

Relevant processes, tools and information

Judicial colloquium

27 April 2022

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- **Montevideo Programme V**
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Montevideo Environmental Law Programme

A Decade of Action on Environmental Law



Fifth Montevideo Programme for the Development and Periodic Review of Environmental Law

2020-2030

Intergovernmental process runs since 1982

Guides efforts of the international community in developing environmental law that transforms science-based policies into action-oriented rules and standards of conduct

Agreed every 10 years by the UN Environment Assembly

Scope and focus change every 10 years (chemicals, biodiversity, interrelationship with other fields such as trade, military action, security, or human rights, effectiveness of environmental law, etc.)

Gave start to some of the MEAs, such as Basel and Rotterdam Conventions

Capacity building, support to the development of national legislation, development of model legislation, capacity building for legal professionals



Vision and objectives

Montevideo Environmental Law Programme supports the development and implementation of environmental rule of law, strengthens the related capacities in countries, and contributes to the environmental dimension of the 2030 Agenda for Sustainable Development.

Its core objectives are aimed at supporting the development and implementation of adequate and effective environmental legislation and legal frameworks at all levels, enhancing environmental rule of law, and supporting related capacity building. ■



Strategic activities

To achieve its objectives, the Montevideo Environmental Law Programme:

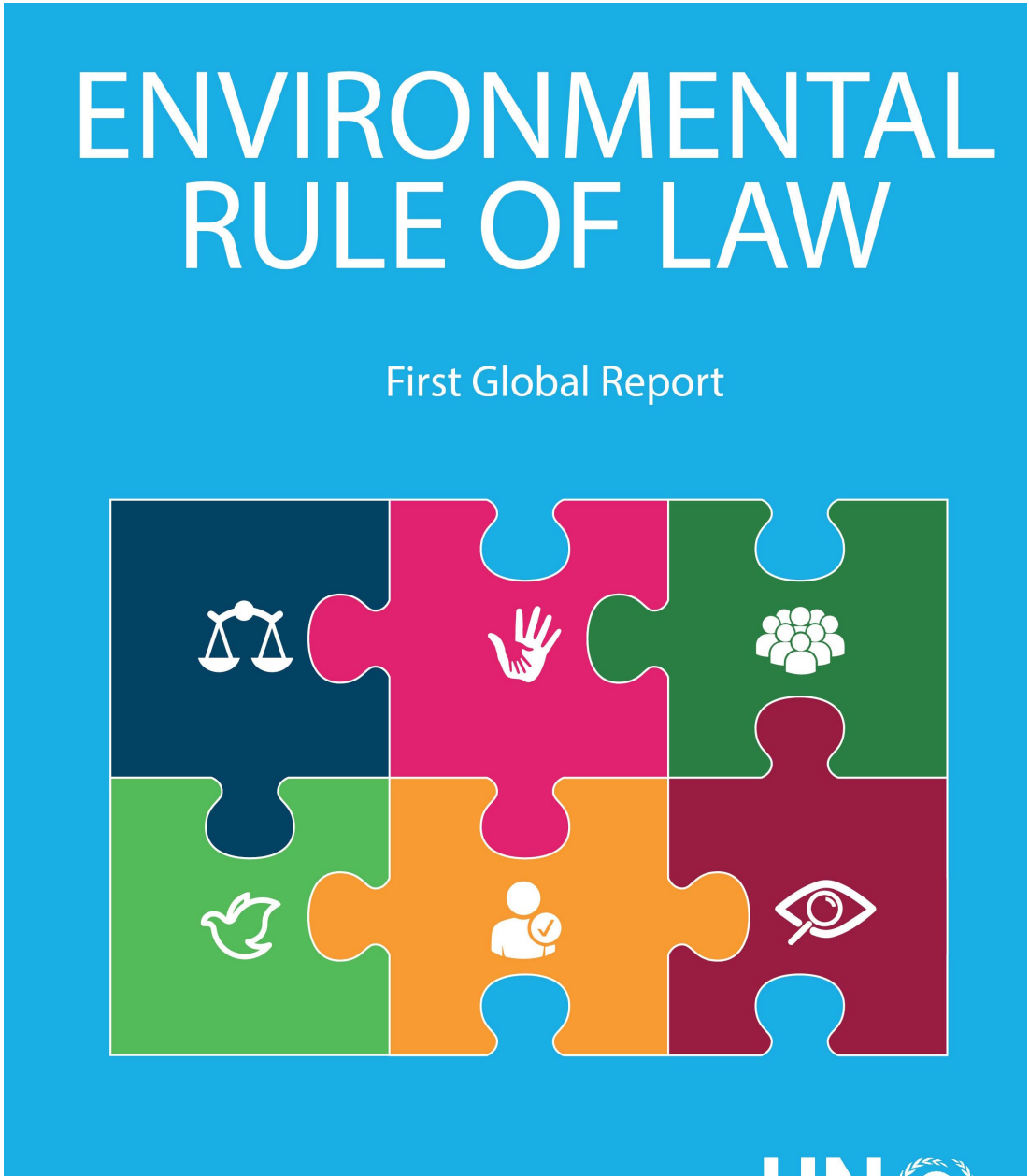
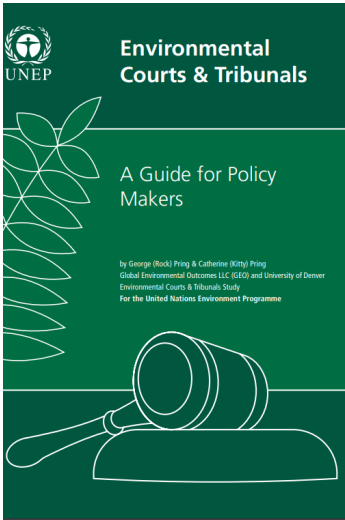
