

KATHMANDU DECLARATION

WHEREAS during the last decade there has been a global awareness and interest in the importance of indigenous herbs and other flora and fauna, which has led to various forms of exploitation of this heritage belonging to the developing nations.

WHEREAS also noting that the South Asian Region has become a target of an international trade in toxics and hazardous waste, materials and technologies, which impacts the people and the environment of the land, and specially that of the poor.

WHEREAS having firm belief in the cultural and natural heritage of the people of South Asia and the development in the protection of biodiversity and associated knowledge for the use and benefit of future generations. Also having greater confidence in the superior judiciary of the South Asian Countries in protecting the environment and biodiversity, common peoples right of access to justice, declaring environmental rights as fundamental rights, enforcing precautionary principle, polluter pays principle, applying principles of sustainable development, the doctrine of public trust and guardianship and affirming respect for international conventions treaties and legal instruments.

WHEREAS we emphasize our commitment to the Universal Declaration of Human Rights and the UN Human Rights Conventions and Multilateral Environmental Agreements and recognize their close connection with sustainable development and upholding environmental justice and the Rule of Law and emphasizing the critical connection between poverty, human rights and the environment.

WHEREAS during the deliberations the participants of the South Asian countries who have attended the conference on Environmental Justice and Equity from June 21-25, 2004, organized by Forum for Justice in cooperation of the Supreme Court of Nepal, have observed with grave concern damage done to the people, environment, biodiversity and intellectual property rights relating to their region and that the disputes and issues in this context are usually unattended to the serious prejudice of the common men and women of this area, and therefore necessity has been felt for the constitution of a commission for this purpose.

We resolve that a South Asian Judicial Commission comprising of the Judges and Jurists, aided and assisted by civil society, of the South Asian Countries namely Bangladesh, India, Nepal, Pakistan and Sri Lanka be set up for the promotion of environmental justice and evolve mechanisms for resolution of disputes and issues relating to regional interests including particularly matters of environment, bio diversity and intellectual property rights.

We also resolve to improve the capacity of those involved in the process of upholding environmental justice, such as judges, prosecutors, law officers and public interest lawyers to carry out their functions on a well informed basis, equipped with all the necessary skills, information and materials.

We further resolve that Forum for Justice should serve as the initial secretariat until the establishment of the South Asian Judicial Commission.