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Beyond UNEP's 50th Anniversary: Attaining the SDGs

A Symposium in Conjunction with the 5th UN Environment Assembly & UNEP@50

Honoring the Memory of Prof. Charles Okidi Odidi

15 February 2022

YouTube link for the symposium: <https://youtu.be/iEQ3BUEMWEE>

Summary of the Symposium

1. Welcome: Prof. Nicholas A. Robinson, Executive Governor, International Council of Environmental Law (ICEL), **Prof. Christina Voigt**, Chair, IUCN World Commission on Environmental (WCEL) Law, **Prof. Collins Odote**, Director CASELAP and Associate Dean, Faculty of Law University of Nairobi

2. Opening Remarks: Prof. Stephen Kiama, Vice Chancellor, University of Nairobi

Bio: Professor Stephen Kiama Gitahi is the 8th Vice-Chancellor, University of Nairobi. He holds a doctorate degree in Structural Biology from the University of Bern, Switzerland under the mentorship of Professor Peter Gehr. His PhD marked a culmination of a long journey of sustained personal illumination driven by an abiding curiosity to broaden the horizons of knowledge.

Opening Remarks: Our co-organizers of this international symposium, the International Council of Environmental Law, The World Commission of Environmental Law, The Global Judicial Institute on the Environment, Excellencies, Distinguished Guests, Ladies and Gentlemen,

In ordinary times I would be welcoming you to the Meeting Halls of the University of Nairobi for this symposium. However, we live in extraordinary times, brought to us by the onset of the COVID-19 pandemic. I can, therefore, only host you virtually. The benefits of this, though, is that we are able to have you participate in this event from different corners of the world and at different time zones.

The Theme of this meeting is timely, “**Beyond UNEP's 50th Anniversary: Attaining the SDGs.**” Timely because in about two weeks, nations will assemble in Nairobi for the United Nations Environment Assembly and dedicate a special meeting to reflect on the importance of the UN Environment Programme created 50 years ago. UNEP has been a singular success at what nations have entrusted it to do. It has steered and encouraged the progressive development of environmental law at national and international levels.

The University of Nairobi has the vantage position of being the closest University physically to UNEP. As the assembly of nations reflect on the contributions of UNEP to environmental governance, we are happy

to provide space for voices of various actors to contribute to those celebrations and assessments. It is a task that links with our Mission of “providing quality university education and training and to embody the aspirations of the Kenyan people and the global community through the creation, preservation, integration, transmission and utilization of knowledge.

As a university we prioritize environmental governance and realization of the Sustainable Development Goals. Our faculty have and continue to make demonstrable contribution to resolving the intractable environmental challenges facing the world. I am glad that this symposium is held in honour of one such scholar, the late Professor Charles Okidi, fondly remembered as the father of environmental Law. Professor Okidi was instrumental in the creation and development of UNEP ‘s capacity-building efforts to establish environmental law. He also played a catalytic role in growing environmental scholarship at the University, as evidenced by the many students he taught and mentored and his founding of the Centre for Advanced Studies in Environmental Law and Policy (CASELAP), a center of excellence in multidisciplinary research in environmental governance studies at the University. It is befitting that CASELAP is co-organizing this symposium.

One year ago, UNEP published a scientific synthesis report entitled, “**Making Peace with Nature.**” That report captures the trends in loss of biodiversity, pollution and climate change. These trends reveal a degrading of the natural environment world-wide. The deterioration of environmental conditions undermines our socio-economic welfare and threatens to frustrate global efforts to attain the UN Sustainable Development Goals by their target year in 2030. The report also identifies pathways to stop the deterioration and turn it around.

This international symposium will explore opportunities to further international cooperation to advance environmental stewardship around the world. As the UN Sustainable Development Goals, especially goals 13, 14 and 15 emphasize, our nations collectively all depend on Earths’ environment for our well-being. This reality has been amplified by the COVID-19 pandemic through the demonstration of the intrinsic link between human health and ecological integrity.

