

ENVIRONMENTAL LAW II- DEVELOPMENTS IN SUBSTANTIVE AND PROCEDURAL LAWS

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Some Issues

- ▶ The North-South debate / Developed v. Developing Countries
- ▶ Development of the Public Trust
- ▶ Expansion of the precautionary principle's application to nature - "in dubio pro natura"
- ▶ Public Participation, Right to information and Access to Justice
 - Aarhus Convention
 - EIA (Environmental Impact Assessments)
- ▶ Environmental Governance & Management
 - EMS (Environmental Management Systems), ISO 14001
- ▶ New developments
 - broadening locus standi - "Do Trees Have Standing?" ; Oposa case- future generations (Philippines),
 - "Epistolary" justice (India)
 - Writ of Kalikasan (Nature) - Philippines
 - "Green" Courts - eg. Land & Environment Court, NSW; over 400 green courts worldwide
- ▶ Corporate Social Responsibility (CSR) & Environmental Ethics

Outline – Innovative Approaches from the Asia-Pacific

- ▶ Indian Constitution and cases – “Judicial activism”, epistolary jurisdiction and public interest litigation
- ▶ Pakistan Constitution – interpretation of “right to life” clause, applying Precautionary principle
- ▶ Bangladesh – locus standi of NGOs
- ▶ Philippines – Inter-generational equity & locus standi (Oposa case)
- ▶ Australia – applying the Precautionary principle (Leatch case)
- ▶ Philippines – latest developments : new procedural rules for environment cases (writ of Kalikasan)
- ▶ New Zealand – statutory recognition for a river as a legal entity

1. National Laws – Constitutional rights

INDIAN Constitution

► Article 21 – Indian Constitution

No person shall be deprived of his life or personal liberty except according to procedure established by law.

► Article 48A

The State shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country.

► Article 51A

It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for all living creatures.

► Procedurally, these cases are usually brought before the Supreme Ct under Article 32, which grants citizens standing to sue directly in the Supreme Ct for violations of constitutional rights.

► Persons can file a Writ Petition or address a letter to the Chief Justice of India highlighting the question of public importance for invoking this jurisdiction.

“Public Interest Litigation” & “Epistolary justice”

Public Interest Litigation, INDIA

- ▶ “Although the proceedings in the Supreme Court arise out of the judgments or orders made by the Subordinate Courts including the High Courts, of late **the Supreme Court has started entertaining matters in which interest of the public at large is involved and the Court can be moved by any individual or group of persons either by filing a Writ Petition at the Filing Counter of the Court or by addressing a letter to Hon'ble the Chief Justice of India highlighting the question of public importance for invoking this jurisdiction.**
- ▶ Such concept is popularly known as '**Public Interest Litigation**' and several matters of public importance have become landmark cases. This concept is unique to the Supreme Court of India only and perhaps no other Court in the world has been exercising this extraordinary jurisdiction. A Writ Petition filed at the Filing Counter is dealt with like any other Writ Petition and processed as such. In case of a letter addressed to Hon'ble the Chief Justice of India the same is dealt with in accordance with the guidelines framed for the purpose.”
- ▶ http://supremecourtofindia.nic.in/new_s/juris.htm

Innovations in procedure & bold decisions - Indian Supreme Court practice

- ▶ The Indian Supreme Court has acted on the basis of newspaper reports as well as on letters written by concerned citizens ('epistolary jurisdiction').

The Court :-

- ▶ Enlists help of legal aid organisations and *amicus curiae*
- ▶ Appoints Commissions of Inquiry
- ▶ Monitors cases for years
- ▶ Monitors the results of its orders

Bold decisions - Indian Supreme Court practice

- ▶ Has ordered various **states** to:-
 - **pay compensation** to petitioners for failing to protect fundamental rights
 - **pay costs** of petitioners
 - **pay costs** of Commissions of Inquiry established by the Court

MC Mehta v Union of India (Tanneries case) [1988] SC

- ▶ Action by Mehta to stop the pollution of the Ganges River by tanneries and soap factories.
- ▶ Water rendered unsafe for drinking & bathing.
- ▶ Mehta stated that the people needed to be educated about protecting the environment and asked the Court to issue directions on environmental education.
- ▶ Supreme Ct found that the pollution was so serious as to amount to a serious public nuisance

Held by the Supreme Court of India

- ▶ The need to protect the environment is one of the fundamental duties under the Constitution.
- ▶ Therefore, it is the duty of the Central Govt to direct all educational institutions to teach a lesson on the protection of the environment, for at least one hour a week
- ▶ Supreme Court ordered that all State Govts require all cinemas to show slides on environmental issues
- ▶ Ministry of Information and Broadcasting to start producing short films relating to the environment
- ▶ All radio stations to broadcast interesting programs on the environment
- ▶ University Grants Commission to require universities to prescribe a course/s on the environment.

