tional environmental law aiming at sustainable development, the implementation of agreed international norms and policies, and the strengthening of the capacity of those engaged in promoting the implementation and enforcement of environmental law. The Committee on the Programme of Work in the field of Environmental Law, as reflected in the Nairobi Declaration adopted at the 19th session of the Governing Council in February 1997, and the Programme for the Development and Periodic Review of Environmental Law for the First Decade of the Twenty-first Century, adopted by the UNEP Governing Council in February 2001 (Montevideo Programme III).

WE AGREE UPON THE FOLLOWING 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:

1. A full commitment to contributing towards the realization of the goals of sustainable development, the democratic process, and to upholding the Rule of Law and the democratic process.

2. To realize the goals of the Millenium Declaration of the United Nations General Assembly which depend upon the implementation of national and international legal regimes that have been established for achieving the goals of sustainable development.

3. In the field of environmental law there is an urgent need for a concerted and sustained international programme of work focused on education, training and dissemination of information, including regional and sub-regional judicial colloquia, and

4. That collaboration among members of the Judiciary and others engaged in the judicial process within and across regions is essential to achieve a significant improvement in compliance with, implementation, development and enforcement of environmental law.

FOR THE REALIZATION OF THESE PRINCIPLES WE PROPOSE THAT THE PROGRAMME OF WORK SHOULD INCLUDE THE FOLLOWING:

a) The improvement of the capacity of those involved in the process of promoting, implementing, developing and enforcing environmental law, such as judges, prosecutors, legislators and others, to carry out their functions on a well-informed basis, equipped with the necessary skills, information and material.

b) The improvement in the level of public participation in environmental decision-making, access to justice for the settlement of environmental disputes and the defence and enforcement of environmental rights, and public access to relevant information.

c) The strengthening of sub-regional, regional and global collaboration for the mutual benefit of all peoples of the world and exchange of information among national Judicialities with a view to benefiting from each other's knowledge, experience and expertise.

d) The strengthening of environmental law education in schools and universities, including research and analysis as essential to realizing sustainable development.

e) The achievement of sustained improvement in compliance with and enforcement and development of environmental law.

f) The strengthening of the capacity of organizations and initiatives, including the media, which seek to enable the public to fully engage on a well-informed basis, in focusing attention on issues relating to environmental protection and sustainable development.

g) An Ad Hoc Committee of Judges consisting of Judges representing geographical regions, legal systems and international courts and tribunals and headed by the Chief Justice of South Africa, should keep under review and publicize the emerging environmental jurisprudence and provide information thereon.

h) UNEP and its partner agencies, including civil society organizations, should provide support to the Ad Hoc Committee of Judges in accomplishing its task.

i) Governments of the developed countries and the donor community, including international financial institutions and foundations, should give priority to financing the implementation of the above principles and the programme of work.

j) The Executive Director of UNEP should continue to provide leadership within the framework of the Montevideo Programme III, to the development and implementation of the programme designed to improve the internationalization, development and enforcement of environmental law including, within the applicable law of liability and compensation for environmental harm under multilateral environmental agreements and national law, military activities and the environment, and the legal aspects of the nexus between poverty and environmental degradation.

k) This Statement should be presented by the Chief Justice of South Africa to the Secretary-General of the United Nations as a contribution of the Global Judges Symposium to the forthcoming World Summit on Sustainable Development, and for broad dissemination thereof to all member States of the United Nations.

**ITTO**

2. Civil Society Advisory Group

The International Tropical Timber Council,

Recalling Decision 9(XXVIII) on Enhancing Participation of Members of Civil Society in the Relevant Activities of the ITTO, which invited the establishment of open-ended Advisory Groups to contribute to the work of the Council;

Noting its concern that the views of Civil Society Organizations are still not well represented at Council sessions;

Appreciating the continuing contribution of Organizations to the formulation of ITTO Guidelines, Expert Panels, Missions and other initiatives;

Wishing to increase the participation and inputs of Civil Society Organizations;

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--- Selected Decisions ---

Recognizing the valuable contributions to the ITTO made by the Trade Advisory Group (TAG);

Recognizing the contributions that Civil Society Organizations could make to the ITTO through their own advisory group;

Welcoming the agreement of Civil Society Organizations representatives during this Session of the Council to form a Civil Society Advisory Group (CSAG);

Decides to:

1. Invite the CSAG to initiate its activities at the earliest date;

2. Authorize the Executive Director to publicize the launching of the CSAG, through the ITTO’s website, the Tropical Forest Update, and other methods, as a means of attracting broader Civil Society participation in both the CSAG and the ITTO;

3. Authorize the Executive Director to explore with the CSAG opportunities for input and participation during Council Sessions in a manner similar to those of the Trade Advisory Group (TAG);

4. Encourage the CSAG and the TAG to collaborate on activities, programmes and projects in support of the ITTO Yokohama Action Plan 2002-2006;

