

WCC-2016-Res-074-EN

Reinforcing the principle of non-regression in environmental law and policy

AWARE that the ecological crisis requires the implementation of political and legal measures to prevent biodiversity loss and an increase in the risks of pollution;

CONVINCED that the principle of non-regression can help limit the numerous threats facing environmental policies at local, national, regional and international levels;

NOTING that the principle of non-regression appears in Paragraph 20 of the outcome document, 'The future we want', adopted by the Rio+20 United Nations Conference on Sustainable Development (Brazil, 2012);

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

ALSO NOTING the *Declaration on Justice, Governance and the Law for Environmental Sustainability* adopted at the Rio+20 Conference, and recognising that environmental law must not be regressive;

OBSERVING that the principle of non-regression is now part of constitutional law and internal regulations in several countries, and notably included in the Constitution of Ecuador;

NOTING that the principle of non-regression can be based on an express provision of the Constitution or legislation, or on jurisprudence;

OBSERVING the existence of an international consensus on the importance of the principle of non-regression in environmental policy;

CONVINCED that this principle is a fundamental tool for the conservation of nature and the fundamental rights of present and future generations, so as to avoid regressing in relation to existing levels of environmental protection; and

BEARING IN MIND the recognition of the importance of this principle in environmental policy and law in accordance with Resolution 5.128 *Need for non-regression in environmental law and policy* (Jeju, 2012);

The World Conservation Congress, at its session in Hawai'i, United States of America, 1-10 September 2016:

1. ASKS the World Commission on Environmental Law (WCEL) to conduct further research into the principle of non-regression in environmental policy and law at local, national, regional and international levels and communicate the results to all members;
2. INVITES WCEL to encourage the establishment of training in the application of the principle of non-regression in environmental policy and law aimed at judges, lawyers, legislators, public authorities and non-governmental organisations;
3. ASKS WCEL and its members to support the functioning of the Global Legal Observatory on Non-regression (website: <https://legalobservatorynonregression.wordpress.com>), which aims to identify and make public environmental legal regressions;
4. INVITES the IUCN Environmental Law Programme to integrate the principle of non-regression as a fundamental requirement for the conservation and sustainable use of nature and natural resources; and
5. URGES all governments to take steps to implement effectively and to reinforce the principle of non-regression in the areas of environmental policy and law, with due regard for the constitutional provisions of each country, and with the full, informed and effective

participation of relevant rights-holders and stakeholders and with due respect for the rights of indigenous peoples and local communities.

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