MC Mehta v Union of India (1996) [Taj Mahal case]

- ▶ Taj Mahal severely degraded due to acid rain caused by industrial activities nearby.
- ▶ In 1993, Court had ordered Pollution Control Board to survey area next to the Taj, list all the pollutive industries and issues notices to industries to take anti-pollution measures.
- ▶ Board issued notices to 511 industries
- ▶ Court ordered industries to reply to Board within 8 weeks or face closure
- ▶ 212 industries failed to reply and were immediately closed down, until they install pollution control devices
- ▶ 1993-94 Ct made further orders to investigate use of alternative energy sources and relocation of industries
- ▶ 1994 - Ct placed 292 industries on notice that they were being considered for relocation

Held by Indian Supreme Court (contd)

- ▶ industries that could use gas were ordered to do so; failing which they must approach govt for allotment of alternative plots outside Taj area
- ▶ industries that did neither would be closed; coal/coke supply prohibited
- ▶ State govt to establish unified single agency to facilitate move
- ▶ Workers who move with industry will get bonus of 1 year's salary
- ▶ Workers of industries that are closed will get 6 years' salary as compensation

MC Mehta v Kamal Nath (1997) SC

- ▶ The Polluter Pays Principle & the Public Trust
- ▶ Newspaper report - that a Motel being built by a private company owned by the family of the former Minister for Environment & Forests was using machinery to obstruct the course of the river and reclaim large areas of land nearby.
- ▶ These actions led to severe floods and damage to the other lands
- ▶ Indian Supreme Court acted on this report.

Held by Indian Supreme Court:-

1. There is the notion of a Public Trust, first developed by Roman Law and adopted by common law where "the State is trustee of all natural resources which are by nature meant for public use and enjoyment..."
 - ▶ "The public at large is the beneficiary of the seashore, running waters, air, forests and ecologically fragile lands. The State as trustee is under a legal duty to protect the natural resources. These resources meant for public use cannot be converted into private ownership."
 - On the facts, the government has committed "blatant breach of public trust" by leasing the ecologically fragile land to the Motel management.
 - The prior approval granted by the Government of India, Ministry of Environment and Forest and the lease-deed in favour of the Motel were quashed. The State Government shall take over the area and restore it to its original-natural conditions. The Motel shall pay compensation by way of costs for the restitution of the environment and ecology of the area. The pollution caused by the Motel in the riverbed and the banks on the river Beas have to be removed and reversed.

II. PAKISTAN

- ▶ Article 9, Constitution

“No person shall be deprived of life or liberty save in accordance with law.”

- ▶ Article 184 (3)

....The Supreme Court shall, if it considers that a question of public importance with reference to the enforcement of any of the Fundamental Rights conferred by Chapter I of Part II is involved, have the power to make an order of the nature mentioned in the said Article.

Shela Zia & Ors. v WAPDA (Water & Power Authority)

[1994] Pak. SC

- ▶ Proposed construction of a power grid station in a residential area.
- ▶ Concerned citizens sent a letter to the Supreme Court.
- ▶ Counsel for citizens – Dr Parvez Hassan invoked Principle 15, Rio Declaration – that Precautionary approach shd be adopted; and cited Indian cases from Sup Ct.
- ▶ Q – whether electro-magnetic fields are harmful to human health
- ▶ Sup Ct felt it was sufficiently grave, as involving life and health of the citizens.
- ▶ Sup Ct sent a Notice to the govt authority – expedited hearing

Held by Pakistan Supreme Court:

- ▶ 1. Art. 9 Constitution - **Although the word 'life' has not been defined in the Constitution, it should be given a wide meaning "to enable a man not only to sustain life but to enjoy it."**
- ▶ 2. Article 14 provides that the dignity of man and the privacy of home (subject to law) shall be inviolable.
- ▶ 3. The citizens had not been consulted in the plans for the power grid, although the high tension wires were running in their locality. In US, such matters require a Public Service Commission.