This Symposium brings together the insights of scholarship in Africa, Asia, Europe and North and South America, to contribute to the concepts that can guide the next 50 years of international cooperation needed to sustain the Earth’s environment. The stakes are high. In his preface to the UNEP Report, “**Making Peace with Nature,**” UN Secretary General Antonio Guterres states, “Humanity is waging war on nature. This is senseless and suicidal. The consequences of our recklessness are already apparent in human suffering, towering economic losses and accelerating erosion of life on Earth. ... Making peace with nature is the defining task of the coming decades.”

In our universities we are conscious that the wellbeing of today’s youth and future generations depends on identifying the ways to make an effective break with the current trends of environmental decline. Our youth will learn and further develop the tools to curb global warming, sustain biodiversity, and move toward an economy that relies on recycling of materials and eliminates harmful wastes. This will not be easy, but it can be done.

UNEA and UNEP are essential to this shift to sustainability. The political declaration that will be adopted in Nairobi in the coming weeks can be the beacon to light the pathways to this many-faceted shift to sustainability. I am confident that this Symposium will contribute to the success of these UN consultations. As the UNEP report “Making Peace with Nature notes, “Everyone has a role to play in ensuring that human knowledge, ingenuity, technology and cooperation are redeployed from transforming nature to transforming humankind’s relationship with nature.”

The University of Nairobi, with Prof. Charles Okidi, has been a leader in launching the IUCN Academy of

Environmental Law, with more than 220 universities in all regions as members. Through CASELAP and the Wangari Maathai Institute, we are engaging in scholarly studies at all levels to ascertain and refine knowledge about the reforms needed to attain sustainability. This is why we are pleased to be co-sponsoring this Symposium, with the International Council of Environmental Law (ICEL) and the World Commission on Environmental Law (WCEL) of the International Union for the Conservation of Nature and Natural Resources (IUCN). We note also the sponsorship for this Symposium by the recently established Global Judicial Institute on the Environment. The courts around the world, including the Land and Environment Court of Kenya and such courts in Australia, Brazil, China, India, the United Kingdom and elsewhere, are making important contributions to securing what UNEP has championed and termed “the environmental rule of law.”

I am also grateful to UNEP, represented here by the Director of the Law Division, Professor Patricia Kameri-Mbote for not only being part of this conversation but also for the continued linkages between the academy and itself.

I look forward to an enriching discussion but also to seeing all of you at the second part of this Symposium, to be held on March 15th, when we shall assess the outcomes of the upcoming meetings and explore the agenda for further cooperation needed to ensure a sustainable future for us all. Thank You.

3. International Cooperation: Building Blocks for Attaining the SDGs

Moderator: Prof. Collins Odote, Director CASELAP and Associate Dean, Faculty of Law University of Nairobi

Bio: Prof. Collins Odote is an Associate Professor at the Faculty of Law, University of Nairobi. He is currently serving as the Associate Dean Faculty of Law and Research Director at CASELAP since July 2021. Before then he served as the Director CASELAP) from August 2019. He joined CASELAP in 2010 and contributed to its growth by developing its curricula, teaching, and supervising students, coordinating its seminars and colloquia, and establishing collaboration and partnerships. He is also an advocate of the High Court of Kenya, with a current practicing certificate and a member of the Law Society of Kenya. He is a regular presenter at the Law Society of Kenyan Continuous Legal Education seminars, focusing on environment, land, elections, and constitutional matters.

3.1 Concepts in the SDGs, Prof. Nicholas A, Robinson, Executive Governor ICEL

Bio: Professor Nicholas A. Robinson is Executive Governor of the International Council of Environmental Law. He has developed environmental law since 1969, when he was named to the Legal Advisory Committee of the President’s Council on Environmental Quality. He participated in the 1972 UN Stockholm Conference on the Human Environment and in the 1992 UN Conference on Environment Development in Ro de Janeiro. He previously served for eight years as IUCN’s Legal Advisor, and chaired the IUCN WCEL. He founded the environmental legal education programs of the Elisabeth Haub School of Law at Pace University in New York, and led the establishment of the IUCN Academy of Environmental Law.

