

ICEF

International Court of the Environment Foundation

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Global Environmental Governance
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Final Recommendations

The ICEF International Conference on *Global Environmental Governance*, assembled in Rome at the Italian Ministry of Foreign Affairs, on 20-21 May 2010,

Deeply concerned that human activity has caused irreparable damage to the environment of the Earth,

Anticipating the work of the United Nations General Assembly's Preparatory Committee for the United Nations "*Rio plus 20*" conference on environment to be held in 2012,

Aware that the Governing Council of the United Nations Environment Programme (UNEP) is undertaking an assessment of measures needed to enhance international environmental governance (IEG) in the short-term and the long-term,

Appreciative of the extensive analyses of the International Court of the Environment Foundation, over two decades, regarding the measures needed for States to resolve environmental disputes transnationally and globally,

Concurring with the proposals made by many States, in particular by the Republic of France, that a new architecture for international environmental governance may be today required to more effectively address the Earth's growing environmental crises and overcome the fragmentation and sectoralism that characterizes environmental law,

Considering the positive role that religions can serve in encouraging stewardship of life on Earth, as for instance in the Encyclical of Pope Benedict XVI, *Caritas in Veritate* (2009), which concerns the need for a "world political authority" capable of assisting States to protect the environment as an integral part of sustainable development, and capable of providing international solidarity for attaining the ethical objectives of preventing and remedying environmental damage,

Grateful for the many national and regional measures in providing legal foundations for environmental stewardship, including ensuring the access to justice and environmental information and participation in environmental decision-making, and implementing the other principles of the 1992 Rio Declaration on Environment and Development,

Recognizing that environmental governance is achieved through institutions and mechanisms for protecting the environment and resolving disputes concerning the environment, with a scope that includes all human activities capable of affecting the environment,

Understanding that environmental governance must keep in mind criteria for openness, participation, accountability, effectiveness, coherence, proportionality and subsidiarity, as expressed by the European Union for good governance, and also environment ethical principles as expressed in the Earth Charter, endorsed by UNESCO and The International Union for the Conservation of Nature and Natural Resources (IUCN),

Acknowledging science as the first pillar of environmental governance, accompanied by ethical, religious and cultural values, applied through civil society and governmental and nongovernmental institutions,

Convinced of the need to preserve and strengthen the link between Human Rights in general and the Human Right to the environment in particular,
Recalling the recommendations of the Global Symposium of Judges convened by the United Nations Environment Programme in 2002 at Johannesburg, and of the other regional judicial symposia convened by UNEP and IUCN Commission on Environmental Law,

Appreciating the experience of the International Court of Justice, the Permanent Court of Arbitration and the International Tribunal of the Law of the Sea, and also the Court of Justice of the European Communities, in securing observance of environmental law and enforcing international environmental law,

Conscious of the establishment of national judicial innovations around the world, such as the *Writ of Kalikason* (Writ of Nature) by the Supreme Court of the Philippines, the recent establishment of 12 provincial environmental courts in China and establishment of four federal courts in the Amazon of Brazil, the Parliamentary adoption of the Green Courts legislation in India, and the functioning of more than 350 environmental courts and tribunals around the world, all of which substantially enhance environmental access to justice,

Recognizing that, notwithstanding the enhancement of national environmental legislation, international agreements at regional and global levels, and the new judicial capabilities, scientific reports indicate the environmental deterioration continues to become worse across all regions of the Earth,

Alarmed that as our Conference deliberates, the world experiences its worst oil spill, in the Gulf of Mexico, underscoring the urgent need for States to fill the remaining gaps in international environmental marine protection law,

Troubled that the effects of global climate change, sea level rise and land degradation will exacerbate all these negative environmental trends, and cause the migration of peoples and produce ecological refugees, whose Human Rights will be at risk,

Grateful to the Italian authorities and international organizations that have sponsored and sustained the deliberations of this ICEF Conference to explore how to strengthen environmental governance,

Now therefore the Conference:

- 1) *Expresses profound thanks* for the Patronage of the Presidency of the Italian Republic, the Italian Presidency of the Council of Ministers, the Minister of Foreign Affairs, the

Minister of the Environment, Land and Sea, and the scientific cooperation of UNEP, IUCN Commission on Environmental Law, the Biopolitics International Organization, the European Forum of Judges on the Environment, and other organizations and institutions for their support of this ICEF International Conference, and

- 2) **Reaffirms** the obligation of all States to observe the international general principles of environmental law, the duties contained in the multilateral environmental agreements and regional environmental agreements, and to foster the progressive development of environmental law and recognize that any regression is incompatible with both Human Rights law and environmental law, and
- 3) **Supports** the establishment of national and subnational environmental courts, chambers within courts, and specialized tribunals and welcomes the proposals of the IUCN Commission on Environmental Law, in conjunction with the Judicial Institute of the State of New York and Pace University School of Law, to launch an International Judicial Institute for Environmental Courts and Tribunals, in cooperation with the United Nations, for the comparative exchange of environmental judicial practices and with a view toward building the capacity of judicial practices and strengthening the rule of law, and
- 4) **Urges** the enhancement of regional environmental governance, such as the environmental legal systems for the Black Sea or the Mediterranean Sea, the Alpine or Carpathian mountain regions, or the Danube or Rhine and other international rivers, as well as the establishment of new regional environmental regimes as necessary in the Arctic, the Himalayas, the Balkans, the Caucuses, and in other transnational settings, and
- 5) **Calls Upon** States to cooperate immediately to strengthen protection of the marine environment by strictly adhering to the Precautionary Principle in all human activity affecting the oceans, beginning with off-shore oil extraction,
- 6) **Proposes** a close collaboration with the World Health Organization in order to support strengthening all measures for public health and to reduce exposure to environmental threats, and
- 7) **Recommends** that States enhance existing facilities for global environmental governance, and negotiate earnestly to establish new international, intergovernmental environmental institutions before 2012, and
- 8) **Supports** the establishment of compliance mechanisms to encourage and sustain international cooperation and to ensure the observance, implementation and effectiveness of the undertakings by States through multilateral environmental agreements, and
- 9) **Endorses** the establishment of new judicial institutions to further access to justice and the settlement of transnational environmental disputes, emulating the success of the Court of Justice of the European Union, and in particular to create an international court for the environment, and
- 10) **Recommends** that States undertake a thorough assessment of the several proposals of the International Court of the Environment Foundation concerning strengthening international environmental governance and also to study the recommendations of the

several symposia of judges convened by UNEP and IUCN Commission on Environmental Law,

- 11) **Endorses** the strengthening of the rule of law at the international and national levels, especially through the application and enforcement of environmental law.