- Provides practical guidance, tools, innovative approaches and resources, effective law models and approaches, as well as best practices and model indicators to countries.
- Develops and promotes information and data exchange amongst legal stakeholders involved in the development and implementation of environmental law.
- Promotes public participation, access to information and access to justice in environmental matters.
- Promotes the recognition of the mutually reinforcing relationship between environmental law and the three pillars of the Charter of the United Nations.
- Supports collaboration and promotion of partnerships across the United Nations and with other relevant entities, including civil society organizations, in the field of environmental law.
- Encourages and facilitates education on environmental law, with a view to empowering people and communities as well as strengthening institutional capacity of countries to address environmental issues.
- Supports environmental law awareness-raising.
- Encourages research, including studies and reports, on emerging environmental issues and the relationship between environmental law and other, related legal fields.
- Promotes training in the field of environmental law, especially for legal professionals such as judges and prosecutors and other enforcement officials. ■

Montevideo Programme

- Secretariat – UNEP
- National Focal Points – Officials of ministries of Environment or Foreign Affairs
- Global Meeting of NFPs – 1st – virtual - June 2021 – guides the work under MP
- Steering Committee – elected by the global meeting. Guides secretariat work between Global meetings

Next Global Meeting – June 2022: determining priorities for the implementation in the next years

Are there key asks / messages the judiciary from this region would like us to flag to the Global meeting on the priority issues/areas for the implementation of the Montevideo in the next few years?