Summary of Draft Statement: One of the hallmark successes of the past 50 years of international cooperation through the United Nations has been the work of the UN Environment Programme, and more recently deliberations of the UN Environment Assembly. As UNEP reported in its scientific synthesis Report MAKING PEACE WITH NATURE (Feb. 2021), reversing the worldwide trends in degradation of Earth’s natural environment is required if nations have any hope of attaining the agreed UN Sustainable Development Goals (SDGs). The 1972 Stockholm Declaration on the Human Environment, and the 1992 Rio de Janeiro Declaration on Environment and Development and AGENDA 21, and the

2002 Johannesburg Declaration on Sustainable Development, each progressively build the consensus for the SDGs. 2022 is our opportunity to chart the pathways to attain the SDGs, or as UN assemblies have a put it, for “the future we want.”

The building blocks for this 2022 declaration have been closely debated now for nearly 2 years. At their core is global consensus about the importance of multilateral Cooperation at all levels, globally, regionally and even locally. The cooperation among mayors of cities, as UNESCO and UNEP and UN Habitat and IUCN have documented, offer great examples of this consensus in action. Such cooperation is seen in the practice of ALL States to preserve natural areas a parks and protected areas, on land and in the oceans. States are close to protecting 30% of the planet needed for human well-being. Cooperation is in the universal duty of States to conduct environmental impact assessment (EIA), under their national legislation, and for shared resources as a customary duty of international law acknowledged by the UN International Court of Justice and in many international agreements.

UNEP has facilitated this cooperation in many ways. UNEP has been a leader in capacity-building to help States implement the UN SDGs through the Montevideo Programme [insert full title] and through sharing studies with States about “the environmental rule of law.” New institutions are emerging to continue this work, such as the Global Judicial Institute on the Environment. One significant marker of this success is the emergence of the “right to the environment” in the constitutions of most UN Member States, and in international agreements. This year the UN General Assembly will consider recognizing a Human Right to the Environment. While this progressive development of international and national environmental laws is to be celebrated, but it is not sufficient. States and international cooperation now need to cooperate as never before in order to attain the UN SDSs. The SDGs link states, which areas closely intertwined as are Earth’s natural systems. Endorsing implementation of the SFGs must be a center piece common to all the building blocks that contributes to a consensus about the political declaration of 2022.

3.2 Principles of Cooperation, Prof. Chikosa Banda, University of Malawi

Bio: Chikosa Banda is a Senior Law Lecturer and the Dean of Law at the University of Malawi and a visiting Lecturer at the University of Maryland: Francis King Carey School of Law. He is an expert in environmental law, human rights and intellectual property rights law. Chikosa Banda is a member of the International Council of Environmental Law (ICEL) and the IUCN Commission on Environmental Law. He is the representative of ICEL to the Asian African Legal Consultative Organization (AALCO). He represented the government of Malawi at the Substantive Sessions of the Adhoc Open Ended Working Group, on Environmental Law Established by the UN General Assembly 72/277.

Summary of Draft Statement: Commentators have observed that the Planet currently faces three major crises that threaten human existence. These are the climate crisis, the nature crisis and the pollution crisis. These crises are attributable to and fueled by a number of factors including “relentless and unsustainable consumption and production.” Humanity is burdening the planet beyond its carrying capacity.

Considering that the above crises are threatening the collective future of all humanity, it is imperative that human beings respond collectively to environmental damage. The repair of the earth entails collective action. Cooperative efforts must be applied towards mitigating environmental damage and restoring the planet. Mitigating environmental damage and restoring planetary environmental integrity requires the adoption of solutions that recognize the interconnectedness of the environment and environmental problems. It also requires interstate and inter-MEA cooperation.