Therefore ordered that :

- ▶ NESPAK (National Engineering Services) be appointed as Commissioner to examine and study WAPDA's scheme, plans etc. Petitioners are at liberty to send NESPAK all documents & materials as they wish.
- ▶ In future, prior to installing or constructing any grid station, WAPDA **must issue public notice in newspapers, radio, tv, inviting objections.**
- ▶ Must give **public hearing** to persons filing objections, and can only finalise plans after considering the objections.
- ▶ Construction halted.

The Philippines

- ▶ Article II, Constitution
- ▶ Section 16 :
- ▶ The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.
- ▶ Section 15 :
- ▶ The State shall protect and promote the right to health of the people and instill health consciousness among them.

Also in Philippines - Administrative Code 1987, Title XIV, Book IV and

1977 Presidential Decree PDNo. 1151 (Philippine Environmental Policy) & PD 1152 (Philippine Environment Code)

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- ▶ It is the continuing policy of the State :
- ▶ (a) to create, develop, maintain and improve conditions under which man and nature can thrive in productive and enjoyable harmony with each other
- ▶ (b) to fulfill the social, economic and other requirements of **present and future generations of Filipinos**
- ▶ (c) to ensure the attainment of an environmental quality that is conducive to a life of dignity and well-being.

Oposa v Factoran (Secretary of DENR), [1993]

- ▶ Application by minors representing themselves and unborn generations of Filipino children.
- ▶ Petition to Court to order that DENR cancel all existing Timber Licence Agreements and stop issuing, renewing or approving new licence agreements.
- ▶ Arguments for Petitioners suing for themselves and for future generations yet unborn:
 - ▶ 1. Firstly, the petition lists a host of environmental problems/tragedies as a consequence of deforestation.
 - ▶ 2. Only 4% of virgin rainforests remain in 1987, and by 1993, only 2.8% (850,000 hectares) remain
 - ▶ 3. Deft & predecessors have granted timber licenses to cut down 3.89 million hectares for commercial logging.
 - ▶ 4. The granting of these licenses constitutes a misappropriation and/or impairment of the natural resource that deft holds in trust for the benefit of plaintiffs and succeeding generations
 - ▶ 5. Plaintiffs have a clear and constitutional right to a balanced & healthful ecology and are entitled to protection by the State in its capacity as the *parens patriae*.

Held by Supreme Court (Davide J)

- ▶ The right to a 'balanced and healthful ecology in accordance with the rhythm, and harmony of nature' (s. 16) unites with the right to health (s. 15). Even though it is found not under the Bill of Rights but under the Declaration of Principles & State Policies, it is not any less important.
- ▶ Such a right relates to self preservation and can be said to even "predate all governments and constitutions. These basic rights need not be written into the constitution, for they are assumed to exist from the inception of humankind."
- ▶ Discussed the broad principles in the Philippine Environment Code
- ▶ Agreed that the statements show a violation of their rights.
- ▶ "We find no difficulty in ruling that they can, for themselves, for others in their generation and for the succeeding generations, file a class suit.
 - ▶ the right to a 'balanced and healthful ecology is based on the concept of inter-generational responsibility
 - ▶ such a right considers the 'rhythm and harmony of nature'
 - ▶ such rhythm and harmony must include the judicious disposition, utilization, management, renewal and conservation of the country's natural resources."

III. BANGLADESH

Dr Mohiuddin Farooque v. Bangladesh & Ors. [1997]

- ▶ Dr Farooque arguing for NGO, BELA (Bangladesh Env. Lawyers Association) that no EIA had been done for certain govt projects.
He cites :
 - ▶ Rio Principle 3 - right to development must meet needs of present and future generations
 - ▶ Rio Principle 10 - state must facilitate public participation in env issues, including access to information
 - ▶ Q whether BELA as NGO, had sufficient *locus standi* under Article 102 Constitution.
 - ▶ Art. 102 - Court has jurisdiction to hear a complaint from 'any person aggrieved'.

Held - Supreme Court of Bangladesh

The S Ct first considered the history of the Constitution, that it was for the people of Bangladesh, therefore “the people will always remain the focal point of concern of the Supreme Court...”

