

## **Economic Commission for Europe**

Meeting of the Parties to the Convention on  
Access to Information, Public Participation  
in Decision-making and Access to Justice  
in Environmental Matters

### **Task Force on Access to Justice**

#### **Eleventh meeting**

Geneva, 27 and 28 February 2018

Statement by Justice Ragnhild Noer, Supreme Court of Norway  
(delivered via video-conference)

International cooperation among the judiciary on environmental law.

Dear participants

It is an honour to be invited to this meeting about tools to promote effective access to justice, thank you very much.

I have read the program for this meeting and the Decision VI/3 on promoting effective access to justice with great interest. It would have been a pleasure to participate in your discussions on cooperation to promote effective access to justice in environmental matters.

Last year my daughter studied at Svalbard – an island in the neighbourhood of the icecap surrounding the north pole. There – the average temperature has taken a very sharp rise the recent years. The magnificent nature and what has been thousands of years of relatively stable climate, is no longer stable. Climate change is changing the climate there.

Climate change is one of the biggest problem mankind has had to solve. It is complicated because it is global and will probably only be fixed if we are willing to sacrifice today to get a better future for tomorrow. Taken into

consideration that the world population the next 60 years is expected to grow from 7.4 to more than 11 billion people before the end of the century, we know there is a difficult task ahead.

That is some of the background for the need for a robust environmental law and the need for cooperation internationally – also among the judiciary – on this. Environmental problems are of the same kind in countries around the world, and many are of an international nature.

The cases judges are dealing with rises strong dilemmas - where for example the need for economic growth or the need for work places stand against the need to protect the environment. The questions are universal and difficult.

Although the environmental problems are much the same around the world, the role of the judiciary in environmental matters varies from region to region and country to country.

There are now – according to a UN Document on Environmental courts and tribunals – more than 1200 environmental courts and tribunals worldwide. In China and in India for example, environmental courts are playing an important role. There are more than 500 such courts in China, with a wide competence and power.

In the US and in many south and latin American countries and Asia, there is a stronger tradition for courts that have a more political role. Talking to people from these countries, they often advocate the need for a stronger role for the judiciary in environmental matters. They argue that little is going to be done through political channels, and that courts and the judiciary is absolutely vital for an effective environmental protection.

In Europe the tradition is somewhat different, in that we have a more strict line between law and politics and are defining more questions as political rather than court matters.

But regardless of the role of courts in general, it is obvious that environmental matters are and will be brought before courts and that it is important that judges that deals with these matters have sufficient competence and up to date knowledge and understanding of environmental law.

This is the background for initiatives that has been taken lately to enhance cooperation between the judiciary as regards environmental law. There are many such initiatives on regional basis worldwide. The work that the Aarhus task force does in this respect is an excellent example and very important, and the same goes for the European Forum of judges for the Environment, which justice Luc Lavrysen will later talk about.

I will mention three examples of such international cooperation. The World Commission on Environmental Law is a group under IUCN – International Union for the Conservation of Nature. This Commission is a network of environmental law and policy experts from all regions of the world, working on all aspects of environmental law. Also judges are members. The Commission has different specialist groups working with different types of problems. Lawyers with interest in environmental law can apply for membership.

I will also mention ECOLEX. This is an information service on environmental law, operated jointly by FAO, IUCN and UN Environment. They call themselves the gateway to environmental law, and their purpose is to provide the most comprehensive global source of information on environmental law.

In addition, there is now established a new global forum for cooperation between judges, courts and judicial training institutions in this regard. That is the Global Judicial Institute on the Environment.

This initiative has been led by professor Nick Robinson from US and justice Antonio Herman Benjamin from Brazil. As part of the World Commission on

Environmental Law, those two have worked hard in many years to accomplish the establishment of the Institute.

The mission of the Global Judicial Institute on the Environment (GJIE) – as stated in its statutes - is to support the role of judges, courts, and tribunals in applying and enforcing environmental laws and in promoting the environmental rule of law and the fair distribution of environmental benefits and burdens.

The Institute was formally established at the IUCN World Congress on Environmental Law in Rio de Janeiro in April 2016. At this first meeting, the IUCN World Declaration on the Environmental Rule of Law was adopted.

The Second International Meeting of the Global Judicial Institute for the Environment was held from 19-21 May 2017 in Brazil. Over 25 judges from across the world were gathered there.

The Institute is organized by judges for judges. It is composed of actively sitting judges from around the world and led by an elected council of judges to direct and oversee activities. The institute has worked closely with IUCN World Commission on Environmental Law, UN Environment, the Organization of American States, the Asian Development Bank, and other partners.

The work of the Institute is in an early phase and hard work is going on to secure funding and to build a permanent secretariat. The organization is currently exploring the possibility to establish a permanent secretariat under the umbrella of UN Environment in Nairobi. But the Institute has already been co responsible for meetings and training sessions.

A formal meeting will take place later in March this year. The proposed members of the interim governing committee can be seen [here](#).

The Charter of the Global Institute outlines two categories of judicial members:

Firstly, individual membership for judges or judicial decision makers in environmental courts and tribunals and in other courts and tribunals, who have an express interest in environmental law.

In addition, membership is open to a wide variety of judicial institutions, both courts and tribunals and for example training institutions.

We think the Institute has an important mission and hope the work will be fruitful. And we look forward to cooperate with you in the important work that you do in this field.

I end my introduction with a picture from Oslo some days ago. As in Geneva, it is cold here now – but we are happy for that because it reminds us of the good old times when winter was winter and skiing always possible during wintertime.