The principle of cooperation has been described as a “cornerstone principle of environmental law” () It plays a critical role in environmental management generally and in mitigating environmental damage. Without cooperation it would be difficult to protect global public goods and manage shared resources

effectively. As the ICJ correctly observed in the Pulp Mills Case¹ it is by co-operating that the States concerned can jointly manage the risks of damage to the environment that might be created by the plans initiated by one or other of them, so as to prevent the damage in question. Similarly, the International Tribunal of the Law of the Sea in the MOX Plant Case² observed that “the duty to cooperate is a fundamental principle in the prevention of marine pollution and, in general international law.”³ The principle is reflected in many international treaties and declarations.⁴ It also finds support in State practice.⁵

Cooperation is not just a vague aspiration. Neither is it something that is merely good in the abstract. Cooperation is in fact essential for safeguarding individual state interests as well as collective (global) interests. The reason why all countries must cooperate is not simply because it is good to do so, but is because it is the only way for ensuring that the current trends are reversed and that collective interests are safeguarded. In the absence of cooperation, either by the powerful or the weak, the dream of averting a possible global catastrophe will be shattered. Moreover, environmental damage does not respect geographical boundaries. Cooperation is thus essential because it is the only way for ensuring that the interests of all nations are safeguarded. No State can opt out of cooperation. There is no country on earth that is so powerful or resourceful that it can choose not to be part of this conversation. Since we agree that opting out is not a solution the only question that now remains for States is: How do they exist together meaningfully and effectively? Cooperation provides an answer to this question. It is in fact an imperative. The nature and scale of the three environmental crises outlined above dictates that States cooperate. All States are interconnected and have a collective interest in ensuring their survival. It is, therefore, imperative that they strengthen cooperating with each other. Cooperation is not is not a sentimental matter of idealism. Rather, it is pragmatic as a tool for ensuring that mutual interests of all nations are safeguarded. Accordingly, there is a need to strengthen the principle of cooperation.

3.3 Peace with Nature, Prof. Montserrat Abad Castelos, Universidad Carlos III Madrid

Bio: Full Professor of Public International Law at University Carlos III of Madrid; Member of the CEDIH of the Spanish Red Cross (Centre for Studies of International Humanitarian Law); and Co-director of the International Secretariat of ICEL (International Council of Environmental Law).

Summary of Draft Statement: The present approach to the question of Peace with Nature, within the framework of the theme “*International Cooperation: Building Blocks for Attaining the SDGs*”, is built around three main interrelated ideas. All of them could be considered as “needs”, since they should be fulfilled in order to get the required transformation of humankind’s relationship with nature. They are the following: 1) The need to take an holistic approach to the interlinkages environment-peace; 2) The need to encourage the implementation of the SDGs transforming certain weaknesses into opportunities; and 3) The need to push forward for attaining the SDGs by breaking silos and advancing the pursuit of Environmental Peacebuilding.

First, it is decisive to use a proper comprehensive lens that allows acknowledging diverse implications of the linkages between environment and peace and harnessing their potential. Therefore, in addition to the necessity of making peace with nature, as it is specifically highlighted by UNEP in its 2021 Report along with other international actors, it is also indispensable to advance in making nature a key for peace. This latter dimension, which is multifaceted, seems underexplored so far (e.g. the rate of peace agreements that

¹ Pulp Mills on the River Uruguay (Argentina v. Uruguay), Judgment, ICJ Reports 2010, at para 77.

