Session 2: Balancing Economic Development and Environment Protection

Facilitator
Ben Boer, Distinguished Professor, Research Institute of Environmental Law Wuhan University, China
Deputy Chair, IUCN - World Commission on Environmental Law
Balancing Economic Development and Environment Protection

Order of speakers:
1. Ben Boer, Introduction
2. Justice Benjamin, High Court of Brazil, Chair, IUCN World Commission on Environmental Law
3. Justice Magdangal De Leon. Court of Appeals, Philippines
4. Justice Kong Tarachhat, Supreme Court of Cambodia
5. Justice Vijith Malalgoda, President, Court of Appeal, Sri Lanka
6. Ben Boer
7. Question and Answers, and Discussion
Balancing Economic Development and Environment Protection: the task of sustainable development

1. Definition of Sustainable development
2. The 2015 Sustainable Development Goals and associated SDG Targets
3. Incorporating the SDGs into national and regional laws
4. ASEAN Declaration on SDGs?
5. The Role of Judges in implementing the SDGs
6. Environmental Justice Outcomes?
Definition of Sustainable development

Sustainable development, one of the key objectives of modern international law and policy, has been defined as:

“development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”

The key interrelated components or pillars of sustainable development are

1. social/cultural
2. economic
3. environmental.
Key interrelated components or pillars of sustainable development

(1) Social/cultural: the relationships between people; and their social and cultural needs: context specific

(2) Economic: all economic production activities: individual, communities, corporate, government

(3) Environmental: the needs of the environment

- what are the needs of the environment?
Ecological, economic and social sustainability: an integrated approach

- Sustainable economy
- Social Sustainability: social/cultural justice, economic justice, ecological justice
- Healthy environment
The Sustainable Development Goals 2016

- The Sustainable Development Goals are part of the new United Nations Agenda for Global Action, intended to come into effect in January 2016:
  - “This Agenda is a plan of action for people, planet and prosperity that also seeks to strengthen the universal peace in larger freedom. All countries acting in collaborative partnership will implement the Agenda.
  - We are resolved to free the human race from the tyranny of poverty and want and to heal and secure our planet for present and future generations.
  - We are determined to take the bold and transformative steps needed to shift the world onto a sustainable path. As we embark on this collective journey, we pledge that no one will be left behind”
The 17 Sustainable Development Goals

1 End poverty in all its forms everywhere.

2 End hunger, achieve food security and improved nutrition and promote sustainable agriculture.

3 Ensure healthy lives and promote well-being for all at all ages.

4 Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.

5 Achieve gender equality and empower all women and girls.

6 Ensure availability and sustainable management of water and sanitation for all.

7 Ensure access to affordable, reliable, sustainable and modern energy for all.

8 Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.
The 17 Sustainable Development Goals

9 Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation.

10 Reduce inequality within and among countries.

11 Make cities and human settlements inclusive, safe, resilient and sustainable.

12 Ensure sustainable consumption and production patterns.

13 Take urgent action to combat climate change and its impacts.

14 Conserve and sustainably use the oceans, seas and marine resources for sustainable Development.

15 Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss.

16 Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

17 Strengthen the means of implementation and revitalize the global partnership for sustainable development.
SDGs as a holistic package

- Each of the Sustainable Development Goals will have some legal implications.
- About half SDGs have implications for Environmental Law.
- We need to see the Sustainable Development Goals as a holistic package, as many of the Goals are integrally related. This also means that an integrated and principled approach should be taken to their legal implementation.
- We can no longer think in terms of institutional, economic, political and legal silos. We cannot think sectorally, but must think holistically.
- The SDGs must be implemented in the light of the ‘Environmental Rule of Law’.
Incorporating the SDGs into national and regional laws

- This will be a major task for the next 15 years

- ASEAN Secretariat and Ministerial Meetings are likely to play a significant role

- An ASEAN Declaration on the Sustainable Development Goals is likely (compare the other ASEAN declarations on environment since 1981)

- Judges may also be asked to take these goals into account in development disputes, if they are incorporated into national environmental law
<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Primary environmental laws</th>
<th>Selected sectoral legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indonesia</td>
<td>Environmental Protection and Management Act 2009 (original from 1982)</td>
<td>Included in 2009 Act; Regulation 27/1999 Environmental Impact Assessment</td>
</tr>
<tr>
<td>Timor Leste</td>
<td>Basic Law on Environment 2012</td>
<td>Included in 2012 law; Draft EIA law</td>
</tr>
</tbody>
</table>
Regional Environmental Law 2015

Introduction to ASEAN Regional Environmental Law
(Ben Boer)
Environmental Justice Outcomes?

- Will the implementation of the Sustainable Development Goals adequately promote the balance between economic development and environment protection?

- Will the SDGs really facilitate achievement of environmental justice?

- Will “no-one be left behind” or is this a forlorn hope?

- What new legal principles might be required?

- What new court rules and procedures might be required?
Questions and Answers
and Discussion

Please keep your question, answers and comments short in order to allow for broad participation!