**The Contributions of Law to the Rio+20 Agenda**

Convened by the UN Department of Economic and Social Affairs (DESA) and

International Development Law Organization (IDLO)

with support from the Government of Italy

Friday, April 20, 2012, 3:00 p.m. – 6:30 p.m.

UN Headquarters, New York - Conference Room 3, North Lawn Building

**GENERAL OVERVIEW**

Strong laws and legal institutions are essential to the pursuit of sustainable development.  The 1992 Rio Declaration and Agenda 21, which launched the concept of sustainable development to the world stage, emphasized the need for changes to legal and institutional frameworks, and increased attention to the development and implementation of international law on sustainable development.  Since then, sustainable development has been embraced as an objective in the international policy-making process and negotiations, however, the recognition of the important role of law and legal institutions has been lagging behind in the international discourse.  In the effort to fill implementation gaps and improve integration of economic, social and environmental objectives, it will be important to highlight areas where laws and legal institutions have made significant progress and can inspire and re-invigorate the Rio+20 outcomes.

**EVENT DESCRIPTION AND OBJECTIVES**

The UNDESA-IDLO- event will feature several leading experts engaged in the Rio+20 process, who will share their perspective on the link between law and legal institutions and the pursuit of sustainable development.  The event will be chaired by Ms. Irene Khan, Director General of IDLO.

The objective of the event is to  highlight for negotiators engaged in the Rio+20 process the importance of recognizing and incorporating the significant contributions that law can make to the Rio+20 outcomes.  The panel discussions will feature international legal experts who will provide concrete illustrations of such contributions and identify, in this perspective, area in which the Conference outcomes could be strengthened to better achieve the overall objectives set by the international community for Rio+20.

**Panel 1: National Best Practices in Sustainable Development Law for the Green Economy**

Strong laws and institutions are critical to support the transition to a green economy. Laws can incentivize sustainable goods and services, and also set out stable enabling frameworks to boost confidence and clearly define roles and relationships. The Rio+20 draft outcomes encourage countries to commit to a transparent process of multi-stakeholder consultation, to enact complementary measures that protect poor and vulnerable groups, and to develop tailored strategies as part of the Framework for Action. The negotiations leading up to the Rio+20 Conference offer the opportunity to work towards an outcome for the Conference that builds on this call for action and provides concrete guidance on how green economy initiatives that respect human rights, social development, and ecosystem health can be effectively implemented.

Countries around the world are implementing national best practice laws, institutions and strategies that are aimed at transitioning to a green economy in a manner that respects human rights and ecosystem health and are sustained by national and sub-national frameworks that address the on-the ground realities of each State. The Rio+20 outcomes should highlight the importance of national frameworks by encouraging States to develop their own green economy strategies, and recognize that strong governance at local, national, regional and global levels is critical for advancing sustainable development.

The panel will be chaired by Ambassador Luis Alfonso de Alba, Permanent Representative of Mexico and moderated by Ms. Marie-Claire Cordonier Segger.  Panelists will present legal best practices in green economy projects around the world that have achieved success in meeting economic, social and environmental objectives.  Mr. Magdy Martinez-Soliman will discuss the leading work of countries committed to moving beyond climate change mitigation efforts to long-term sustainable development strategies towards a new low-emission climate-resilient development pathway.  Prof. Jorge Cabrera will discuss innovative laws and institutions that have been implemented across several sectors from sustainable tourist, forest conservation, biodiversity, amongst others.  Me. Sébastien Jodoin will address the human rights concerns related to the green economy, and outline some of the tools and measures that can be taken to maximise the benefits provided by the green economy for human rights while minimizing its potential negative impacts. Prof. Héctor Velasco-Perroni will discuss several recent legal innovations in Zambia, Mexico, and Vietnam to facilitate the implementation REDD+ projects that meet social and environmental safeguards.

**Panel 2: The Contributions of International Treaties and Tribunals to Sustainable Development Governance**

International law has made significant and concrete strides in the advancement of sustainable development.  Several international treaties and accords dealing with diverse fields have incorporated objectives and principles related to sustainable development. Over 300 treaties contribute to the goals of sustainable development and more than 40 global and regional treaties now recognize sustainable development as an explicit objective. Judicial interpretations of these treaties have clarified, consolidated and assigned concrete rights and responsibilities to the concept of sustainable development in recent years, making the achievement of its objectives a growing reality.

