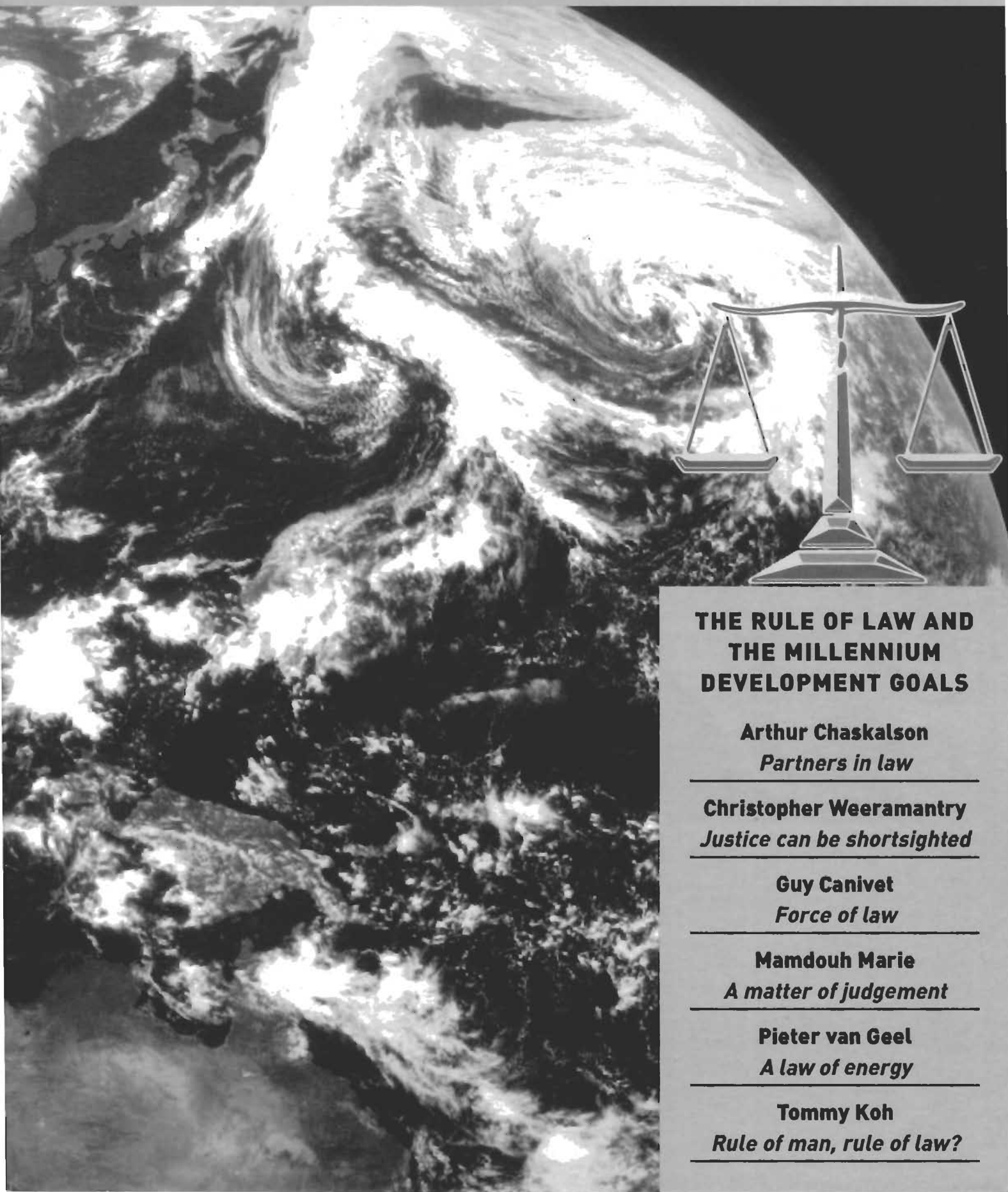




Volume 15 No 3

# *Our Planet*

The magazine of the United Nations Environment Programme



## **THE RULE OF LAW AND THE MILLENNIUM DEVELOPMENT GOALS**

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*Partners in law*

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**Christopher Weeramantry**  
*Justice can be shortsighted*

