Fourth ASEAN Chief Justices’ Roundtable on Environment

Proposed Hanoi Action Plan to Implement the Jakarta Common Vision

12-14 December 2014, Hanoi, Viet Nam

Kala Mulqueeney, Principal Counsel
Asian Development Bank
Proposed Hanoi Action Plan
Key Elements

• ASEAN Judicial Working Group on Environment
• National Working Groups on Environment
• ASEAN Contribution to Asian Judges’ Network on Environment
• Progress Reports
• Proposed Coordination with ASEAN Law Association
ASEAN Chief Justices’ Roundtable on Environment

5-7 December 2011
Jakarta, Indonesia

A COMMON VISION ON ENVIRONMENT FOR ASEAN JUDICIARIES
ASEAN Judiciaries Common Vision on Environment: “Jakarta Common Vision”

• Common Challenges
  – South-east Asian Environmental Challenges
  – Judicial Challenges
• The Role of the Judiciary
• The Role of ASEAN Judicial Cooperation
  – Strengthening cooperation in areas of mutual benefit
  – Develop an Action Plan
Jakarta Common Vision

• Collaborate to improve environmental law
• share information on common environmental challenges
• impose appropriate sanctions and penalties
• Make Judgments public and share with the Asian Judges Network on Environment
• Encourage law schools and bar associations to include environmental law
• Hold an Annual ASEAN Chief Justices Roundtable
Jakarta Common Vision

- Develop or strengthen:
  - environmental courts, tribunals, benches, and specialization/certification programs
  - environmental rules of procedure
  - judicial training as key part of ASEAN CJ’s Roundtable and encourage environmental curricula law schools/benches
  - alternative environmental dispute resolution
Chief Justices and the senior judiciary

Guarantors of Rights and the Rule of Law, Chief Justices and Senior Judiciary have Status and Credibility and can

- champion environmental rights and environmental justice and lead legal community and lay community in understanding rights

- shape environmental law and give precedents

- issue rules and directions to lower courts to carry out their role adjudicating environmental cases
ASEAN Chief Justices’ Roundtable on Environment

- Jakarta, Indonesia (2012)
- Melaka, Malaysia (2013)
- Bangkok, Thailand (2014)
- Vietnam (2014)
Second Asian Judges Symposium:
“Natural Capital and the Rule of Law”
Key Events

Third Roundtable for ASEAN Chief Justices on Environment (Bangkok, Thailand)
Royal Orchid Sheraton Hotel, Bangkok, 15 – 18 November 2013

Second South Asia Judicial Roundtable on Environmental Justice (Thimphu, Bhutan)
Taj Tashi Hotel, Thimphu, Bhutan
30-31 August 2013

News & Articles

Green Benches: What can the People’s Republic of China Learn from Environment Courts of Other Countries?
The rapid economic growth of the People’s Republic of China (PRC) over the last 30 years has generated many environmental problems and a concomitant rise in the number of environmental disputes. Until ... [Read More...]

12 Things to Know in 2012: Green Justice in Asia and the Pacific

Featured Videos

The Right Honourable Chief Justice Tun Arfina Zakaria, Supreme Court of Malaysia

Presented at the Second Roundtable for ASEAN Chief Justices on Environmental Law and Enforcement 2012 in Melaka, Malaysia

The Honourable Chief Justice Dr. H. Muhammad Hatta Ali, SH., MH., Supreme Court of Indonesia
ASEAN Judicial Working Group on Environment

- Proposed in 2012 at Second Roundtable, in Melaka, Malaysia.
- First Meeting Held in Hanoi in September
  - Purpose to Enhance Cooperation
  - Determine Content of Fourth Roundtable
- National Chairs are representatives or CJ appoints
- Purpose seeks to implement Jakarta Common Vision
- Representatives to Asian Judges Network on Environment
Proposed Hanoi Action Plan: Key Elements

- ASEAN Judicial Working Group on Environment
- National Working Groups on Environment
- ASEAN Contribution to Asian Judges’ Network on Environment
- Progress Reports
- Coordination with ASEAN Law Association
- Normative Framework
- Proposes Means
- Non-binding avenues for enhancing cooperation
- Derived from Proposals from 1-3rd Roundtables
National Judicial Working Group on Environment

• Create NJWE - taking account of national differences
• Create provincial committees for islands/provinces in large ASEAN countries
• Appoint a Chair
• Chair usual focal point for the ASEAN Judicial Working Group on Environment to implement Jakarta Common Vision
• List national environmental expertise of judges and scientific / expert witnesses
• Collect landmark environmental cases and environmental Laws to share with the Asian Judges’ Network on Environment (AJNE) website.
• Identify legal issues for the judiciary
  – from cross-border and transnational environmental challenges
  – working on national environmental challenges (executive/judge conflict)
• Conduct environmental needs assessments on the institutional and capacity needs of judiciaries
Others

• Reporting.
  – Update and report on progress of Jakarta Common Vision

• Environmental Twinning.
  – Consider Twinning Programs

• Sample Content for Rules of Procedure in Environmental Cases
  – No harmonization but sample frameworks and provisions

• Record of Proceedings and Translations
• Steering Committee/Advisory Board.
• Committee Representatives.
• Secretariat.
• Vision Statement.
• Contents, Tools, and Website Support.
• Green Judicial Online Forum.
• Benchbook.
• Translations.
• Participants, Content and Mode of Training.
National Developments