

WCC-2012-Res-128-EN

Need for non-regression in environmental law and policy

ALARMED that the human ecological footprint exceeds global biocapacity and that the planetary boundaries of key processes in the Earth are being exceeded;

MINDFUL of the multiple threats that weigh on environmental policies and regulations, at international, regional, national and local levels, and that may lead, explicitly or by stealth, to diminished levels of protection of biodiversity and increased risks of pollution;

NOTING however that all current international environmental conventions, whether universal or regional, and most national environmental legislation, provide that States commit themselves to the continuous improvement of the environment and of the well-being of citizens along with social progress and poverty eradication;

OBSERVING therefore an international consensus on the need for legal measures to attain a high level of environmental protection and improvement in environmental quality;

CONVINCED that the principle of constant advancement of protected rights, and the non-regression of fundamental rights, must apply to the human right to a healthy environment;

CONSIDERING that human society has a collective responsibility not to harm the rights of future generations to life, dignity, health and sound environment, which includes a responsibility not to backslide on existing levels of environmental protection in policy and law;

RECOGNIZING that non-regression is a prerequisite for effectiveness of all sustainable development policies, laws and regulations;

CONVINCED of the need for measures to prevent all backsliding or regression on the level of environmental protection attained by each State according to its development status;

CONSIDERING that non-regression may be based on an express provision in the Constitution or legislation, as well as on case law;

TAKING NOTE of the European Parliament resolution of 29 September 2011 on developing a common European Union position ahead of the United Nations Conference on Sustainable Development (Rio+20), which in paragraph 97 calls for the recognition of non-regression in the context of environmental protection as well as fundamental rights;

TAKING NOTE of the call by the International Organisation of La Francophonie, adopted in Lyon on 8 February 2012, urging recognition of the non-regression principle in environmental matters; and

TAKING NOTE of the Declaration on the Principle of Non-regression of Environmental Protection in Anticipation of the United Nations Conference on Sustainable Development (Rio+20), adopted at the international colloquium organized by the Brazilian Senate in Brasilia on 29 March 2012;

The World Conservation Congress, at its session in Jeju, Republic of Korea, 6–15 September 2012:

1. URGES national governments to recognize that non-regression in their environmental policy and law is necessary for achieving sustainable development objectives except where flexibility enhances conservation; and

2. REQUESTS the IUCN World Commission on Environmental Law (WCEL) to continue studying and promoting non-regression in environmental policy and law globally, in international law, regional law as well as national law.

State and agency Members of the United States voted against this Motion.