² Ireland v. United Kingdom, ITLOS Request for Provisional Measures, 1999, at para 82

³ Ibid

⁴ Stockholm Declaration (Principle 4), Rio Declaration (Principle 27), Convention on Biological Diversity, UN Framework Convention on Climate Change, The Paris Agreement

⁵ Phillipe Sands

include mentions to natural resources is extremely low). Second, it seems necessary to encourage the implementation of the SDGs keeping in mind not only their strengths, but also certain possible weaknesses. Indeed, despite the 2030 Agenda stating in its Preamble that “*there can be no sustainable development without peace and no peace without sustainable development*”, it does not consolidate this crucial assertion in the operational part. Besides, it mentions “*peacebuilding*” only once.

And last but not least, it is crucial to push forward for attaining the SDGs by breaking silos and advancing the pursuit of environmental peacebuilding (EP). EP is a relatively new field of practice and research that can contribute to sustainable development. In fact, there is already an emergent agenda on Environment, Peace and Security that it is waiting for being drawn up and boosted. Consequently, it would be important to adopt a thematic Resolution to mainstream this matter in the work of the UN system. This would help to build bridges for a more integrated response in this regard between UNEA, SC, the Peacebuilding Commission, and the GA at large; also, from UN to other International Organizations and beyond

3.4 Human Rights, Prof. David R. Boyd, Special Rapporteur on Human Rights and the Environment

Bio: David R. Boyd was appointed as the UN Special Rapporteur on human rights and the environment for a three-year term commencing August 1, 2018. He is an associate professor of law, policy, and sustainability at the University of British Columbia, with a joint appointment in the Institute for Resources, Environment and Sustainability and the School for Public Policy and Global Affairs.

Summary of Draft Statement: #TheTimeIsNow: the Right to a Healthy Environment. On 8 October 2021, the United Nation Human Rights Council adopted an historic resolution, recognizing for the first time at the global level that everyone, everywhere, has the right to a clean, healthy and sustainable environment. The resolution was the product of years of debates, discussions and sustained pressure from civil society across the world. The States that led the process in Geneva (Switzerland, Slovenia, Costa Rica, the Maldives, and Morocco) are now working to achieve a similar resolution at the General Assembly. These UN resolutions are not legally binding or enforceable but are intended to serve as a catalyst for action at the regional and national levels. Multiple UN agencies are preparing work plans to support the implementation of the right to a clean, healthy and sustainable environment, including UNEP, UNDP, UNICEF and more. The UN Committee on the Rights of the Child is preparing a General Comment on Child Rights, the Environment and Climate Change.

The right to a clean, healthy and sustainable environment is by no means a “new” human right. To the contrary, it is a right that is incorporated in almost all of the world’s regional human rights systems. The right to a healthy environment is in the 1981 African Charter on Human and Peoples Rights and the Maputo Protocol on the Rights of Women. The right to a healthy environment is in the 1988 Additional Protocol to the American Convention on Human Rights, known as the San Salvador Protocol. The right to a healthy environment is in the 2004 Arab Charter on Human Rights and the 2012 Association of Southeast Asian Nations Human Rights Declaration. It is a right that is found in the majority of the world’s constitutions, beginning with Portugal in 1976 and Spain in 1978. It is a right that is expressly included in environmental legislation in the majority of countries. In total, more than 155 States, 80 percent of UN Member States, already recognize this right in their domestic legal systems.

Decades of national experience with the right to a healthy environment prove that it serves as a catalyst for a number of benefits, including: stronger environmental laws and policies; improved implementation and enforcement of those laws and policies; increased levels of public participation in environmental decision-making; and reduced environmental injustices. Most importantly, recognition of the right to a healthy environment contributes to improved environmental outcomes, including cleaner air, enhanced access to safe drinking water, and reduced greenhouse gas emissions. Of particular importance are the

positive effects for vulnerable populations, including women, children, persons living in poverty, indigenous peoples and traditional communities, older persons, persons with disabilities, and minorities.

