



**ENVIRONMENTAL  
LAW--IN SERVICE  
JUDICIAL TRAINING  
AND  
CAPACITY  
BUILDING**

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## INTRODUCTION

- ❖ *“ WE DID INDEED MAKE THEE A KHALIFA ON EARTH SO JUDGE THOU BETWEEN MEN IN TRUTH (AND JUSTICE)” SURAH SAD-VERSE 20,HOLY QURAN*
- ❖ SUSTAINABILITY OF THE ENVIRONMENT-MADE MANDATORY BY ALMIGHTY ALLAH IN THE HOLY QURAN AND THEN EXPOUNDED SUNNAH.
- ❖ ALL THE MAJOR RELIGIONS OF THE WORLD , CHRISTIANITY, HINDUISM, BUDDHISM, JAINISM HAVE STOOD UP FOR ENVIRONMENTAL PROTECTION.
  - ❖ JUSTICE AND ENVIRONMENT INTERLINKED.

## **EVOLUTION OF THE TERM ENVIRONMENT**

- ❖ **TERM “ENVIRONMENT” FROM MEANING OF AIR, WATER AND LAND IT HAS PROGRESSED IN ITS BROADEST SENSE TO MEAN AND INCLUDE AIR, WATER AND ALL LAYERS OF THE ATMOSPHERE, ALL ORGANIC AND INORGANIC MATTER IN LIVING ORGANISMS, ALL ECOSYSTEMS AND ECOLOGICAL RELATIONSHIPS, BUILDINGS, STRUCTURES, ROADS, FACILITIES, ALL SOCIAL AND ECONOMIC CONDITIONS AFFECTING COMMUNITY LIFE AND THE INTERRELATIONSHIP BETWEEN ANY OF THE FACTORS MENTIONED above.**
- ❖ **WORLD OVER INCLUDING PAKISTAN THE CONSCIOUSNESS’S AND AWARENESS OF THE PEOPLE IS GROWING**

# WHY THE NEED TO PROTECT THE ENVIRONMENT

THE AGENDA FORMIDABLE :

- ❖ CURBING GREENHOUSE GASES,
- ❖ COPING WITH RISING SEA LEVELS ,
- ❖ ACID RAIN,
- ❖ OZONE DEPLETION,
- ❖ CLIMATE CHANGE,
- ❖ LOSS OF BIODIVERSITY, TOXIC
- ❖ HAZARDOUS PRODUCTS AND WASTES,
- ❖ POLLUTION OF RIVERS AND
- ❖ DEPLETION OF FRESHWATER RESOURCES, AFFECTING THE HUMAN RIGHTS

## **ROLE OF JUDICIARY IN ENVIRONMENTAL PROTECTION**

- ❖ AN INDEPENDENT JUDICIARY PLAYS A PIVOTAL ROLE IN ENHANCING ENVIRONMENTAL GOVERNANCE AND THE RULE OF LAW THROUGH THE INTERPRETATION, DEVELOPMENT, IMPLEMENTATION AND ENFORCEMENT OF ENVIRONMENTAL LAW
- ❖ BEFORE THE WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT ,2002 , MEETING OF THE JUDGES FROM AROUND THE WORLD AT JOHANNESBURG HELD ,WITH A VIEW TO THE PREPARATION OF A DOCUMENT FOR THE CONSIDERATION OF HEADS OF STATE AT THE SUMMIT.

## **ROLE OF JUDICIARY IN ENVIRONMENTAL PROTECTION**

- ❖ **THE RESULT OF THIS MEETING – THE JOHANNESBURG PRINCIPLES ON THE RULE OF LAW AND SUSTAINABLE DEVELOPMENT, WHICH CONSISTED OF A SERIES OF GUIDELINES AND PRINCIPLES FOR THE JUDICIARY IN ENVIRONMENTAL MATTERS.**
- ❖ **THE UPCOMING UN “RIO + 20” CONFERENCE IN BRAZIL IN JUNE , 2012 WILL DISCUSS THE NEED OF THE STATES TO EMBRACE THE PRIORITY OF STRENGTHENING THEIR ENVIRONMENTAL JUDICIAL CAPACITY.**

## **WHY THE NEED TO FOR JUDICIAL CAPACITY BUILDING OF JUDGES**

- ❖ **JUDICIAL INSTITUTIONS SERVE SEVERAL FUNCTIONS IN SOCIETY, AMONG THEM:**
  - 1. THE PEACEFUL SETTLEMENT OF DISPUTES**
  - 2. UPHOLDING THE RULE OF LAW**
  - 3. APPLY**
- ❖ **THE ROLE OF THE JUDGE IN ENVIRONMENTAL LAW IS IN PRINCIPLE NO DIFFERENT FROM OTHER SETTINGS, BUT FOR MANY JUDGES THE SUBJECT MATTER MAY SEEM COMPLEX**
- ❖ **JUDGES ALSO ADVANCE THE DEVELOPMENT OF ENVIRONMENTAL LAW BY THEIR TRADITIONAL TASK OF INTERPRETING AND FILLING THE GAPS IN THE LEGAL TEXTS. THEY CAN ONLY FULFILL THIS TASK IF THEY ARE ADEQUATELY INFORMED.**

