

CONCLUSIONS AND RECOMMENDATIONS OF THE ROUND TABLE DIALOGUE ON ADVANCING THE MILLENNIUM DEVELOPMENT GOALS THROUGH THE RULE OF LAW

The Judges, academics and legal experts participating in the Round Table Dialogue on Advancing the Millennium Development Goals through the Rule of Law, held at UNEP Headquarters, Nairobi, on 16-17 February, 2005,

Recalling that the Programme for the Development and Periodic Review of Environmental Law for the First Decade of the 21st Century (Montevideo Programme III) was adopted by Governing Council decision 21/23 to serve as a strategic framework for all UNEP environmental law activities in the present decade,

Noting that Governing Council decision 22/17 II D requested the Executive Director to provide a comprehensive report on the implementation of the Programme and that that report (UNEP/GC.23/3/Add.3) will be presented to the 23rd session of the Governing Council,

Mindful of the outcomes of the Global Judges Symposium on Sustainable Development and the Role of Law, Johannesburg, 18-20 August 2002 and of the Judges ad Hoc Meeting for the Development of a Plan of Work as a Follow-Up to the Global Judges Symposium Relating to Capacity Building of Judges, Prosecutors, and Other Legal Stakeholders, Nairobi, 30-31 January 2003,

Noting also Governing Council decision 22/17 II A on the Follow-up to the Global Judges Symposium focusing on capacity building in the area of environmental law which recalled the role of the judiciary in the context of Montevideo Programme III,

Recalling that the United Nations Millennium Declaration was adopted in General Assembly Resolution 55/2 and that it was transformed into eight Millennium Development Goals (MDGs), together with related Targets and Indicators, through the United Nations Secretary General's Road Map towards the implementation of the Millennium Declaration (A/56/326) in order to focus national and international priority setting, help trigger action and promote alliances for development,

Recognising the importance of implementing Montevideo Programme III in a manner that is aligned with, and directed towards, achieving those Goals, Targets and Indicators,

Underlining the view of the Ministers of Environment and Heads of Delegation meeting in Malmö, Sweden, from 29-31 May 2000 to the effect that, whilst the evolving framework of international environmental law and the development of national law provide a sound basis for addressing the major environmental threats of the day, they must be underpinned by a more coherent and coordinated approach among international environmental instruments, and moreover that environmental compliance, enforcement and liability, the precautionary approach and capacity-building are of central importance,

Reaffirming that laws and regulations tailored to specific conditions of individual countries are among the most important instruments for translating environmental and developmental policies into action and that, in this regard, the rule of law plays an important role in advancing the MDGs and, thereby, in promoting sustainable development,

1. *Recognize* that implementation of a number of the elements of Montevideo Programme III have a direct impact on the fulfillment of the MDGs, in particular MDG 7 (ensuring environmental sustainability) as read with Targets 9 (integration of sustainable development principles in country policies and programmes) and 10 (access to safe drinking water),

2. *Recognize further* that the fulfillment of MDG 7 is intertwined with the achievement of the other Goals and Targets, and especially MDGs 1 (poverty alleviation), 3 (gender equality), 4 (child mortality), 5 (maternal health), 6 (diseases) and 8 (partnerships), and that implementation of Montevideo Programme III can have beneficial effects on their fulfillment,

3. *Accept* the importance to be attached in this regard to:

(a) the role of Montevideo Programme III area 10 (freshwater resources) in ensuring access to safe drinking water (Target 10);

(b) the potential for UNEP to work closely with UNCHS and other entities on areas 10 and 15 of the Montevideo Programme III to address more effectively the environmental problems of urban areas, especially access to improved sanitation (Indicator 31) and access to secure tenure (Indicator 32), so as to meet the Target regarding slum dwellers (Target 11);

(c) the need to integrate the principles of sustainable development through action under the programme areas of Montevideo Programme III in relation to :

(i) the prevention and mitigation of environmental damage (area 3) as well as conservation of forests and biological diversity (area 13 and 14), pollution prevention and control (area 15) and environmental emergencies and natural disasters (area 17);

