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Environmental Justice and Sustainable Development: A Global Symposium on Environmental Rule of Law

Summary and key messages

On the occasion of the first session of the United Nations Environment Assembly, chief justices, attorneys general, judges, chief prosecutors, auditors general, leading legal scholars, practitioners and experts were invited to attend a symposium entitled “Environmental Justice and Sustainable Development: A Global Symposium on Environmental Rule of Law” to discuss the ways and means by which the further development and implementation of the environmental rule of law could help to ensure just and sustainable development outcomes.

The symposium was organized by the United Nations Environment Programme (UNEP) in partnership with the Organization of American States, the Africa Sustainability Centre and the International Union for Conservation of Nature World Commission on Environmental Law and was delivered in two sessions. The first session, following opening remarks by the Deputy Chief Justice of Kenya, explored various aspects of the environmental rule of law and sustainable development, including public participation, human rights and accountability, and the second session dealt with criminal, civil and administrative enforcement in the context of the environmental rule of law.

Participants provided an insight into the importance of the environmental rule of law for sustainable development and environmental justice, concluding that there were many examples from around the world that underlined the fact that law, coupled with strong implementing institutions, was essential for societies to respond to increasing environmental pressure in a way that respected fundamental rights and principles of fairness, including for future generations. The rule of law was therefore critical to the achievement of sustainable development objectives and environmental goals, including the green economy.

Participants provided examples of the ways in which, in the absence of the environmental rule of law, key objectives of environmental governance could not be realized. Achieving public participation in decision-making and transparency, and accountability of all persons, institutions and entities, both public and private and including the State itself, were identified as being reliant on the supremacy of the law, embodied in the environmental rule of law. Through adequate, publicly promulgated environmental legislation, fairly enforced and independently adjudicated, the environmental rule of law could ensure legal accountability, fairness in the application of the law, separation of powers, participation in decision-making and respect for human rights and would deliver environmental justice.

Participants also expressed strong concern about the rise in criminal activities that have a negative impact on environmental justice, natural resources and sustainable development. They cited the illegal exploitation of natural resources, highlighted by the surging illegal trade in wildlife
involving sophisticated international criminal syndicates, as having an impact not only on the environment, but also on peace and security and national economies. To combat such offences, participants discussed matters of legal standing and the rights of nature, and called for the strengthening of capacities across the entirety of the enforcement chain to bolster environmental enforcement through criminal, civil and administrative processes. In the course of those discussions, participants highlighted a number of good practices from around the world resulting from the work of individuals and institutions involved in the enforcement of environmental law.

The symposium concluded with the formulation of key messages. Those messages, in which participants called upon their peers and the global community to move forward in making the environmental rule of law a reality for all by realizing its intrinsic value for environmental justice and sustainable development, are intended to inform the debate at the first United Nations Environment Assembly and beyond. They are as follows:

1. The environmental rule of law is indispensable for sustainable development. Its further development and implementation will help to ensure just and sustainable development outcomes.

2. Law, coupled with strong implementing institutions, is essential for societies to respond to increasing environmental pressure in a way that respects fundamental rights and principles of fairness, including for future generations.

3. Only through the environmental rule of law can conditions be established under which justice and respect for environmental obligations arising from treaties and other sources of law can be maintained.

4. The basis for the environmental rule of law is adherence to environmental law, constitutional rights to a healthy environment and human rights. Such obligations must be binding on all persons, institutions and entities, both public and private including the State itself.

5. During recent decades, there has been a growing acceptance and advancement of environmental legislation at the national, regional and international levels, including procedural rights which provide an important mechanism for ensuring environmental justice, accountability and transparency. However, their ideals and benefits remain a distant reality for many.

6. Through adequate, publicly promulgated environmental legislation, fairly enforced and independently adjudicated, the environmental rule of law reduces corruption, ensures accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, respect for human rights and delivers environmental justice.

7. The illegal exploitation of natural resources, in particular the surging illegal trade in wildlife, is a growing concern. It highlights the importance of the environmental rule of law, involves sophisticated international criminal syndicates and has an impact not only on the environment, but also on peace and security and national economies.

8. In order to combat such illegal activities, the environmental rule of law must be strengthened through increased capacity, both human and financial, of courts, tribunals, enforcement agencies and other stakeholders to implement and promote the environmental rule of law at all levels.

9. There are many encouraging examples from around the world that underline the major benefits for societies and countries when the environmental rule of law is improved. Such examples must be built upon to promote and further develop the environmental rule of law; environmental jurisprudence; technical, legal and enforcement capacity and awareness.

10. The world’s chief justices, attorneys general, judges, chief prosecutors, auditors general, leading legal scholars, practitioners, experts and all stakeholders must continue the dialogue on the environmental rule of law in order to increase both cooperation and the broad ownership of environmental rule of law measures.

11. The global community must move forward in making the environmental rule of law a reality for all by realizing its intrinsic value for environmental justice and sustainable development. It must work towards eliminating financial and other barriers obstructing access to justice in environmental matters. Investment in environmental legislation and support for legislators should be increased. The United Nations Environment Assembly, UNEP and its partners all have a critical role to play.