



# UNITED NATIONS ENVIRONMENT PROGRAMME

Programme des Nations Unies pour l'environnement

Programa de las Naciones Unidas para el Medio Ambiente

Программа Организации Объединенных Наций по окружающей среде

برنامج الأمم المتحدة للبيئة

联合国环境规划署



## HIGH-LEVEL MEETING ON THE RULE OF LAW AND THE ENVIRONMENT

UNEP, Nairobi, 17 February 2013, 9.00 – 17.00, Press Room

### *Draft Programme and Concept Note*

On the eve of a historic Governing Council for UNEP, the High Level Meeting on the Rule of Law and the Environment will bring together eminent Ministers of the Environment and government representatives with Chief Justices, Heads of Jurisdiction, Attorneys General, Auditors General, Chief Prosecutors, and other high-ranking representatives of the judicial, legal and auditing professions as well as representatives of partner organizations to discuss important recent developments and new opportunities regarding the rule of law in the field of the environment and how the rule of law can be promoted for greater effect in the quest for environmental sustainability, sustainable development and social justice.

The past forty to fifty years show that the rule of law at national and international levels can make a significant contribution toward forging an enduring partnership between the environment and development founded on ecological and social sustainability. Judging by the continuing trajectory of rapid environmental degradation and natural resource depletion, it is, however, universally recognized that its full potential has yet to be realized. Recognizing environmental law as a foundation for environmental sustainability and realizing its full potential is ever more urgent in our quest towards sustainable development and new economic growth, but also towards just and fair societies vis-à-vis growing environmental pressures.

Through the Rio+20 United Nations Conference on Sustainable Development and UNEP's World Congress on Justice, Governance and Law for Environmental Sustainability, both held in June 2012, the rule of law in environmental matters has received new affirmation. Through the World Congress, for example, over 250 of the world's Chief Justices, Attorneys General and Auditors General seized a generational opportunity to contribute to the debates on the environment and declare that any diplomatic outcomes related to the environment and sustainable development, including from Rio+20, will remain unimplemented without adherence to the rule of law, without open, just and dependable legal orders.

Similarly, the 'Future We Want', the outcome document of Rio+20, reaffirms the central role to be played by the rule of law on the path towards sustainable development and makes it a prerequisite for a successful transition to greener economies. The document also highlights the crucial role played by national judiciaries in ensuring fairness and equity in the implementation of policies to further sustainable development.

These developments are underpinned and bolstered by the recently adopted Resolution by the UN General Assembly on the Rule of Law (A/RES/67/1) which underlines the importance of fair, stable and predictable legal frameworks for generating inclusive, sustainable and equitable development and maintaining peace and security, as well as a report which will be before the UNEP Governing Council this February (UNEP/GC.27/13).

Individually and together, these important outcomes of recent international processes and developments have the potential to aid governments in making significant strides in making societies more just, enhance the rule of law and promote environmental sustainability. The High-Level Meeting will therefore look to identify the key solutions and actions needed, by a reformed UNEP and its Governing Council and the World Community at large.

It will examine and discuss the strong linkages between sustainable development and the rule of law, such as the negative effects of transnational organized crime, including environmental crime; the mutually supportive relationship between the adherence to the rule of law and the respect for all human rights, including those related to the environment; access to justice in environmental matters and new and emerging principles, such as the non-regression in environmental law; and the importance of so-called country systems and other developments at the national level to improve the effectiveness of environmental law.

## **Programme<sup>1</sup>**

09.00 - 09.30 *Welcoming Coffee/Tea*

### **09.30 - 10.00 Opening Session**

#### *Welcoming Remarks*

- Mr. Achim Steiner, Executive Director, UNEP

#### *Opening Statements*

- Statement on behalf of HE Mr. Macky Sall, President of the Republic of Senegal
- Statement on behalf of HE The Rt. Hon. Mr. Raila Odinga, Prime Minister of the Republic of Kenya

#### *Introductory Statement: The World Congress on Justice, Governance and Law for Environmental Sustainability – Outcomes and Opportunities*

- Hon. Antonio Benjamin, National High Court of Brazil (STJ)

### **10.00 - 10.30 Keynote Speeches: UNEP, Rio+20 and new perspectives for the Rule of Law in the field of the environment**

- Hon. Ricardo Lorenzetti, Chief Justice of Argentina
- Hon. Tun Arifin Zakaria, Chief Justice of Malaysia

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<sup>1</sup> Interpretation will be provided into English and French.

