

Rio+20 Declaration on Justice, Governance and Law for Environmental Sustainability

*We, the Chief Justices, Heads of Jurisdiction, Attorneys General, Auditors General, Chief Prosecutors, and other high-ranking representatives of the judicial, legal and auditing professions gathered here in Rio de Janeiro, Brazil, from 17 – 20 June 2012 for the World Congress on Justice, Governance and Law for Environmental Sustainability;*¹

Expressing our concern for the continuing and unprecedented degradation of the natural environment which adversely impacts on achieving the goal of sustainable development and therefore the prosperity of present and future generations;

Noting the observations recorded in the Global Environmental Outlook 5 concerning the extent of environmental degradation in each of the world regions;

Recalling the principles enshrined in the 1972 Stockholm Declaration on the Human Environment and in the 1992 Rio Declaration on Environment and Development, as well as Agenda 21;

Recognizing the important contribution made by the legal and auditing community worldwide to the enforcement of standards and safeguards for environmental sustainability, and noting that the Judiciary in particular, has been the guarantor of the rule of law in the field of the environment worldwide and that judicial independence is indispensable for the dispensation of environmental justice;

Recalling the importance of the first Global Judges Symposium convened by the United Nations Environment Programme (UNEP) in 2002, in conjunction with the World Summit on Sustainable Development in Johannesburg, South Africa, and noting that since then, the importance of the Judiciary in environmental matters has further increased and resulted in a rich corpus of decisions as well as in the creation of a considerable number of specialized courts and green benches, and a lasting effect on improving social justice, environmental governance and the further development of environmental law, especially in developing countries;

Emphasizing the importance of societies based on the rule of law and standards of transparency and accountability;

Affirming the Kuala Lumpur and the Buenos Aires statements from the two preparatory meetings of Chief Justices, Heads of Jurisdiction, Attorneys General, Auditors General and other high-ranking representatives of the legal and auditing professions for this Congress, held in Kuala Lumpur, Malaysia, from 12-13 October 2011, and Buenos Aires, Argentina, from 23-24 April, respectively;

Mindful of the historic opportunity for the legal and auditing communities to express themselves on advancing justice, governance and law for environmental sustainability provided by the proximity of the World Congress with the United Nations Conference on Sustainable Development 2012 (Rio+20);

Appreciating the important role played by UNEP and its partner organizations and co-hosts² in the convening of this Congress,

¹ This declaration attempts to capture the wide range of views of participants at the World Congress on Justice, Governance and Law for Environmental Sustainability. It does not represent a formally negotiated outcome nor does it necessarily capture all individual views or represent country or institutional positions, or consensus on all issues.

² The World Congress on Justice, Governance and Law for Environmental Sustainability was co-hosted by: Association of Magistrates and Judges in the State of Rio de Janeiro (Associação dos Magistrados do Estado do Rio de Janeiro - AMAERJ); Fundação Getúlio Vargas; and Ministério Público do Estado do Rio de Janeiro. It was organized with the following partners: Asian Development Bank (ADB); Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); International Criminal Police Organization (Interpol); International Organization of Supreme Audit Institutions – Working Group on Environmental Auditing (INTOSAI - WGEA); Organization of American States (OAS); South Pacific Regional Environment Program (SPREP); World Bank; International Network for Environmental Compliance and Enforcement (INECE); Environmental Law Commission of the International Union for the Conservation of Nature (IUCN); and Law for a Green Planet Institute.

Declare that:

I. Messages to Heads of State and Government, other high-level representatives, and the world community at large

Without adherence to the rule of law, without open, just and dependable legal orders the outcomes of Rio+20 will remain unimplemented.

An independent Judiciary and judicial process is vital for the implementation, development and enforcement of environmental law, and members of the Judiciary, as well as those contributing to the judicial process at the national, regional and global levels, are crucial partners for promoting compliance with, and the implementation and enforcement of, international and national environmental law.

Environmental law is essential for the protection of natural resources and ecosystems and reflects our best hope for the future of our planet.

