

Maputo Declaration on Greening Judiciaries in Africa

We the Chief Justices, Presidents of Supreme Courts and Regional Courts, Attorneys General, Ministers, Judges, Magistrates, heads of Tribunals, heads of Judiciary Training Institutions and other duly authorized representatives of 37 African Countries, attending the Second Regional Symposium on Greening the Judiciaries in Africa

Acknowledging that a competent, independent and skilled judiciary is an integral element for advancing ecologically sustainable development and the environmental rule of law

Concerned about the rampant environmental degradation that is threatening Africa's Development and transformation of the continent

Recognizing that the innovative solutions to tackling the environmental challenges and creating a deterrent effect in Africa lie with not only building the capacity of the Judiciary but the Prosecutors, Police, customs officers and other relevant stakeholders

Recalling the Johannesburg Principles on the Role of Law and Sustainable Development adopted at the Global Judges Symposium held in Johannesburg, South Africa in August 2002 which inter alia recognized the importance of ensuring that environmental law development feature prominently in academic curricula, legal studies and training at all levels, in particular among judges and others engaged in the judicial process

Recalling also the 2016 World Declaration on the Environmental Rule of Law adopted in Rio de Janeiro and the 2018 Declaration of Judges on Water Justice

Noting that judiciaries are crucial in the promoting compliance with and enforcement of international and national environmental regimes,

Considering that enhancing the capacity of Judges and Magistrates is critical to the realization of sustainable development,

Noting the establishment of the Global Judicial Institute on the Environment,

Welcoming the Johannesburg Action Plan of January 2017 and the February 2018 Yaoundé Final Communiqué on Judicial Education on Environmental Law as key platforms to support countries mainstream and integrate environmental law in judicial training Institutions as part of sustainable curricula,

Recognizing the need for a platform to continuously exchange information, create partnerships for collaboration, strengthen capacity, and provide research and analysis on environmental adjudication, court practices, and environmental rule of law,

Hereby declare our commitment to strengthen and retain the necessary capacity in our judicial institutions to adequately adjudicate environmental disputes and to this end;

1. *Welcome and support* the establishment and launch of the Africa Judicial Training Network on Environmental Law and encourage our Judicial Education Institutions and Judicial Officials to join the network.
2. *Call upon our* countries legislatures to enact or strengthen the appropriate environmental laws and Enforcement systems to provide a platform for the judiciaries to effectively protect the environment.
3. *Further welcome* the development of the Training Curriculum and Manuals on Environmental Law for Judges and Magistrates and other relevant officials in Africa.
4. *Request* the development of green bench books on environmental cases and adjudication that covers best practices in Africa
5. *Request* the Africa Judicial Training Network on Environmental Law in collaboration with the Global Judicial Institute on the Environment and with support from the United Nations Environment Programme and other

partners to support countries develop and implement judicial education programmes in environmental law in line with the above training curriculum and manuals on environmental law.

6. *Further Request* the United Nations Environment Programme and the Global Judicial Institute on the Environment to provide support within the framework of the Africa Judicial Training Network on Environmental Law, in the development and implementation of a Judicial Education Programme designed to improve the knowledge and skills of Judges, Magistrates and other relevant officials in the Justice chain in the application of environmental law.
7. *Encourage* our Judicial Education Institutions to develop within 2 years, environmental law training programmes for Judges and Magistrates taking into account, but not limited to, the following broad areas;
 - (a) Foundations of environmental law including: objectives, fundamental principles and concepts and tools of environmental law; and contemporary environmental matters in Africa
 - (b) Procedural aspects in adjudication of environmental disputes including: jurisdiction; access to environmental justice; evidence in environmental cases; civil and criminal remedies and sanctions; case management in environmental matters
 - (c) Principal subject areas of environmental adjudication including: environmental, wildlife and forest crimes; human rights and the environment; pollution; governance of fresh water resources; governance of marine and coastal resources; and governance of mineral and other extractive resources
8. *Call upon* African countries to cooperate among the judiciaries and Regional Courts on environmental matters to advance environmental protection

9. *Agree* to host the next symposium in 2020 in the Republic of Kenya and *request* the Chief Justice of the Republic of Kenya with support from the United Nations Environment Programme, the Africa Judicial Training Network on Environmental Law and other partners to organize the symposium

10. *Convey* our sincere gratitude to the Government and Chief Justice of the Republic of Mozambique and the United Nations Environment Programme for hosting and organizing the second symposium on greening the judiciaries in Africa

Dated at Maputo, Mozambique this 3rd day of August 2018