**10.30 - 11.30 The mutually supportive relationship between the adherence to the rule of law and the respect for all human rights, including those related to the environment**

*Introductory Statement:*

'The Environment and Law – A European Perspective'

H.E. Mr. Phil Hogan T.D., Minister for Environment, Republic of Ireland

*Moderator:*

Mr. Dan Magraw, President Emeritus and Distinguished Scholar, Center for International Environmental Law (CIEL)

*Panelists:*

- Prof. Dr. Luc Lavrysen, Judge, Constitutional Court of Belgium
- Mr. Edric Selous, Director, Rule of Law Unit, Executive Office of the Secretary General of the United Nations
- Ms. Marie-Claire Cordonier, Head, Economic Law Stream, IDLO

**11.30 – 12.30 Access to justice, public participation and information in environmental matters and new and emerging principles of environmental law**

*Moderator:*

Hon. Lord Robert Carnwath of Notting Hill C.V.O., UK Supreme Court

*Panelists:*

- Hon. Ricardo Luis Lorenzetti, Chief Justice of Argentina
- Hon. Antonio Benjamin, National High Court of Brazil (STJ)
- Hon. Pauline Nyamweya, Presiding Judge, Environment and Land Division, High Court of Kenya
- Mr. Oliver C. Ruppel, Professor of Law, University of Stellenbosch, South Africa
- Ms. Helge Zeitler, DG Environment – MEAs, Processes and Trade Issues, European Commission

12.30 - 14.00 *Lunch break*

**14.00 -15.00 Challenges to sustainable development and the rule of law**

*Moderator:*

Mr. Scott Fulton, Law Professor; Visiting Scholar, Environmental Law Institute; former Appeals Judge and US EPA General Counsel

*Panelists:*

- HE Mr. Wylbur Simuusa, Minister of Lands, Natural Resources and Energy, Republic of Zambia (tbc)
- Mr. Edward Ouko, Auditor General, Republic of Kenya
- Mr. Dirk Edward Harrison, Deputy Director of Public Prosecutions, Jamaica
- Ms. Marceil Yeater, Chief, Legal Affairs & Trade Policy Unit, Convention on Trade in Endangered Species of Wild Fauna and Flora (CITES)
- Mr. David Higgins, Manager, Environmental Crime Programme, INTERPOL

**15.00 -16.00 Improving the effectiveness of environmental law at the national level**

*Moderator:*

Mr. Cletus Springer, Director, Organization of American States (OAS)

*Panelists:*

- Mr. Vincent Kasulu, Secretary General, Ministry for Environment, Democratic Republic of Congo
- Dr. Ali Masykur Musa, Audit Board of Indonesia
- Ms. Walker Smith, Director of the Office of Global Affairs and Policy, US EPA
- Mr. Kenneth Markowitz, Managing Director, International Network for Environmental Compliance and Enforcement (INECE)
- Ms. Sheila Abed, Executive Director, IDEA

**16.00 - 17.00 Actions and Conclusions**

*Chair:*

Ms. Amina Mohamed, Deputy Executive Director, UNEP

*Moderator:*

Mr. Bakary Kante, Director, Division of Environmental Law and Conventions, UNEP

*Panelists:*

- Hon. Ricardo Luis Lorenzetti, Chief Justice of Argentina
- Hon. Tun Arifin Zakaria, Chief Justice of Malaysia
- Hon. Antonio Benjamin, National High Court of Brazil (STJ)
- Mr. Edric Selous, Director, Rule of Law Unit, Executive Office of the Secretary General of the United Nations

17.00 *Coffee/Tea*

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