Work in Progress / Travaux en cours

Capacity-Building for Judges and Other Legal Stakeholders in the Field of Environmental Law

LAL KURUKULASURIYA

The judiciary is a crucial partner in the development, interpretation, implementation and enforcement of environmental law. Judges also play a key role in promoting sustainable development by balancing environmental, social and developmental considerations in judicial decisions. Courts of law in many countries have demonstrated sensitivity to promoting the rule of law in the field of sustainable development through their judgements and pronouncements.\(^1\)

Recognising this fact, the United Nations Environmental Programme ("UNEP") has set in motion capacity-building programmes aimed at judges and other legal stakeholders. UNEP’s commitment to this is based on the specific mandate provided for in the Programme for the Development and Periodic Review of Environmental Law for the First Decade of the Twenty-first Century (Montevideo Programme III), which sets the ten-year strategy for UNEP’s activities in the field of environmental law. The Programme, adopted by the Governing Council of UNEP in 2001 by its decision 21/23 of 9 February 2001, identifies the judiciary as one of the key target groups for capacity-building activities in the field of environmental law.

UNEP’s work focusing on the judiciary commenced with the organisation of regional symposia for judges on environmental law, sustainable development and the role of the judiciary, convened in Africa (1995), South Asia (1997), South-East Asia (1999), Latin America (2000), Caribbean (2001) and the Pacific (2002). Two further regional meetings for judges, in Arab countries and in Europe, were held in 2002.

Based on the outcome of these symposia, UNEP convened the Global Judges Symposium on Sustainable Development and the Role of Law in Johannesburg,

---

* Chief Environmental Law Branch, Division of Policy Development & Law, UNEP.

1 See the three Volumes of UNEP Compendia of Summaries of Environment Related Cases.

South Africa, on 18-20 August 2002, as a parallel event to the World Summit on Sustainable Development.\(^2\)

The outcome of the Global Judges Symposium, the Johannesburg Principles on the Role of Law and Sustainable Development,\(^3\) was presented to the UN Secretary General and to the World Summit on Sustainable Development (“WSSD”) by the Chair of the Symposium, Hon. Justice Arthur Chaskalson, Chief Justice of South Africa.

The UNEP Global Judges Symposium, hosted by the Chief Justice of South Africa and co-sponsored by several partner organisations, gathered more than 120 Chief Justices and Senior Judges from about 60 countries and several judges from international courts and tribunals. The main aim of the Symposium was to lay the foundation for a programme aimed at strengthening the capacity of judiciaries around the world to implement environmental law, improve governance and promote the rule of law in this field at national level.

The participants shared their experiences and views on the role of law and the judiciary in promoting sustainable development in their respective countries. The discussion focussed on the role of law with respect to topics such as sustainable development, national environmental governance, environmental justice, human rights and the role of the United Nations and others in promoting the progressive development and national implementation of environmental law in the context of sustainable development. At the closing session, the participants unanimously adopted a set of recommendations concerning the role of law and the judiciary in the promotion of sustainable development.

The recommendations – the Johannesburg Principles on Sustainable Development and the Role of Law – contain a series of principles “that should guide the judiciary in promoting the goals of sustainable development through the application of the rule of law and the democratic process”, and a series of recommendations concerning the programme of work for the realisation of those principles.

The Global Judges Symposium laid a strong foundation for a long-term, sustained programme of capacity-building of the judiciary and other legal stakeholders in the field of environmental law, to be implemented mainly at national level. Following the Symposium, UNEP prepared a practical plan of work, and organised a meeting of a small group of judges representative of the world’s legal systems and regions from among those participating in the Symposium, to secure their advice on the plan of work. That meeting – the Judges Ad Hoc Meeting for the


\(^{3}\) [http://www.unep.org/dpdl/symposium/Principles.htm](http://www.unep.org/dpdl/symposium/Principles.htm)