

M165

Courts and access to justice

ALARMED that four billion people on Earth live beyond the protection of the rule of law and have no access to justice to protect their environmental rights (UNDP, "Making the Law for Everyone", 2008);

RECOGNIZING that access to justice is a fundamental principle of law, enshrined in Principle 10 of the 1992 *Rio Declaration on Environment and Development*;

AWARE that States provide access to justice through their judiciary and that the courts are fundamental to ensuring the rule of law and for the realization of rights to sustainable development and environmental conservation;

NOTING that many States have codified this right of access to justice through their national Constitutions or through adhering to the 1998 Aarhus Convention on Access to Information, Public Participation in Environmental Decision-making and Access to Justice in Environmental Matters;

WELCOMING the decisions of authorities in Australia, Brazil, China, India, Kenya, the Philippines and 50 other nations to establish more than 400 new environmental courts and tribunals, dedicated to ensuring access to justice and judicial decisions that enforce laws on nature conservation and protection of the environment;

GRATEFUL to the symposia and consultations conducted by the IUCN Commission on Environmental Law (CEL), many IUCN Members, and the United Nations Environment Programme (UNEP) over the past 15 years to build consensus at the national level to expand the judicial capacity regarding environmental laws;

CONCERNED that ensuring access to justice through these many new courts and tribunals, as well as through the environmental chambers within courts of general jurisdiction, necessitates measures that strengthen judicial capacity through exchanging best judicial practices among their judges and court administrators; and

TROUBLED that today there exists no international agency, institution or programme to provide on-going capacity building that sustains and enhances the capacity of courts to provide access to justice for environmental matters;

The World Conservation Congress, at its session in Jeju, Republic of Korea, 6–15 September 2012:

1. CALLS UPON the IUCN Commission on Environmental Law (CEL) to continue its leadership, in cooperation with appropriate national and international authorities, to build the capacity of courts for environmental adjudication;
2. INVITES all IUCN Members to collaborate with CEL in undertaking appropriate measures to strengthen the best judicial practices in existing courts and tribunals and in any established in the future; and
3. CALLS UPON States to establish an autonomous international judicial institute on the environment, in partnership with national judicial institutes and other court administrative authorities, in order to sustain and enhance the capacity of the judiciary with respect to access to justice in environmental matters.

Sponsor:

Center for Environmental Legal Studies, Pace Law School

Co-sponsors:

Asia-Pacific Centre for Environmental Law

Centre International de Droit Comparé de l'Environnement

Ecological Society of the Philippines

Environmental Law Institute

Instituto de Derecho y Economía Ambiental

Sierra Club, USA

Société française pour le droit de l'environnement, France