



PRESS RELEASE

Climate change and inadequate institutional protection of habitats prompts the first step in London towards the creation of the ICE, the International Court for the Environment

London, 29 November 2008 –

Environmentalists and politicians joined barristers, lawyers and members of the public in London last night at a meeting in the British Library to hear a series of presentations about the failure of global institutions to provide adequate protection of ecosystems.

“The evidence is clear: moves by governments to reduce damage should be underpinned by an established, acknowledged court providing access to justice for all in cases where habitats, livelihoods and health have been impaired,” said Stephen Hockman QC, a former Chairman of the UK’s Bar Council and a leading environmental barrister.

The proposed ICE, he said, would exclusively sit above – and adjudicate on – disputes arising out of UN environmental treaties such as 1992’s Convention on Biological Diversity and its Framework Convention on Climate Change.

The new court’s jurisdiction would not be limited to the territories of signatory states but would also have jurisdiction elsewhere. Unlike the International Court of Justice (ICJ) signatory states, private individuals (including corporates) and “interested parties” – that is, environmental groups and relevant non-governmental groups and relevant NGOs – would all have standing before the ICE.

Decisions of the ICE would be enforceable through sanctions – including fines – and, along the lines of the EC Environmental Liability Directive (2004/35/EC) would include restoration and rehabilitation orders in relation to damaged habitats.

It is also envisaged that the ICE would have the power to make declarations of incompatibility in instances where signatory states' legislation appears to conflict with UN environmental rules.

Supplementing papers delivered at the meeting by environmentalist and former diplomat Oliver Tickell and by Member of Parliament (MP) Nigel Griffiths – entitled, respectively, Kyoto: failed experiment, and The Climate Change Bill, a world-class agreement – Mr Hockman added: “international legal instruments are crucial; existing tools lack jurisdiction, clout and transparency.”

Formation of Coalition for the ICE

“Our current thoughts are partly modeled on those of the former President of the International Court of Justice (ICJ), Sir Robert Jennings: as long ago as 1995 he pinpointed the importance of the international dimensions of environmental law,” said Mr Hockman.

“Subsequently, from last night's meeting as a group or coalition we will discuss topics of interest with NGOs, international lawyers and environmentalists – our intention to form a specialist group of experts will investigate all issues and map a way forward.

“The papers published last night form the backbone of the will to address many of the important environmental issues we now face. Global warming, clearly, is after all compounded by the energy it takes to restore damaged ecosystems.”

Access to justice for all

“ICE would serve the victims of physical damage to the environment by adjudicating the terms of recompense and the steps needed to restore ecosystems,” he said. “It is important that there is access to justice for all.”