The ASEAN Chief Justices’ Roundtable on Environment, held in Jakarta, Indonesia on 5-7 December 2011, brought together Chief Justices and their designees from the highest courts of Cambodia, Indonesia, Lao People’s Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Viet Nam, supported by the Indonesian Supreme Court, the Asian Development Bank and the United Nations Environment Programme.

ASEAN faces common environmental challenges that require good governance to resolve. The foundation of good governance is the Rule of Law. Chief Justices and the Senior Judiciary are the dedicated institutions of government that are the champions and guardians of the rule of law. Participants agree with the Vision Statement below, and to develop an Action Plan for Justice, Governance, the Rule of Law and Sustainable Development in ASEAN countries.

The Roundtable had three objectives: First, to share information among ASEAN Chief Justices’ and the Senior Judiciary on ASEAN’s common environmental challenges. Second, to highlight the critical role of ASEAN Chief Justice’s and the Senior Judiciary as leaders in national legal communities and champions of the rule of law and environmental justice, with the ability to develop environmental jurisprudence, and generate knowledge and action on ASEAN’s environmental challenges among the judiciary, the legal profession, and law students. Third, to develop a process for continuing the cooperation and engagement of ASEAN’s senior judiciary on environmental issues.

Participants observed that the role of the judiciary in contributing solutions to these challenges is unique. But the entire environmental enforcement chain must be effective, particularly in the area of criminal enforcement where police and prosecutors play key roles. Participants agreed to go back to their national judiciaries and share the results of the Roundtable, and further agreed the following:

(i) The ASEAN judiciaries will collaborate among themselves and, as appropriate, others engaged in the environmental enforcement processes, to significantly improve the development, implementation, and enforcement of, and compliance with, environmental law and collaborate upon Action Plan to achieve it;

(ii) The ASEAN judiciaries will share information on ASEAN countries’ common environmental challenges among their own members and, as appropriate, among the legal profession, law schools, and the general public;
(iii) The ASEAN judiciaries will share information on environmental challenges and legal issues, and best practices in environmental adjudication among themselves, acknowledging the differences among their respective legal systems;

(iv) The ASEAN judiciaries will impose sanctions and penalties in accordance with their respective laws that are appropriate to the scale of environmental case or crime, and consider innovative remedies, in accordance with their respective legal systems, such as community environmental sentencing, or probation;

(v) The ASEAN judiciaries will strengthen specialized environmental courts, tribunals, benches, and specialization programs (such as environmental certification), where they exist and consider establishing them where they do not yet exist;

(vi) The ASEAN judiciaries will implement special rules of procedure for environmental cases where these already exist and consider developing and implementing them where they do not yet exist, which may include a flexible approach to legal standing, special rules of evidence for environmental cases, expediting cases, special remedies, injunctive relief, and other innovative environmental processes;

(vii) The ASEAN judiciaries will implement special rules and procedures for alternative dispute resolution in environmental cases where these already exist and consider developing and implementing them where they do not yet exist;

(viii) The ASEAN judiciaries will seek to ensure that judicial decisions on environmental cases are made available to the public and shared within the Asian Judges’ Network on Environment;

(ix) The ASEAN judiciaries will ensure that timely and appropriate training on environmental legal issues is available for new and junior judges, and all other judges adjudicating environmental cases, including through national judicial institutes, and will share among themselves information on different ways to impart this training, and make training a working component of the ASEAN Chief Justice’s Roundtable on Environment;

(x) The ASEAN judiciaries will encourage law schools to include environmental law in their respective curricula and legal professional associations to provide continuing legal education that includes environmental law and jurisprudence; and

(xi) The ASEAN judiciaries will seek to hold an ASEAN Chief Justices’ Roundtable on Environment annually to further cooperation on environment, as a subregional grouping of the Asian Judges Network on Environment.

This statement will be shared at the upcoming Asian Judges Symposium, to be held in Manila in 2012.