

Thematic Session 3:

Brief Notes on Presentations and Discussions

Justice Takdir Rahmadi¹

Justice Takdir Rahmadi in his speech highlighted the court structure of Indonesia. He pointed out that there are 4 types of courts in Indonesia

1. General Court
2. Shariah Court
3. Administrative Court
4. Military Court

All these courts are inferior to the Supreme Court.

He pointed out that General and Administrative Courts only have the jurisdiction to try cases relating to Environment.

He then stated that Indonesia needs to design a program for training for judges. It had previously adopted a program but it was not successful hence there needs to be a different strategy which needs to be adopted in order to make it a successful program.

Justice Qazi Faez Isa²

- He presented on the issue of Islamic perspective on Environment.
- He pointed out that we all know that Environment is a global issue that we are faced with. What we need to figure out now is what we can do about it. We no longer need to focus on whether there is a problem or not because that is clear that the problem exists. We need to work towards finding the solution to this problem.
- He stated that the region where we live in, religion and religious teachings play an important role in the lives of the people. Hence, we need to approach the issue from a religious perspective and find a solution which the religion (be it Islam, or any other religion that people believe in, in this part of the region) prescribes.
- His argument was that the majority of the population in this region does not understand the science of the Environment. It's not easy for the common man to understand the hazards of environment and the danger we are faced with today, from a scientific perspective as they are either not literate enough to understand it or the idea does not appeal to them due to the technicalities of Science which they cannot comprehend. Hence, it would be easier if they are told from a religious perspective the teachings pertaining to Environment so that they can understand it better and then act upon it as well. Since, religion to most people in this part of the world is part of their normal lives, telling them that it is the religion that prescribes that Nature should be protected, will in a way lead them to act in a manner which will result in situation which we all want to achieve which is protection the

¹ Judge, Supreme Court of Indonesia

² Chief Justice, Balochistan High Court, Pakistan.

Environment. Hence, according to him the solution should be ethics driven from the religion.

- He pointed out verses from Quran and referred to the teachings of Islamic Saints (Sufi's) to elaborate on his argument that Islam teaches us that we need to protect the Environment. He emphasized that if we destroy God's creation we are angering God and inviting His wrath on ourselves. Putting this notion across to the people will help them in understanding the danger they are faced with and subsequently help us in moving towards the solution.
- Hence, the crux of his argument was that we need to educate the masses from an Islamic or religious perspective in order for them to understand what the problem is and then once the people understand, we move towards a solution.

Justice Syed Mansoor Ali Shah³

- He emphasized that there is a need in the present situation to educate Judges at the District Level in area of Environment law as currently they are not aware about the difference between justice and Environmental justice.
- He provided a detailed course outline which can be followed by the Judicial Academies when training judges so that they understand what it is all about.
- The main themes that the course will cover were
 - Ecological history of the world
 - Evolutions and foundations of regulations leading to present day law and policy
 - Pakistan specific: learning about the resources and diversity, bio-diversity and nature in Pakistan.
 - Specialized and Clinical Components: these included projects, field trips, training and interacting with environmental bureaucracy.
- Within these Themes the course will cover topics relating to Environmental Justice in Pakistan today, the history of the world, Climate change and Global Warming, Urban Planning and Development, Water Resource Management and Bio-diversity of Pakistan.
- He emphasized that the methodology is crucial to this course been a success at the Judicial Academies. He outlined that lectures, talks by speakers, field trips and projects should be used to evaluate the course but availability of a dedicated faculty is extremely important. Without a dedicated faculty, this course cannot be a success.

Mr. Javed Jabbar⁴

- He emphasized on the issue of creating public awareness and the role of civil society in the enforcement and capacity building.
- He argued that we need to engage religious clerics in order to educate the people about the issue of environment. He pointed that a few years back, he worked on a project relating to creating awareness amongst the people in order for them to use birth control measures so that birth rate can be brought under control. He stated that the project turned out to be a success. He said he believes if we engage them in

³ Judge, Lahore High Court, Pakistan.

⁴ Vice President, IUCN and Ex Federal Minister, Government of Pakistan.

this endeavour as well, he is hopeful that the people will respond and that a positive change will be visible in a few years' time.

- He, however, highlighted that the Civil Society faces various challenges in taking up this task. He pointed out that security and safety is one the most important issues. He told that a few years back a few social workers in this field were killed for enhancing their agenda. He said those in business of property and construction saw these members of the civil society as a threat to them. Hence, civil society faces a huge threat and some measures need to be taken in this regard.
- Another challenge he pointed out was the lack of funding available to this sector. He argued that people need to be educated for them to understand this issue however; this issue has not caught the eyes of the philanthropists as yet.
- Lastly, he suggested that the civil society organizations (CSOs) need to participate in the capacity building measures and various CSOs can play part in this regard.

Justice (Retired) Tanvir Ahmad Khan⁵

- He argued that the Role of Islamic State is to protect the Land and nature. He highlighted that in this role the State has failed. He gave reference to various verses from the Quran to support his argument in this regard.
- He then moved towards the role of Punjab Judicial Academy and highlighted that there is a need for dedicated and devoted trainees who can provide their services and help in train the delegates at the Academy.
- He stated that there is a need for development of a curriculum which takes into these issues. Hence, he suggested that Environmental Law be included in syllabus of the education at all tiers.
- He also said that the policy makers should devise a strategy to which gradually leads to a solution. He said immediate solution cannot be expected and is not possible, however, through a plan of short term, medium term and long term strategy with regards to educating people on this issue to find a solution can bring about a gradual change in the society and the Environment.
- He concluded by saying that We need to clean the inner pollution that is the one existing within us human beings before cleaning outer pollution that is the environment.

Ms. Huma Ikramullah⁶

- She started with a verse from Holy Quran to point out that the issue of Environment is not new as the west claims rather it is an age old concept which is enshrined in our religion.
- She stated that it is not only Islam but all religions touched upon the subject of Environmental protection.
- She then highlighted the need for capacity building amongst the Judiciary as the Judiciary plays an important role in providing and delivering Justice to the society.
- She emphasized the role of Sind Judicial Academy in this regard.

⁵ Director General, Punjab Judicial Academy, Pakistan.

⁶ Member Faculty, Sind Judicial Academy, Pakistan.

- She pointed out that there is a need to familiarize the Judges with this area of law in order to increase their competence in this area.
- She stated that there are number of challenges that we are faced with today to achieve the goal of educating people in this area. These include Lack of human resources, Reading materials and courses on specialized subjects within the area of environment.