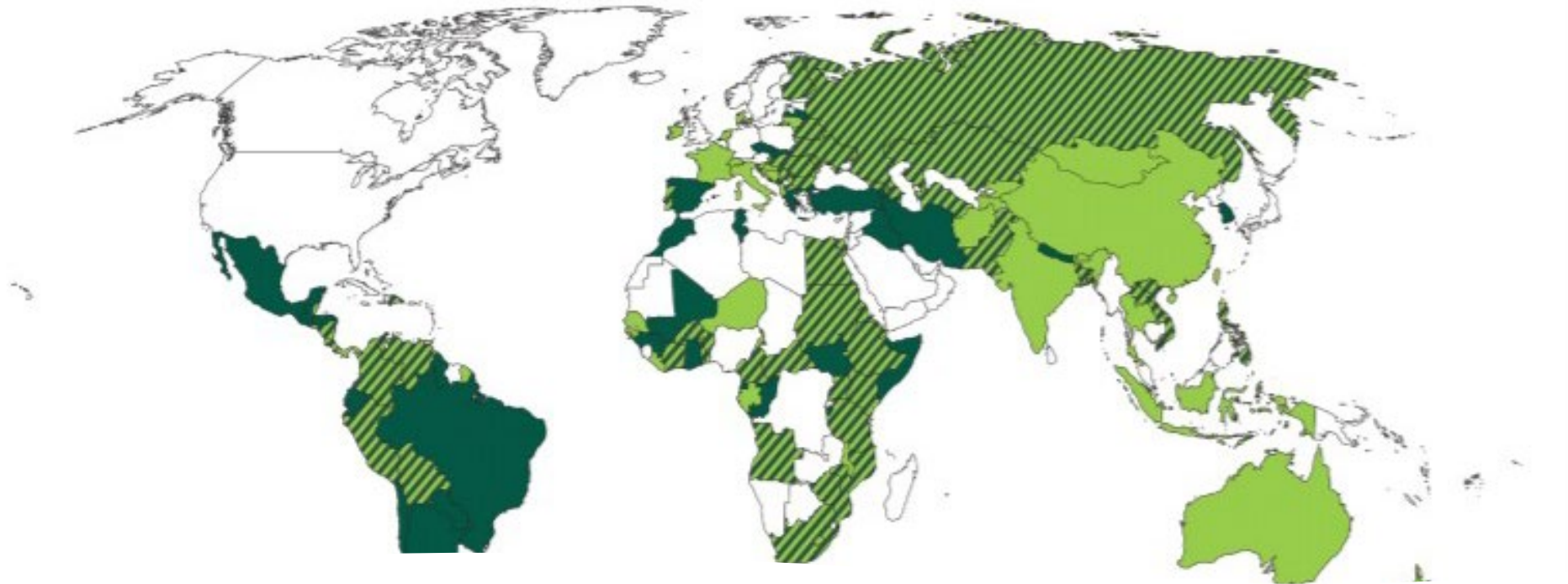


The 1st Global Environmental Rule of Law Report (UNEP, 2019)

Examines global trends and country measures against core elements of environmental rule of law, including institutions, civic engagement, rights, and justice.