Please see this link to the Human Rights Council resolution recognizing the right to a clean, healthy and sustainable environment:

<https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2FRES%2F48%2F13&Language=E&DeviceType=Desktop>

And this link to the many reports of the Special Rapporteur on human rights and the environment on this topic:

<https://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/AnnualReports.aspx>

See also [UN Special Rapporteur on Human Rights and Environment](#)

3.5 Tipping Points – Plastic Waste, Prof. Nilufer Oral, National University of Singapore, member of the United Nations International Law Commission

Bio: Dr. Nilufer Oral is a Professor of Law and Senior Fellow at the National University of Singapore. she is a member of the United Nations International Law Commission and co-chair of the Study Group on Sea-level rise in relation to international law. She served as a legal advisor to the Turkish Foreign Ministry for law of the sea and as a climate change negotiator.

Summary of Draft Statement: Today my talk will focus on international law and plastic waste, with a special focus on the global plastic treaty that will be negotiated.

I think it safe to assume that we are all aware of the massive influx of macro and micro plastic waste into the ocean. Indeed, it is not an exaggeration to say that the ocean and marine life are literally choking on plastic waste. However, the ocean is the depository, the victim as most of the activities producing tonnes and tonnes of plastic waste comes from land, with the exception of some shipping and fishing activities.

What are the solutions? Today, as an international law scholar, I will examine this critical issue from that perspective.

In 2017, together with co-authored with Dr. Karen Raubenheimer and Prof. Alistair McIlgorm, I contributed to a report for UNEP entitled – *Combating marine plastic litter and microplastics: An assessment of the effectiveness of relevant international, regional and subregional governance strategies and approaches*”.

We examined in detail the existing global and regional framework relating to the effectiveness in addressing plastic litter and microplastics examining options either to strengthen the existing global/regional instruments or develop a new global binding treaty specifically for marine plastic litter and microplastics.

At the global and regional level there are several relevant instruments. However, with the exception of the 1982 UNCLOS, none provide a comprehensive approach to addressing the different sources of pollution, such as land-based sources. UNCLOS remains as the only global instrument that provides for legally binding obligations and rules concerning all sources of pollution, including land-based. This presents the persistent problem of fragmentation.

While UNCLOS stands out as the most comprehensive global treaty for the ocean and protection of the marine environment from all sources of pollution, including land-based, it was negotiated in the 1970s. Certain key principles such as precaution and others did not exist.

Indeed, in the 2017 study on we also examined in detail the place of environmental principles, and not surprisingly we found that key principles with relevance for addressing marine plastic waste –were not evenly found in these instruments. Again the problem of fragmentation.

Moreover, concepts such as “full life cycle” or “circular economy” are not found in existing environmental instruments, except for strategic plans developed specifically for plastic litter and microplastics—such as the Honolulu Strategy- a soft instrument.

Nonetheless, while UNCLOS may have some gaps because of the time it was negotiated and adopted UNCLOS creates very clear primary obligation on States in relation to protection and preservation of the marine environment that have direct application to marine plastic pollution.

There is a very clear legal obligation for all States to protect and preserve the marine environment the Convention requires, to take all measures necessary to prevent transboundary pollution, especially those which are persistent, from land-based sources, from or through the atmosphere or by dumping; States are also under a clear legal obligation (article 197) to cooperate on a global basis and, as appropriate, on a regional basis, directly or through competent international organizations (such as the UN and UNEA), to develop rules and standards, that extends to addressing land-based sources of pollution

In short, UNCLOS has laid out a very clear legal responsibility of States to address marine plastic pollution and to cooperate at the global or regional levels to develop the necessary rules and standards.

This can be translated into developing a new legal instrument, in addition to updating and strengthening existing legal instruments.

However, there is a need for a unitary, comprehensive global framework. For this reason, the decision by UNEA to develop a global treaty that will specifically address holistically the plastic waste problem is most welcome.

I will explain why and what the key elements should be for such a global legally binding instrument. Prevention of marine plastic pollution is a complex undertaking that requires addressing not simply waste management, but the economic and consumer infrastructure that creates the problem. An instrument that addresses the full cycles of plastic together with the socio-economic aspects is key.