Held :

- ▶ “...Insofar as it concerns public wrong or public injury or invasion of fundamental rights of an indeterminate number of people, any member of the public, being a citizen, suffering the common injury or common invasion in common with others or an indigenous association, as distinguished from a local component of a foreign organization, espousing that particular cause, is a person aggrieved and has the right to invoke jurisdiction under Article 102.”
- ▶ “...there is a positive duty on the judiciary to advance and secure the Fundamental rights of its people as found in our Constitution.
- ▶ ...a person approaching the court for redress of a public wrong or public injury has sufficient interest in the proceedings, **who is acting for public benefit and not for his personal gain or private profits, without any political motivation or other oblique consideration, has locus standi** to move the High Court under Art. 102 of the Constitution.”
- ▶ **Therefore BELA had locus standi.**

AUSTRALIA -

Leatch v National Parks & Wildlife Service & Shoalhaven City Council

[1993] NSW Australia

- ▶ City Council proposing to construct a road in an area known to be the habitat of the Giant Burrowing Frog, and the Yellow Bellied Glider, 2 endangered species.
- ▶ National Parks & Wildlife Act provides that any significant modification of the habitat of endangered fauna which is likely to adversely affect its essential behavioural patterns constitutes a 'taking', which requires a license from the Director General.
- ▶ City Council applied to DG for a license to 'kill or take' endangered fauna. Licence was issued for 10 years.
- ▶ Council submitted a "Fauna Impact Statement" (FIS) which was publicized.
- ▶ Leatch submitted objections to the grant of a licence, arguing for the **precautionary principle** to be applied.

Held : Paul Stein J, Land & Environment Court, NSW

- ▶ “In my opinion, **the precautionary principle is a statement of common sense** and has already been applied by decision makers in appropriate circumstances prior to the principle being spelt out.”
- ▶ In determining whether to apply this principle to any given case, one needs to **consider the subject matter, scope and purpose of the enactment**. Here, the adoption of a cautious approach is clearly consistent with the subject matter, scope & purpose of the Act. **Where, as here, there is a dearth of scientific knowledge of species population, habitat and impacts, application of the precautionary principle would be most apt.”**

Held : Paul Stein J, Land & Environment Court, NSW (contd)

- ▶ Can the benefits of the proposed road be balanced against the likely loss of endangered species?
- ▶ The applicant for such license needs to satisfy the court that, **on a balance of probabilities**, it is appropriate to grant the license.
- ▶ Here, the court is not satisfied that a licence should be granted. They need to explore other alternative routes.
- ▶ **But the matter is not closed. Further information on endangered fauna or advances in scientific knowledge or changes in the proposal and ameliorative measures may lead to a different assessment in the future.**
- ▶ **Appeal upheld - license refused.**

Some recent developments

- ▶ Legal standing - “Do Trees have Standing?” Christopher Stone, 1972
 - Does Nature have rights?
 - see Equador Constitution,
 - Brazil Constitution
- ▶ Rivers recognised to have legal personalty
 - New Zealand
 - India
- ▶ Actions against the state - Manila Bay case, Philippines
- ▶ Writ of Kalikasan (Nature) - Philippines
- ▶ Actions against the state re: climate change

Manila Bay case, Philippines, 2010

- ▶ Case filed by “concerned residents of Manila Bay”, 1999 before the Regional Trial Court in Cavite for the cleanup, rehabilitation and protection of Manila Bay
- ▶ Department of Environment & Natural Resources (DENR) and 12 government departments were defendants, for allowing Manila Bay to be polluted.
- ▶ 2002 - Cavite Court ordered govt agencies to cleanup, construct sewerage facilities, landfills and other facilities to deal with wastes, prohibit and clean up discharges from ships, rehabilitate and revitalise the waters (restock with fish & other marine life), provide an adequate budget for clean up, remove all structures that block free flow of waters into the Bay etc.
- ▶ Defendants appealed, arguing that these went beyond their duties.
- ▶ Court of Appeal & Sup Ct decided in favor of plaintiffs.
- ▶ Sup Ct ordered Executive agencies to clean up Manila Bay and submit reports every 3 months.
- ▶ Manila Bay Advisory Committee was set up.
- ▶ “In the light of the ongoing environmental degradation, the Court wishes to emphasize the extreme necessity for all concerned executive departments and agencies to immediately act and discharge their respective official duties and obligations. Indeed, time is of the essence; hence, there is a need to set timetables for the performance and completion of the tasks”

Philippines - Writ of Kalikasan (Nature)

- ▶ Rules took effect April 29, 2010
- ▶ One of two special civil actions under the Rules
- ▶ Acts covered: unlawful act or omission involving **environmental damage of such magnitude** as to prejudice the life, health or property of inhabitants in **two or more cities or provinces**.
- ▶ Expedited process
- ▶ Exemption from payment of docket fees (Sec. 4)
- ▶ Filing of a petition *shall not preclude* the filing of separate civil, criminal or administrative actions (Sec. 17)
- ▶ Court may order Temporary Protection Order