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*A matter of judgement*

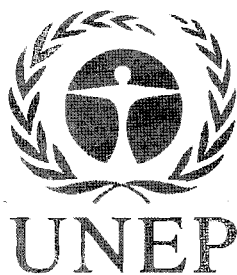
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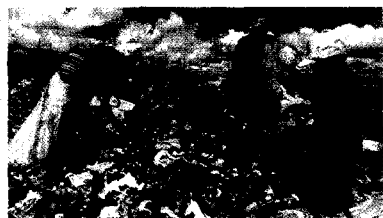
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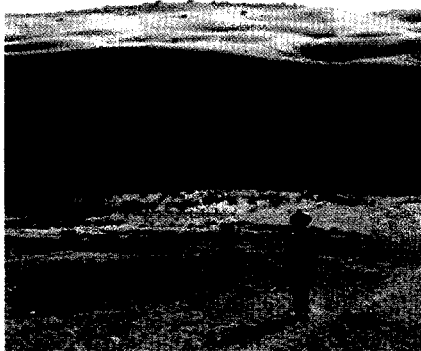
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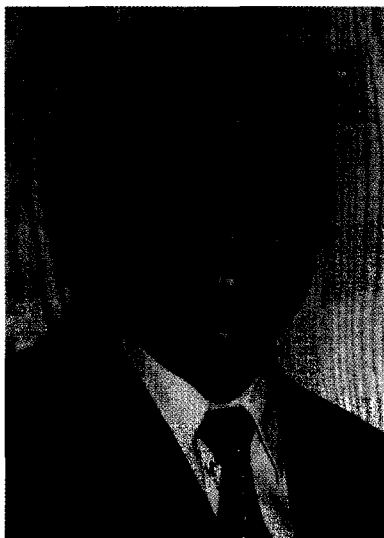
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UNEP

*From the desk of*

## KLAUS TOEPFER

United Nations  
Under-Secretary-General  
and Executive Director,  
UNEP

**T**his issue of *Our Planet* is dedicated to the Millennium Development Goals and the rule of law.

While much can be achieved by voluntary action, from tackling extreme poverty to delivering safe and sufficient drinking water, the achievements will be even greater if underpinned by a sound legal structure and a vibrant judiciary. Nowhere is this more important than for the environment which, with economic and social development, forms part of the virtuous trio of pillars on which sustainable development depends.

### Natural capital

Some may still view the environment as a luxury: they see a river or a forest as only worth conserving for its beauty when all other development-related issues have been resolved. But this natural capital is, along with the financial and human variety, the very foundation of health and wealth because of the 'ecosystem services' it provides. Some experts have calculated that these nature-based services – from the atmosphere and ozone layer to the globe's wetlands and

grassland – are worth \$33 trillion a year, nearly twice the 'world' GNP of human-made goods and services of around \$18 trillion.

### Paper tigers

Until recently, the laws designed to protect this natural wealth – and its vital role in fighting poverty – have either been inadequate or patchily implemented. There are, of course, more than 500 international and regional agreements, treaties and arrangements covering everything from the protection of the ozone layer to the conservation of the oceans and seas. Almost all countries have national environmental laws. But unless these are enforced and complied with then they are little more than symbols, tokens or paper tigers.

Part of the problem has been that legal experts' awareness of environment law – particularly, but not exclusively, in developing countries and the nations of the former Soviet Union – has not kept pace with the growth in agreements and with the recognition of the crucial importance of balancing environmental, developmental and social considerations in judicial decision making. Sometimes it is also due to a lack of resources, sometimes to downright apathy; but, whatever the cause, many environment-related cases fail to reach or succeed in court.