The International Law on Sustainable Development Partnership was launched in 2002 by international legal scholars and practitioners committed to furthering the goals of sustainable development through law.  The 2002 ILA New Delhi Declaration of Principles of International Law Relating to Sustainable Development marked a significant milestone in this Partnership, setting out seven principles of international law that had emerged from mainly soft law instruments and begun to assert certain persuasive legal force. The seven emerging principles were identified under the Declaration as the sustainable use of natural resources; the principle of equity and the eradication of poverty; the principle of common but differentiated responsibilities; the principle of the precautionary approach to human health, natural resources and ecosystems; the principle of public participation and access to information and justice; the principle of good governance; and the principle of integration and interrelationship.

Over the past decade, treaty law has advanced considerably, with many new commitments on sustainable development to implement. Parallel to this progress, international courts and tribunals have been seized of disputes from trade and investment, human rights, environment and public international law spheres, and have been increasingly applying principles related to sustainable development in their awards.  This growing body of jurisprudence demonstrates that courts can play a vital role in implementing sustainable development principles, and that law can act as an important catalyst for the integration and application of sustainable development principles in concrete terms.

The panel will be chaired by Ambassador Palitha T. B. Kohona, Permanent Representative of Sri Lanka and moderated by Ms. Marie-Claire Cordonier Segger. Panelists will discuss how treaty law, and international courts and tribunals, have recognized and interpret the Rio Principles and New Delhi Principles. They will debate how these peaceful settlements of international economic, environmental and human rights disputes can strengthen the international architecture for sustainable development and promote public participation towards a more just, equitable and inclusive human development. Prof. Duncan French will present the rich and leading jurisprudence from public international courts including the International Court of Justice, Permanent Court of Arbitration and International Tribunal for the Law of the Sea.  Prof. Sumudu Atapattu will focus on human rights courts and tribunals, which have made several leading pronouncements on indigenous rights but also reveal a tension between environmental and human rights.  Prof. Markus Gehring will discuss the expansive jurisprudence in trade and investment tribunals where a nuanced application of the integration of economic, social and environmental objectives has emerged.

**Speakers (in order of appearance)**

**Ms. Irene Khan**,Director General, International Development Law Organization (IDLO) and recipient of the Sydney Peace Prize in 2006 for her work to end violence against women and girls. Her book, *The Unheard Truth: Poverty and Human Rights,* has been translated into seven languages.

**Ambassador Antonio Bernardini**, Permanent representative of Italy to the United Nations in New York, representing theVice-Chair of the Bureau for the Preparatory Process of the UN Conference on Sustainable Development.

**Ms. H. Elizabeth Thompson**, Executive Coordinator for the UNCSD Rio + 20, former Minister for Energy and Environment for Barbados.

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**Ambassador Luis Alfonso de Alba**,Ambassador since December 2001 and the Permanent Representative of Mexico to the United Nations and other International Organizations in Geneva.

**Ms. Marie-Claire Cordonier Segger**, Head of Economic Growth and Trade, IDLO, pro bono Senior Director, CISDL; International Professor, Faculty of Law, University of Chile; Affiliated Fellow, LCIL, Cambridge University, and author/editor of 14 books on sustainable development law and policy.

**Professor Jorge Cabrera Medaglia**, Professor of Environmental, Biodiversity and Agricultural Law, Faculty of Law, University of Costa Rica; Lead Counsel for Biodiversity, CISDL, Legal Adviser of the National Biodiversity Institute (INBio); author of *Derecho y la Bioeconomia*.

**Me. Sébastien Jodoin**, Lead Counsel for Climate Change, CISDL; Director of the One Justice Project; and Trudeau Scholar, Yale University School of Forestry and Environmental Studies.

**Professor Héctor Velasco-Perroni**, President of the Colegio de Abogados por el Ambiente; Attorney at Law (ITAM) practicing environmental law, Head Professor of the Kyoto Protocol summer clinic at Universidad Interamericana del Desarrollo, Mexico.

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**Ambassador Palitha T. B. Kohona**, Permanent Representative of Sri Lanka to the United Nations, former Secretary to the Ministry of Foreign Affairs of Sri Lanka and past Chief of the UN Treaty Secretariat.

**Mr. Magdy Martinez-Soliman**, Deputy Assistant Administrator and Deputy Director, Bureau for Development Policy (BDP)/UNDP

**Professor Duncan French**, Head, Professor of International Law, University of Lincoln Law School; Rapporteur of the International Law Association (ILA)’s Committee on International Law on Sustainable Development.

**Professor Sumudu Anopama Atapattu**, Associate Director of the Global Legal Studies Center; Senior Lecturer at the University of Wisconsin Law School and author of *Emerging Principles of International Law*.

**Professor Markus Gehring**, *ad personam* Jean Monnet Chair in Sustainable Development Law at the University of Ottawa; Lead Counsel, Trade and Investment, CISDL; Deputy Director of the Centre for European Legal Studies, Faculty of Law, University of Cambridge.

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