

IUCN - The World Conservation Union

IUCN CEL Judiciary Specialist Group

REPORT ON BANGKOK AND KATHMANDU JUNE 2004

The Chair of the IUCN CEL Specialist Group on the Judiciary, Justice Paul Stein attended a Regional Workshop on the Role of the Judiciary in Promoting Sustainable Development in Bangkok, Thailand in late June 2004. The Symposium was organised by the World Bank Institute with the cooperation of UNESCAP, UNEP and the IUCN.

Those attending included Judges, academics, environmental agency and civil society representatives from Thailand, Japan, China, The Philippines, Indonesia and Vietnam. Justice Stein delivered the Keynote Address on the Role of the Judiciary in Sustainable Development ---- progress, obstacles and current initiatives.

Paul Stein spoke about the critical importance of Environmental Law and Sustainable Development, its implementation, enforcement and development. In particular, he stressed the intimate connection between the content of environmental law and the alleviation of poverty and the upholding of human dignity. He referred to the high obligation on Judges to contribute to the law's enforcement and development and to help close the widening gap between rich and poor competing for basic natural resources such as water and energy. Sustainable Development had to take place in harmony with the environment and ought not be permitted to be hijacked by economic interests.

The symposium usefully concentrated on case studies presented by the countries represented and sought to develop principles to enhance the role of the judiciary in promoting environmental law and sustainable development.

From Bangkok Justice Stein proceeded to Kathmandu in Nepal for the South Asian Interaction on Environmental Justice and Equity. This event was organised by the Nepal Forum for Justice in cooperation with the Supreme Court of Nepal.

The symposium was attended by Judges from Nepal, Pakistan, Sri Lanka, Bangladesh and India. Lasting five days the Forum considered in depth many subjects pertaining to environmental justice. Resource persons came from India, Australia, USA and the UNEP.

Justice Stein presented a paper on Specialist Environmental Courts --- are there lessons for developing countries?

At the close of proceedings the assembled judges issued the Kathmandu Declaration that resolved, inter alia, to form a South Asian Judicial Commission comprising judges and jurists from the region to assist in promoting environmental justice and to evolve mechanisms for environmental dispute resolution. They further resolved to improve the capacity of all of those involved in upholding environmental law, not just judges.

The creation of this entity mirrors similar judicial groupings recently formed in Southern Africa and Western Europe.

PAUL STEIN

Chair

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