

In collaboration with: **State Judicial Administration of Ukraine and
Judicial Academy of Ukraine**

**First Symposium on Environmental Law for Judges of Central/Eastern Europe,
Caucasus and Central Asia**

**‘The Role of the Judiciary in Enforcement and Implementation of
Environmental Law: A Regional Needs Assessment’**

House of Scientists, Lviv 16 – 17 May 2003

‘Lviv Statement’

From 16 – 17 May 2003, 15 Chief Justices and senior judges from Supreme and Constitutional Courts from 11 countries of Central/Eastern Europe, Caucasus and Central Asia (the EECCA Region) met with judges and experts from across the globe to advance the implementation of the World Summit on Sustainable Development (WSSD) Johannesburg Plan of Implementation, insofar as it relates to the role of the judiciary in achieving sustainable development and the UNEP Global Judges Symposium, and to carry out a regionally based needs assessment to guide future regional and national programmes for capacity building initiatives.

The Lviv Symposium noted:

1. The large number of countries (ten) from the EECCA Region who have ratified the UNECE Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters (‘the Aarhus Convention’) and the future role of the courts in its effective implementation.
2. Judgements made by courts from the EECCA Region and from other courts across the globe on environmental laws, the role of the courts in the effective implementation and enforcement of environmental laws, and the future needs of the EECCA Region.
3. The variety of Constitutional and legislative provisions within the EECCA Region concerning the environment, including those dealing with environmental rights and access to justice, as well as related international instruments.
4. Outcomes of the Global Judges’ Symposium on the Role of Law and Sustainable Development, convened by the UNEP in Johannesburg, South Africa on 18-20 August 2002 as a parallel event to the WSSD and Decision 22/17(II)A of the Governing Council of UNEP, which called on the Executive Director of UNEP, in partnership with IUCN and other competent organisations, to implement the outcome of the Global Judges’ Symposium in regard to capacity building of judges and other legal stakeholders in the field of environmental law, within the framework of the UNEP Montevideo Programme III.
5. The ‘Rome Statement’ agreed by acclamation at the Symposium on Environmental Law for Judges on May 9-10 2003 and the ‘London Bridge Statement’ agreed by acclamation at the Symposium on Environmental Law for Western European Judges, held in London on October 10-11 2002.

The Lviv Symposium agreed by acclamation to:

1. Recognise the importance of judicial independence to strengthen the rule of law in the EECCA Region for the effective implementation, development and enforcement of environmental law, and the critical role played by the judicial system in this task.
2. Acknowledge the importance of having effective means to access the courts and the critical role of citizens and their organisations in taking initiatives to bring environmental issues before the courts.
3. Endorse the need to draw upon the experiences of courts and competent organisations, including the sponsors of the Lviv Symposium, to co-operate with the judiciary from the EECCA Region at all levels to enhance knowledge and skills in environmental law in the context of sustainable development.
4. Invite IUCN, UNEP and Ecopravo-Lviv to continue to collaborate with judges from the EECCA Region in order to facilitate co-ordination of future work with judges from the region with broader global and pan European initiatives.
5. Encourage judges from across the EECCA Region to actively participate in the UNEP/IUCN Judicial Portal and to request that it be made available in additional languages.
6. Identify the need to follow up on this Lviv Symposium with a series of focused capacity building activities addressing a number of specific issues, including:
 - the ability of citizens and their organisations to access the courts to further enhance the effective implementation, compliance with, and enforcement of, environmental laws, with a particular focus on the implementation of the Aarhus Convention;
 - access to comparative materials on the decisions and the practice of other courts, including specialist environmental courts, available in the languages of the region;
 - training on the electronic exchange of information through the use of the UNEP/IUCN Judicial Portal;
 - training for judges in dealing with environmental cases, including training on how to consider environmental scientific evidence.
7. Further identify the need for financial and other support for:
 - lawyers to assist citizens and their organisations to apply to the courts to defend environmental rights;
 - education and training for citizens in environmental rights;
 - translation into national languages of international instruments, and publication in print and on the Internet.
8. Explore the value of establishing a regional judicial forum for the EECCA Region to progress the outcomes of this Lviv Symposium and to also explore the value of undertaking pan European initiatives.
9. Call on UNEP, IUCN, Ecopravo-Lviv and other organisations to assist in developing and implementing judicial capacity building activities for the EECCA Region in the field of environmental law at the regional and national level based on an assessment of the needs of the judiciary.
10. Request the Executive Director of UNEP and the Director General of the IUCN to present this 'Lviv Statement' to the Fifth Ministerial Conference 'Environment for Europe' to be held in Kiev, Ukraine on 21-23 May 2003.
11. Extend a vote of thanks to Ecopravo-Lviv for organising the Lviv Symposium, which was organised at an extremely high level, to each of the cosponsors and to the State Judicial Administration of Ukraine and the Judicial Academy of Ukraine for their co-operation and hospitality in supporting this most successful event.