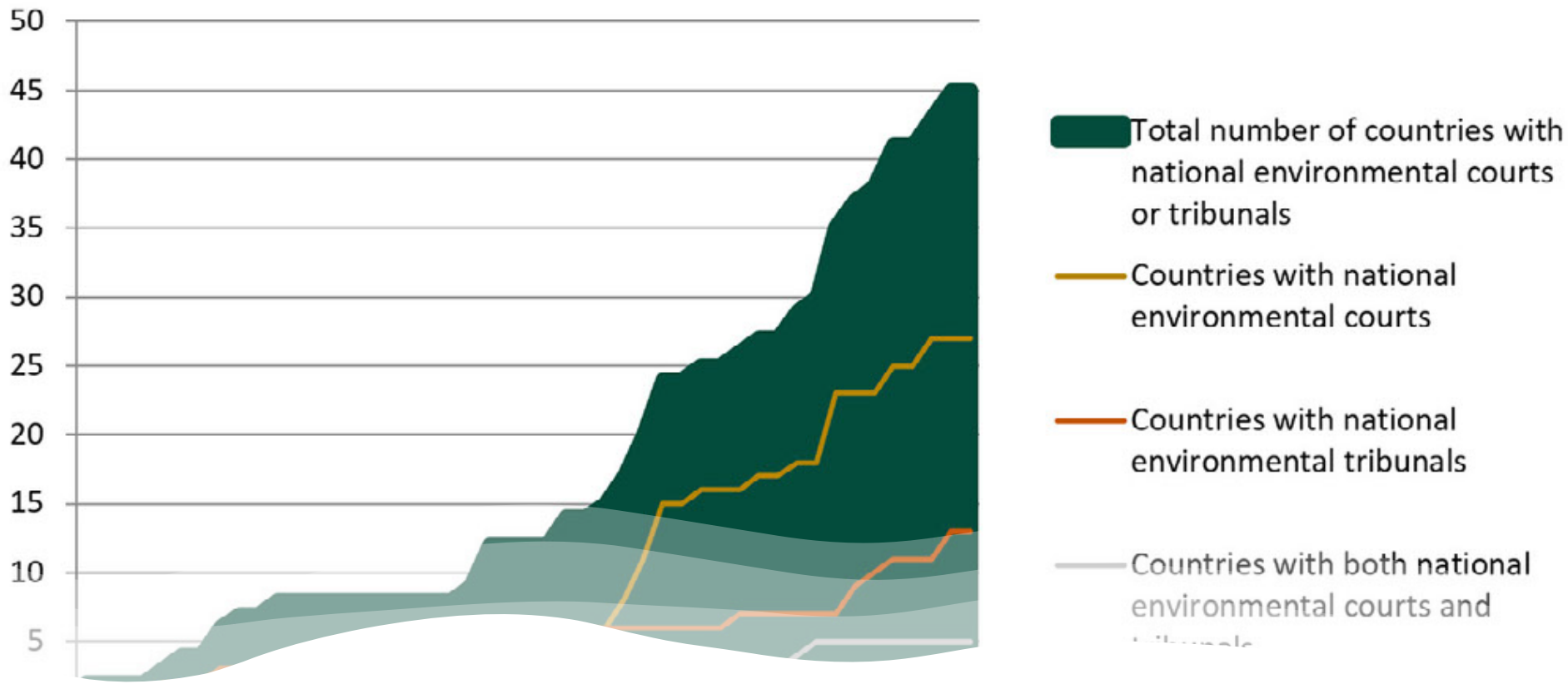
Despite a dramatic 38-fold growth in environmental laws and agencies since 1972, failure to fully implement and enforce these laws remains one of the greatest challenges to mitigating climate change, reducing pollution and preventing widespread species and habitat loss.

https://wedocs.unep.org/bitstream/handle/20.500.11822/27382/ERL_ch5.pdf?sequence=1&isAllowed=y



The 1st EROL Report (2019) – some of the findings on Justice

- Standing: vast improvement across the world over 20 years: 130 countries with some form of standing in environmental cases



The 1st EROL Report (2019) – some of the findings on Justice

- When courts, tribunals, commissions, or other bodies adjudicate an environmental case, it is critical that the proceedings be conducted by **capable and impartial adjudicators using efficient procedures that result in reasoned and transparent decisions**
- Due to the complexity and technical nature of many environmental matters, it is particularly important that **judges be knowledgeable and competent regarding environmental law**
- Specialized judiciary is still a challenge, especially in smaller jurisdictions. But some **trend to establish environmental tribunals** – allows broader access to courts and more efficient adjudication
- Investing in **environmental education for the bar and judiciary** is critical so they can effectively handle complex, often unfamiliar environmental claims and disputes

2022 Environmental Courts and Tribunals Report (mid-May)

850+ new environmental courts and tribunals including 37 in France and hundreds in China have been established

More being planned in various legal systems

Most have adopted **Information Technology procedure across** their processes (mainly due to COVID-19) which has **increased access to justice and efficiency**, and reduced costs and backlogs, and will be continued in the post-pandemic world.

Some countries are moving towards **establishing green benches within general courts** as an alternative to specialized environmental courts and tribunals

Merging several tribunals and institutions is yet another emerging trend (e.g. Ontario Accelerating Access to Justice Act 2021 merged a five-tribunal cluster into a single Ontario Land Tribunal).

