

Aug 25/2002

DURBAN STATEMENT

The ENVIROLAW 2002 Recommendations

The EnviroLaw 2002 Conference in Durban, South Africa, held from August 22 – 25, 2002,

in the context of the upcoming 2002 World Summit on Sustainable Development (WSSD) in Johannesburg, South Africa;

willing to develop legal approaches for environmental and broader sustainable development challenges;

drawing on the principles set out in the 1992 Rio Declaration and legal tasks and principles by Agenda 21;

Taking note of the New Delhi 2002 Declaration of International Law for Sustainable Development by the International Law Association;

Taking note of the Conference Statement of the Sixth International Network for Environmental Compliance and Enforcement Conference 2002 in San Jose, Costa Rica;

Taking note of the Sustainable Justice 2002 Conference in Montreal, Canada, our partner event hosted by the Centre for Sustainable Development Law, the World Bank and the UNEP, and the resulting 2002 International Jurists Mandate for the Implementation of International Sustainable Development Law;

Taking note of the other WSSD 2002 Justice Week events, in particular the UNEP Global Judges Symposium in Johannesburg and the IUCN Environmental Law Foundations for Sustainable Development Conference in Pietermaritzburg;

HEREBY RECOMMENDS THAT:

1. EnviroLaw 2002, with partners (including those partners hosting the abovementioned events), should develop and promote the use of indicators and an Environmental Law Enforcement Index, such as that recommended by the Government of the Netherlands and others, which can provide a component for further cooperation with partners to develop a future Sustainable Development Law Enforcement Index.
2. EnviroLaw 2002, with partners and existing networks, should undertake a focused capacity building initiative in effective domestic development, enforcement and monitoring of environmental law, and further sustainable development law. This

- initiative should train legal professionals, negotiators, investigators, compliance officials, mediators, legislators, executives, civil society including community-based groups and academia, and the media, and can develop an initial focus in the Southern African Development Community. It should also focus on domestic implementation and enforcement of international agreements in the field of sustainable development, particularly concerning violations of domestic laws that are transnational in nature.
3. EnviroLaw 2002, with partners, should undertake projects to raise awareness of domestic, regional and international environmental law and governance, and further advance international law in the field of sustainable development. These initiatives should focus in particular on citizen access to justice; effective remedies and enforcement; citizen environmental, social and economic rights; and sustainable development policy-making; in the domestic context of developing countries. In addition to governmental officials, the projects should involve the broader public, law firms and other private sector actors, labour organisations, civil society, in particular NGOs and academia, regional and international networks and the media.
 4. EnviroLaw 2002, with partners, should undertake a regional cooperation initiative in southern Africa to encourage greater participation, implementation and enforcement of domestic environmental law, including laws that implement international agreements, and to strengthen the progressive development and codification of environmental law and governance and other law in the field of sustainable development.

EnviroLaw 2002 invites all conference delegates to participate in follow-up activities that result from the Conference, which will be coordinated by EnviroLaw.

RECOMMENDATIONS FOR THE 2002 WSSD AND THE LEGAL COMMUNITY AS A WHOLE:

5. The EnviroLaw 2002 Conference recommends to the WSSD that the United Nations system further strengthen working relations with the non-governmental sector, i.e. NGOs, firms, and other stakeholders. The partnerships demonstrated by the UN and its agencies, in particular UNEP, in the series of international legal events leading to the WSSD provide excellent examples of best practices.
6. Appreciating the linkages between poverty, human rights and the environment, the EnviroLaw 2002 Conference recommends to the WSSD that further study of the rights based approach to sustainable development at the domestic level should be undertaken, informed by recent South African constitutional and judicial experience.