Who May File

- ▶ Natural or juridical person
- ▶ Entity authorized by law
- ▶ People's organization, non-governmental organization (NGO) or any public interest group accredited by or registered with any government agency
- *On behalf of* persons whose constitutional right to a balanced and healthful ecology is violated, including unborn generations
- ▶ Reliefs granted are broad and comprehensive ---
- ▶ **BUT does not include an award of personal damages to individual petitioners (sec. 15(e))**

Brazil Constitution

▶ CHAPTER VI - ENVIRONMENT

- ▶ Article 225. All have the right to an ecologically balanced environment, which is an asset of common use and essential to a healthy quality of life, and both the Government and the community shall have the duty to defend and preserve it for present and future generations.
- ▶ Paragraph 1 - In order to ensure the effectiveness of this right, it is incumbent upon the Government to:
 - ▶ 1. preserve and restore the essential ecological processes and provide for the ecological treatment of species and ecosystems;
 - ▶ 2. preserve the diversity and integrity of the genetic patrimony of the country and to control entities engaged in research and manipulation of genetic material:
 - ▶ 6. promote environment education in all school levels and public awareness of the need to preserve the environment;
 - ▶ 7. protect the fauna and the flora, with prohibition, in the manner prescribed by law, of all practices which represent a risk to their ecological function, cause the extinction of species or subject animals to cruelty

CONSTITUTION OF EQUADOR, 2008

- ▶ CHAPTER SEVEN - Rights of nature
- ▶ Article 71. **Nature, or Pacha Mama**, where life is reproduced and occurs, **has the right** to integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes.
- ▶ **All persons, communities, peoples and nations can call upon public authorities to enforce the rights of nature.** To enforce and interpret these rights, the principles set forth in the Constitution shall be observed, as appropriate.
- ▶ The State shall give incentives to natural persons and legal entities and to communities to protect nature and to promote respect for all the elements comprising an ecosystem.
- ▶ **Article 72. Nature has the right to be restored.** This restoration shall be apart from the obligation of the State and natural persons or legal entities to compensate individuals and communities that depend on affected natural systems.

Rivers given legal personalty

- ▶ 14 March 2017 - New Zealand passed the Te Awa Tupua (Whanganui River) Claims Settlement Act to settle the claims of the Whanhanui tribes.
- ▶ Act recognises Te Awa Tupua, comprising the River, from the mountains to the sea, as a legal person (clause 14).
- ▶ “The rights, powers and duties must be exercised in the name of Te Pou Tupua, an office created by the Act, “to be the human face of and act in the name of Te Awa Tupua” (clause 19).
- ▶ The govt will pay NZ\$30M (US\$21M) to establish the trust fund and make yearly payments of NZ\$200,000 (US\$140,000) per year for 20 years as contributions to cost of exercising its functions

Position of Rivers in India?

Do they have legal personality?

- ▶ 24 March 2017 - Uttarakhand High Court held that Ganges and Yamuna Rivers have the same rights as legal persons, in response to the urgent need to reduce pollution. Both rivers are regarded as sacred in Hindu religion.
- ▶ 7 July 2017 - **Indian Supreme Court overruled above decision.** Held that giving the rivers legal personality simply was not practical and could lead to complicated legal situations, even claims against the rivers in cases of flooding or drowning.

SAVING THE EARTH - ETHICS AND NATURE CONSERVATION

- ▶ **WORLD CHARTER FOR NATURE** – adopted by UN General Assembly, 1982
5 general principles

<http://www.un.org/documents/ga/res/37/a37r007.htm>

- ▶ I. GENERAL PRINCIPLES 1. Nature shall be respected and its essential processes shall not be impaired.
- ▶ 2. The genetic viability on the earth shall not be compromised; the population levels of all life forms, wild and domesticated, must be at least sufficient for their survival, and to this end necessary habitats shall be safeguarded.
- ▶ 3. All areas of the earth, both land and sea, shall be subject to these principles of conservation; special protection shall be given to unique areas, to representative samples of all the different types of ecosystems and to the habitats of rare or endangered species.

