

UNITED NATIONS ACTIVITIES

Global Judges Symposium

A Step Forward in the Judiciary's Role in Sustainable Development

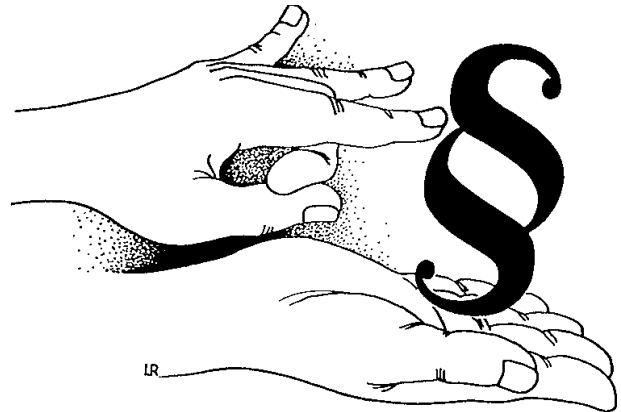
by Amy M. Hindman*

The Global Judges Symposium – the largest gathering of the world's chief justices and senior judges ever convened – took place in Johannesburg on the eve of the World Summit on Sustainable Development (WSSD). From 18 to 20 August 2002, more than 120 high-level judges from over 60 countries addressed the vital issue of 'Sustainable Development and the Role of Law'. Those present represented the 'A to Z' of the world's high-level judges, from the Chief Justice of Afghanistan to the Chief Justice of Zimbabwe.

This event, hosted by the Chief Justice of South Africa and sponsored by the United Nations Environment Programme (UNEP) and its partners, provided a unique opportunity for the judiciary – the branch of government typically receiving the least attention in environmental law and policy matters – to inform and guide the work of the WSSD, by providing their unique insight into the interpretation and application of environmental law and law in the field of sustainable development. The judges, recognizing the important input they could provide to a Summit dedicated to developing a practical implementation plan for Agenda 21, focused their attention on practical matters relating to the role of law in promoting sustainable development. Discussions on topics such as national environmental governance, environmental justice, human rights and strengthening national judiciaries were led by chief justices and supreme court judges as well as judges from international tribunals such as the International Court of Justice, ministers of Justice and Environment and UN Under-Secretaries-General.

The Symposium built on six regional judges' symposia that UNEP and various partners have convened in Africa, Latin America, the Caribbean, South Asia, Southeast Asia and the Pacific over the last few years. These regional symposia, in addition to highlighting the role that the judiciary plays in environmental law and policy matters in the regions where they were held, also illustrated the importance of facilitating the exchange of knowledge and information in this field among judges. The various and diverse approaches the judges of different countries brought to bear in ensuring that environmental law and

law in the field of sustainable development was correctly interpreted, applied and enforced even within a single region was illuminating and instructive. From this, it was a short step to realizing the value of facilitating such an exchange among all the world's judges and to organizing the event to take place right before the WSSD, taking advantage of the opportunity to provide input to the Summit's implementation plan.



Courtesy: Journalist

The Symposium was convened with a number of specific objectives:

- To examine judicial decisions and legislative initiatives in contemporary national jurisprudence that further advance the principles contained in the Rio Declaration, particularly access to justice, the right to information and public participation in relevant decision-making.
- To build judicial networks for mutual support between judges, on matters such as judicial philosophy and ethics in adjudicating environmental and sustainable development issues, thus promoting national enforcement of the law.
- To secure endorsement at a global level by the judiciary of the critical role that it plays in balancing environmental and developmental considerations, pursuant to national law, through its judgments.
- To ensure global recognition of the importance of the

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role of the judiciary in application of laws affecting sustainable development.

- To galvanize international cooperation and donor support for strengthening the capacity of judiciaries in the field of sustainable development.
- To identify the broad features and elements of a global programme for judicial capacity strengthening that is region-specific and country driven.

The Symposium ultimately met these objectives and exceeded them: on the final day of the event, the judges unanimously adopted the Johannesburg Principles on the Role of Law and Sustainable Development. These Principles represent an extraordinary step forward in the role the judiciary has dedicated itself to in matters of sustainable development. In them, the judges declared their commitment to the Millennium Declaration and to the Universal Declaration of Human Rights and, among other affirmations, emphasized 'that the fragile state of the global environment requires the Judiciary as the guardian of the Rule of Law, to boldly and fearlessly implement and enforce applicable international and national laws, which in the field of environment and sustainable development will assist in alleviating poverty and sustaining an enduring civilization, and ensuring that the present generation will enjoy and improve the quality of life of all peoples, while also ensuring that the inherent rights and interests of succeeding generations are not compromised.'

Rather than just voice their commitment, however, the judges took concrete action, laying out the groundwork for an action programme designed to achieve a significant improvement in compliance with, implementation, development and enforcement of environmental law. Elements of this programme include:

- A capacity-building initiative to assist judges, pros-

ecutors, legislators and others to improve both the development and the implementation of the law.

- An improved level of public participation in environmental decision-making, access to justice for the settlement of disputes and access to relevant environmental information.
- Networks for improved communication among judiciaries within and across regions, so that valuable information and expertise can be shared and exchanged.
- The strengthening of environmental law education in schools and universities, as one of the crucial means of sustainable development.
- The creation of an *ad hoc* Committee of Judges from around the world to keep under review and publicize emerging environmental jurisprudence and provide information thereon.

The Johannesburg Principles were presented by the Chief Justice of South Africa to the Secretary-General of the United Nations as a contribution from the Global Judges Symposium to the WSSD.¹ UNEP is currently developing an implementation plan for the Principles which will include a variety of activities such as training programmes for the judiciary at a national level on sustainable development issues. This will be a broad-ranging plan of action, carried out in conjunction with UNEP's partners as well as national institutions.²

Notes

¹ The Principles have been printed in *Environmental Policy and Law*, Vol. 32, No. 5, at page 236.

² More information on the Global Judges Symposium, including the complete Johannesburg Principles in all six UN languages, can be found at UNEP's website at www.unep.org/dpdl/symposium.

