

## **Johannesburg Plan of Action on Judicial Education on Environmental Law in Africa**

### **Preamble**

WE the heads and representatives of judicial education institutions in Africa with contributions from other participants from Africa, Pakistan and Philippines gathered on 25 to 27 January 2017 in Johannesburg, South Africa during the First Colloquium on Integrating Environmental Law Training in Judiciaries in Africa (list attached) organised with the support of the UN Environment in collaboration with the South African Judicial Education Institute,

Acknowledging that a competent, independent and skilled judiciary is an integral element for advancing sustainable development;

Noting that judicial education provides one of the most critical pathways to a competent, independent judiciary and access to justice;

Aware that sustainable development of our nations depends on the natural capital endowments we have;

Further aware that for Africa to be able to tackle its environment and development challenges and take advantage of the opportunities, the judiciaries in Africa should be able to at the forefront of the problems – driving force;

Taking Note of the state of judicial education on environmental law in Africa;

Hereby agree and commit to the following actions:

1. Agree to have a common vision and goals on environmental issues for judicial education in Africa.
2. Agree to integrate environmental law training in our judicial education strategies, programmes and plans.
3. Agree to establish an Africa-wide network to coordinate our common goals, lessons and exchange experiences on judicial education in the field of environment, including balancing environment and development considerations.
4. Agree to develop and implement, with support from UN Environment and other partners, a common framework on environmental law judicial education based on the key elements provided in the annex to this Action Plan.

5. Agree to conduct training needs assessments as the basis for developing Judicial Education programs on Environmental law.
6. Agree to identify emerging issues at the continental and national levels to inform the training programmes on environmental law.
7. Agree to develop with the support of UN Environment, a trainer's guide and training implementation guidelines on environmental law.
8. Agree to establish Green Desks in our judicial education bodies.
9. Agree to develop a monitoring and evaluation framework for our environmental law training programmes.
10. Agree to develop and share a database on environmental legislation and case law.
11. Agree to integrate environmental law matters in Chief Justice's forums.

## **Annex: Framework for developing and implementing Judicial Training Programmes on environmental law in Africa**

### **I. Principles**

An effective and comprehensive environmental law training programme will be based on the following principles:

- a. Reflect the key environmental law principles as recognized by Stockholm, Rio and Johannesburg Summits.
- b. The training programme should be all inclusive targeting all Judges, Magistrates, Judicial Officers and other court personnel, where applicable.
- c. Have adequate and sustainable funding.
- d. Judicial education programmes should be demand driven to address current and future needs in the field of environment.
- e. Judicial education should always keep abreast with emerging opportunities and issues in environment field.
- f. The responsibility for planning, implementing and overseeing the judicial education programme on environmental law must rest in the judiciary.
- g. All judicial officers should be provided with opportunities for continuous judicial education – skills and competencies.
- h. Environmental law should be seen as a tool for the benefit of society especially in balancing environment and development issues.

- i. Should emphasize and advance the objectives of the African Charter on Peoples and Human Rights
- j. The training programme should be relevant and incorporate adult learning principles and techniques

## **2. Objectives**

The objective of this framework is to promote a uniform approach to the development and implementation of environmental law training among different judiciaries in Africa through;

- a. Enhancing the awareness and understanding on environment, environmental issues and environmental law;
- b. Enhancing practical competencies and efficiency of judicial officers in the adjudication of environmental matters;
- c. Increasing networking amongst judicial education bodies and judicial educators on environmental law.

## **3. Content and Scope**

The training programme should cover the following areas:

- a. An overview of environmental law
- b. Contemporary environmental opportunities and challenges
- c. Fundamental environmental law principles and concepts
- d. Sources of environmental law
- e. Sanctions and remedies
- f. Procedural aspects
- g. Environmental rights
- h. Alternative Dispute resolutions
- i. Emerging issues in environmental law
- j. Challenges of jurisdiction
- k. Managing complex environmental cases
- l. Costs and benefit of environmental degradation
- m. Relevant case study
- n. Sustainable development approach
- o. Access to courts and public interest litigation

#### **4. Enabling factors**

- a. Funding to be provided in the judiciary training budget. Additional funding to be mobilized from development partners.
- b. Faculty: TOT. To be drawn from members of the judiciary with the relevant expertise, field specialists, experts and members of court users committees who are experts in the subject matter.
- c. Ownership and control: To vest in the judiciary
- d. Consider use of pro bono experts

**Dated 27 January 2017, Johannesburg, South Africa**