## WHY THE NEED FOR JUDICIAL CAPACITY BUILDING OF JUDGES

MANY ENVIRONMENTAL CASES MAY NOT FALL WITHIN A SETTLED LEGISLATIVE PROVISION OR JUDICIAL DECISION BUT IN THE GRAY AREA NOT SPECIFICALLY COVERED BY BLACK LETTER LAW. YET THEY MAY STILL BE WITHIN THE REACH OF EXISTING PRINCIPLES LIKE THE PRECAUTIONARY PRINCIPLE OR POLLUTER PAYS PRINCIPLE AS EXPOUNDED IN THE *SHELA ZIA V WAPDA*, PLD 1994 SC 693 WHERE THE COURT ACCEPTED THE IMPORTANCE OF THE *RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT AND PRECAUTIONARY PRINCIPLE* INCLUDED IN ITS PRINCIPLE 15.



## **WHY THE NEED FOR JUDICIAL CAPACITY BUILDING OF JUDGES**

- ❖ IT IS BEYOND THE COMPETENCE OF THE LEGISLATURE TO ANTICIPATE EVERY FACTUAL SITUATION GIVING RISE TO ENVIRONMENTAL CONSIDERATIONS.
- ❖ THE JUDGES ARE THUS POSITIONED, ALONG WITH OTHER INSTITUTIONS SUCH AS LEGISLATURES AND ENVIRONMENTAL AGENCIES, AT THE CUTTING EDGE OF THE DEVELOPMENT OF ENVIRONMENTAL LAW
- ❖ THE JUDGES NEED ALSO TO BE FAMILIAR WITH INTERNATIONAL NORMS AND STANDARDS, AS CONTAINED IN THE GROWING BODY OF TREATIES, DECLARATIONS, COVENANTS, PROTOCOLS AND OTHER DOCUMENTS

## **WHY THE NEED FOR JUDICIAL CAPACITY BUILDING OF JUDGES**

- ❖ **THEY NEED ALSO TO HAVE SOME FAMILIARITY WITH THE VARIOUS INTERNATIONAL INSTITUTIONS HANDLING ENVIRONMENTAL MATTERS, THEIR FUNCTIONS, THEIR COMPETENCE AND THEIR GEOGRAPHICAL REACH**
- ❖ **JUDICIAL DECISIONS AND ATTITUDES CAN ALSO PLAY A GREAT PART IN INFLUENCING SOCIETY'S PERCEPTION OF THE ENVIRONMENTAL DANGER .**
- ❖ **A WELL INFORMED JUDICIARY FACILITATES ENVIRONMENTAL ADJUDICATION AND ENABLES THE JUDGES TO MAKE DECISIONS PROMPTLY AND TO EXPAND THE SCOPE OF ENVIRONMENTAL LAW.**

## ENVIRONMENTAL CAPACITY BUILDING IN THE WORLD

- ❖ ENVIRONMENTAL LAW EMERGED IN 1972 FOLLOWING THE UNITED NATIONS STOCKHOLM CONFERENCE WHEN LESS THAN FIVE ENVIRONMENTAL MINISTRIES EXISTED .
- ❖ THE MONTEVIDEO PROGRAMME RECOMMENDATIONS ENCOURAGED ALL NATIONS TO ENACT ENVIRONMENTAL STATUES AND BUILD ENVIRONMENT PROTECTION AGENCIES.
- ❖ 1992, RIO JANERIO UN CONFERENCE ON ENVIRONMENT AND DEVELOPMENT THERE WAS CONSENSUS THAT MORE ENVIRONMENTAL LEGISLATION AND ADMINISTRATIVE IMPLEMENTATION WAS REQUIRED. AS A RESULT OF AGENDA 21, IUCN COMMISSION ON ENVIRONMENTAL LAW ESTABLISHED THE FIRST WORLDWIDE PROGRAMS WHEREBY UNIVERSITIES COLLABORATED TO PROVIDE ENVIRONMENTAL LEGAL EDUCATION VIA THE IUCN ACADEMY OF ENVIRONMENTAL LAW ,UNIVERSITY OF OTTAWA, CANADA .

## ENVIRONMENTAL CAPACITY BUILDING IN THE WORLD

- ❖ 1980s-UNITED NATIONS ENVIRONMENT PROGRAM( UNEP), ENVIRONMENTAL LAW PROGRAMME OF THE INTERNATIONAL UNION FOR CONSERVATION OF NATURE AND NATURAL RESOURCES ( IUCN) , ASIAN DEVELOPMENT BANK (ADB), JUDICIAL INSTITUTES IN BRAZIL AND OVERSEAS COOPERATIVE PROGRAMS PROVIDED BY THE US ENVIRONMENTAL PROTECTION AGENCY ,BRITISH COMMONWEALTH
- ❖ 1985- UNEP AND IUCN CONVENED A SERIES OF REGIONAL GATHERINGS OF JUDGES.