(ii) the strengthening of regulatory and institutional capacity of developing countries to develop and implement environmental law and policy (area 2), as well as the strengthening and development of international environmental law (area 5), the harmonization and coordination of environmental law leading to its better development and implementation (area 6), the promotion of innovative approaches to improve the effectiveness of environmental law in a manner sensitive to its local context and needs , including voluntary codes of conduct in support of corporate social responsibility and, more generally, through awareness of respective roles of law and environmental values in furthering sustainable development (area 9);

(iii) the promotion of environmental justice through better access to law, including the enhancement of public participation through access to environmental information (area 7) and the raising of environmental awareness through the use of information technology (area 8);

(d) the contribution to reducing child and maternal mortality (MDGs 4 and 5) and to combating diseases (MDG 6) of carefully focused measures, policies and activities within the following areas: capacity building (area 2), prevention and mitigation of environmental damage (area 3), developing means to increase transparency, strengthen access to information, promote commitment to sustainable development throughout society, and improve public participation in processes leading to environmental decision-making (area 7), freshwater resources (area 10), biological diversity (area 14), pollution prevention and control (area 15) and trade (area 18), as well as conservation and management generally (section II of the Montevideo Programme III),

4. *Affirm* that:

(a) an independent judiciary is one of the key elements of a legal system operating under the rule of law and that the judiciary is also a crucial partner in achieving the appropriate balance between environmental, social and developmental considerations to achieve sustainable development: moreover, ensuring an informed and active judiciary is crucial to achieving the MDGs;

(b) the proper and full enforcement of legislative and regulatory mandates is a hallmark of governance under the rule of law; in contrast, the failure to enforce law not only frustrates the purpose of the law, but undermines the rule of law;

(c) access to justice on a non-discriminatory basis is guaranteed by national and international laws and is an essential means of empowering marginalized groups such as indigenous peoples, minorities and women; it is also essential that information is disseminated to such persons and groups about their rights and duties under the law;

(d) land and water are important natural resources and there is a strong relationship between the two, as well as between them and poverty, discrimination and environmental degradation; the principal mechanism for the allocation of land and water resources is the institution of legal rights;

(e) there is a need to establish strategic global partnerships (MDG 8) to achieve environmental sustainability (MDG 7) through the wide engagement of all relevant stakeholders,

5. *Accordingly urge* UNEP, within the context of the Montevideo Programme III, to:

(a) undertake measures to promote gender equality and the empowerment of women in relation to health, environment and natural resources as well as education, inter alia through capacity-building in the form of appropriate technical assistance, education and training (area 2) , by strengthening their access to information and economic opportunities and by improving and actively supporting the participation of women in decision-making (area 7);

(b) reinforce, in the context of fulfilling MDG 7, its focus on various techniques and practices on which it has placed emphasis during the past five years, in particular the development of judicial outreach under the UNEP Global Judges Programme, educational and training materials and partnerships (areas 2 and 8), the enhancement of public participation, access to justice and information dissemination (area 7) and the promotion of strong mechanisms to ensure compliance by states with their international environmental obligations and the implementation and enforcement of national laws introduced to enable those environmental obligations to be met (area 1);

(c) continue to recognize the importance of capacity building for judges, prosecutors, legislators and other relevant stakeholders under the Global Judges Programme in the context of its work to achieve effective implementation, application and enforcement of environmental law (area 1) and in strengthening the regulatory and institutional capacity of developing countries to develop and implement environmental law (area 2);

(d) promote further international and regional judicial cooperation by developing and enhancing transnational networks of judges, prosecutors, legislators and others involved in achieving environmental sustainability,

6. *Recommend* that the Executive Director takes the above conclusions into account in the implementation of Montevideo Programme III during the coming five years and when making preparations for Montevideo Programme IV,

7. *Recommends further* that the Governing Council of UNEP be invited to take the above conclusions into account in determining UNEP's inputs to CSD-13 and the Millennium+5 Summit.