



The Amritsar Dialogue Statement on Green Courts and Tribunals

WE the judges, lawyers, scholars and civil society representatives met in the historic City of the Golden Temple, Amritsar, India for a concerted dialogue process on *Green Courts and Tribunals (GCTs): Challenges and Opportunities* that was organized – as a sequel to the *New Delhi Dialogue on the Role of Courts & Tribunals in the Changing Global Order* (15 March 2013) – by Jawaharlal Nehru Chair in International Environmental Law, Jawaharlal Nehru University (New Delhi) and the Centre for Advanced Study on Courts & Tribunals (Amritsar)* in collaboration with Asian Development Bank (Manila). It was held at Guru Nanak Dev University Campus during 23-24 November 2013.

The gradual ‘greening’ of international law has now taken deep roots. It has affected existing dispute settlement forums that have been called upon to balance developmental requirements and environmental considerations wherein basic legal underpinning of international law provide the bedrock for growing corpus of International Environmental Law (IEL). In the wake of judicial churning, several norms such as ‘no harm’, ‘strict liability’, ‘polluter pays’, ‘precaution’, ‘public trust’, ‘common but differentiated responsibility & respective capability’ and ‘sustainable development’ have emerged to regulate behavior of the sovereign states. It is reflected in marathon processes for multilateral environmental agreements (MEAs) in recent years. They provide a rich source for enhancing understanding of IEL as it exists (*de lege lata*) as well as will develop in the future (*de lege feranda*). Many domestic courts & tribunals have sought to effectuate them through progressive interpretations of the law.

The *Amritsar Dialogue Process on GCTs* sought to decipher and engage in futuristic global debate on some of the trends at work including growth in environment related disputes that has called for special adjudicatory mechanisms to resolve them. Even as GCTs have grown worldwide, how to make them deliver effective ‘green justice’ amidst quest for ‘development’ remains a big challenge. The traditional courts and tribunals lack adequate knowledge of complex environmental laws encompassing scientific and socio-economic aspects and have often found it necessary to make field visits as seen recently in the handling of the *Gabčíkovo-Nagymaros Project* case (1993) by ICJ as well as the *Kishenganga Arbitration* (2013) by seven member Court of Arbitration (PCA). It has triggered legitimate quest for specialized forums of GCTs that could help in development and enforcement of environmental law, provide access to ‘green’ justice, work effectively to facilitate speedier environmental adjudication, foster consistency across a range of issues concerning ‘green justice’ for larger societal good.

The *Amritsar Dialogue Process* would seek to examine the idea of an International Environment Court (IEC) as well as presents a possibility for an advanced collaborative research on cutting-edge issues of environmental dispute settlement with scholarly, judicial and other relevant global multilateral institutions that have common interest. The existing adjudicatory structures need to grapple with issues of periodic review as well as compliance with policies and legislations, giving effect to international environmental commitments and guide implementation that is based on authentic scientific evidence. The GCTs need to be insulated against jurisdictional conflicts, provided with an appropriate institutional wherewithal as well as judicious composition with due expertise and eco-centric public participation in the adjudication process so as to attain protection of the environment without compromising legitimate developmental needs especially in the developing societies.

We reiterate that the road to human salvation – as a part of the larger mosaic of all the species on the planet Earth – lies in judicious determination of our needs and jettisoning of greed in any form. We need to be alive to the sheer penchant for ‘growth’ and stark reality of ‘limits’ to this perennial human craving for material welfare unmindful of our composite ecological heritage. We must strive to be the change we want see on this endangered planet, rededicate ourselves for the healthy ‘future we want’, widen our horizons in the larger interests of teeming millions of our compatriots in the present and the future generations as well as safeguard essential ecological processes that are *sine qua non* for survival of life on this planet.

We resolve and dedicate ourselves to ensure that the GCTs, with many variations in different jurisdictions, at global, regional and national levels do effectively address the simmering challenge of deteriorating environment.

Adopted on this twenty-fourth day of November in the year two thousand and thirteen at Amritsar, India.

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