PROPOSALS DOCUMENT FOR 
THE HANOI ACTION PLAN TO IMPLEMENT THE 
JAKARTA COMMON VISION: 
AS AGREED AT THE FIRST ASEAN JUDICIAL WORKING 
GROUP ON ENVIRONMENT MEETING

During the first meeting of the ASEAN Judicial Working Group on Environment (the group), the group: (i) agreed that the Jakarta Common Vision had been consistently affirmed as relevant as a guiding vision, at least until 2020; (ii) called for an Action Plan to implement the Jakarta Common Vision, which Action Plan is required by the Jakarta Common Vision but has not yet been prepared; (iii) requested consolidation of the proposals made during the first ASEAN Judicial Working Group on Environment meeting, and also that the proposals should be integrated in order to facilitate development of the Hanoi Action Plan to Implement the Jakarta Common Vision (the Hanoi Action Plan).

Set out below is the group’s agreed response to the proposals contained in Attachment 1 and Attachment 2 to the Concept Note. The group agreed as follows on those proposals and requested ADB to integrate those agreements with the proposals contained in Attachments 1 and 2 to the Concept Note in order to produce the Hanoi Action Plan. The group agreed that the respective ASEAN judiciaries should initiate implementation of the Hanoi Action Plan in advance of the Fourth ASEAN Chief Justices’ Roundtable on Environment, and review results on implementation of the Jakarta Common Vision and the Hanoi Action Plan at the Fourth ASEAN Chief Justices’ Roundtable on Environment to be conducted in November or December 2014. The group also agreed that the Hanoi Action Plan should formally be launched at the Fourth ASEAN Chief Justices’ Roundtable on Environment.

A. Collective Proposals Raised by the Third Roundtable Participants

1. National Judicial Working Groups on Environment. The group agreed on the importance of establishing National Judicial Working Groups on Environment within their respective jurisdictions and further raised the following proposals on how to create and manage these working groups.

   a. National Judicial Working Groups on environment should (i) be established prior to the Fourth Roundtable and (ii) take account of national differences.
   b. Provincial committees for islands/provinces under the National Judicial Working Groups may be established in large ASEAN countries to establish real national working networks of judges.
   c. A chair of the National Judicial Working Group should be appointed.
   d. Each chair of an ASEAN country’s National Judicial Working Group will usually be the focal point in the ASEAN Judicial Working Group on Environment.
   e. The National Judicial Working Group will work to implement the Jakarta Common Vision as its primary purpose which will form the content of its work program.
   f. National Judicial Working Groups should list the national environmental expertise of (i) judges and (ii) scientific and expert witnesses.
   g. National Judicial Working Groups should list and collect (i) landmark environmental cases and (ii) national environmental legislation, and share each with AJNE for inclusion on the website.
   h. National Judicial Working Groups should identify legal issues arising for the judiciary from cross-border and transnational environmental challenges.
i. National Judicial Working Groups should identify issues arising for the judiciary working on national environmental challenges (executive/judge conflict).

j. ADB will support National Judicial Working Groups by conducting national judicial and/or enforcement needs assessments when agreed with the national judiciary to determine the environmental institutional needs of national judiciaries.

2. **The ASEAN Judicial Working Group on Environment.** The group agreed that this meeting is the first of the ASEAN Judicial Working Group on Environment and suggested that this working group be created and managed as follows:

a. The chair of each National Judicial Working Groups on Environment be designated as representative National Advisor to the ASEAN Judicial Working Group on Environment.

b. If there is no National Judicial Working Group in a given ASEAN judiciary, the respective chief justice should appoint a National Advisor to the Working Group.

c. The ASEAN Judicial Working Group on Environment will work to implement the Jakarta Common Vision as its primary purpose, which will form the content of its work program.

d. Each ASEAN judiciary shall seek to send two representatives to ASEAN Judicial Working Group on Environment meetings, one with institutional knowledge (i.e., who has background of or participated in the pan-Asia Asian Judges Symposium and the ASEAN Chief Justices’ Roundtable on Environment) to ensure continuity and one who has not been to meetings previously.

e. Each representative will (i) commit in advance to brief and share knowledge with colleagues upon their return and (ii) submit a report to their chief justice.

f. The ASEAN Judicial Working Group on Environment will meet in person once in 2014, and starting in 2015, the ASEAN Judicial Working Group expects to meet twice, the first meeting before the annual ASEAN Chief Justices’ Roundtable on Environment to enhance cooperation and propose an agenda for the Fifth Roundtable and the second meeting the day before the annual Roundtable.

g. The ASEAN Judicial Working Group will form an email list and communicate by email and set interim conference call meetings as the need arises, to be facilitated with ADB’s assistance.

h. The ASEAN Judicial Working Group on Environment is currently comprised of the focal points listed in Attachment 3.

