesburg on the eve of the World Summit on Sustainable Development to discuss the role of the judiciary in promoting governance and the rule of law in the field of environment and sustainable development. The main purpose of the Symposium was to lay the foundation for a UNEP programme aimed at strengthening the capacity of judiciaries at the national level, implementing environmental law, improving governance, and promoting the rule of law in this field.

The Global Judges Symposium was convened by the Executive Director of UNEP, Mr. Klaus Toepfer, in close cooperation with Hon. Valli Moosa, the Minister of Environment Affairs and Tourism of South Africa. It was chaired by the Chief Justice of South Africa, Hon. Arthur Chaskalson.

The outcome of the Symposium was a unanimous recognition of the crucial role that the judiciary plays in enhancing environmental governance and the rule of law through the interpretation, development, implementation, and enforcement of environmental law in the new context of sustainable development.

They also concluded that:

- An independent judiciary and judicial process is vital for the implementation, development and enforcement of environmental law,
- The fragile state of the global environment requires the Judiciary to implement and enforce applicable international and national laws, which will assist in alleviating poverty, while also ensuring that the inherent rights and interests of succeeding generations are not compromised.
- The people most affected by environmental degradation are the poor. Therefore, there is an urgent need to strengthen the capacity of the poor and their representatives to defend environmental rights, in order to ensure that the weaker sections of society are able to enjoy their right to live in a social and physical environment that respects and promotes their dignity.
- The Judiciary plays a critical role in the enhancement of public interest in a healthy and secure environment.
- The rapid evolution of multilateral environmental agreements, national constitutions, and statutes concerning the protection of the environment increasingly requires the courts to interpret and apply new legal instruments in keeping with the principles of sustainable development.
- The deficiency in the knowledge, relevant skills, and information in regard to environmental law contributes to the lack of effective implementation, development, and enforcement of environmental law.
- The Judiciary—informed of the rapidly expanding boundaries of environmental law and aware of its role and responsibilities in promoting the implementation, development, and enforcement of laws, regulations, and international agreements relating to sustainable development—plays a critical role in the enhancement of public interest in a healthy and secure environment.
- There is an urgent need to strengthen the capacity of judges, prosecutors, legislators, and all persons who play a critical role at the national level in the process of implementation,

development, and enforcement of environmental law, including multilateral environmental agreements (MEAs).

Finally, the Symposium called on the Executive Director of UNEP to provide leadership on the development and implementation of the programme designed to improve the implementation, development, and enforcement of environmental law.

The outcome of the Global Judges Symposium was presented by the Chair of the Symposium, the Chief Justice of South Africa, to the Secretary General of the United Nations and to the World Summit on Sustainable Development.

Following the Johannesburg Symposium, the Governing Council of UNEP unanimously adopted decision 22/17 II(A), which expressly called upon the Executive Director of UNEP to support within the framework of the Montevideo Programme III

“the improvement of the capacity of those involved in the process of promoting, implementing, developing and enforcing environmental law at the national and local levels such as judges, prosecutors, legislators and other relevant stakeholder, to carry out their functions on a well informed basis with the necessary skills, information and material with a view to mobilizing the full potential of the judiciaries around the world for the implementation and enforcement of environmental law, and promoting access to justice for the settlement of environmental disputes, public participation in environmental decision-making, the protection and advancement of environmental rights and public access to relevant information.”

UNEP has set in progress an extensive programme of work to implement this decision under the advice and guidance of a UNEP Advisory Group of Chief Justices and other senior judges drawn from around the world. The goal of this programme is for UNEP to carry out national activities for strengthening the role of the judiciary in securing environmental governance, adhering to the rule of law, and effectively implementing national environmental policies, laws, and regulations under the direction and guidance of the respective Chief Justices. Several governments, including the governments of the Netherlands, Belgium, and Norway have provided significant financial support to UNEP for the implementation of this programme of work.

These national programmes of work will be implemented at the national level by the Chief Justices and the respective national judicial training institutions. The programs will be supported by UNEP in partnership with a global alliance of partners, including the World Bank Institute, the United Nations University, UNITAR, IUCN, the global academia, and regional and national institutions with relevant capabilities in the areas of environmental law, training and education. At a recent meeting organized in Washington, DC, by the US State Department, several US-based environmental law organizations agreed to join UNEP in implementing the national judges programmes on the basis of shared responsibility, shared ownership, and cost-sharing.

To facilitate the provision of the best available inputs towards these national programmes of work, UNEP is developing a series of environmental law training materials. These include:

- A UNEP Training Manual in Environmental Law;
- A Judges Handbook on Environmental Law;
- Several Legal Drafters Handbooks on different sectoral topics, such as, water, energy, and land and soil management;
- Two UNEP Handbooks of Environmental Law on international legal materials and national legislation, respectively; and
- Compendia of Summaries of Judgements in environment related cases from around the world.

In addition, UNEP, FAO and IUCN have jointly established an Internet-based Environmental Law Information System – ECOLEX, accessible at <http://www.ecolex.org/TR>. A Judgements Portal within ECOLEX will enable judges from around the world to upload environment-related judgements, which will provide an impetus to the progressive development of jurisprudence in this field.