The increase of environmental courts and tribunals has led to a **rise in focused training for environmental decision makers** including judges

- **Inadequate capacity to enforce** environmental legislation which in turn reduces public trust and interest in environmental litigation
- **Limited Information technology infrastructure in developing countries.** This then limits access to justice especially during the period of the pandemic
- **Non-prioritization of environmental courts and tribunal issues.** In many countries, environmental courts and tribunals are **competing for priority with other special interests** such as economic interests. Consequently, less attention is given to environmental cases and to the training of judges in environmental matters, resulting in the marginalization of environmental issues.
- **Lack of government and stakeholder support.** This manifests in insufficient budget, infrastructure, human resources and security of judicial officers.

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Access information on Multilateral Environmental Agreements

Search in: All Categories ▾

Browse information by Environmental Topic:



Biological
diversity



Chemicals and
Waste



Climate and
Atmosphere



Environmental
Governance



Land and
Agriculture



Marine and
Freshwater

Browse by Region:

Browse by Party:

All regions ▾

or

Select a party ▾



Want to learn what's behind InforMEA? See our detailed '[About InforMEA](#)' section with links to explanatory videos, an InforMEA poster and flyer, and more.



UNEP launches the Montevideo Environmental Law Programme 'Law and Environment Assistance Platform' (LEAP)

LAW AND ENVIRONMENT ASSISTANCE PLATFORM

UNEP's Law and Environment Assistance Platform (UNEP-LEAP) is the Montevideo Environmental Law Programme's digital backbone. Member States can directly request support from UNEP and partners via the Clearing House Mechanism within the technical assistance section. Likewise, they can use the knowledge base and country profile sections to access relevant environmental news, legislation, jurisprudence, model laws, legislative toolkits, and other environmental law guidance products and resources.



Global Judicial Portal

For judges by judges in support of environmental issues

Three Main Components:
- Jurisprudence Database
- Judicial Network
- Additional Resources

ABOUT THE JUDICIAL PORTAL

The Judicial Portal is a platform that promotes and provides greater access to judges and the global environmental law community with environmental law information and jurisprudence. The portal is an innovative project developed by a Joint Working Group comprised of the World Commission on Environmental Law (WCEL), the Global Judicial Institute on the Environment (GJIE), and United Nations Environment Programme (UNEP).

[Read more](#)

LATEST NEWS AND EVENTS

Asia-Pacific judicial conference on climate change: Adjudication in the time of COVID-19

Event December 9, 2020 - December 11, 2020

2nd World Environmental Law Congress

Event March 23, 2020 - March 27, 2020

2nd IUCN World Environmental Law Congress Postponed

News

[See all news and events](#)

Jurisprudence

Search in Jurisprudence



3002 results found Sorted by newest first [Sort by least recent](#) [Sort by relevance](#)

Constitutional Court Ruling No. 6/2563

Thailand | May 13, 2020

Tagging: Administrative, Constitutional

Sources: InforMEA

Ioane Teitiota vs. New Zealand

United Nations Human Rights Committee | New Zealand | January 7, 2020

Tagging: Climate Change, Evidence, Jurisdiction, Admissibility, Human Rights, Burden of Proof, Permits, Property, Remedies, Damages

Inter-Environnement Wallonie and Bond Beter Leefmilieu Vlaanderen

Constitutional Court | Belgium | March 5, 2020

Tagging: Environmental Impact Assessment, Evidence, Standing, Audits, Air pollution, Protected Areas, Permits

Ramendra Prasad vs. Total (Fiji) Ltd

Court of Appeal | Fiji | February 28, 2020

Tagging: Damages, Polluter Pays, Evidence, Tort, Contract, Property, Audits, Inspections, Remedies

Morua vs. China Harbour Engineering Co (PNG) Ltd [2020]

National Court | Papua New Guinea | February 7, 2020

Tagging: Damages, Environmental Impact Assessment, Right to Clean and Healthy Environment, Contract, Standing, Permits

FILTERS

Glossary terms

- + Legal Substantive Issue Area
- + Legal Procedural Issue Areas
- + Regulatory Tools
- + Environmental Issue Area
- + International Law and Policy
- + Free Terms

Country

- Albania (1)
- Andorra (1)
- Angola (1)
- Antigua and Barbuda (1)
- Argentina (53)

