

# South Asia Conference on Environmental Justice

## Conference Structure and Themes

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# Background of the Conference

- Asian Judges Symposium on Environmental Decision-Making, the Rule of Law, and Environmental Governance held at ADB in Manila in July 2010.
- Honorable Chief Justice of Pakistan's offer to host a conference on environmental justice in Pakistan seconded by honorable Chief Justice of Indonesia
- Supporting the judges' initiative, ADB prepared a project on "Building Capacity for Environmental Prosecution, Adjudication, Dispute Resolution, Compliance and Enforcement in Asia"
- This project aims at establishing a judges network on the environment and hold roundtables/conferences in SAARC and ASEAN regions. Uptill now:
  - (i) Roundtable for ASEAN judges on Environment was held in Jakarta in December 2011;
  - (ii) SAARC Conference on Environmental Justice in Pakistan

# South Asia Conference on Environmental Justice

- This Conference is broadly divided into Inaugural session; Plenary session; 3 Concurrent thematic sessions; and a Closing session
- Each thematic session will prepare its recommendations
- **Inaugural session** will include welcome, keynote and special addresses
- **Plenary Session** will discuss environmental jurisprudence and role of the judiciary in addressing environmental challenges followed by overview of common regional environmental challenges like:
  - (i) Urbanization;
  - (ii) Biodiversity loss and deforestation;
  - (iii) Coastal and marine issues;
  - (iv) Air and industrial pollution; and
  - (v) Climate change and floods.

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- **Concurrent Thematic Sessions are divided into:**

- (i) Environmental Law and Policy

- Application of International environmental law at a national level; Criminal laws for environmental protection; role of EIA, application of environmental laws, etc

- (ii) Environmental Adjudication

- Structure of environmental adjudication, limitations of judiciary in environmental enforcement, effectiveness of tribunals and green benches, etc

- (iii) Environmental Education and Capacity Development

- Formal and in-service education and awareness of environmental law, training and capacity building in environmental law, judicial certification program on environment, etc

# GENERAL: Role of the Judiciary in Environmental Law Enforcement

- Senior judiciary in Asia play a key role in environmental enforcement:
  - (i) **Direct:** making environmental decisions, issuing rules and directions to lower courts, establishing green benches
  - (ii) **Indirect:** leading the legal profession towards credible rule-of-law systems that promote environmental sustainability
- Influence the entire legal system, how legal and regulatory frameworks are interpreted and enforced which in turn affects private sector investment in related sectors

# Theme 1: Environmental Law and Policy

- Effective environmental laws dealing with environment as a common global issue
- Effective EIAs and IEEs
- Effective compliance and enforcement of environmental law
- Integrated Enforcement-ORES (Indonesian Example)

# Theme 2: Environmental Adjudication

- Develop environmental jurisprudence:
  - (i) Give effect to constitutional protections – right to a healthy environment as part of right to life
  - (ii) Introduce international environmental law principles into national jurisprudence e.g. "precautionary principle," "polluter pays," "sustainable development"
  - (iii) Provide concrete remedies to prevent environmental harm or compensate for it e.g. "writ of continuing mandamus"
  
- Common environmental adjudication set-up:
  - (i) Green courts (e.g. Bangladesh)
  - (ii) Green tribunals (e.g. India, Pakistan)

# Theme 3: Environmental Education and Capacity Development

- Inclusive responsibility hence awareness of civil society
- Environmental Law as integral part of legal education
- Institutionalization of environmental law training in judicial education, including environmental litigation techniques and dispute resolution



# Conclusion: South Asia Conference on Environmental Justice

- Identification of common challenges
- Identification of the role of the judiciary in shaping environmental law and building capacity to decide environmental cases
- Identify the role and nature of South Asia judicial cooperation for strengthening cooperation in areas of mutual benefit, including ensuring continuity of involvement amongst the judiciary.

# Thank You!

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