The existing relevant legally binding instruments, such as UNCLOS, do not incorporate this approach. The only binding instrument that does is at the regional level and that is for the Mediterranean Sea.

Over the decades, the international community has gained a great deal of experience as to which types of instruments and approaches may be most effective.

Most recently we have the example of the Paris Agreement which has combined voluntary or self-determined targets with a common overarching target (1.5- 2C) and binding components. There is also the example of the highly successful Montreal Protocol.

In either case, what is essential is that there be a common objective and clear targets. The Paris Agreement was critical as it provided for a common collective temperature target.

This is also an opportunity to address the fragmentation of environmental principles in adopting a coherent set of guiding principles.

There must be a regular reporting and review mechanism to assess progress. The Paris Agreement has developed a 5 year global stocktaking process that could be adopted for the plastic waste treaty Technology and know-how transfer as well as CB are key if developing States from developed to developing States.

The instrument must also provide modalities to engage with private actors- which is done through the circular economy approach

A Compliance mechanism is also key to facilitating and assisting States implement the convention. It is not a punitive mechanism but to the contrary can be a great way to strengthen implementation. We now have much experience on compliance mechanisms

The core function of any such instrument is to galvanize and strengthen collective action as well as fortify harmonized action and the national levels.

In doing so, States will be meeting their obligations under international law but more importantly protecting the ocean, the source of life and which covers 70% of the Earth's surface.

On this last point, I would like to raise a point concerning the *Draft political declaration to commemorate the fiftieth anniversary of UNEP*. In the proposals thus far, there is express reference to 'land' in the phrase but no mention of the ocean. Many thanks.

3.6 Environmental Rule of Law, Justice Antonio Herman Benjamin, STJ Brazil

Bio: Justice Antonio Herman Benjamin has served on the National High Court of Brazil (STJ) since 2006. He was a career Assistant Attorney General of the State of São Paulo for over twenty years, where he headed the Environmental Protection Division and the Consumer Protection Division for several years. Professor Benjamin was the founding president of both the Brazilian Consumer Law and Policy Institute and *Law for a Green Planet* Institute.

Summary of Draft Statement: In the past 50 years, the Rule of Law has become a universal ideal. One of the key questions about it is how the concept can embrace and enhance the protection of the environment. The traditional formalistic/procedural narrative of the Rule of Law is insufficient for that purpose, because its legalistic/positivist scope denies the need or wisdom of the incorporation in its agenda – as one of its fundamental prerequisites -- of human rights, human dignity and, of course, the environment. Therefore, in order to address some of these issues, UNEP and the IUCN World Commission on Environmental Law have, particularly since the 2012 Rio+20 Conference, strongly advocated the notion of the “Environmental Rule of Law”, one that has both procedural guarantees and substantive components. Crucial to the design of the Environmental Rule of Law is its emphasis on enforcement, considering the collective and, in many cases, intangible values protected by the legal system. In such a scenario, the role of Courts is central. Therefore, this raises the relevance of strengthening the independence and integrity of judiciaries around the world, and educate judges on the legal complexities of Environmental Law and the science behind it.

Closing Remarks: Prof. Christina Voigt, Chair, IUCN World Commission on Environmental Law

Bio: Dr. juris Christina Voigt is professor at the Department of Public and International Law, University of Oslo, Norway. Professor Voigt is an expert in international environmental law and works in particular on legal issues of climate change, biodiversity conservation, environmental multilateralism and sustainability. Professor Voigt is Chair of the IUCN World Commission on Environmental Law (WCEL).

Summary of Draft Statement: The outcome documents of UNEA 5.2, in particular the UNGA Ministerial Declaration and the Special Session “UNEP@50” Political Declaration (on UNGA Resolution 73/333) provide unique, historical chances to guide the course of our collective behavior towards a sustainable world where the 2030 SDGs are fully implemented.