## JUDICIAL ACADEMIES AND LAW SCHOOLS OF THE WORLD TEACHING ENVIRONMENTAL LAW

- ❖ 2008 - PHILIPPINES JUDICIAL ACADEMY STARTED PROVIDING CONTINUING JUDICIAL EDUCATION
- ❖ VERMONT LAW SCHOOL WITH THE CHINA UNIVERSITY OF POLITICAL SCIENCE AND LAW IN BEIJING AND SUN YAT SCHOOL IN GUANGZHOU .
- ❖ US ENVIRONMENTAL APPEALS BOARD HAS HELD SEVERAL WORKSHOPS ON ENVIRONMENTAL LAW IN AMERICA, CENTRAL AMERICA AND THE CARIBBEAN .
- ❖ IN EUROPE, THE EUROPEAN FORUM OF JUDGES HAVE BEEN MEETING REGULARLY .
- ❖ IN GULF AND EGYPT IN 2004 A UNION OF JUDGES OF ARAB SUPREME COURTS FOR THE PROTECTION OF ENVIRONMENT WAS ESTABLISHED.



**THE SINDH JUDICIAL  
ACADEMY,  
ITS ROLE AND OBJECTIVES**

**THE SINDH JUDICIAL ACADEMY IS THE OLDEST JUDICIAL  
ACADEMY OF PAKISTAN.**

**THE SINDH JUDICIAL ACADEMY IS THE EDUCATION WING OF THE  
HIGH COURT AND IT PROVIDES INSTUTIONALIZED , SPECIALIZED,  
INTEGRATED, PROFESSIONALIZED, PROGRESSIVE CONTINUING  
JUDICIAL EDUCATION**

# **CORE PROGRAMS OF THE ACADEMY**

- ❖ PRE SERVICE TRAINING OF NEWLY INDUCTED CIVIL JUDGES AND JUDICIAL MAGISTRATES( 2006 AND AWAITING NEW BATCH)
- ❖ ENVIRONMENTAL LAW CURRIULUM AND PROGRAMS
- ❖ PRE SERVICE TRAINING OF NEWLY INDUCTED ADDITIONAL DISTRICT AND SESSION JUDGES(2010)
- ❖ CONTINUING JUDICIAL EDUCATION IN SERVICE TRAINING OF DISTRICT AND SESSION JUDGES AND ADDITIONAL DISTRICT AND SESSION JUDGES ( 17<sup>TH</sup> JANUARY-24<sup>TH</sup> FEBUARY,2011)
- ❖ SENIOR CIVIL JUDGES(11<sup>TH</sup> APRIL-7<sup>TH</sup> MAY,2011)
- ❖ CIVIL JUDGES AND JUDICIAL MAGISTRATES(23<sup>RD</sup> MAY-15<sup>TH</sup> JULY,2011)
- ❖ TRAINING OF COURT PERSONNEL( 12<sup>TH</sup> MARCH-26<sup>TH</sup> MARCH,2012)
- ❖ TRAINING OF GOVERNMENT OFFICERS, GOVERNMENT DEPARTMENTS( 20<sup>TH</sup> FEBUARY-9<sup>TH</sup> MARCH,2012)

## **CORE PROGRAMS OF THE ACADEMY**

- ❖ **CONFERENCES , SEMINARS ( JUNE-2007)**
- ❖ **SUMMIT( 25 AND 26<sup>TH</sup> JUNE,2011)**
- ❖ **TRAINING OF CORPORATE SECTOR AND LAW STUDENTS**
- ❖ **NETWORKING AND KNOWLEDGE PARTNERSHIPS**
- ❖ **RESEARCH CELL**



## **WAY FORWARD AND CHALLENGES**

- ❖ CONTINUING JUDICIAL ENVIRONMENTAL EDUCATION
- ❖ FUNDS
- ❖ RESOURCES
- ❖ READING MATERIAL
- ❖ COURSES ON SPECIALIZED SUBJECTS
- ❖ EXCHANGE AND BEST PRACTICES
- ❖ GLOBAL NETWORK AND FORUM OF JUDGES

# THANK YOU

IN THE WORDS OF THE OF THE 19<sup>TH</sup> CENTURY  
AUTHOR CHRISTIAN BOVEE AND I QUOTE “  
*“THE GREATEST OF ALL LAWS IS THE LAW OF  
PROGRESSIVE DEVELOPMENT . UNDER IT, IN  
THE WIDE SWEEP OF THINGS , MEN GROW  
WISER, AS THEY GROW OLDER AND SOCIETIES  
BETTER”.*