

EU Forum of Judges for the Environment established

On 28 February last, the “EU Forum of Judges for the Environment - Forum de l'UE des juges pour l'environnement” was established. It is an international non-profit association according to Belgian law. The initiators are Guy Canivet, First President of the Supreme Court (France), Amedeo Postiglione, Justice at the Supreme Court (Italy), Lord Justice Robert Carnwath, Royal Courts of Justice (London), and Luc Lavrysen, Judge at the Court of Arbitration (Brussels).

The Forum will be officially presented on 26 April next at the Court of Justice in Luxembourg. Thanks to the support of European Commissioner Margot Wallström and the Directorate-General for the Environment of the European Commission, some 50 judges and observers from the 15 current and 10 acceding Member States of the European Union could be invited. In addition, judges from the European Court of Justice, the European Court of Human Rights and from a few candidate Member States (Bulgaria, Romania, Turkey) were invited to attend the first general meeting.

Presentation

Objective

The objective of the Forum is to promote the enforcement of national, European and international environmental law in a perspective of sustainable development. The aim of the Forum is in particular to exchange experiences in the area of training for magistrates in environmental law, contribute to a better knowledge of environmental law, share experiences with environmental case law and contribute to a more effective enforcement of environmental law. To this end, a newsletter and a database for environmental case law will be instituted. Each year, a colloquium will be held.

Membership

Every judge in the European Union and the European Free Trade Association with a special interest in environmental law can become a member of the Forum. Judges from countries that have applied for membership of the European Union may be admitted as observers. Representatives of the United Nations Environment Programme (UNEP), the European Commission and the Council of Europe may attend the meetings as observers.

Board of Governors and General Assembly

The Forum is governed by a Board of Governors composed of six judges from different countries. The General Assembly consists of an active member and a substitute member from

each Member State. The first General Assembly and the first Board of Governors will be elected on 26 April.

Work programme

The work programme for the coming year will also be presented on 26 April. Focus will be primarily on training and specialization of judges in environmental law in the different countries of the European Union.

Background

Global Judges Symposium on Sustainable Development and the Role of Law

The initiative is in keeping with a worldwide initiative that was taken by the United Nations Environmental Programme (UNEP). From 18 to 20 August 2002, under the chairmanship of Arthur Chaskalson, Chief Justice of South Africa, the Global Judges Symposium on Sustainable Development and the Role of Law was organized in Johannesburg in preparation for the World Summit on Sustainable Development. Delegations from 62 countries took part. The main outcome was the approval of the “Johannesburg Principles on the Role of Law and Sustainable Development”. In that declaration, representatives of the judiciary underwrote the position that an independent judiciary and a proper administration of justice is an essential prerequisite for the implementation, development and enforcement of environmental law. Furthermore, public participation in environmental policy, international cooperation and training in environmental law need to be strengthened and improved.

[Read more on this at <http://www.unep.org/dpdl/symposium/Principles.htm>]

Judges Ad Hoc Planning Meeting for the Development of a Plan of Work as a follow-up to the Global Judges Symposium

As a follow-up to the Symposium, UNEP on 30-31 January 2003 organized a Judges Ad Hoc Planning Meeting in Nairobi with a view to working out a detailed work plan for the coming 3 to 5 years to implement the Johannesburg Principles. The Planning Meeting was convened on the eve of the UNEP Governing Council 2003. At that meeting, the UNEP programmes being developed for capacity building in environmental law for judges, public prosecutors and other legal professions were given full support. The judiciary declared itself willing to take part in that work programme. UNEP has been asked to draw up a survey of capacity building needs in the developing countries and the countries with transitional economies. The view was held that all available institutions at the national, subregional and regional levels need to be involved, and that duplication of work should be avoided. An Ad Hoc Advisory Group of Judges, representative of the different regions and legal systems, was set up to advise UNEP on the further development of the work programme.

[Read more on this at <http://www.unep.org/dpdl/symposium/Default.htm>]

Regional Judges Conferences

In the meantime, Regional Judges Conferences on environmental law have been organized in several regions of the world. In Western Europe, conferences were held in London on 14 October 2002 and in Rome on 12 May 2003. At the conference in Rome, the idea was suggested of setting up a more permanent structure. The Forum is the result of this.

[Read more on this at <http://www.iucn.org/themes/law/dev09.html>