

## **IUCN Commission on Environmental Law (CEL)**

### **Report of Specialist Group on the Judiciary October 2003**

1. The Specialist Group (SG) on the Judiciary was only recently formed. Its formation was seen as a logical consequence of the work of the CEL in the promotion of judicial capacity building. Acknowledging the critical role of judges in the development of Environmental Law, and in particular its enforcement, the IUCN (through the programme of the Environmental Law Centre (ELC)) and the CEL, began to involve itself in activities to support and enhance programmes aimed at members of the judiciary worldwide. At the same time, the IUCN contributed significantly to the judicial capacity building activities of UNEP.
2. In October 2002 the CEL organized a highly successful symposium in London (for Western European judges). The Lord Chief Justice of England and Wales, Lord Woolf, chaired this event. The meeting agreed to establish a European Judicial Forum to promote Environmental Law among judges. It issued a significant communication, the London Bridge Statement. This sought to promote the outcomes of the meeting, including the European Forum and the development of the IUCN/UNEP Judicial Portal, which had been launched by me in August 2002 at the Global Judges Symposium in Johannesburg. The ELC has been intimately involved in the ongoing administration of the Portal and its development.
3. The CEL again contributed significantly to a conference in Kuwait at the end of October 2002. This was a meeting of some 50 judges from the Arab region.
4. 2003 has seen the quickening of activity with the CEL's major contribution to the Rome symposium in May. At this meeting the opportunity was taken to convene a meeting of judges and others interested in joining the SG. Useful discussions took place as to potential for the Specialist Group. Later in May the CEL was again instrumental in assisting in the organization of a regional judges' seminar in Lviv, Ukraine. This was for judges of Eastern, Central Europe and the Caucasus. These two meetings were very successful and productive in a number of ways. They have pointed the way for Environmental Law capacity building for judicial officers at a regional and national level.
5. A number of prominent judges have expressed a willingness to serve on the SG. They include:

Justice Adel Omar Sherif, Deputy Chief Justice of Egypt

Justice Vladimir Passos de Freitas, President of a Federal Appeals Court in Brazil

Justice Amedeo Postiglione, Judge of the Constitutional Court of Italy

Justice Lado Chanturia, Chief Justice of Georgia

6. Other judges, representative of the regions of the world, will be approached to join the SG and contribute to its work. The objective is to have a relatively small core group of judges and others who will be in a position to help promote and assist the CEL's objectives and work as it relates to the judiciary.

### **Issues for the Judiciary Specialist Group**

7. The Specialist Group hopes to meet as soon as practical in order to plan specific ways and means to promote the role of the judiciary in Environmental Law and Sustainable Development. We believe that it will be possible to deliver some concrete and achievable proposals in order to enhance judicial education and training programmes.
8. The Group will also address the basis on which the IUCN/CEL can become involved in partnerships and joint ventures directed towards the judiciary.
9. Further, the SG will devise means to enhance the effective coverage and spread of the Judicial Portal. In particular, it will consider the language issue and the uploading of sufficient environment related judgments to form a viable and attractive database for judges to access.
10. Also important is the SG's relationship to other Specialist Groups of the CEL, e.g. the recently formed Compliance and Enforcement Group.
11. The SG will also address and determine the basis upon which it will invite membership.
12. It should be possible to convene a meeting of the Specialist Group in Shanghai in November to further plan the work of the Group.

This is only the start of the work of the SG but we look forward to facing the exciting challenges ahead in a creative and innovative way.

The Hon Justice Paul Stein AM  
Sydney Australia  
October 2003