Environmental litigation often transcends national jurisdictions. We need more effective national and international dispute settlement systems for resolving conflicts.

Environmental sustainability cannot be achieved without good quality data, monitoring, auditing and accounting for performance.

Environmental and sustainability auditing ensures transparency, access to information, accountability, and efficient use of public finances, while protecting the environment for future generations.

Judges, public prosecutors and auditors have the responsibility to emphasize the necessity of law to achieve sustainable development and can help make institutions effective.

Scientific information and knowledge is a central foundation of effective compliance with and enforcement of environmental obligations.

States should cooperate to build and support the capacity of courts and tribunals as well as prosecutors, auditors and other related stakeholders at national, sub-regional and regional levels to implement environmental law, and to facilitate exchanges of best practices in order to achieve environmental sustainability by encouraging relevant institutions, such as judicial institutes, to provide continued education.

The existing international governance institutions to protect the global environment should be strengthened. We must create modern institutional structures capable of building networks and improved sharing of decision-making. There is an urgent need to give consideration to transforming UNEP to effectively lead and advance the global policy and law-making agenda for the environment within the framework of sustainable development.

II. Principles for the Advancement of Justice, Governance and Law for Environmental Sustainability

Meeting environmental objectives is part of a dynamic and integrated process in which economic, social and environmental objectives are closely intertwined.

We recognize that environmental laws and policies adopted to achieve these objectives should be non-regressive.

Environmental sustainability can only be achieved in the context of fair, effective and transparent national governance arrangements and rule of law, predicated on:

- (a) fair, clear and implementable environmental laws;
- (b) public participation in decision-making, and access to justice and information, in accordance with Principle 10 of the Rio Declaration, including exploring the potential value of borrowing provisions from the Aarhus Convention in this regard;

- (c) accountability and integrity of institutions and decision-makers, including through the active engagement of environmental auditing and enforcement;
- (d) clear and coordinated mandates and roles;
- (e) accessible, fair, impartial, timely and responsive dispute resolution mechanisms, including developing specialized expertise in environmental adjudication, and innovative environmental procedures and remedies;
- (f) recognition of the relationship between human rights and the environment; and
- (g) specific criteria for the interpretation of environmental law.

Environmental sustainability can only be achieved if there exist effective legal regimes, coupled with effective implementation and accessible legal procedures, including on *locus standi* and collective access to justice, and a supporting legal and institutional framework and applicable principles from all world legal traditions.

Justice, including participatory decision-making and the protection of vulnerable groups from disproportionate negative environmental impacts must be seen as an intrinsic element of environmental sustainability.

Only through the active engagement of all parts of society, especially national and sub-national institutions and officials responsible for addressing justice, governance and law issues, including judges, prosecutors, auditing institutions and other key functionaries, can meaningful progress be achieved that is sustained and responsive to the needs of the peoples of the world and protective of human rights.

III. Institutional Framework for the Advancement of Justice, Governance and Law for Environmental Sustainability in the 21st Century

With UNEPs leadership, an international institutional network should be established, with the engagement of the World Congress partners and other relevant organizations, and under the guidance of selected Chief Justices, Heads of Jurisdiction, Attorneys General, Chief Prosecutors, Auditors General, eminent legal scholars and other eminent members of the law and enforcement community.

This international institutional network may promote the achievement of:

- (a) continued engagement of Chief Justices, Attorneys General, Heads of Jurisdiction, Chief Prosecutors and Auditors General, the institutions they represent and other components of the legal and enforcement chain, including through networks at the international and regional levels;
- (b) quality information and data exchange and discussion among the legal and auditing communities at large;
- (c) continued development and implementation of environmental law at all levels, and encouraging the further expansion of environmental jurisprudence;
- (d) improved education, capacity building, technology transfer and technical assistance, including with the aim of strengthening effective national environmental governance; and
- (e) adequate engagement by respective national governments for the set objectives.

UNEP may contribute to ensure necessary funding for capacity building and information exchange for strengthened capacities.

Rio de Janeiro, Brazil, 20 June 2012