### Increasing awareness

This goes to the heart of the Millennium Development Goals, as it affects billions of people. We are increasingly aware that what happens in one part of the world can affect other areas – be it toxic pollutants from Asia, Europe and North America contaminating the Arctic, or the greenhouse gases of the industrialized regions triggering droughts or the melting of glaciers in developing ones.

In 2002 UNEP convened a symposium of more than 100 senior judges from around the world to boost the training, knowledge and awareness of the world's judiciary. They adopted the Johannesburg Principles on the Role of Law and Sustainable Development, which were presented

to that year's World Summit on Sustainable Development (WSSD). The judges have since formed a Global Judicial Alliance with UNEP, giving greater attention to their role in advancing the Millennium Development Goals through the rule of law.

We have all been striving to realize the Johannesburg principles, and I am happy to report key successes. Only a few weeks ago, chief justices and legal experts from the Arab world met in Cairo and adopted the statute of the Arab Judges Union for the protection of the environment. A similar meeting involving the francophone countries will take place in Paris in February 2005, chaired by Guy Canivet, the chief justice of France. A European Union Judges Forum on the environment has been established, and comparable ones set up in Latin America, Asia, southern Africa and the Pacific. And the Government of Egypt is taking steps to establish a judicial training centre in Cairo.

### Crucial development

At WSSD, Arthur Chaskalson, Chief Justice of South Africa, who co-hosted the symposium, said: 'Our declaration and proposed programme of work are, I believe, a crucial development in the quest to deliver development that respects people and that respects the planet for current and future generations and for all living things. The rule of law is the basis for a stable country and ultimately stable world.'

I believe that, as a result of this two-year effort, the environment pillar of sustainable development is a little stronger and better able to carry forward the Millennium Development Goals ■

#### YOUR VIEWS

*We would really like to receive your feedback on the issues raised in this edition of **Our Planet**. Please either e-mail [feedback@ourplanet.com](mailto:feedback@ourplanet.com) or write to:*

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# STRENGTHENING THE RULE OF LAW

**KOFI ANNAN,**  
UNITED NATIONS  
SECRETARY-GENERAL



UN Photo by Mark Garten

**N**O ONE IS ABOVE THE LAW, and no one should be denied its protection....

The rule of law starts at home. But in too many places it remains elusive. Hatred, corruption, violence and exclusion go without redress. The vulnerable lack effective recourse, while the powerful manipulate laws to retain power and accumulate wealth....

At the international level, all states – strong and weak, big and small – need a framework of fair rules, which each can be confident that others will obey. Fortunately, such a framework exists. From trade to terrorism, from the law of the sea to weapons of mass destruction, States have created an impressive body of norms and laws. This is one of the United Nations proudest achievements.

And yet this framework is riddled with gaps and weaknesses. Too often it is applied selectively, and enforced arbitrarily. It lacks the teeth that turn a body of laws into an effective legal system....

Just as, within a country, respect for the law depends on the sense that all have a say in making and implementing it, so it is in our global

community. No nation must feel excluded. All must feel that international law belongs to them, and protects their legitimate interests.

Rule of law as a mere concept is not enough. Laws must be put into practice, and permeate the fabric of our lives....

Throughout the world, the victims of violence and injustice are waiting: waiting for us to keep our word. They notice when we use words to mask inaction. They notice when laws that should protect them are not applied.

I believe we can restore and extend the rule of law throughout the world. But ultimately, that will depend on the hold that the law has on our consciences. The organization was founded in the ashes of a war that brought untold sorrow to mankind. Today we must look again into our collective conscience and ask ourselves whether we are doing enough.

Each generation has its part to play in the age-long struggle to strengthen the rule of law for all – which alone can guarantee freedom for all. Let our generation not be found wanting.

*Taken from the Address to the General Assembly, New York, 21 September 2004.*