

ADB's Role in Environmental Governance

by Marie-Anne Birken¹

Honourable Chief Justice of Pakistan, Justice Chaudhry,

Honourable Justices, Judges, ladies and gentlemen,

On behalf of the Asian Development Bank (ADB), I am very pleased to welcome you to the "South Asia Conference on Environmental Justice". ADB is honoured to partner with the Supreme Court of Pakistan as well as with UNEP and IUCN. We are very pleased to be able to support this important meeting of Honourable Justices and members of the legal fraternity from various SAARC countries.

At the Asian Judges Symposium that ADB hosted in Manila in 2010, in partnership with UNEP and the Supreme Court of the Philippines, the Honourable Chief Justice of Pakistan Justice Chaudhry conveyed his vision that the judiciary plays a key role in meeting South Asia's challenges on environmental justice. He very kindly volunteered to host a conference of justices from South Asian countries in Pakistan to see how best judiciaries could rise to these challenges. We congratulate him on this insight and all of you on joining us today.

I would like to make a few about ADB's work on environmental matters and then issue a challenge to you.

About ADB's environmental work

Environmentally sustainable growth is a key strategy in ADB's mission to reduce poverty in Asia and the Pacific. ADB's Strategy 2020 identifies environment and climate change as one core operational area. It indicates ADB will seek to "strengthen [...] the legal, regulatory, and enforcement capacities of public institutions in regard to environmental considerations." It also recognizes that good governance and capacity development is one driver of change that will improve the cost-effective delivery of public goods within core operational areas.

Similarly, ADB's governance policy recognizes the importance of accountability, transparency, predictability, and participation with a national framework as components of good governance, and the importance of stable rule of law frameworks in ensuring this.

ADB's new Safeguards Policy (2009) also prioritizes the strengthening of country environmental safeguard systems in terms of both regulation and environmental enforcement.

To implement the new Safeguards Policy, ADB's Board approved a \$8M regional technical assistance that will strengthen country safeguard systems in our Developing Member Countries (DMCs) by (i) improving legal and regulatory frameworks for environmental assessment; and (ii) strengthening institutions and its capacity for effective implementation

¹ Deputy Counsel General, Asian Development Bank

and enforcement of and compliance with laws and regulations pertaining to environmental assessment. The technical assistance is open to all DMCs in support of the priorities set out in their respective development plans and programs and country partnership strategies.

This conference supports these key operational priorities of ADB by bringing together members of South Asian Judiciaries to consider environmental enforcement and governance and the role of the judiciary. It also strongly supports our strategic objective of strengthening the environmental enforcement capacity of a key public institution and arm of government.

ADB has done considerable work in building judicial capacity in environmental governance. We published a compendium on Capacity Building for Environmental Law in the Asia Pacific region used in 'train-the-trainers' workshops; we provided support for a judicial forum on the environment in Philippines; and we supported the establishment of a network of environmental ministries to strengthen enforcement and compliance with environmental law in the Asia Pacific region.

In 2010 ADB organized the first Asian Judges Symposium on environmental decision-making, the rule of law and environmental governance, in Manila. This symposium identified the need for establishing an Asian Judges Network on environmental matters.

Under this program, ADB organized an ASEAN Judges Roundtable in Jakarta in 2011 and works with the Indonesian Supreme Court on their Judicial Certification Program on Environment. We are also supporting the Pakistani Supreme Court on institutionalizing environmental law training in judicial academies and law schools and strengthening environmental adjudication. This conference is also part of this program.

My challenge to you: A Common Vision on the Environment

Senior Asian Judiciary – as leaders of the legal profession in Asian countries - play a key role in improving environmental enforcement, not only by their direct action in making environmental decisions, or developing environmental jurisprudence or establishing environmental courts, but also by championing and leading the rest of the legal profession towards credible rule of law systems that have integrity and promote environmental sustainability.

Improving environmental enforcement is vital for establishing enabling frameworks to ensure that public and private sector infrastructure investments provide services without inflicting avoidable or irreparable harm on the environment – the judiciary has a key role here.

We recognize how very difficult it is to get the honourable chief justices and senior judiciary from SAARC member countries together with all of your challenging schedules. So your commitment to join this conference in Bhurban is a significant milestone in itself.

ADB is happy to support Chief Justice Chaudhry's vision and provide you all the opportunity to work on identifying the role of the judiciary and coming up with a concrete action plan of how South Asian Chief Justices could cooperate to address shared or common national or regional environmental challenges.

The resolutions of this conference would not only serve as an important contribution to addressing South Asia's environmental challenges, but also as an input to the World Congress on Justice, Governance, and Law for Sustainability, which will be convened by UNEP immediately prior to the Rio + 20 Earth Summit in June 2012. I am very pleased to tell you that ADB will support the World Congress and assist UNEP with its agenda.

We hope that you will have a productive and rich discussion over these two days, and that you are able to work towards a common vision statement.

