

The Way Forward

by Justice Anwar Zaheer Jamali¹

Good morning,

I once again welcome you all to this concluding session of the South Asian Conference on Environmental Justice but this time with a strong feeling of satisfaction that in the last 24 hours we have been able to achieve much out of our deliberations to meet the goal set out for this conference. For this satisfactory rather fruitful achievement I congratulate all the participants, particularly our foreign guests and the speakers in the plenary session as well as the thematic sessions who have put hard labour and played a pivotal role in the completion of this exercise. I also strongly feel that the team of organizers from IUCN, ADB and other stakeholders also deserve kind words of appreciation for their untiring efforts.

As has been seen from the recommendations put forth by the chairpersons of the three thematic sessions, one can see the sincere and hard efforts undertaken by all the participants to make this conference a success. To summarize and put all these efforts in one place I would like to add here further

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Bhurban Declaration 2012

A Common Vision on Environment for the South Asian Judiciaries

Adopted on March 25, 2012

RECOGNIZING that the challenge of sustainable development and scarcity of natural resources is common to South Asia requiring urgent attention by all stakeholders concerned.

REALIZING that judiciaries in the region should play their role in sustainable development and for the protection of the environment.

GUIDED by the objectives (1) to recognize common environmental concerns and to share information among South Asian Judiciaries on South Asia's common environmental challenges; (2) to highlight the critical role of South Asian senior Judiciaries as leaders in national legal communities and champions of the rule of law and environmental justice, with the ability to develop environmental jurisprudence; and (3) to develop a process for continuing the cooperation and engagement of SAARC senior judiciaries on environmental issues.

CONFERENCE on Environmental Justice was organized by the Supreme Court of Pakistan, supported by the Asian Development Bank (ADB), United Nations Environment Programme (UNEP) and IUCN, International Union for Conservation of Nature and Natural Resources.

PARTICIPATION of the Chief Justices of the Supreme Courts of Pakistan, Jordan and Azad Jammu & Kashmir; Chief Justice of the Federal *Shariat* Court; judges from the Supreme Courts of Afghanistan, Bangladesh, Brazil, India, Jordan, Nepal, Pakistan, Sri Lanka and Indonesia; Chief Justices of the High Courts of Balochistan, Bhutan, Islamabad, Lahore, Peshawar and Sindh; judges from the High Courts of Balochistan, Bhutan, Islamabad, Lahore, Maldives, Peshawar and Sindh, and other participants from relevant institutions/agencies² underlines the importance of environment and sustainable development.

IT WAS AGREED that the role of the judiciary is pivotal in resolving the environmental issues, but it is equally important that all stakeholders play their assigned role in protecting the environment and institutions must be effective, particularly from the point of view of enforcement of orders and directions. Further, the participants agreed to share the vision of this Conference with other judicial members in their respective countries.

² Attorney General for Pakistan, Advocate Generals for Balochistan, Khyber Pakhtunkhwa and Punjab; retired judges of the Supreme Court of Pakistan; Director Generals of the Judicial Academies; Chairpersons of the Environmental Protection Tribunals; members of the district judiciary across Pakistan; federal and provincial Secretaries of environment departments and Director Generals of the Environmental Protection Agencies; and environmental law academicians, eminent lawyers and environmentalists

IT WAS UNANIMOUSLY DECLARED:

1. **TO COLLABORATE** among themselves and, as appropriate, engage others in the environmental enforcement processes, to significantly improve the development, implementation, and enforcement of, and compliance with, environmental law and collaborate to make an Action Plan to achieve the same;
2. **TO SHARE** information on South Asian countries' common environmental challenges and, as appropriate, among the legal professionals, law schools, and the general public;
3. **TO DISSEMINATE** information on environmental challenges and legal issues, and best practices in environmental adjudication among themselves, whilst acknowledging the differences among their respective legal systems, on the website of Asian Judges Network on Environment;
4. **TO STRENGTHEN** specialised environmental tribunals and provide environmental training for the judiciary and other members of the legal fraternity;
5. **TO INVITE** members of the South Asian Judiciaries to share their respective experiences and participate in training programs for judges from the South Asia region;
6. **TO IMPLEMENT** existing rules of procedure for environmental cases and develop the same where they do not exist, which may include a flexible approach to legal standing, special rules of evidence for environmental cases, expeditious disposal of cases, special remedies, injunctive relief, and other innovative environmental processes;
7. **TO ENSURE** that judicial decisions on environmental cases are shared within the Asian Judges' Network on Environment and made available to the public;
8. **TO ENCOURAGE** law schools to include environmental law in their curriculum;
9. **TO PROVIDE** environmental law training to judges through judicial academies, including making such training available for members of lawyers professional associations;
10. **TO HOLD** a South Asia Justices' Conference on Environment annually on rotational basis to foster cooperation on environment, as a sub-regional group of the Asian Judges Network on Environment;
11. **TO DEVELOP** a system to recognise whenever exceptional contribution is made by judges and environmentalists for the cause of environment;
12. **TO DRAFT** a memorandum of understanding to foster cooperation amongst the South Asia judiciary and send the same for signature and adoption by the South Asian region judiciaries, which may lead to a South Asia Convention on Environmental Justice;
13. **TO ESTABLISH** green benches in courts for dispensation of environmental justice; and
14. **TO RECOMMEND** that the right to clean and healthy environment be incorporated as a Fundamental Right in the Constitution.