5. Invite the CSAG and the TAG to showcase examples of collaboration between Civil Society Organizations and forest concessionaires and industry, and further to consider how the ITTO could facilitate such cooperation in the field;

6. Invite the CSAG to organize a panel discussion, relevant to the ITTO Yokohama Action Plan 2002-2006, to be held during the Thirty-third Session of the Council;

7. Authorize the Executive Director to seek voluntary contributions from Member countries to meet the financial requirements of this Decision, not exceeding US$50,000.00, to facilitate the participation of Civil Society Organizations in the CSAG panel discussion at the Thirty-third Session of the Council.
11. The Potential Role of Phased Approaches to Certification in Tropical Timber Producer Countries as a tool to Promote Sustainable Forest Management

The International Tropical Timber Council,

Reaffirming the commitment of Members to the process of advancing ITTO Objective 2000;

Recalling Decision 10(XXX) on Certification;

Recognizing that ITTO as an international organization should not endorse, create or adopt, or be perceived to endorse, any certification approach or scheme, including any accompanying standards developed for the purpose of certification;

Noting content from the ITTO International Workshop on Comparability and Equivalence of Forest Certification Schemes as contained in Document ITTC (XXXII)/10;

Recognizing forest certification as an important voluntary market-based tool to encourage and create incentives for sustainable forest management and improving market transparency;

Underscoring that certification schemes should be voluntary, non-discriminatory, transparent and market-oriented;

Recognizing that while the ITTO Criteria and Indicators were developed to assess progress towards sustainable forest management, performance standards would be required for the purposes of certification;

Recognizing the role of ITTO in promoting market access as provided for in the objectives of the ITTA, 1984, and the ITTO Yokohama Action Plan 2002-2006;

Recognizing the role of ITTO in improving transparency of the international timber market and promoting timber from sustainably-managed sources as stipulated in the ITTO Yokohama Action Plan 2002-2006;

Recognizing the potential contribution of certification to sustainable forest management, including forest law enforcement and related trade;

Recognizing that many tropical timber producing countries have made considerable progress towards sustainable forest management, and that at the same time those countries account for a very small percentage of the coverage of certified forests around the world;

Recognizing that in many tropical timber countries there is a wide gap between the existing level of management and what is required by certification;

Recognizing that tropical timber countries face many institutional, social, human resource and financial constraints to achieve sustainable forest management;

Recognizing the potential role of regional consultations in advancing discussions on comparability and equivalence among certification schemes, and in assisting tropical timber producing countries to meet sustainable forest management standards and to achieve certification;

Decides to:
1. Authorize the Executive Director to engage two consultants, one from a producer and the other from a consumer country, to undertake a study on the potential of phased approaches to certification as a tool to promote sustainable forest management, as per the attached Terms of Reference;
2. Authorize the Executive Director to convene three regional workshops to disseminate and discuss the results and implications of the study, with recommendations to the Thirty-fourth Session of the Council based on the attached Terms of Reference;
3. Request the Executive Director to facilitate improved understanding, information-sharing and dialogue between interested parties from both consumer and producer countries on these phased approaches;
4. Encourage Member Countries to support project proposals for national capacity building to engage in forest certification in producer Member Countries, including institutional strengthening, stakeholder participation, auditing systems, training and better public understanding of the role of certification as regards to sustainable forest management; and
5. Authorize the Executive Director to seek voluntary contributions from Member Countries to meet the financial requirements of this Decision, not exceeding US $297,980.00.

ANNEX

Terms of Reference for Consultants

The consultants, one from a producer and the other from a consumer country, will undertake a study on the potential role of phased approaches to certification as a tool to promote sustainable forest management.

The study will include the following items:
- Consult with relevant parties, including buyers groups, consumer groups, industry, retailers, certifiers, certification schemes, forest owners and managers, governments, environmental and social NGOs, local communities, and indigenous peoples
- Elaborate the concept and reflect the full range of views as regards to phased approaches to certification
- Identify existing models and initiatives on phased approaches to certification
- Analyse the elements and operations of the existing models and initiatives
- Collect and analyse information on market acceptance of the existing models and initiatives
- Identify key issues, potentials, risks, and constraints on possible designs and implementation of phased approaches
- Identify and elaborate on common elements and stages of phased approaches
- Prepare a preliminary report to present at the Thirty-third Session of the Council

The three Regional Workshops will be three days duration each and convened in Africa, Asia-Pacific and Latin America between the Thirty-third and Thirty-fourth Sessions of the Council.

The purpose of the Workshops will be to disseminate and discuss results and implications of the study and comments from Member countries, and make recommendations to the Thirty-fourth Session of the Council.

The Secretariat, in extending invitations to participants, should seek to provide a balance of the following views at the Workshops:
- producer and consumer Member Countries
- forest owners and managers
- certification schemes
- environmental and social NGOs
- local communities and indigenous peoples
- buyers groups and consumer groups
- industry, traders and retailers

Priority for sponsorship should be given to participants from producer Member Countries.