[Show more](#)

Original language

- English (1921)
- Spanish (204)

RECENTLY UPLOADED JURISPRUDENCE

People's Procuratorate of Sanyuan County, Shaanxi Province vs. People's Government of Dacheng Town, Sanyuan County, Shaanxi Province for Failure to Perform the Statutory Duties of Environmental Protection and Pollution Prevention and Control)

China | January 1, 2016

Beihai Naizhi Marine Science and Technology Co., Ltd. v. Beihai Marine and Fisheries Bureau (Case of Marine Administrative Penalty)

China | January 1, 2018

Hainan Lingao Yinghai Shipping Co., Ltd. v. the Fisheries Administration Squad of Sansha City for Administrative Penalties

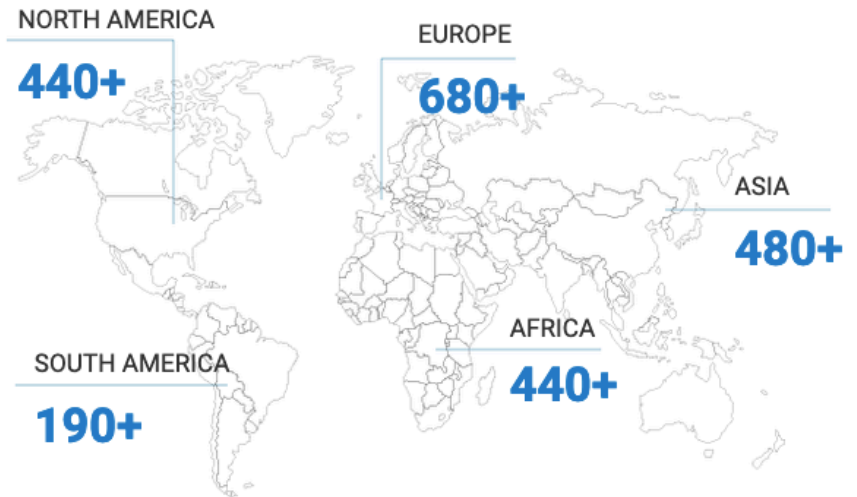
China | January 1, 2019

Environmental Damage Compensation Case of People's Government of Jiujiang City v. Jiangxi Zhengpeng Environmental Protection Technology Co., Ltd., Hangzhou Lianxin Building Materials Co., Ltd., LI De et al. (7 People)

China | January 1, 2019

Beijing Chaoyang District Friends of Nature Environmental Research Institute v. Hydrochina Corporation Xinping Development Co., Ltd., et al. for Civil Public Interest Litigation Concerning Environment Pollution Liability

China | January 1, 2020





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You must be logged in to submit content. You must be logged in as a Judge to access the Judicial Network. Please log in below if you have an account, otherwise you can create an account by clicking on the "Create New Account" tab.

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[Reset your password](#)

Email or username*

pwspeel@gmail.com

Enter your email address or username.

Password*

Enter the password that accompanies your email address.

→ Log in



Legislation



InforMEA Legislation Explorer

The United Nations Information Portal on Multilateral Environmental Agreements (InforMEA) has a wide set of legislation, in part fed from ECOLEX and FAOLEX. Users can search and filter the legislation, and explore the connection between legislation and Multilateral Environmental Agreements, environmental thematic areas, key glossary terms, more.



LEAP Legislation Explorer

The same set of legislation can be explored on the UNEP Law and Environment Assistance Platform (LEAP) with different filtering options and in connection with the Montevideo Environmental Law Programme.



LEAP Toolkits

In addition to the Legislation Explorer, the LEAP platform features a set of toolkits which further break down legislation according to specific environmental issue areas, for instance lead paint, or climate change.