World Charter for Nature, 1982 (contd)

- ▶ 4. Ecosystems and organisms, as well as the land, marine and atmospheric resources that are utilized by man, shall be managed to achieve and maintain optimum sustainable productivity, but not in such a way as to endanger the integrity of those other ecosystems or species with which they coexist.
- ▶ 5. Nature shall be secured against degradation caused by warfare or other hostile activities.

The Earth Charter

- ▶ The **Earth Charter** is an international declaration of fundamental values and principles considered useful by its supporters for building a just, sustainable, and peaceful global society in the 21st century.
- ▶ Created by a global consultation process, and endorsed by organizations representing millions of people, the Charter "seeks to inspire in all peoples a sense of global interdependence and shared responsibility for the well-being of the human family, the greater community of life, and future generations."
- ▶ It calls upon humanity to help create a global partnership at a critical juncture in history. The Earth Charter's ethical vision proposes that environmental protection, human rights, equitable human development, and peace are interdependent and indivisible.
- ▶ The Earth Charter Initiative organization exists to promote the Charter.

THE EARTH CHARTER

http://www.earthcharterinaction.org/2000/10/the_earth_charter.html

- ▶ We stand at a critical moment in Earth's history, a time when humanity must choose its future. As the world becomes increasingly interdependent and fragile, the future at once holds great peril and great promise.
- ▶ To move forward we must recognize that in the midst of a magnificent diversity of cultures and life forms **we are one human family and one Earth community with a common destiny.**
- ▶ We must join together to bring forth a sustainable global society founded on **respect for nature**, universal human rights, economic justice, and a culture of peace.
- ▶ Towards this end, it is imperative that we, the peoples of Earth, **declare our responsibility to one another, to the greater community of life, and to future generations.**

The Earth Charter

► *Universal Responsibility*

To realize these aspirations, we must decide to live with a sense of universal responsibility, identifying ourselves with the whole Earth community as well as our local communities. We are at once citizens of different nations and of one world in which the local and global are linked. Everyone shares responsibility for the present and future well-being of the human family and the larger living world. The spirit of human solidarity and kinship with all life is strengthened **when we live with reverence for the mystery of being, gratitude for the gift of life, and humility regarding the human place in nature.**

- We urgently need a shared vision of basic values to provide an ethical foundation for the emerging world community. Therefore, together in hope we affirm the following interdependent principles **for a sustainable way of life as a common standard by which the conduct of all individuals, organizations, businesses, governments, and transnational institutions is to be guided and assessed.**

PRINCIPLES – RESPECT & CARE FOR THE COMMUNITY OF LIFE



I. RESPECT AND CARE FOR THE COMMUNITY OF LIFE

1. Respect Earth and life in all its diversity.

- (a) Recognize that all beings are interdependent and every form of life has value regardless of its worth to human beings.
- (b) Affirm faith in the inherent dignity of all human beings and in the intellectual, artistic, ethical, and spiritual potential of humanity.

2. Care for the community of life with understanding, compassion, and love.

- a. Accept that with the right to own, manage, and use natural resources comes the duty to prevent environmental harm and to protect the rights of people.
- b. Affirm that with increased freedom, knowledge, and power comes increased responsibility to promote the common good.

II. ECOLOGICAL INTEGRITY

- ▶ **5. Protect and restore the integrity of Earth's ecological systems, with special concern for biological diversity and the natural processes that sustain life.**
 - a. Adopt at all levels sustainable development plans and regulations that make environmental conservation and rehabilitation integral to all development initiatives.
 - b. Establish and safeguard viable nature and biosphere reserves, including wild lands and marine areas, to protect Earth's life support systems, maintain biodiversity, and preserve our natural heritage.**
 - c. Promote the recovery of endangered species and ecosystems.**
 - d. Control and eradicate non-native or genetically modified organisms harmful to native species and the environment, and prevent introduction of such harmful organisms.
 - e. Manage the use of renewable resources such as water, soil, forest products, and marine life in ways that do not exceed rates of regeneration and that protect the health of ecosystems.
 - f. Manage the extraction and use of non-renewable resources such as minerals and fossil fuels in ways that minimize depletion and cause no serious environmental damage.

CONCLUSION - our role as lawyers, educators, parents, citizens (of our country and the earth)

- ▶ LAW - Land, Air, Water
- ▶ Future generations - wisdom of native American Indians - consider impact of our actions for next 7 generations .
- ▶ Litigation should be a last resort.
- ▶ Solution - Good governance and management .
- ▶ Q - what is required for good governance and management?
- ▶ Laws & effective implementation and enforcement are only part of good governance.