At a minimum, they should address the following 10 points:

1. Be **forward looking, inspiring action and visionary and frame the beginning of a new paradigm**
2. Based on **best-available science** and build on existing knowledge
3. Recognize the need for fundamental, **transformative changes** across all sectors, values and paradigms

Prof. Stephen Kiama, Vice Chancellor, University of Nairobi, noted the need of transforming humankind’s relationship with nature. “Our nations all depend on a healthy environment.” He also pointed to the need for an effective break with current trends of environmental decline and the need to move to a new and different economic model.

Prof. Nicholas A. Robinson, Executive Governor of ICEL, stressed the need to fully implement *all* SDGs

4. Acknowledge the **importance of law** and legal tools to take bold and ambitious action that effectively addresses the interrelated challenges of biodiversity loss, pollution and climate change, in an integrated manner – and in that regard recognize the **environmental rule of law**.

In this context, *Justice Antonio Benjamin*, Chair of ICEL, noted the important work done by UNEP as well as the IUCN World Commission on Environmental Law, especially through the 2016 WCEL World Declaration on the Environmental Rule of Law, on the development of this new concept. The Environmental Rule of Law is both a procedural as well as a substantive concept, capturing aspects such as a Human Right to a clean and safe environment, human dignity and rights for nature. The concept encapsulates good environmental legislation, and the need for its effective implementation, compliance and enforcement. Judges play an important role in this regard.

5. Urgently calling for **effective implementation** of and compliance with existing multilateral environmental agreements (MEAs)

Prof. Chikosa Banda, University of Malawi, recalled the important principle of cooperation as the only way to secure that collective interests are safeguarded. The principle is reflected in many MEAs. Their effective implementation strengthens the principle of cooperation. In this regard, the important work by UNEP through its Montevideo V program needs recognition.

6. Pay **justice to future generations**, and those that are young today
7. Recognize that a right to a **clean, healthy and sustainable environment exists and is important for the enjoyment of human rights**

Prof. David R. Boyd, Special Rapporteur on Human Rights and the Environment, reminded that a healthy environment is a fundamental requirement for the existence of human rights. “A human right to a clean and healthy environment is a catalyst for a large number of powerful environmental and social benefits.”

8. Recognize the important role of **nature and nature-based solutions**, but also the need for their effective social and environmental safeguards, as well as sufficient finance

Prof. *Montserrat Abad Castelos*, Universidad Carlos III Madrid, reminded us that Peace with Nature requires taking a holistic approach and breaking down the silos of different branches of international law.

9. Safeguard the crucial ecological **role of oceans** and address the challenge of **plastic pollution** through a new international legally-binding agreement,

Prof. Nilufer Oral, National University of Singapore, member of the United Nations International Law Commission noted that UNCLOS while setting out the primary obligations of states does not contain the necessary detail and principles to effectively addressing land-based marine plastic pollution. In looking at UNEP for leadership, she suggested that a holistic, comprehensive and integral approach based on a life-cycle assessment, circular economy and other environmental principles is necessary. This should be addressed through a new international treaty, which sets out common objectives and targets, provides for periodic reviews and takes a “bottom-up” approach where national strategies are integrated into a global collective strategy (learning from the example of the Paris Agreement).

10. Recognize the need to **protect environmental defenders**, as well as the need for addressing the dangerous relationship between habitat destruction, **zoonotic diseases** and human and animal health.

Prof. Nicholas A, Robinson stressed that human health is conditioned upon ecological health, as aptly addressed in the “One Health” approach.

Thanks: Hon. Justice Samson Okongo, Presiding Judge of the Land & Environment Court of Kenya, member Governing Council of the Global Judicial Institute on the Environment (GJIE)

SAVE THE DATE: Symposium Continues 15 March 2022
ASSESSING UNEA 5 - THE NEXT STEPS FORWARD