E-Learning

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Environmental Issue Area

Forest
Wetland
Wildlife
Air pollution
Climate Change
Biodiversity
Chemicals and Waste
Climate and Atmosphere
Land and Agriculture
Marine and Freshwater
Land-based pollution
Marine Pollution
Water Pollution

Legal Procedural Issue Areas

Burden of Proof
Admissibility
Evidence
Jurisdiction
Remedies
Res Judicata
Standing
Statutes of Limitation
Damages
Declaratory Relief
Fines or Sanctions

International Law and Policy

Access to information
Access to Justice
Public Participation
Multilateral Environmental Agreements
Principles of Environmental Law
Sustainable Development Goals
Common but Differentiated Responsibilities
Cooperation
Environmental Democracy
Non-Regression and Progression
Polluter Pays
Precaution
Prevention

Legal Substantive Issue Area

Environmental Defenders
Right to Clean and Healthy Environment
Rights of the Environment
Access and Benefit Sharing
Free, Prior Informed Consent
Administrative
Civil
Constitutional
Contract
Criminal
Human Rights

Climate Change

[...The] change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods. (Source: UNFCCC, Art 1)

RELATED JURISPRUDENCE

Ioane Teitiota vs. New Zealand

Geneva | New Zealand | January 7, 2020

Joined Cases C-566/11, C-567/11, C-580/11, C-591/11, C-620/11 and C-640/11

Iberdrola, SA and Others v Administración del Estado and Others

Kennedy v NSW Minister for Planning.

Australia | July 26, 2010

Alanvale Pty Ltd & Anor v Southern Rural Water & Ors.

Victorian | Australia | April 21, 2010

Wildlife Protection Association of Australia Inc. and Minister for the Environment, Heritage and the Arts and Director-General of the Department of Environment and Climate Change (NSW).

Sydney | Australia | August 15, 2008

London Borough of Hillingdon & Ors, R (on the application of) v Secretary of State for Transport & Anor.

London | United Kingdom | March 26, 2010

Greenpeace New Zealand Incorporated v. Northland Regional Council and Mighty River Power Limited.

Auckland | New Zealand | September 25, 2006

Keiller v Information Commissioner (EA/2011/0152).

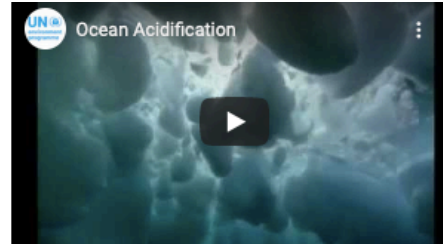
United Kingdom | January 18, 2012

Secretary of State for Energy and Climate Change v Friends of the Earth & Ors.

London | United Kingdom | January 25, 2012

Anderson & Anor v Director-General of the Department of Environment and Climate Change & Anor.

Australia | June 3, 2008



Ocean Acidification



Effectiveness and Compliance of Multilateral Environmental Agreements (LRTAP)

RELATED TREATIES

[Nagoya Protocol](#)

[United Nations Framework Convention on Climate Change](#)

[Kyoto Protocol](#)

[United Nations Convention to Combat Desertification](#)

[Convention on the Transboundary Effects of Industrial Accidents](#)

[See more results on InforMEA](#)

RELATED LEGISLATION

[\(AO\) 2004 General Petroleum Activities Law](#)

COURSES FOR THE JUDICIARY



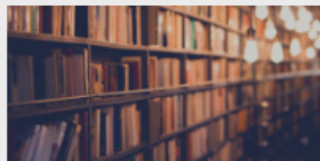
**Climate Change
International Legal
Regime**



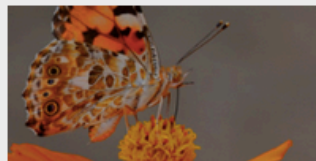
**Introductory Course On
International And National
Environmental Law And
Governance In Thailand**



**Introductory Course On
SDG 16 And Access
Rights, The Aarhus
Convention, And The
Escazú Agreement**



**Introductory Course To
International
Environmental Law**



**Introductory Course To
The Convention On
Biological Diversity (CBD)**

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VIDEO LECTURES

Freshwater Regulation in international Environmental Law

Dr. Francesco Sindico

Co-Director, Strathclyde Center for Environmental Law and Governance, University of Strathclyde, Glasgow.