3. **Prioritizing the Attendance of ASEAN Chief Justices at the Annual Roundtable.** To encourage ASEAN chief justices to attend the annual ASEAN Chief Justices’ Roundtable on Environment, participants of the ASEAN Judiciaries Working Group will (i) identify issues that might be of interest to their respective chief justice for the agenda; (ii) advise the group of block out dates of attendance of their chief justice in November; and (iii) brief their chief justice on the outcomes of the ASEAN Judiciaries Working Group Meeting, and provide the rationale for attendance to convince their chief justices of the need to attend the annual Roundtable while they brief the chief justices.

4. **Holding Interim Virtual and Face-to-Face Meetings.** Refer to item no. A/2/g.

5. **Submitting Progress Reports on the Implementation of the Jakarta Common Vision.** The group agreed that each Judiciary would report on progress against the Jakarta Common Vision at each ASEAN Judicial Working Group on Environment meeting, and each ASEAN Chief Justices Roundtable on Environment.
6. **Environmental Twinning Programs.** The group agreed that ASEAN judiciaries would consider environmental twinning programs.

B. **Proposals Made by Individual Justices**

1. **Harmonizing the Rules of Procedure for Environmental Cases.** The group agreed that sample frameworks and content for environmental rules of procedure should be derived from judiciaries with existing rules (Indonesia, the Philippines, and Thailand), so as to illustrate content for judiciaries considering such rules. However, judiciaries agree that harmonizing rules of procedure for environmental cases was not possible or desirable.

2. **Preparing a Record of Proceedings.** The group noted that proceedings had been prepared for the three prior Roundtables and this should be continued.

3. **Including Mediators in Judicial Conferences.** The group agreed to include mediators where relevant to the topics under discussion.

4. **Rotating the Head of the Roundtables every 3 years.** The group rejected the proposal and agreed to maintain the status quo: rotating the Roundtable chair annually.

5. **Sharing Notes on Organizing the Roundtable.** The group agreed with the desirability of continuity between roundtables and that the current host judiciary chairs should share experiences with the next host judiciary.

6. **Improving the Content of the AJNE Website.** The group agreed for each ASEAN judiciary to share environmental laws and significant environmental jurisprudence on the AJNE Website, and for National Judicial Working Groups on Environment to coordinate this.
Set out below are the proposals contained in Attachment 2 to the Conference Concept Note and the consensus that was reached in relation to each of those proposals.

A. Asian Judges Network on Environment

1. **Steering Committee/Advisory Board.** The Group agreed (i) to create National Judicial Working Groups—discussed in the context of the ASEAN Judicial Working Groups; and (ii) that ASEAN would provide two representatives to the Steering Committee – a representative each from the host-country chair of the Roundtable in a given year, and the prior year’s host-country chair. The rationale for representation was to avoid duplication of work by the AJNE Steering Committee and the ASEAN Working Group and ensure efficiency of their work.

2. **Committee Representatives.** The group agreed that committee representatives would be responsible for: (i) contributing to the design of the agenda for the next Symposium; (ii) the judiciary’s contributions to the AJNE website; (iii) ensuring timely submission of contributions; (iv) reporting back to the ASEAN Judiciaries Working Group on Environment focal points the committee discussions; and (v) ensuring that the AJNE’s development of a curriculum and other resources is appropriate to the context and culture of the jurisdiction concerned.

3. **Permanent Administrator.** ADB agreed to continue to perform the function of administrator for the next two years.

4. **Vision Statement.** The Group agreed to propose that the AJNE vision statement should be the same as the Jakarta Common Vision, taking into account that the South Asian Bhurban Declaration very closely corresponds to the Jakarta Common Vision and that the environmental and legal issues of the Asian region tend to be common issues.

B. Website

1. **Contents, Tools, and Website Support.** The Group acknowledged that not all judges within ASEAN have access to the internet. Additionally, even where judges have access to the internet, limited English language skills may limit the use of the internet for many judges in some jurisdictions, and translations of documents may be needed in order to make full use of them.

2. **Green Judicial Forum.** The Group gave mixed views. While some noted the potential for online exchange, several noted that language barriers between and among judges in ASEAN countries, and limited internet access limited the potential value of this forum.

C. Other Resources

1. **Benchbook.** The group agreed that national benchbooks for use in court should be based on national laws and procedures, and determined based on a needs assessment. However, a reference book of international materials (as described in Attachment 1 item no. A/1/g and A/1/h), would be beneficial.

2. **Translations.** The working group affirmed the important need for translations, and appropriate documents in a form, manner and language that could be locally understood.
3. **Registry of Experts.** Refer to Attachment 1 item no. A/1/f above as discussed in the context of the National Judicial Working Groups.

D. Training

1. **Participants, Content and Mode of Training.** The Group affirmed the general proposal regarding training and further affirmed that training would be determined in conjunction with the national needs assessments that ADB will conduct.

2. **Agenda for Next Symposium**