Nationally Determined Contributions under the Climate Change Regime

Robert Ondhowe

Legal Officer, National Environmental Law Unit, Law Division, UN Environment



OTHER E-LEARNING PLATFORMS

EU Environmental Law Training Package

On this page you can access training tools which have been developed by the European

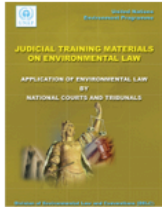


Judicial Handbook on Environmental Law



This handbook is intended to enable national judges in all types of tribunals in both civil law and common law jurisdictions to identify environmental issues coming before them and to be aware of the range of options available to them in interpreting and applying the law. It seeks to provide judges with a practical guide to basic environmental issues that are likely to arise in litigation. It includes information on international and comparative environmental law and references to relevant cases. Judges in each particular country will supplement this overview with more detailed information drawn from national experiences, laws and traditions.

Judicial Training Materials on Environmental Law : Application of Environmental Law by national Courts and Tribunals

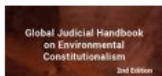


UNEP's Global Judges Programme was conceived in the context of strengthening the Rule of Law in the area of sustainable development. The Rule of Law comprises an intricately inter-linked chain of fundamental ideas including equality before the law, the independence of the judiciary, transparency, consistency and accountability in the administration of law and the notions of equity, justice and fairness. The Rule of Law is also essential for the realization of sustainable development, which itself is founded on equitably balancing environmental, social and economic considerations in decision-making at all levels.

Environmental Law Institute Judicial Education Program Publications and Resources



Global Judicial Handbook on Environmental Constitutionalism (Second Edition)



This Handbook, and its companion, is designed to provide jurists with an overview of environmental constitutionalism: we address what it is, the peculiar practical and procedural issues it presents, and how courts from around the globe have addressed it.

E-Learning

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Introductory Course on Climate Rights Litigation



InforMEA
UNITED NATIONS INFORMATION PORTAL ON
MULTILATERAL ENVIRONMENTAL AGREEMENTS



Lesson 1: Sources and Substance of Climate Rights

Lesson 2: Litigation's Role in Protecting Climate Rights

Lesson 3: Challenging Ambition, Existence, and Implementation of National Mitigation and Adaptation Targets

Lesson 4: Challenging Specific Policies or Projects

Lesson 5: Cases in International Fora

Lesson 6: Cases Addressing the Rights of Persons, Groups, and Peoples in Vulnerable Situations

- **Produced by UNEP and Sabin Center with inputs from ADB**
- **Based on UNEP/Sabin and ADB Climate Litigation Reports**
- **Available from Judicial Portal or InforMEA E-learning pages**

The screenshot shows the website header for the Global Judicial Institute on the Environment, featuring logos for UNEP, the Sabin Center, and the ADB. The main navigation includes links for JURISPRUDENCE, JUDICIAL NETWORK, GLOSSARY, and RESOURCES. The page title is "E-Learning".

Below the header, there is a "COURSES FOR THE JUDICIARY" section with three course cards:

- Introductory Course On Climate Rights Litigation** (highlighted with a red box)
- Introductory Course On International And National Environmental Law And Governance In Thailand**
- Introductory Course On SDG 16 And Access Rights, The Aarhus Convention, And The Escazú Agreement**

A right-hand sidebar menu contains the following items: E-Learning, Training Materials, Reports, Partners, Universities, and Legislation.



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2 member(s) **All** A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

 **FILTERS**



+ Legal Substantive Issue Area



Judge Luc Lavrysen

Constitutional Court of Belgium ·
Belgium



Judge Marc Clement

Administrative Court of Lyon ·
France

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Language

Forums *

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B *I* |   |   |   | Format ▾ |  Source

Text format

Published



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1 topic - 2 posts - By Peter Speelman - 6 months 1 week ago

[Human Rights and the Environment](#)

0 topics - 0 posts - n/a

[New Forum Suggestions](#)

Thank you



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